

1 AN ACT concerning regulation.

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

4 Section 3. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by ~~wireless~~
25 carriers under the ~~Wireless~~ Emergency Telephone System
26 ~~Safety~~ Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) ~~(dd)~~ Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
15 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
16 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
17 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
18 8-19-16; revised 9-1-16.)

19 Section 5. The Department of State Police Law of the Civil
20 Administrative Code of Illinois is amended by changing Sections
21 2605-52 and 2605-475 as follows:

22 (20 ILCS 2605/2605-52)

23 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

24 (a) There shall be established an Office of the Statewide

1 9-1-1 Administrator within the Department. Beginning January
2 1, 2016, the Office of the Statewide 9-1-1 Administrator shall
3 be responsible for developing, implementing, and overseeing a
4 uniform statewide 9-1-1 system for all areas of the State
5 outside of municipalities having a population over 500,000.

6 (b) The Governor shall appoint, with the advice and consent
7 of the Senate, a Statewide 9-1-1 Administrator. The
8 Administrator shall serve for a term of 2 years, and until a
9 successor is appointed and qualified; except that the term of
10 the first 9-1-1 Administrator appointed under this Act shall
11 expire on the third Monday in January, 2017. The Administrator
12 shall not hold any other remunerative public office. The
13 Administrator shall receive an annual salary as set by the
14 Governor.

15 (c) The Department, from appropriations made to it for that
16 purpose, shall make grants to 9-1-1 Authorities for the purpose
17 of defraying costs associated with 9-1-1 system consolidations
18 awarded by the Administrator under Section 15.4b of the
19 Emergency Telephone System Act.

20 (Source: P.A. 99-6, eff. 6-29-15.)

21 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-475. ~~Wireless~~ Emergency Telephone System Safety
23 Act. The Department and Statewide 9-1-1 Administrator shall ~~to~~
24 exercise the powers and perform the duties specifically
25 assigned to each ~~the Department~~ under the ~~Wireless~~ Emergency

1 Telephone System Safety Act ~~with respect to the development and~~
2 ~~improvement of emergency communications procedures and~~
3 ~~facilities in such a manner as to facilitate a quick response~~
4 ~~to any person calling the number "9-1-1" seeking police, fire,~~
5 ~~medical, or other emergency services through a wireless carrier~~
6 ~~as defined in Section 10 of the Wireless Emergency Telephone~~
7 ~~Safety Act.~~ Nothing in the ~~Wireless~~ Emergency Telephone System
8 Safety Act shall require the Department of Illinois State
9 Police to provide wireless enhanced 9-1-1 services.

10 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

11 Section 10. The State Finance Act is amended by changing
12 Section 8.37 as follows:

13 (30 ILCS 105/8.37)

14 Sec. 8.37. State Police Wireless Service Emergency Fund.

15 (a) The State Police Wireless Service Emergency Fund is
16 created as a special fund in the State Treasury.

17 (b) Grants or surcharge funds allocated to the Department
18 of State Police from the Statewide 9-1-1 ~~Wireless Service~~
19 ~~Emergency~~ Fund shall be deposited into the State Police
20 Wireless Service Emergency Fund and shall be used in accordance
21 with Section 30 ~~20~~ of the ~~Wireless~~ Emergency Telephone System
22 Safety Act.

23 (c) On July 1, 1999, the State Comptroller and State
24 Treasurer shall transfer \$1,300,000 from the General Revenue

1 Fund to the State Police Wireless Service Emergency Fund. On
2 June 30, 2003 the State Comptroller and State Treasurer shall
3 transfer \$1,300,000 from the State Police Wireless Service
4 Emergency Fund to the General Revenue Fund.

5 (Source: P.A. 91-660, eff. 12-22-99; 92-16, eff. 6-28-01.)

6 Section 15. The Emergency Telephone System Act is reenacted
7 and is amended by changing Sections 2, 8, 10, 10.3, 12, 14,
8 15.2a, 15.3, 15.3a, 15.4, 15.4a, 15.6a, 19, 20, 30, 35, 40, 55,
9 and 99 and by adding Sections 17.5 and 80 as follows:

10 (50 ILCS 750/Act title)

11 An Act in relation to the designation of an emergency
12 telephone number for use throughout the State.

13 (50 ILCS 750/0.01) (from Ch. 134, par. 30.01)

14 Sec. 0.01. This Act shall be known and may be cited as the
15 "Emergency Telephone System Act".

16 (Source: P.A. 85-978.)

17 (50 ILCS 750/1) (from Ch. 134, par. 31)

18 Sec. 1. The General Assembly finds and declares that it is
19 in the public interest to shorten the time required for a
20 citizen to request and receive emergency aid. There currently
21 exist thousands of different emergency phone numbers
22 throughout the state, and present telephone exchange

1 boundaries and central office service areas do not necessarily
2 correspond to public safety and political boundaries.
3 Provision of a single, primary three-digit emergency number
4 through which emergency services can be quickly and efficiently
5 obtained would provide a significant contribution to law
6 enforcement and other public service efforts by making it less
7 difficult to quickly notify public safety personnel. Such a
8 simplified means of procuring emergency services will result in
9 the saving of life, a reduction in the destruction of property,
10 quicker apprehension of criminals, and ultimately the saving of
11 money. The General Assembly further finds and declares that the
12 establishment of a uniform, statewide emergency number is a
13 matter of statewide concern and interest to all inhabitants and
14 citizens of this State. It is the purpose of this Act to
15 establish the number "9-1-1" as the primary emergency telephone
16 number for use in this State and to encourage units of local
17 government and combinations of such units to develop and
18 improve emergency communication procedures and facilities in
19 such a manner as to be able to quickly respond to any person
20 calling the telephone number "9-1-1" seeking police, fire,
21 medical, rescue, and other emergency services.

22 (Source: P.A. 85-978.)

23 (50 ILCS 750/2) (from Ch. 134, par. 32)

24 Sec. 2. Definitions. As used in this Act, unless the
25 context otherwise requires:

1 "9-1-1 network" means the network used for the delivery of
2 9-1-1 calls and messages over dedicated and redundant
3 facilities to a primary or backup 9-1-1 PSAP that meets P.01
4 grade of service standards for basic 9-1-1 and enhanced 9-1-1
5 services or meets national I3 industry call delivery standards
6 for Next Generation 9-1-1 services.

7 "9-1-1 system" means the geographic area that has been
8 granted an order of authority by the Commission or the
9 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
10 emergency telephone number.

11 "9-1-1 Authority" includes an Emergency Telephone System
12 Board, Joint Emergency Telephone System Board, and a qualified
13 governmental entity. "9-1-1 Authority" includes the Department
14 of State Police only to the extent it provides 9-1-1 services
15 under this Act.

16 "Administrator" means the Statewide 9-1-1 Administrator.

17 "Advanced service" means any telecommunications service
18 with or without dynamic bandwidth allocation, including, but
19 not limited to, ISDN Primary Rate Interface (PRI), that,
20 through the use of a DS-1, T-1, or other ~~similar~~ un-channelized
21 or multi-channel transmission facility, is capable of
22 transporting either the subscriber's inter-premises voice
23 telecommunications services to the public switched network or
24 the subscriber's 9-1-1 calls to the public agency.

25 "ALI" or "automatic location identification" means, in an
26 E9-1-1 system, the automatic display at the public safety

1 answering point of the caller's telephone number, the address
2 or location of the telephone, and supplementary emergency
3 services information.

4 "ANI" or "automatic number identification" means the
5 automatic display of the 9-1-1 calling party's number on the
6 PSAP monitor.

7 "Automatic alarm" and "automatic alerting device" mean any
8 device that will access the 9-1-1 system for emergency services
9 upon activation.

10 "Backup PSAP" means a public safety answering point that
11 serves as an alternate to the PSAP for enhanced systems and is
12 at a different location and operates independently from the
13 PSAP. A backup PSAP may accept overflow calls from the PSAP or
14 be activated if the primary PSAP is disabled.

15 "Board" means an Emergency Telephone System Board or a
16 Joint Emergency Telephone System Board created pursuant to
17 Section 15.4.

18 "Carrier" includes a telecommunications carrier and a
19 wireless carrier.

20 "Commission" means the Illinois Commerce Commission.

21 "Computer aided dispatch" or "CAD" means a computer-based
22 system that aids PSAP telecommunicators by automating selected
23 dispatching and recordkeeping activities ~~database maintained~~
24 ~~by the public safety agency or public safety answering point~~
25 ~~used in conjunction with 9-1-1 caller data.~~

26 "Direct dispatch method" means a 9-1-1 service that

1 provides for the direct dispatch by a PSAP telecommunicator of
2 the appropriate unit upon receipt of an emergency call and the
3 decision as to the proper action to be taken.

4 "Department" means the Department of State Police.

5 "DS-1, T-1, or similar un-channelized or multi-channel
6 transmission facility" means a facility that can transmit and
7 receive a bit rate of at least 1.544 megabits per second
8 (Mbps).

9 "Dynamic bandwidth allocation" means the ability of the
10 facility or customer to drop and add channels, or adjust
11 bandwidth, when needed in real time for voice or data purposes.

12 "Enhanced 9-1-1" or "E9-1-1" means a ~~an~~ emergency telephone
13 system that includes ~~dedicated~~ network switching, database and
14 PSAP premise elements capable of providing automatic location
15 identification data, selective routing, ~~database, ALI, ANI,~~
16 selective transfer, fixed transfer, and a call back number,
17 including any enhanced 9-1-1 service so designated by the
18 Federal Communications Commission in its report and order in WC
19 Dockets Nos. 04-36 and 05-196, or any successor proceeding.

20 "ETSB" means an emergency telephone system board appointed
21 by the corporate authorities of any county or municipality that
22 provides for the management and operation of a 9-1-1 system.

23 "Hearing-impaired individual" means a person with a
24 permanent hearing loss who can regularly and routinely
25 communicate by telephone only through the aid of devices which
26 can send and receive written messages over the telephone

1 network.

2 "Hosted supplemental 9-1-1 service" means a database
3 service that:

4 (1) electronically provides information to 9-1-1 call
5 takers when a call is placed to 9-1-1;

6 (2) allows telephone subscribers to provide
7 information to 9-1-1 to be used in emergency scenarios;

8 (3) collects a variety of formatted data relevant to
9 9-1-1 and first responder needs, which may include, but is
10 not limited to, photographs of the telephone subscribers,
11 physical descriptions, medical information, household
12 data, and emergency contacts;

13 (4) allows for information to be entered by telephone
14 subscribers through a secure website where they can elect
15 to provide as little or as much information as they choose;

16 (5) automatically displays data provided by telephone
17 subscribers to 9-1-1 call takers for all types of
18 telephones when a call is placed to 9-1-1 from a registered
19 and confirmed phone number;

20 (6) supports the delivery of telephone subscriber
21 information through a secure internet connection to all
22 emergency telephone system boards;

23 (7) works across all 9-1-1 call taking equipment and
24 allows for the easy transfer of information into a computer
25 aided dispatch system; and

26 (8) may be used to collect information pursuant to an

1 Illinois Premise Alert Program as defined in the Illinois
2 Premise Alert Program (PAP) Act.

3 "Interconnected voice over Internet protocol provider" or
4 "Interconnected VoIP provider" has the meaning given to that
5 term under Section 13-235 of the Public Utilities Act.

6 "Joint ETSB" means a Joint Emergency Telephone System Board
7 established by intergovernmental agreement of two or more
8 municipalities or counties, or a combination thereof, to
9 provide for the management and operation of a 9-1-1 system.

10 "Local public agency" means any unit of local government or
11 special purpose district located in whole or in part within
12 this State that provides or has authority to provide
13 firefighting, police, ambulance, medical, or other emergency
14 services.

15 "Mechanical dialer" means any device that either manually
16 or remotely triggers a dialing device to access the 9-1-1
17 system.

18 "Master Street Address Guide" or "MSAG" is a database of
19 street names and house ranges within their associated
20 communities defining emergency service zones (ESZs) and their
21 associated emergency service numbers (ESNs) to enable proper
22 routing of 9-1-1 calls ~~means the computerized geographical~~
23 ~~database that consists of all street and address data within a~~
24 ~~9-1-1 system.~~

25 "Mobile telephone number" or "MTN" means the telephone
26 number assigned to a wireless telephone at the time of initial

1 activation.

2 "Network connections" means the number of voice grade
3 communications channels directly between a subscriber and a
4 telecommunications carrier's public switched network, without
5 the intervention of any other telecommunications carrier's
6 switched network, which would be required to carry the
7 subscriber's inter-premises traffic and which connection
8 either (1) is capable of providing access through the public
9 switched network to a 9-1-1 Emergency Telephone System, if one
10 exists, or (2) if no system exists at the time a surcharge is
11 imposed under Section 15.3, that would be capable of providing
12 access through the public switched network to the local 9-1-1
13 Emergency Telephone System if one existed. Where multiple voice
14 grade communications channels are connected to a
15 telecommunications carrier's public switched network through a
16 private branch exchange (PBX) service, there shall be
17 determined to be one network connection for each trunk line
18 capable of transporting either the subscriber's inter-premises
19 traffic to the public switched network or the subscriber's
20 9-1-1 calls to the public agency. Where multiple voice grade
21 communications channels are connected to a telecommunications
22 carrier's public switched network through centrex type
23 service, the number of network connections shall be equal to
24 the number of PBX trunk equivalents for the subscriber's
25 service or other multiple voice grade communication channels
26 facility, as determined by reference to any generally

1 applicable exchange access service tariff filed by the
2 subscriber's telecommunications carrier with the Commission.

3 "Network costs" means those recurring costs that directly
4 relate to the operation of the 9-1-1 network as determined by
5 the Statewide 9-1-1 Administrator with the advice of the
6 Statewide 9-1-1 Advisory Board, which may include including,
7 but need not be limited to, some or all of the following: costs
8 for interoffice trunks, selective routing charges, transfer
9 lines and toll charges for 9-1-1 services, Automatic Location
10 Information (ALI) database charges, ~~call box trunk circuit~~
11 ~~(including central office only and not including extensions to~~
12 ~~fire stations)~~, independent local exchange carrier charges and
13 non-system provider charges, carrier charges for third party
14 database for on-site customer premises equipment, back-up PSAP
15 trunks for non-system providers, periodic database updates as
16 provided by carrier (also known as "ALI data dump"), regional
17 ALI storage charges, circuits for call delivery (fiber or
18 circuit connection), NG9-1-1 costs, and all associated fees,
19 taxes, and surcharges on each invoice. "Network costs" shall
20 not include radio circuits or toll charges that are other than
21 for 9-1-1 services.

22 "Next generation 9-1-1" or "NG9-1-1" means an Internet
23 Protocol-based (IP-based) system comprised of managed ESInets,
24 functional elements and applications, and databases that
25 replicate traditional E9-1-1 features and functions and
26 provide additional capabilities. "NG9-1-1" systems are

1 designed to provide access to emergency services from all
2 connected communications sources, and provide multimedia data
3 capabilities for PSAPs and other emergency services
4 organizations.

5 "NG9-1-1 costs" means those recurring costs that directly
6 relate to the Next Generation 9-1-1 service as determined by
7 the Statewide 9-1-1 Advisory Board, including, but not limited
8 to, costs for Emergency System Routing Proxy (ESRP), Emergency
9 Call Routing Function/Location Validation Function (ECRF/LVF),
10 Spatial Information Function (SIF), the Border Control
11 Function (BCF), and the Emergency Services Internet Protocol
12 networks (ESInets), legacy network gateways, and all
13 associated fees, taxes, and surcharges on each invoice.

14 "Private branch exchange" or "PBX" means a private
15 telephone system and associated equipment located on the user's
16 property that provides communications between internal
17 stations and external networks.

18 ~~"Private business switch service" means a~~
19 ~~telecommunications service including centrex type service and~~
20 ~~PBX service, even though key telephone systems or equivalent~~
21 ~~telephone systems registered with the Federal Communications~~
22 ~~Commission under 47 C.F.R. Part 68 are directly connected to~~
23 ~~centrex type and PBX systems providing 9-1-1 services equipped~~
24 ~~for switched local network connections or 9-1-1 system access~~
25 ~~to business end users through a private telephone switch.~~

26 "Private business switch service" means network and

1 premises based systems including a VoIP, Centrex type service,
2 or PBX service, even though ~~does not include~~ key telephone
3 systems or equivalent telephone systems registered with the
4 Federal Communications Commission under 47 C.F.R. Part 68 are
5 directly connected to Centrex ~~when not used in conjunction with~~
6 ~~centrex~~ type and PBX systems. "Private business switch service"
7 does not include key telephone systems or equivalent telephone
8 systems registered with the Federal Communications Commission
9 under 47 C.F.R. Part 68 when not used in conjunction with a
10 VoIP, Centrex type, or PBX systems. "Private business switch
11 service" typically includes, but is not limited to, private
12 businesses, corporations, and industries where the
13 telecommunications service is primarily for conducting
14 business.

15 "Private residential switch service" means network and
16 premise based systems ~~a telecommunications service~~ including a
17 VoIP, Centrex ~~centrex~~ type service, or ~~and~~ PBX service or, ~~even~~
18 ~~though~~ key telephone systems or equivalent telephone systems
19 registered with the Federal Communications Commission under 47
20 C.F.R. Part 68 that are directly connected to a VoIP, Centrex
21 ~~centrex~~ type service, or ~~and~~ PBX systems ~~providing 9-1-1~~
22 ~~services~~ equipped for switched local network connections or
23 9-1-1 system access to residential end users through a private
24 telephone switch. "Private residential switch service" does
25 not include key telephone systems or equivalent telephone
26 systems registered with the Federal Communications Commission

1 under 47 C.F.R. Part 68 when not used in conjunction with a
2 VoIP, Centrex ~~centrex~~ type, or and PBX systems. "Private
3 residential switch service" typically includes, but is not
4 limited to, apartment complexes, condominiums, and campus or
5 university environments where shared tenant service is
6 provided and where the usage of the telecommunications service
7 is primarily residential.

8 "Public agency" means the State, and any unit of local
9 government or special purpose district located in whole or in
10 part within this State, that provides or has authority to
11 provide firefighting, police, ambulance, medical, or other
12 emergency services.

13 "Public safety agency" means a functional division of a
14 public agency that provides firefighting, police, medical, or
15 other emergency services to respond to and manage emergency
16 incidents. For the purpose of providing wireless service to
17 users of 9-1-1 emergency services, as expressly provided for in
18 this Act, the Department of State Police may be considered a
19 public safety agency.

20 "Public safety answering point" or "PSAP" is a set of
21 call-takers authorized by a governing body and operating under
22 common management that receive 9-1-1 calls and asynchronous
23 event notifications for a defined geographic area and processes
24 those calls and events according to a specified operational
25 policy ~~means the initial answering location of an emergency~~
26 ~~call~~.

1 "Qualified governmental entity" means a unit of local
2 government authorized to provide 9-1-1 services pursuant to
3 this Act where no emergency telephone system board exists.

4 "Referral method" means a 9-1-1 service in which the PSAP
5 telecommunicator provides the calling party with the telephone
6 number of the appropriate public safety agency or other
7 provider of emergency services.

8 "Regular service" means any telecommunications service,
9 other than advanced service, that is capable of transporting
10 either the subscriber's inter-premises voice
11 telecommunications services to the public switched network or
12 the subscriber's 9-1-1 calls to the public agency.

13 "Relay method" means a 9-1-1 service in which the PSAP
14 telecommunicator takes the pertinent information from a caller
15 and relays that information to the appropriate public safety
16 agency or other provider of emergency services.

17 "Remit period" means the billing period, one month in
18 duration, for which a wireless carrier remits a surcharge and
19 provides subscriber information by zip code to the Department,
20 in accordance with Section 20 of this Act.

21 "Secondary Answering Point" or "SAP" means a location,
22 other than a PSAP, that is able to receive the voice, data, and
23 call back number of E9-1-1 or NG9-1-1 emergency calls
24 transferred from a PSAP and completes the call taking process
25 by dispatching police, medical, fire, or other emergency
26 responders.

1 "Statewide wireless emergency 9-1-1 system" means all
2 areas of the State where an emergency telephone system board
3 or, in the absence of an emergency telephone system board, a
4 qualified governmental entity, has not declared its intention
5 for one or more of its public safety answering points to serve
6 as a primary wireless 9-1-1 public safety answering point for
7 its jurisdiction. The operator of the statewide wireless
8 emergency 9-1-1 system shall be the Department of State Police.

9 "System" means the communications equipment and related
10 software applications required to produce a response by the
11 appropriate emergency public safety agency or other provider of
12 emergency services as a result of an emergency call being
13 placed to 9-1-1.

14 "System provider" means the contracted entity providing
15 9-1-1 network and database services.

16 "Telecommunications carrier" means those entities included
17 within the definition specified in Section 13-202 of the Public
18 Utilities Act, and includes those carriers acting as resellers
19 of telecommunications services. "Telecommunications carrier"
20 includes telephone systems operating as mutual concerns.
21 "Telecommunications carrier" does not include a wireless
22 carrier.

23 "Telecommunications technology" means equipment that can
24 send and receive written messages over the telephone network.

25 "Transfer method" means a 9-1-1 service in which the PSAP
26 telecommunicator receiving a call transfers that call to the

1 appropriate public safety agency or other provider of emergency
2 services.

3 "Transmitting messages" shall have the meaning given to
4 that term under Section 8-11-2 of the Illinois Municipal Code.

5 "Trunk line" means a transmission path, or group of
6 transmission paths, connecting a subscriber's PBX to a
7 telecommunications carrier's public switched network. In the
8 case of regular service, each voice grade communications
9 channel or equivalent amount of bandwidth capable of
10 transporting either the subscriber's inter-premises voice
11 telecommunications services to the public switched network or
12 the subscriber's 9-1-1 calls to the public agency shall be
13 considered a trunk line, even if it is bundled with other
14 channels or additional bandwidth. In the case of advanced
15 service, each DS-1, T-1, or other ~~similar~~ un-channelized or
16 multi-channel transmission facility that is capable of
17 transporting either the subscriber's inter-premises voice
18 telecommunications services to the public switched network or
19 the subscriber's 9-1-1 calls to the public agency shall be
20 considered a single trunk line, even if it contains multiple
21 voice grade communications channels or otherwise supports 2 or
22 more voice grade calls at a time; provided, however, that each
23 additional increment of up to 24 voice grade channels ~~1.544~~
24 ~~Mbps~~ of transmission capacity that is capable of transporting
25 either the subscriber's inter-premises voice
26 telecommunications services to the public switched network or

1 the subscriber's 9-1-1 calls to the public agency shall be
2 considered an additional trunk line.

3 "Unmanned backup PSAP" means a public safety answering
4 point that serves as an alternate to the PSAP at an alternate
5 location and is typically unmanned but can be activated if the
6 primary PSAP is disabled.

7 "Virtual answering point" or "VAP" means a temporary or
8 nonpermanent location that is capable of receiving an emergency
9 call, contains a fully functional worksite that is not bound to
10 a specific location, but rather is portable and scalable,
11 connecting emergency call takers or dispatchers to the work
12 process, and is capable of completing the call dispatching
13 process.

14 "Voice-impaired individual" means a person with a
15 permanent speech disability which precludes oral
16 communication, who can regularly and routinely communicate by
17 telephone only through the aid of devices which can send and
18 receive written messages over the telephone network.

19 "Wireless carrier" means a provider of two-way cellular,
20 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
21 Mobile Radio Service (CMRS), Wireless Communications Service
22 (WCS), or other Commercial Mobile Radio Service (CMRS), as
23 defined by the Federal Communications Commission, offering
24 radio communications that may provide fixed, mobile, radio
25 location, or satellite communication services to individuals
26 or businesses within its assigned spectrum block and

1 geographical area or that offers real-time, two-way voice
2 service that is interconnected with the public switched
3 network, including a reseller of such service.

4 "Wireless enhanced 9-1-1" means the ability to relay the
5 telephone number of the originator of a 9-1-1 call and location
6 information from any mobile handset or text telephone device
7 accessing the wireless system to the designated wireless public
8 safety answering point as set forth in the order of the Federal
9 Communications Commission, FCC Docket No. 94-102, adopted June
10 12, 1996, with an effective date of October 1, 1996, and any
11 subsequent amendment thereto.

12 "Wireless public safety answering point" means the
13 functional division of a 9-1-1 authority accepting wireless
14 9-1-1 calls.

15 "Wireless subscriber" means an individual or entity to whom
16 a wireless service account or number has been assigned by a
17 wireless carrier, other than an account or number associated
18 with prepaid wireless telecommunication service.

19 (Source: P.A. 99-6, eff. 1-1-16.)

20 (50 ILCS 750/3) (from Ch. 134, par. 33)

21 Sec. 3. (a) By July 1, 2017, every local public agency
22 shall be within the jurisdiction of a 9-1-1 system.

23 (b) By July 1, 2020, every 9-1-1 system in Illinois shall
24 provide Next Generation 9-1-1 service.

25 (c) Nothing in this Act shall be construed to prohibit or

1 discourage in any way the formation of multijurisdictional or
2 regional systems, and any system established pursuant to this
3 Act may include the territory of more than one public agency or
4 may include a segment of the territory of a public agency.

5 (Source: P.A. 99-6, eff. 1-1-16.)

6 (50 ILCS 750/4) (from Ch. 134, par. 34)

7 Sec. 4. Every system shall include police, firefighting,
8 and emergency medical and ambulance services, and may include
9 other emergency services. The system may incorporate private
10 ambulance service. In those areas in which a public safety
11 agency of the State provides such emergency services, the
12 system shall include such public safety agencies.

13 (Source: P.A. 99-6, eff. 1-1-16.)

14 (50 ILCS 750/5) (from Ch. 134, par. 35)

15 Sec. 5. The digits "9-1-1" shall be the primary emergency
16 telephone number within the system, but a public agency or
17 public safety agency shall maintain a separate secondary seven
18 digit emergency backup number for at least six months after the
19 "9-1-1" system is established and in operation, and shall
20 maintain a separate number for nonemergency telephone calls.

21 (Source: P.A. 85-978.)

22 (50 ILCS 750/6) (from Ch. 134, par. 36)

23 Sec. 6. Capabilities of system; pay telephones. All systems

1 shall be designed to meet the specific requirements of each
2 community and public agency served by the system. Every system
3 shall be designed to have the capability of utilizing the
4 direct dispatch method, relay method, transfer method, or
5 referral method in response to emergency calls. The General
6 Assembly finds and declares that the most critical aspect of
7 the design of any system is the procedure established for
8 handling a telephone request for emergency services.

9 In addition, to maximize efficiency and utilization of the
10 system, all pay telephones within each system shall enable a
11 caller to dial "9-1-1" for emergency services without the
12 necessity of inserting a coin. This paragraph does not apply to
13 pay telephones located in penal institutions, as defined in
14 Section 2-14 of the Criminal Code of 2012, that have been
15 designated for the exclusive use of committed persons.

16 (Source: P.A. 99-6, eff. 1-1-16.)

17 (50 ILCS 750/6.1) (from Ch. 134, par. 36.1)

18 Sec. 6.1. Every 9-1-1 system shall be readily accessible to
19 hearing-impaired and voice-impaired individuals through the
20 use of telecommunications technology for hearing-impaired and
21 speech-impaired individuals.

22 (Source: P.A. 99-6, eff. 1-1-16.)

23 (50 ILCS 750/7) (from Ch. 134, par. 37)

24 Sec. 7. The General Assembly finds that, because of

1 overlapping jurisdiction of public agencies, public safety
2 agencies and telephone service areas, the Administrator, with
3 the advice and recommendation of the Statewide 9-1-1 Advisory
4 Board, shall establish a general overview or plan to effectuate
5 the purposes of this Act within the time frame provided in this
6 Act. In order to insure that proper preparation and
7 implementation of emergency telephone systems are accomplished
8 by all public agencies as required under this Act, the
9 Department, with the advice and assistance of the Attorney
10 General, shall secure compliance by public agencies as provided
11 in this Act.

12 (Source: P.A. 99-6, eff. 1-1-16.)

13 (50 ILCS 750/8) (from Ch. 134, par. 38)

14 Sec. 8. The Administrator, with the advice and
15 recommendation of the Statewide 9-1-1 Advisory Board, shall
16 coordinate the implementation of systems established under
17 this Act. To assist with this coordination, all systems
18 authorized to operate under this Act shall register with the
19 Administrator information regarding its composition and
20 organization, including, but not limited to, identification of
21 all PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup PSAPs.
22 The Department may adopt rules for the administration of this
23 Section.

24 (Source: P.A. 99-6, eff. 1-1-16.)

1 (50 ILCS 750/10) (from Ch. 134, par. 40)

2 Sec. 10. (a) The Administrator, with the advice and
3 recommendation of the Statewide 9-1-1 Advisory Board, shall
4 establish uniform technical and operational standards for all
5 9-1-1 systems in Illinois. All findings, orders, decisions,
6 rules, and regulations issued or promulgated by the Commission
7 under this Act or any other Act establishing or conferring
8 power on the Commission with respect to emergency
9 telecommunications services, shall continue in force.
10 Notwithstanding the provisions of this Section, where
11 applicable, the Administrator shall, with the advice and
12 recommendation of the Statewide 9-1-1 Advisory Board, amend the
13 Commission's findings, orders, decisions, rules, and
14 regulations to conform to the specific provisions of this Act
15 as soon as practicable after the effective date of this
16 amendatory Act of the 99th General Assembly.

17 (b) The Department may adopt emergency rules necessary to
18 implement the provisions of this amendatory Act of the 99th
19 General Assembly under subsection (t) of Section 5-45 of the
20 Illinois Administrative Procedure Act.

21 (c) Nothing in this Act shall deprive the Commission of any
22 authority to regulate the provision by telecommunication
23 carriers or 9-1-1 system service providers of
24 telecommunication or other services under the Public Utilities
25 Act.

26 (d) For rules that implicate both the regulation of 9-1-1

1 authorities under this Act and the regulation of
2 telecommunication carriers and 9-1-1 system service providers
3 under the Public Utilities Act, the Department and the
4 Commission may adopt joint rules necessary for implementation.

5 (e) Any findings, orders, or decisions of the Administrator
6 under this Section shall be deemed a final administrative
7 decision and shall be subject to judicial review under the
8 Administrative Review Law.

9 (Source: P.A. 99-6, eff. 1-1-16.)

10 (50 ILCS 750/10.1) (from Ch. 134, par. 40.1)

11 Sec. 10.1. Confidentiality.

12 (a) 9-1-1 information consisting of names, addresses and
13 telephone numbers of telephone customers whose listings are not
14 published in directories or listed in Directory Assistance
15 Offices is confidential. Except as provided in subsection (b),
16 information shall be provided on a call-by-call basis only for
17 the purpose of responding to emergency calls. For the purposes
18 of this subsection (a), "emergency" means a situation in which
19 property or human life is in jeopardy and the prompt
20 notification of the public safety agency is essential.

21 (b) 9-1-1 information, including information described in
22 subsection (a), may be used by a public safety agency for the
23 purpose of placing out-going emergency calls.

24 (c) Nothing in this Section prohibits a municipality with a
25 population of more than 500,000 from using 9-1-1 information,

1 including information described in subsection (a), for the
2 purpose of responding to calls made to a non-emergency
3 telephone system that is under the supervision and control of a
4 public safety agency and that shares all or some facilities
5 with an emergency telephone system.

6 (d) Any public safety agency that uses 9-1-1 information
7 for the purposes of subsection (b) must establish methods and
8 procedures that ensure the confidentiality of information as
9 required by subsection (a).

10 (e) Divulging confidential information in violation of
11 this Section is a Class A misdemeanor.

12 (Source: P.A. 92-383, eff. 1-1-02.)

13 (50 ILCS 750/10.2) (from Ch. 134, par. 40.2)

14 Sec. 10.2. The Emergency Telephone System Board and the
15 Chairman of the County Board in any county implementing a 9-1-1
16 system shall ensure that all areas of the county are included
17 in the system.

18 (Source: P.A. 99-6, eff. 1-1-16.)

19 (50 ILCS 750/10.3)

20 Sec. 10.3. Notice of address change. The Emergency
21 Telephone System Board or qualified governmental entity in any
22 county implementing a 9-1-1 system that changes any person's
23 address (when the person whose address has changed has not
24 moved to a new residence) shall notify the person (i) of the

1 person's new address and (ii) that the person should contact
2 the local election authority to determine if the person should
3 re-register to vote.

4 (Source: P.A. 90-664, eff. 7-30-98.)

5 (50 ILCS 750/11) (from Ch. 134, par. 41)

6 Sec. 11. All local public agencies operating a 9-1-1 system
7 shall operate under a plan that has been filed with and
8 approved by the Commission prior to January 1, 2016, or the
9 Administrator. Plans filed under this Section shall conform to
10 minimum standards established pursuant to Section 10.

11 (Source: P.A. 99-6, eff. 1-1-16.)

12 (50 ILCS 750/12) (from Ch. 134, par. 42)

13 Sec. 12. The Attorney General may, on ~~in~~ behalf of the
14 Department or on his own initiative, commence judicial
15 proceedings to enforce compliance by any public agency or
16 public utility providing telephone service with this Act.

17 (Source: P.A. 99-6, eff. 1-1-16.)

18 (50 ILCS 750/14) (from Ch. 134, par. 44)

19 Sec. 14. The General Assembly declares that a major purpose
20 of ~~in enacting~~ this Act is to ensure that 9-1-1 systems have
21 redundant methods of dispatch for: (1) each public safety
22 agency within its jurisdiction, herein known as participating
23 agencies; and (2) 9-1-1 systems whose jurisdictional

1 boundaries are contiguous, herein known as adjacent 9-1-1
2 systems, when an emergency request for service is received for
3 a public safety agency that needs to be dispatched by the
4 adjacent 9-1-1 system. Another primary purpose of this Section
5 is to eliminate instances in which a public safety agency
6 ~~responding emergency service~~ refuses, once dispatched, to
7 render aid ~~to the requester because the requester is~~ outside of
8 the jurisdictional boundaries of the public safety agency
9 ~~emergency service~~. Therefore, in implementing a 9-1-1 system
10 ~~systems~~ under this Act, all 9-1-1 authorities ~~public agencies~~
11 ~~in a single system~~ shall enter into call handling and aid
12 outside jurisdictional boundaries agreements with each
13 participating agency and adjacent 9-1-1 system ~~a joint powers~~
14 ~~agreement or any other form of written cooperative agreement~~
15 ~~which is applicable when need arises on a day to day basis.~~
16 ~~Certified notification of the continuation of such agreements~~
17 ~~shall be made among the involved parties on an annual basis. In~~
18 ~~addition, such agreements shall be entered into between public~~
19 ~~agencies and public safety agencies which are part of different~~
20 ~~systems but whose jurisdictional boundaries are contiguous.~~
21 The agreements shall provide a primary and secondary means of
22 dispatch. It must also provide that, once an emergency unit is
23 dispatched in response to a request through the system, such
24 unit shall render its services to the requesting party without
25 regard to whether the unit is operating outside its normal
26 jurisdictional boundaries. Certified notification of the

1 continuation of call handling and aid outside jurisdictional
2 boundaries agreements shall be made among the involved parties
3 on an annual basis.

4 (Source: P.A. 86-101.)

5 (50 ILCS 750/15) (from Ch. 134, par. 45)

6 Sec. 15. Copies of the annual certified notification of
7 continuing agreement required by Section 14 shall be filed with
8 the Attorney General and the Administrator. All such agreements
9 shall be so filed prior to the 31st day of January. The
10 Attorney General shall commence judicial proceedings to
11 enforce compliance with this Section and Section 14, where a
12 public agency or public safety agency has failed to timely
13 enter into such agreement or file copies thereof.

14 (Source: P.A. 99-6, eff. 1-1-16.)

15 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

16 Sec. 15.1. Public body; exemption from civil liability for
17 developing or operating emergency telephone system.

18 (a) In no event shall a public agency, the Commission, the
19 Statewide 9-1-1 Advisory Board, the Administrator, the
20 Department of State Police, public safety agency, public safety
21 answering point, emergency telephone system board, or unit of
22 local government assuming the duties of an emergency telephone
23 system board, or carrier, or its officers, employees, assigns,
24 or agents be liable for any civil damages or criminal liability

1 that directly or indirectly results from, or is caused by, any
2 act or omission in the development, design, installation,
3 operation, maintenance, performance, or provision of 9-1-1
4 service required by this Act, unless the act or omission
5 constitutes gross negligence, recklessness, or intentional
6 misconduct.

7 A unit of local government, the Commission, the Statewide
8 9-1-1 Advisory Board, the Administrator, the Department of
9 State Police, public safety agency, public safety answering
10 point, emergency telephone system board, or carrier, or its
11 officers, employees, assigns, or agents, shall not be liable
12 for any form of civil damages or criminal liability that
13 directly or indirectly results from, or is caused by, the
14 release of subscriber information to any governmental entity as
15 required under the provisions of this Act, unless the release
16 constitutes gross negligence, recklessness, or intentional
17 misconduct.

18 (b) Exemption from civil liability for emergency
19 instructions is as provided in the Good Samaritan Act.

20 (c) This Section may not be offered as a defense in any
21 judicial proceeding brought by the Attorney General under
22 Section 12 to compel compliance with this Act.

23 (Source: P.A. 99-6, eff. 1-1-16.)

24 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

25 Sec. 15.2. Any person calling the number "911" for the

1 purpose of making a false alarm or complaint and reporting
2 false information is subject to the provisions of Section 26-1
3 of the Criminal Code of 2012.

4 (Source: P.A. 97-1150, eff. 1-25-13.)

5 (50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

6 Sec. 15.2a. The installation of or connection to a
7 telephone company's network of any automatic alarm, automatic
8 alerting device, or mechanical dialer that causes the number
9 9-1-1 to be dialed in order to directly access emergency
10 services is prohibited in a 9-1-1 system.

11 This Section does not apply to a person who connects to a
12 9-1-1 network using automatic crash notification technology
13 subject to an established protocol.

14 This Section does not apply to devices used to enable
15 access to the 9-1-1 system for cognitively-impaired or special
16 needs persons or for persons with disabilities in an emergency
17 situation reported by a caregiver after initiating a missing
18 person's report. The device must have the capability to be
19 activated and controlled remotely by trained personnel at a
20 service center to prevent falsely activated or repeated calls
21 to the 9-1-1 system in a single incident. The device must have
22 the technical capability to generate location information to
23 the 9-1-1 system. Under no circumstances shall a device be sold
24 for use in a geographical jurisdiction where the 9-1-1 system
25 has not deployed wireless phase II location technology. The

1 alerting device shall also provide for either 2-way
2 communication or send a pre-recorded message to a 9-1-1
3 provider explaining the nature of the emergency so that the
4 9-1-1 provider will be able to dispatch the appropriate
5 emergency responder.

6 Violation of this Section is a Class A misdemeanor. A
7 second or subsequent violation of this Section is a Class 4
8 felony.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (50 ILCS 750/15.2b)

11 Sec. 15.2b. Emergency telephone number; advertising. No
12 person or private entity may advertise or otherwise publicize
13 the availability of services provided by a specific provider
14 and indicate that a consumer should obtain access to services
15 provided by a specific provider by use of the emergency
16 telephone number (9-1-1).

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

18 (50 ILCS 750/15.2c)

19 Sec. 15.2c. Call boxes. No carrier shall be required to
20 provide a call box. For purposes of this Section, the term
21 "call box" means a device that is normally mounted to an
22 outside wall of the serving telecommunications carrier central
23 office and designed to provide emergency on-site answering by
24 authorized personnel at the central office location in the

1 event a central office is isolated from the 9-1-1 network.

2 (Source: P.A. 99-6, eff. 1-1-16.)

3 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

4 Sec. 15.3. Local non-wireless surcharge.

5 (a) Except as provided in subsection (1) of this Section,
6 the corporate authorities of any municipality or any county
7 may, subject to the limitations of subsections (c), (d), and
8 (h), and in addition to any tax levied pursuant to the
9 Simplified Municipal Telecommunications Tax Act, impose a
10 monthly surcharge on billed subscribers of network connection
11 provided by telecommunication carriers engaged in the business
12 of transmitting messages by means of electricity originating
13 within the corporate limits of the municipality or county
14 imposing the surcharge at a rate per network connection
15 determined in accordance with subsection (c), however the
16 monthly surcharge shall not apply to a network connection
17 provided for use with pay telephone services. Provided,
18 however, that where multiple voice grade communications
19 channels are connected between the subscriber's premises and a
20 public switched network through private branch exchange (PBX)
21 or centrex type service, a municipality imposing a surcharge at
22 a rate per network connection, as determined in accordance with
23 this Act, shall impose:

24 (i) in a municipality with a population of 500,000 or
25 less or in any county, 5 such surcharges per network

1 connection, as defined under Section 2 ~~determined in~~
2 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
3 this Act, for both regular service and advanced service
4 provisioned trunk lines;

5 (ii) in a municipality with a population, prior to
6 March 1, 2010, of 500,000 or more, 5 surcharges per network
7 connection, as defined under Section 2 ~~determined in~~
8 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
9 this Act, for both regular service and advanced service
10 provisioned trunk lines;

11 (iii) in a municipality with a population, as of March
12 1, 2010, of 500,000 or more, 5 surcharges per network
13 connection, as defined under Section 2 ~~determined in~~
14 ~~accordance with subsections (a) and (d) of Section 2.12~~ of
15 this Act, for regular service provisioned trunk lines, and
16 12 surcharges per network connection, as defined under
17 Section 2 ~~determined in accordance with subsections (a) and~~
18 ~~(d) of Section 2.12~~ of this Act, for advanced service
19 provisioned trunk lines, except where an advanced service
20 provisioned trunk line supports at least 2 but fewer than
21 23 simultaneous voice grade calls ("VGC's"), a
22 telecommunication carrier may elect to impose fewer than 12
23 surcharges per trunk line as provided in subsection (iv) of
24 this Section; or

25 (iv) for an advanced service provisioned trunk line
26 connected between the subscriber's premises and the public

1 switched network through a P.B.X., where the advanced
2 service provisioned trunk line is capable of transporting
3 at least 2 but fewer than 23 simultaneous VGC's per trunk
4 line, the telecommunications carrier collecting the
5 surcharge may elect to impose surcharges in accordance with
6 the table provided in this Section, without limiting any
7 telecommunications carrier's obligations to otherwise keep
8 and maintain records. Any telecommunications carrier
9 electing to impose fewer than 12 surcharges per an advanced
10 service provisioned trunk line shall keep and maintain
11 records adequately to demonstrate the VGC capability of
12 each advanced service provisioned trunk line with fewer
13 than 12 surcharges imposed, provided that 12 surcharges
14 shall be imposed on an advanced service provisioned trunk
15 line regardless of the VGC capability where a
16 telecommunications carrier cannot demonstrate the VGC
17 capability of the advanced service provisioned trunk line.

18	Facility	VGC's	911 Surcharges
19	Advanced service provisioned trunk line	18-23	12
20	Advanced service provisioned trunk line	12-17	10
21	Advanced service provisioned trunk line	2-11	8

22 Subsections (i), (ii), (iii), and (iv) are not intended to
23 make any change in the meaning of this Section, but are
24 intended to remove possible ambiguity, thereby confirming the

1 intent of paragraph (a) as it existed prior to and following
2 the effective date of this amendatory Act of the 97th General
3 Assembly.

4 For mobile telecommunications services, if a surcharge is
5 imposed it shall be imposed based upon the municipality or
6 county that encompasses the customer's place of primary use as
7 defined in the Mobile Telecommunications Sourcing Conformity
8 Act. A municipality may enter into an intergovernmental
9 agreement with any county in which it is partially located,
10 when the county has adopted an ordinance to impose a surcharge
11 as provided in subsection (c), to include that portion of the
12 municipality lying outside the county in that county's
13 surcharge referendum. If the county's surcharge referendum is
14 approved, the portion of the municipality identified in the
15 intergovernmental agreement shall automatically be
16 disconnected from the county in which it lies and connected to
17 the county which approved the referendum for purposes of a
18 surcharge on telecommunications carriers.

19 (b) For purposes of computing the surcharge imposed by
20 subsection (a), the network connections to which the surcharge
21 shall apply shall be those in-service network connections,
22 other than those network connections assigned to the
23 municipality or county, where the service address for each such
24 network connection or connections is located within the
25 corporate limits of the municipality or county levying the
26 surcharge. Except for mobile telecommunication services, the

1 "service address" shall mean the location of the primary use of
 2 the network connection or connections. For mobile
 3 telecommunication services, "service address" means the
 4 customer's place of primary use as defined in the Mobile
 5 Telecommunications Sourcing Conformity Act.

6 (c) Upon the passage of an ordinance to impose a surcharge
 7 under this Section the clerk of the municipality or county
 8 shall certify the question of whether the surcharge may be
 9 imposed to the proper election authority who shall submit the
 10 public question to the electors of the municipality or county
 11 in accordance with the general election law; provided that such
 12 question shall not be submitted at a consolidated primary
 13 election. The public question shall be in substantially the
 14 following form:

15 -----

16 Shall the county (or city, village
 17 or incorporated town) of impose YES
 18 a surcharge of up to ...¢ per month per
 19 network connection, which surcharge will
 20 be added to the monthly bill you receive -----
 21 for telephone or telecommunications
 22 charges, for the purpose of installing
 23 (or improving) a 9-1-1 Emergency NO
 24 Telephone System?

25 -----

26 If a majority of the votes cast upon the public question

1 are in favor thereof, the surcharge shall be imposed.

2 However, if a Joint Emergency Telephone System Board is to
3 be created pursuant to an intergovernmental agreement under
4 Section 15.4, the ordinance to impose the surcharge shall be
5 subject to the approval of a majority of the total number of
6 votes cast upon the public question by the electors of all of
7 the municipalities or counties, or combination thereof, that
8 are parties to the intergovernmental agreement.

9 The referendum requirement of this subsection (c) shall not
10 apply to any municipality with a population over 500,000 or to
11 any county in which a proposition as to whether a sophisticated
12 9-1-1 Emergency Telephone System should be installed in the
13 county, at a cost not to exceed a specified monthly amount per
14 network connection, has previously been approved by a majority
15 of the electors of the county voting on the proposition at an
16 election conducted before the effective date of this amendatory
17 Act of 1987.

18 (d) A county may not impose a surcharge, unless requested
19 by a municipality, in any incorporated area which has
20 previously approved a surcharge as provided in subsection (c)
21 or in any incorporated area where the corporate authorities of
22 the municipality have previously entered into a binding
23 contract or letter of intent with a telecommunications carrier
24 to provide sophisticated 9-1-1 service through municipal
25 funds.

26 (e) A municipality or county may at any time by ordinance

1 change the rate of the surcharge imposed under this Section if
2 the new rate does not exceed the rate specified in the
3 referendum held pursuant to subsection (c).

4 (f) The surcharge authorized by this Section shall be
5 collected from the subscriber by the telecommunications
6 carrier providing the subscriber the network connection as a
7 separately stated item on the subscriber's bill.

8 (g) The amount of surcharge collected by the
9 telecommunications carrier shall be paid to the particular
10 municipality or county or Joint Emergency Telephone System
11 Board not later than 30 days after the surcharge is collected,
12 net of any network or other 9-1-1 or sophisticated 9-1-1 system
13 charges then due the particular telecommunications carrier, as
14 shown on an itemized bill. The telecommunications carrier
15 collecting the surcharge shall also be entitled to deduct 3% of
16 the gross amount of surcharge collected to reimburse the
17 telecommunications carrier for the expense of accounting and
18 collecting the surcharge.

19 (h) Except as expressly provided in subsection (a) of this
20 Section, on or after the effective date of this amendatory Act
21 of the 98th General Assembly and until December 31, 2017, July
22 1, 2017, a municipality with a population of 500,000 or more
23 shall not impose a monthly surcharge per network connection in
24 excess of the highest monthly surcharge imposed as of January
25 1, 2014 by any county or municipality under subsection (c) of
26 this Section. Beginning January 1, 2018 and until December 31,

1 2020, a municipality with a population over 500,000 may not
2 impose a monthly surcharge in excess of \$5.00 per network
3 connection. On or after January 1, 2021, ~~July 1, 2017,~~ a
4 municipality with a population over 500,000 may not impose a
5 monthly surcharge in excess of \$2.50 per network connection.

6 (i) Any municipality or county or joint emergency telephone
7 system board that has imposed a surcharge pursuant to this
8 Section prior to the effective date of this amendatory Act of
9 1990 shall hereafter impose the surcharge in accordance with
10 subsection (b) of this Section.

11 (j) The corporate authorities of any municipality or county
12 may issue, in accordance with Illinois law, bonds, notes or
13 other obligations secured in whole or in part by the proceeds
14 of the surcharge described in this Section. The State of
15 Illinois pledges and agrees that it will not limit or alter the
16 rights and powers vested in municipalities and counties by this
17 Section to impose the surcharge so as to impair the terms of or
18 affect the security for bonds, notes or other obligations
19 secured in whole or in part with the proceeds of the surcharge
20 described in this Section. The pledge and agreement set forth
21 in this Section survive the termination of the surcharge under
22 subsection (l) by virtue of the replacement of the surcharge
23 monies guaranteed under Section 20; the State of Illinois
24 pledges and agrees that it will not limit or alter the rights
25 vested in municipalities and counties to the surcharge
26 replacement funds guaranteed under Section 20 so as to impair

1 the terms of or affect the security for bonds, notes or other
2 obligations secured in whole or in part with the proceeds of
3 the surcharge described in this Section.

4 (k) Any surcharge collected by or imposed on a
5 telecommunications carrier pursuant to this Section shall be
6 held to be a special fund in trust for the municipality, county
7 or Joint Emergency Telephone Board imposing the surcharge.
8 Except for the 3% deduction provided in subsection (g) above,
9 the special fund shall not be subject to the claims of
10 creditors of the telecommunication carrier.

11 ~~(l) On and after the effective date of this amendatory Act~~
12 ~~of the 99th General Assembly, no county or municipality, other~~
13 ~~than a municipality with a population over 500,000, may impose~~
14 ~~a monthly surcharge under this Section in excess of the amount~~
15 ~~imposed by it on the effective date of this Act.~~ Any surcharge
16 imposed pursuant to this Section by a county or municipality,
17 other than a municipality with a population in excess of
18 500,000, shall cease to be imposed on January 1, 2016.

19 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

20 (50 ILCS 750/15.3a)

21 Sec. 15.3a. Local wireless surcharge.

22 (a) Notwithstanding any other provision of this Act, a unit
23 of local government or emergency telephone system board
24 providing wireless 9-1-1 service and imposing and collecting a
25 wireless carrier surcharge prior to July 1, 1998 may continue

1 its practices of imposing and collecting its wireless carrier
2 surcharge, but, except as provided in subsection (b) of this
3 Section, in no event shall that monthly surcharge exceed \$2.50
4 per commercial mobile radio service (CMRS) connection or
5 in-service telephone number billed on a monthly basis. For
6 mobile telecommunications services provided on and after
7 August 1, 2002, any surcharge imposed shall be imposed based
8 upon the municipality or county that encompasses the customer's
9 place of primary use as defined in the Mobile
10 Telecommunications Sourcing Conformity Act.

11 (b) Until December 31, 2017, ~~July 1, 2017,~~ the corporate
12 authorities of a municipality with a population in excess of
13 500,000 on the effective date of this amendatory Act of the
14 99th General Assembly may by ordinance continue to impose and
15 collect a monthly surcharge per commercial mobile radio service
16 (CMRS) connection or in-service telephone number billed on a
17 monthly basis that does not exceed the highest monthly
18 surcharge imposed as of January 1, 2014 by any county or
19 municipality under subsection (c) of Section 15.3 of this Act.
20 Beginning January 1, 2018, and until December 31, 2020, a
21 municipality with a population in excess of 500,000 may by
22 ordinance continue to impose and collect a monthly surcharge
23 per commercial mobile radio service (CMRS) connection or
24 in-service telephone number billed on a monthly basis that does
25 not exceed \$5.00. On or after January 1, 2021, ~~July 1, 2017,~~
26 the municipality may continue imposing and collecting its

1 wireless carrier surcharge as provided in and subject to the
2 limitations of subsection (a) of this Section.

3 (c) In addition to any other lawful purpose, a municipality
4 with a population over 500,000 may use the moneys collected
5 under this Section for any anti-terrorism or emergency
6 preparedness measures, including, but not limited to,
7 preparedness planning, providing local matching funds for
8 federal or State grants, personnel training, and specialized
9 equipment, including surveillance cameras, as needed to deal
10 with natural and terrorist-inspired emergency situations or
11 events.

12 (Source: P.A. 99-6, eff. 1-1-16.)

13 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

14 Sec. 15.4. Emergency Telephone System Board; powers.

15 (a) Except as provided in subsection (e) of this Section,
16 the corporate authorities of any county or municipality may
17 establish an Emergency Telephone System Board.

18 The corporate authorities shall provide for the manner of
19 appointment and the number of members of the Board, provided
20 that the board shall consist of not fewer than 5 members, one
21 of whom must be a public member who is a resident of the local
22 exchange service territory included in the 9-1-1 coverage area,
23 one of whom (in counties with a population less than 100,000)
24 may be a member of the county board, and at least 3 of whom
25 shall be representative of the 9-1-1 public safety agencies,

1 including but not limited to police departments, fire
2 departments, emergency medical services providers, and
3 emergency services and disaster agencies, and appointed on the
4 basis of their ability or experience. In counties with a
5 population of more than 100,000 but less than 2,000,000, a
6 member of the county board may serve on the Emergency Telephone
7 System Board. Elected officials, including members of a county
8 board, are also eligible to serve on the board. Members of the
9 board shall serve without compensation but shall be reimbursed
10 for their actual and necessary expenses. Any 2 or more
11 municipalities, counties, or combination thereof, may, instead
12 of establishing individual boards, establish by
13 intergovernmental agreement a Joint Emergency Telephone System
14 Board pursuant to this Section. The manner of appointment of
15 such a joint board shall be prescribed in the agreement. On or
16 after the effective date of this amendatory Act of the 100th
17 General Assembly, any new intergovernmental agreement entered
18 into to establish or join a Joint Emergency Telephone System
19 Board shall provide for the appointment of a PSAP
20 representative to the board.

21 Upon the effective date of this amendatory Act of the 98th
22 General Assembly, appointed members of the Emergency Telephone
23 System Board shall serve staggered 3-year terms if: (1) the
24 Board serves a county with a population of 100,000 or less; and
25 (2) appointments, on the effective date of this amendatory Act
26 of the 98th General Assembly, are not for a stated term. The

1 corporate authorities of the county or municipality shall
2 assign terms to the board members serving on the effective date
3 of this amendatory Act of the 98th General Assembly in the
4 following manner: (1) one-third of board members' terms shall
5 expire on January 1, 2015; (2) one-third of board members'
6 terms shall expire on January 1, 2016; and (3) remaining board
7 members' terms shall expire on January 1, 2017. Board members
8 may be re-appointed upon the expiration of their terms by the
9 corporate authorities of the county or municipality.

10 The corporate authorities of a county or municipality may,
11 by a vote of the majority of the members elected, remove an
12 Emergency Telephone System Board member for misconduct,
13 official misconduct, or neglect of office.

14 (b) The powers and duties of the board shall be defined by
15 ordinance of the municipality or county, or by
16 intergovernmental agreement in the case of a joint board. The
17 powers and duties shall include, but need not be limited to the
18 following:

19 (1) Planning a 9-1-1 system.

20 (2) Coordinating and supervising the implementation,
21 upgrading, or maintenance of the system, including the
22 establishment of equipment specifications and coding
23 systems.

24 (3) Receiving moneys from the surcharge imposed under
25 Section 15.3, or disbursed to it under Section 30, and from
26 any other source, for deposit into the Emergency Telephone

1 System Fund.

2 (4) Authorizing all disbursements from the fund.

3 (5) Hiring any staff necessary for the implementation
4 or upgrade of the system.

5 (6) (Blank).

6 (c) All moneys received by a board pursuant to a surcharge
7 imposed under Section 15.3, or disbursed to it under Section
8 30, shall be deposited into a separate interest-bearing
9 Emergency Telephone System Fund account. The treasurer of the
10 municipality or county that has established the board or, in
11 the case of a joint board, any municipal or county treasurer
12 designated in the intergovernmental agreement, shall be
13 custodian of the fund. All interest accruing on the fund shall
14 remain in the fund. No expenditures may be made from such fund
15 except upon the direction of the board by resolution passed by
16 a majority of all members of the board.

17 (d) The board shall complete a Master Street Address Guide
18 database before implementation of the 9-1-1 system. The error
19 ratio of the database shall not at any time exceed 1% of the
20 total database.

21 (e) On and after January 1, 2016, no municipality or county
22 may create an Emergency Telephone System Board unless the board
23 is a Joint Emergency Telephone System Board. The corporate
24 authorities of any county or municipality entering into an
25 intergovernmental agreement to create or join a Joint Emergency
26 Telephone System Board shall rescind an ~~the~~ ordinance or

1 ordinances creating a single ~~the original~~ Emergency Telephone
2 System Board and shall eliminate the single Emergency Telephone
3 System Board, effective upon the creation of the Joint
4 Emergency Telephone System Board, with regulatory approval by
5 the Administrator, or joining of the Joint Emergency Telephone
6 System Board. Nothing in this Section shall be construed to
7 require the dissolution of an Emergency Telephone System Board
8 that is not succeeded by a Joint Emergency Telephone System
9 Board or is not required to consolidate under Section 15.4a of
10 this Act.

11 (f) Within one year after the effective date of this
12 amendatory Act of the 100th General Assembly, any corporate
13 authorities of a county or municipality, other than a
14 municipality with a population of more than 500,000, operating
15 a 9-1-1 system without an Emergency Telephone System Board or
16 Joint Emergency Telephone System Board shall create or join a
17 Joint Emergency Telephone System Board.

18 (Source: P.A. 98-481, eff. 8-16-13; 99-6, eff. 1-1-16.)

19 (50 ILCS 750/15.4a)

20 Sec. 15.4a. Consolidation.

21 (a) By July 1, 2017, and except as otherwise provided in
22 this Section, Emergency Telephone System Boards, Joint
23 Emergency Telephone System Boards, qualified governmental
24 entities, and PSAPs shall be consolidated as follows, subject
25 to subsections (b) and (c) of this Section:

1 (1) In any county with a population of at least 250,000
2 that has a single Emergency Telephone System Board, or
3 qualified governmental entity and more than 2 PSAPs, shall
4 reduce the number of PSAPs by at least 50% or to 2 PSAPs,
5 whichever is greater. Nothing in this paragraph shall
6 preclude consolidation resulting in one PSAP in the county.

7 (2) In any county with a population of at least 250,000
8 that has more than one Emergency Telephone System Board,
9 Joint Emergency Telephone System Board, or qualified
10 governmental entity, any 9-1-1 Authority serving a
11 population of less than 25,000 shall be consolidated such
12 that no 9-1-1 Authority in the county serves a population
13 of less than 25,000.

14 (3) In any county with a population of at least 250,000
15 but less than 1,000,000 that has more than one Emergency
16 Telephone System Board, Joint Emergency Telephone System
17 Board, or qualified governmental entity, each 9-1-1
18 Authority shall reduce the number of PSAPs by at least 50%
19 or to 2 PSAPs, whichever is greater. Nothing in this
20 paragraph shall preclude consolidation of a 9-1-1
21 Authority into a Joint Emergency Telephone System Board,
22 and nothing in this paragraph shall preclude consolidation
23 resulting in one PSAP in the county.

24 (4) In any county with a population of less than
25 250,000 that has a single Emergency Telephone System Board
26 or qualified governmental entity and more than 2 PSAPs, the

1 9-1-1 Authority shall reduce the number of PSAPs by at
2 least 50% or to 2 PSAPs, whichever is greater. Nothing in
3 this paragraph shall preclude consolidation resulting in
4 one PSAP in the county.

5 (5) In any county with a population of less than
6 250,000 that has more than one Emergency Telephone System
7 Board, Joint Emergency Telephone System Board, or
8 qualified governmental entity and more than 2 PSAPs, the
9 9-1-1 Authorities shall be consolidated into a single joint
10 board, and the number of PSAPs shall be reduced by at least
11 50% or to 2 PSAPs, whichever is greater. Nothing in this
12 paragraph shall preclude consolidation resulting in one
13 PSAP in the county.

14 (6) Any 9-1-1 Authority that does not have a PSAP
15 within its jurisdiction shall be consolidated through an
16 intergovernmental agreement with an existing 9-1-1
17 Authority that has a PSAP to create a Joint Emergency
18 Telephone Board.

19 (7) The corporate authorities of each county that has
20 no 9-1-1 service as of January 1, 2016 shall provide
21 enhanced 9-1-1 wireline and wireless enhanced 9-1-1
22 service for that county by either (i) entering into an
23 intergovernmental agreement with an existing Emergency
24 Telephone System Board to create a new Joint Emergency
25 Telephone System Board, or (ii) entering into an
26 intergovernmental agreement with the corporate authorities

1 that have created an existing Joint Emergency Telephone
2 System Board.

3 (b) By July 1, 2016, each county required to consolidate
4 pursuant to paragraph (7) of subsection (a) of this Section and
5 each 9-1-1 Authority required to consolidate pursuant to
6 paragraphs (1) through (6) of subsection (a) of this Section
7 shall file a plan for consolidation or a request for a waiver
8 pursuant to subsection (c) of this Section with the Office
9 ~~Division~~ of the Statewide 9-1-1 Administrator.

10 (1) No county or 9-1-1 Authority may avoid the
11 requirements of this Section by converting primary PSAPs to
12 secondary or virtual answering points. Any county or 9-1-1
13 Authority not in compliance with this Section shall be
14 ineligible to receive consolidation grant funds issued
15 under Section 15.4b of this Act or monthly disbursements
16 otherwise due under Section 30 of this Act, until the
17 county or 9-1-1 Authority is in compliance.

18 (2) Within 60 calendar days of receiving a
19 consolidation plan, the Statewide 9-1-1 Advisory Board
20 shall hold at least one public hearing on the plan and
21 provide a recommendation to the Administrator. Notice of
22 the hearing shall be provided to the respective entity to
23 which the plan applies.

24 (3) Within 90 calendar days of receiving a
25 consolidation plan, the Administrator shall approve the
26 plan, approve the plan as modified, or grant a waiver

1 pursuant to subsection (c) of this Section. In making his
2 or her decision, the Administrator shall consider any
3 recommendation from the Statewide 9-1-1 Advisory Board
4 regarding the plan. If the Administrator does not follow
5 the recommendation of the Board, the Administrator shall
6 provide a written explanation for the deviation in his or
7 her decision.

8 (4) The deadlines provided in this subsection may be
9 extended upon agreement between the Administrator and
10 entity which submitted the plan.

11 (c) A waiver from a consolidation required under subsection
12 (a) of this Section may be granted if the Administrator finds
13 that the consolidation will result in a substantial threat to
14 public safety, is economically unreasonable, or is technically
15 infeasible.

16 (d) Any decision of the Administrator under this Section
17 shall be deemed a final administrative decision and shall be
18 subject to judicial review under the Administrative Review Law.
19 (Source: P.A. 99-6, eff. 1-1-16.)

20 (50 ILCS 750/15.4b)

21 Sec. 15.4b. Consolidation grants.

22 (a) The Administrator, with the advice and recommendation
23 of the Statewide 9-1-1 Advisory Board, shall administer a 9-1-1
24 System Consolidation Grant Program to defray costs associated
25 with 9-1-1 system consolidation of systems outside of a

1 municipality with a population in excess of 500,000. The
2 awarded grants will be used to offset non-recurring costs
3 associated with the consolidation of 9-1-1 systems and shall
4 not be used for ongoing operating costs associated with the
5 consolidated system. The Department, in consultation with the
6 Administrator and the Statewide 9-1-1 Advisory Board, shall
7 adopt rules defining the grant process and criteria for issuing
8 the grants. The grants should be awarded based on criteria that
9 include, but are not limited to:

10 (1) reducing the number of transfers of a 9-1-1 call;

11 (2) reducing the infrastructure required to adequately
12 provide 9-1-1 network services;

13 (3) promoting cost savings from resource sharing among
14 9-1-1 systems;

15 (4) facilitating interoperability and resiliency for
16 the receipt of 9-1-1 calls;

17 (5) reducing the number of 9-1-1 systems or reducing
18 the number of PSAPs within a 9-1-1 system;

19 (6) cost saving resulting from 9-1-1 system
20 consolidation; and

21 (7) expanding E9-1-1 service coverage as a result of
22 9-1-1 system consolidation including to areas without
23 E9-1-1 service.

24 Priority shall be given first to counties not providing
25 9-1-1 service as of January 1, 2016, and next to other entities
26 consolidating as required under Section 15.4a of this Act.

1 (b) The 9-1-1 System Consolidation Grant application, as
2 defined by Department rules, shall be submitted electronically
3 to the Administrator starting January 2, 2016, and every
4 January 2 thereafter. The application shall include a modified
5 9-1-1 system plan as required by this Act in support of the
6 consolidation plan. The Administrator shall have until June 30,
7 2016 and every June 30 thereafter to approve 9-1-1 System
8 Consolidation grants and modified 9-1-1 system plans. Payment
9 under the approved 9-1-1 System Consolidation grants shall be
10 contingent upon the final approval of a modified 9-1-1 system
11 plan.

12 (c) Existing and previously completed consolidation
13 projects shall be eligible to apply for reimbursement of costs
14 related to the consolidation incurred between 2010 and the
15 State fiscal year of the application.

16 (d) The 9-1-1 systems that receive grants under this
17 Section shall provide a report detailing grant fund usage to
18 the Administrator pursuant to Section 40 of this Act.

19 (Source: P.A. 99-6, eff. 1-1-16.)

20 (50 ILCS 750/15.5)

21 Sec. 15.5. Private residential switch service 9-1-1
22 service.

23 (a) After June 30, 1995, an entity that provides or
24 operates private residential switch service and provides
25 telecommunications facilities or services to residents shall

1 provide to those residential end users the same level of 9-1-1
2 service as the public agency and the telecommunications carrier
3 are providing to other residential end users of the local 9-1-1
4 system. This service shall include, but not be limited to, the
5 capability to identify the telephone number, extension number,
6 and the physical location that is the source of the call to the
7 number designated as the emergency telephone number.

8 (b) The private residential switch operator is responsible
9 for forwarding end user automatic location identification
10 record information to the 9-1-1 system provider according to
11 the format, frequency, and procedures established by that
12 system provider.

13 (c) This Act does not apply to any PBX telephone extension
14 that uses radio transmissions to convey electrical signals
15 directly between the telephone extension and the serving PBX.

16 (d) An entity that violates this Section is guilty of a
17 business offense and shall be fined not less than \$1,000 and
18 not more than \$5,000.

19 (e) Nothing in this Section shall be construed to preclude
20 the Attorney General on behalf of the Department or on his or
21 her own initiative, or any other interested person, from
22 seeking judicial relief, by mandamus, injunction, or
23 otherwise, to compel compliance with this Section.

24 (Source: P.A. 99-6, eff. 1-1-16.)

1 Sec. 15.6. Enhanced 9-1-1 service; business service.

2 (a) After June 30, 2000, or within 18 months after enhanced
3 9-1-1 service becomes available, any entity that installs or
4 operates a private business switch service and provides
5 telecommunications facilities or services to businesses shall
6 assure that the system is connected to the public switched
7 network in a manner that calls to 9-1-1 result in automatic
8 number and location identification. For buildings having their
9 own street address and containing workspace of 40,000 square
10 feet or less, location identification shall include the
11 building's street address. For buildings having their own
12 street address and containing workspace of more than 40,000
13 square feet, location identification shall include the
14 building's street address and one distinct location
15 identification per 40,000 square feet of workspace. Separate
16 buildings containing workspace of 40,000 square feet or less
17 having a common public street address shall have a distinct
18 location identification for each building in addition to the
19 street address.

20 (b) Exemptions. Buildings containing workspace of more
21 than 40,000 square feet are exempt from the multiple location
22 identification requirements of subsection (a) if the building
23 maintains, at all times, alternative and adequate means of
24 signaling and responding to emergencies. Those means shall
25 include, but not be limited to, a telephone system that
26 provides the physical location of 9-1-1 calls coming from

1 within the building. Health care facilities are presumed to
2 meet the requirements of this paragraph if the facilities are
3 staffed with medical or nursing personnel 24 hours per day and
4 if an alternative means of providing information about the
5 source of an emergency call exists. Buildings under this
6 exemption must provide 9-1-1 service that provides the
7 building's street address.

8 Buildings containing workspace of more than 40,000 square
9 feet are exempt from subsection (a) if the building maintains,
10 at all times, alternative and adequate means of signaling and
11 responding to emergencies, including a telephone system that
12 provides the location of a 9-1-1 call coming from within the
13 building, and the building is serviced by its own medical, fire
14 and security personnel. Buildings under this exemption are
15 subject to emergency phone system certification by the
16 Administrator.

17 Buildings in communities not serviced by enhanced 9-1-1
18 service are exempt from subsection (a).

19 Correctional institutions and facilities, as defined in
20 subsection (d) of Section 3-1-2 of the Unified Code of
21 Corrections, are exempt from subsection (a).

22 (c) This Act does not apply to any PBX telephone extension
23 that uses radio transmissions to convey electrical signals
24 directly between the telephone extension and the serving PBX.

25 (d) An entity that violates this Section is guilty of a
26 business offense and shall be fined not less than \$1,000 and

1 not more than \$5,000.

2 (e) Nothing in this Section shall be construed to preclude
3 the Attorney General on behalf of the Department or on his or
4 her own initiative, or any other interested person, from
5 seeking judicial relief, by mandamus, injunction, or
6 otherwise, to compel compliance with this Section.

7 (f) The Department may promulgate rules for the
8 administration of this Section.

9 (Source: P.A. 99-6, eff. 1-1-16.)

10 (50 ILCS 750/15.6a)

11 Sec. 15.6a. Wireless emergency 9-1-1 service.

12 (a) The digits "9-1-1" shall be the designated emergency
13 telephone number within the wireless system.

14 (b) The Department may set non-discriminatory and uniform
15 technical and operational standards consistent with the rules
16 of the Federal Communications Commission for directing calls to
17 authorized public safety answering points. These standards
18 shall not in any way prescribe the technology or manner a
19 wireless carrier shall use to deliver wireless 9-1-1 or
20 wireless E9-1-1 calls, and these standards shall not exceed the
21 requirements set by the Federal Communications Commission;
22 however, standards for directing calls to the authorized public
23 safety answering point shall be included. The authority given
24 to the Department in this Section is limited to setting
25 standards as set forth herein and does not constitute authority

1 to regulate wireless carriers.

2 (c) For the purpose of providing wireless 9-1-1 emergency
3 services, an emergency telephone system board or, in the
4 absence of an emergency telephone system board, a qualified
5 governmental entity, may declare its intention for one or more
6 of its public safety answering points to serve as a primary
7 wireless 9-1-1 public safety answering point for its
8 jurisdiction by notifying the Administrator in writing within 6
9 months after receiving its authority to operate a 9-1-1 system
10 under this Act. In addition, 2 or more emergency telephone
11 system boards or qualified governmental entities may, by virtue
12 of an intergovernmental agreement, provide wireless 9-1-1
13 service. Until the jurisdiction comes into compliance with
14 Section 15.4a of this Act, the ~~The~~ Department of State Police
15 shall be the primary wireless 9-1-1 public safety answering
16 point for any jurisdiction that did not provide notice to the
17 Illinois Commerce Commission and the Department prior to
18 January 1, 2016.

19 (d) The Administrator, upon a request from a qualified
20 governmental entity or an emergency telephone system board and
21 with the advice and recommendation of the Statewide 9-1-1
22 Advisory Board, may grant authority to the emergency telephone
23 system board or a qualified governmental entity to provide
24 wireless 9-1-1 service in areas for which the Department has
25 accepted wireless 9-1-1 responsibility. The Administrator
26 shall maintain a current list of all 9-1-1 systems and

1 qualified governmental entities providing wireless 9-1-1
2 service under this Act.

3 (Source: P.A. 99-6, eff. 1-1-16.)

4 (50 ILCS 750/15.6b)

5 Sec. 15.6b. Next Generation 9-1-1 service.

6 (a) The Administrator, with the advice and recommendation
7 of the Statewide 9-1-1 Advisory Board, shall develop and
8 implement a plan for a statewide Next Generation 9-1-1 network.
9 The Next Generation 9-1-1 network must be an Internet
10 protocol-based platform that at a minimum provides:

11 (1) improved 9-1-1 call delivery;

12 (2) enhanced interoperability;

13 (3) increased ease of communication between 9-1-1
14 service providers, allowing immediate transfer of 9-1-1
15 calls, caller information, photos, and other data
16 statewide;

17 (4) a hosted solution with redundancy built in; and

18 (5) compliance with NENA Standards i3 Solution 08-003.

19 (b) By July 1, 2016, the Administrator, with the advice and
20 recommendation of the Statewide 9-1-1 Advisory Board, shall
21 design and issue a competitive request for a proposal to secure
22 the services of a consultant to complete a feasibility study on
23 the implementation of a statewide Next Generation 9-1-1 network
24 in Illinois. By July 1, 2017, the consultant shall complete the
25 feasibility study and make recommendations as to the

1 appropriate procurement approach for developing a statewide
2 Next Generation 9-1-1 network.

3 (c) Within 12 months of the final report from the
4 consultant under subsection (b) of this Section, the Department
5 shall procure and finalize a contract with a vendor certified
6 under Section 13-900 of the Public Utilities Act to establish a
7 statewide Next Generation 9-1-1 network. By July 1, 2020, the
8 vendor shall implement a Next Generation 9-1-1 network that
9 allows 9-1-1 systems providing 9-1-1 service to Illinois
10 residents to access the system utilizing their current
11 infrastructure if it meets the standards adopted by the
12 Department.

13 (Source: P.A. 99-6, eff. 1-1-16.)

14 (50 ILCS 750/15.7)

15 Sec. 15.7. Compliance with certification of 9-1-1 system
16 providers by the Illinois Commerce Commission. In addition to
17 the requirements of this Act, all 9-1-1 system providers must
18 comply with the requirements of Section 13-900 of the Public
19 Utilities Act.

20 (Source: P.A. 99-6, eff. 1-1-16.)

21 (50 ILCS 750/15.8)

22 Sec. 15.8. 9-1-1 dialing from a business.

23 (a) Any entity that installs or operates a private business
24 switch service and provides telecommunications facilities or

1 services to businesses shall ensure that all systems installed
2 on or after July 1, 2015 (the effective date of Public Act
3 98-875) are connected to the public switched network in a
4 manner such that when a user dials "9-1-1", the emergency call
5 connects to the 9-1-1 system without first dialing any number
6 or set of numbers.

7 (b) The requirements of this Section do not apply to:

8 (1) any entity certified by the Illinois Commerce
9 Commission to operate a Private Emergency Answering Point
10 as defined in 83 Ill. Adm. Code 726.105; or

11 (2) correctional institutions and facilities as
12 defined in subsection (d) of Section 3-1-2 of the Unified
13 Code of Corrections.

14 (c) An entity that violates this Section is guilty of a
15 business offense and shall be fined not less than \$1,000 and
16 not more than \$5,000.

17 (Source: P.A. 98-875, eff. 7-1-15; 99-6, eff. 1-1-16.)

18 (50 ILCS 750/16) (from Ch. 134, par. 46)

19 Sec. 16. This Act takes effect July 1, 1975.

20 (Source: P.A. 79-1092.)

21 (50 ILCS 750/17.5 new)

22 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

23 (a) The General Assembly finds the following:

24 (1) Some 9-1-1 systems throughout this State do not

1 have a procedure in place to manually transfer, forward, or
2 relay 9-1-1 calls originating within one 9-1-1 system's
3 jurisdiction, but which should properly be answered and
4 dispatched by another 9-1-1 system, to the appropriate
5 9-1-1 system for answering and dispatch of first
6 responders.

7 (2) On January 1, 2016, the General Assembly gave
8 oversight authority of 9-1-1 systems to the Department of
9 State Police.

10 (3) Since that date, the Department of State Police has
11 authorized individual 9-1-1 systems in counties and
12 municipalities to implement and upgrade enhanced 9-1-1
13 systems throughout the State.

14 (b) The Department shall prepare a directory of all
15 authorized 9-1-1 systems in the State. The directory shall
16 include an emergency 24/7 10-digit telephone number for all
17 primary public safety answering points located in each 9-1-1
18 system to which 9-1-1 calls from another jurisdiction can be
19 transferred. This directory shall be made available to each
20 9-1-1 authority for its use in establishing standard operating
21 procedures regarding calls outside its 9-1-1 jurisdiction.

22 (c) Each 9-1-1 system shall provide the Department with the
23 following information:

24 (1) The name of the PSAP, a list of every participating
25 agency, and the county the PSAP is in, including college
26 and university public safety entities.

1 (2) The 24/7 10-digit emergency telephone number and
2 email address for the dispatch agency to which 9-1-1 calls
3 originating in another 9-1-1 jurisdiction can be
4 transferred or by which the PSAP can be contacted via email
5 to exchange information. Each 9-1-1 system shall provide
6 the Department with any changes to the participating
7 agencies and this number and email address immediately upon
8 the change occurring. Each 9-1-1 system shall provide the
9 PSAP information, the 24/7 10-digit emergency telephone
10 number and email address to the Manager of the Department's
11 9-1-1 Program within 30 days of the effective date of this
12 amendatory Act of the 100th General Assembly.

13 (3) The standard operating procedure describing the
14 manner in which the 9-1-1 system will transfer, forward, or
15 relay 9-1-1 calls originating within its jurisdiction, but
16 which should properly be answered and dispatched by another
17 9-1-1 system, to the appropriate 9-1-1 system. Each 9-1-1
18 system shall provide the standard operating procedures to
19 the Manager of the Department's 9-1-1 Program within 180
20 days after the effective date of this amendatory Act of the
21 100th General Assembly.

22 (50 ILCS 750/19)

23 Sec. 19. Statewide 9-1-1 Advisory Board.

24 (a) Beginning July 1, 2015, there is created the Statewide
25 9-1-1 Advisory Board within the Department of State Police. The

1 Board shall consist of the following 11 voting members:

2 (1) The Director of the State Police, or his or her
3 designee, who shall serve as chairman.

4 (2) The Executive Director of the Commission, or his or
5 her designee.

6 (3) Nine members appointed by the Governor as follows:

7 (A) one member representing the Illinois chapter
8 of the National Emergency Number Association, or his or
9 her designee;

10 (B) one member representing the Illinois chapter
11 of the Association of Public-Safety Communications
12 Officials, or his or her designee;

13 (C) one member representing a county 9-1-1 system
14 from a county with a population of less than 50,000;

15 (D) one member representing a county 9-1-1 system
16 from a county with a population between 50,000 and
17 250,000;

18 (E) one member representing a county 9-1-1 system
19 from a county with a population of more than 250,000;

20 (F) one member representing a municipality with a
21 population of less than 500,000 in a county with a
22 population in excess of 2,000,000;

23 (G) one member representing the Illinois
24 Association of Chiefs of Police;

25 (H) one member representing the Illinois Sheriffs'
26 Association; and

1 (I) one member representing the Illinois Fire
2 Chiefs Association.

3 The Governor shall appoint the following non-voting
4 members: (i) one member representing an incumbent local
5 exchange 9-1-1 system provider; (ii) one member representing a
6 non-incumbent local exchange 9-1-1 system provider; (iii) one
7 member representing a large wireless carrier; (iv) one member
8 representing an incumbent local exchange ~~a small wireless~~
9 carrier; ~~and~~ (v) one member representing the Illinois
10 Telecommunications Association; (vi) one member representing
11 the Cable Television and Communication Association of
12 Illinois; and (vii) one member representing the Illinois State
13 Ambulance Association. The Speaker of the House of
14 Representatives, the Minority Leader of the House of
15 Representatives, the President of the Senate, and the Minority
16 Leader of the Senate may each appoint a member of the General
17 Assembly to temporarily serve as a non-voting member of the
18 Board during the 12 months prior to the repeal date of this Act
19 to discuss legislative initiatives of the Board.

20 (b) The Governor shall make initial appointments to the
21 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
22 voting members appointed by the Governor shall serve an initial
23 term of 2 years, and the remaining voting members appointed by
24 the Governor shall serve an initial term of 3 years.
25 Thereafter, each appointment by the Governor shall be for a
26 term of 3 years. Non-voting members shall serve for a term of 3

1 years. Vacancies shall be filled in the same manner as the
2 original appointment. Persons appointed to fill a vacancy shall
3 serve for the balance of the unexpired term.

4 Members of the Statewide 9-1-1 Advisory Board shall serve
5 without compensation.

6 (c) The 9-1-1 Services Advisory Board, as constituted on
7 June 1, 2015 without the legislative members, shall serve in
8 the role of the Statewide 9-1-1 Advisory Board until all
9 appointments of voting members have been made by the Governor
10 under subsection (a) of this Section.

11 (d) The Statewide 9-1-1 Advisory Board shall:

12 (1) advise the Department of State Police and the
13 Statewide 9-1-1 Administrator on the oversight of 9-1-1
14 systems and the development and implementation of a uniform
15 statewide 9-1-1 system;

16 (2) make recommendations to the Governor and the
17 General Assembly regarding improvements to 9-1-1 services
18 throughout the State; and

19 (3) exercise all other powers and duties provided in
20 this Act.

21 (e) The Statewide 9-1-1 Advisory Board shall submit to the
22 General Assembly a report by March 1 of each year providing an
23 update on the transition to a statewide 9-1-1 system and
24 recommending any legislative action.

25 (f) The Department of State Police shall provide
26 administrative support to the Statewide 9-1-1 Advisory Board.

1 (Source: P.A. 99-6, eff. 6-29-15.)

2 (50 ILCS 750/20)

3 Sec. 20. Statewide surcharge.

4 (a) On and after January 1, 2016, and except with respect
5 to those customers who are subject to surcharges as provided in
6 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall
7 be imposed on all customers of telecommunications carriers and
8 wireless carriers as follows:

9 (1) Each telecommunications carrier shall impose a
10 monthly surcharge ~~of \$0.87~~ per network connection;
11 provided, however, the monthly surcharge shall not apply to
12 a network connection provided for use with pay telephone
13 services. Where multiple voice grade communications
14 channels are connected between the subscriber's premises
15 and a public switched network through private branch
16 exchange (PBX), ~~or~~ centrex type service, or other multiple
17 voice grade communication channels facility, there shall
18 be imposed 5 such surcharges per network connection for
19 both regular service and advanced service provisioned
20 trunk lines. Until December 31, 2017, the surcharge shall
21 be \$0.87 per network connection and on and after January 1,
22 2018, the surcharge shall be \$1.50 per network connection.

23 (2) Each wireless carrier shall impose and collect a
24 monthly surcharge ~~of \$0.87~~ per CMRS connection that either
25 has a telephone number within an area code assigned to

1 Illinois by the North American Numbering Plan
2 Administrator or has a billing address in this State. Until
3 December 31, 2017, the surcharge shall be \$0.87 per
4 connection and on and after January 1, 2018, the surcharge
5 shall be \$1.50 per connection.

6 (b) State and local taxes shall not apply to the surcharges
7 imposed under this Section.

8 (c) The surcharges imposed by this Section shall be stated
9 as a separately stated item on subscriber bills.

10 (d) The telecommunications carrier collecting the
11 surcharge may deduct and retain an amount not to exceed ~~shall~~
12 ~~also be entitled to deduct~~ 3% of the gross amount of surcharge
13 collected to reimburse the telecommunications carrier for the
14 expense of accounting and collecting the surcharge. On and
15 after July 1, 2022, the wireless carrier collecting a surcharge
16 under this Section may deduct and retain an amount not to
17 exceed ~~shall be entitled to deduct up to~~ 3% of the gross amount
18 of the surcharge collected to reimburse the wireless carrier
19 for the expense of accounting and collecting the surcharge.

20 (e) Surcharges imposed under this Section shall be
21 collected by the carriers and shall be remitted to the
22 Department, within 30 days of collection, remitted, either by
23 check or electronic funds transfer, by the end of the next
24 calendar month after the calendar month in which it was
25 collected ~~to the Department~~ for deposit into the Statewide
26 9-1-1 Fund. Carriers are not required to remit surcharge moneys

1 that are billed to subscribers but not yet collected.

2 The first remittance by wireless carriers shall include the
3 number of subscribers by zip code, and the 9-digit zip code if
4 currently being used or later implemented by the carrier, that
5 shall be the means by which the Department shall determine
6 distributions from the Statewide 9-1-1 Fund. This information
7 shall be updated at least once each year. Any carrier that
8 fails to provide the zip code information required under this
9 subsection (e) shall be subject to the penalty set forth in
10 subsection (g) of this Section.

11 (f) If, within 8 calendar ~~5-business~~ days after it is due
12 under subsection (e) of this Section, a carrier does not remit
13 the surcharge or any portion thereof required under this
14 Section, then the surcharge or portion thereof shall be deemed
15 delinquent until paid in full, and the Department may impose a
16 penalty against the carrier in an amount equal to the greater
17 of:

18 (1) \$25 for each month or portion of a month from the
19 time an amount becomes delinquent until the amount is paid
20 in full; or

21 (2) an amount equal to the product of 1% and the sum of
22 all delinquent amounts for each month or portion of a month
23 that the delinquent amounts remain unpaid.

24 A penalty imposed in accordance with this subsection (f)
25 for a portion of a month during which the carrier pays the
26 delinquent amount in full shall be prorated for each day of

1 that month that the delinquent amount was paid in full. Any
2 penalty imposed under this subsection (f) is in addition to the
3 amount of the delinquency and is in addition to any other
4 penalty imposed under this Section.

5 (g) If, within 8 calendar ~~5-business~~ days after it is due,
6 a wireless carrier does not provide the number of subscribers
7 by zip code as required under subsection (e) of this Section,
8 then the report is deemed delinquent and the Department may
9 impose a penalty against the carrier in an amount equal to the
10 greater of:

11 (1) \$25 for each month or portion of a month that the
12 report is delinquent; or

13 (2) an amount equal to the product of \$0.01 and the
14 number of subscribers served by the carrier for each month
15 or portion of a month that the delinquent report is not
16 provided.

17 A penalty imposed in accordance with this subsection (g)
18 for a portion of a month during which the carrier provides the
19 number of subscribers by zip code as required under subsection
20 (e) of this Section shall be prorated for each day of that
21 month during which the carrier had not provided the number of
22 subscribers by zip code as required under subsection (e) of
23 this Section. Any penalty imposed under this subsection (g) is
24 in addition to any other penalty imposed under this Section.

25 (h) A penalty imposed and collected in accordance with
26 subsection (f) or (g) of this Section shall be deposited into

1 the Statewide 9-1-1 Fund for distribution according to Section
2 30 of this Act.

3 (i) The Department may enforce the collection of any
4 delinquent amount and any penalty due and unpaid under this
5 Section by legal action or in any other manner by which the
6 collection of debts due the State of Illinois may be enforced
7 under the laws of this State. The Department may excuse the
8 payment of any penalty imposed under this Section if the
9 Administrator determines that the enforcement of this penalty
10 is unjust.

11 (j) Notwithstanding any provision of law to the contrary,
12 nothing shall impair the right of wireless carriers to recover
13 compliance costs for all emergency communications services
14 that are not reimbursed out of the Wireless Carrier
15 Reimbursement Fund directly from their wireless subscribers by
16 line-item charges on the wireless subscriber's bill. Those
17 compliance costs include all costs incurred by wireless
18 carriers in complying with local, State, and federal regulatory
19 or legislative mandates that require the transmission and
20 receipt of emergency communications to and from the general
21 public, including, but not limited to, E9-1-1.

22 (Source: P.A. 99-6, eff. 1-1-16.)

23 (50 ILCS 750/30)

24 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

25 (a) A special fund in the State treasury known as the

1 Wireless Service Emergency Fund shall be renamed the Statewide
2 9-1-1 Fund. Any appropriations made from the Wireless Service
3 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
4 The Fund shall consist of the following:

5 (1) 9-1-1 wireless surcharges assessed under the
6 Wireless Emergency Telephone Safety Act.

7 (2) 9-1-1 surcharges assessed under Section 20 of this
8 Act.

9 (3) Prepaid wireless 9-1-1 surcharges assessed under
10 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

11 (4) Any appropriations, grants, or gifts made to the
12 Fund.

13 (5) Any income from interest, premiums, gains, or other
14 earnings on moneys in the Fund.

15 (6) Money from any other source that is deposited in or
16 transferred to the Fund.

17 (b) Subject to appropriation and availability of funds, the
18 Department shall distribute the 9-1-1 surcharges monthly as
19 follows:

20 (1) From each surcharge collected and remitted under
21 Section 20 of this Act:

22 (A) \$0.013 shall be distributed monthly in equal
23 amounts to each County Emergency Telephone System
24 Board or qualified governmental entity in counties
25 with a population under 100,000 according to the most
26 recent census data which is authorized to serve as a

1 primary wireless 9-1-1 public safety answering point
2 for the county and to provide wireless 9-1-1 service as
3 prescribed by subsection (b) of Section 15.6a of this
4 Act, and which does provide such service.

5 (B) \$0.033 shall be transferred by the Comptroller
6 at the direction of the Department to the Wireless
7 Carrier Reimbursement Fund until June 30, 2017; from
8 July 1, 2017 through June 30, 2018, \$0.026 shall be
9 transferred; from July 1, 2018 through June 30, 2019,
10 \$0.020 shall be transferred; from July 1, 2019, through
11 June 30, 2020, \$0.013 shall be transferred; from July
12 1, 2020 through June 30, 2021, \$0.007 will be
13 transferred; and after June 30, 2021, no transfer shall
14 be made to the Wireless Carrier Reimbursement Fund.

15 (C) Until December 31, 2017, \$0.007 and on and
16 after January 1, 2018, \$0.017 shall be used to cover
17 the Department's administrative costs.

18 (D) Beginning January 1, 2018, until June 30, 2020,
19 \$0.12, and on and after July 1, 2020, \$0.04 shall be
20 used to make monthly proportional grants to the
21 appropriate 9-1-1 Authority currently taking wireless
22 9-1-1 based upon the United States Postal Zip Code of
23 the billing addresses of subscribers wireless
24 carriers.

25 (E) Until June 30, 2020, \$0.05 shall be used by the
26 Department for grants for NG9-1-1 expenses, with

1 priority given to 9-1-1 Authorities that provide 9-1-1
2 service within the territory of a Large Electing
3 Provider as defined in Section 13-406.1 of the Public
4 Utilities Act.

5 (F) On and after July 1, 2020, \$0.13 shall be used
6 for the implementation of and continuing expenses for
7 the Statewide NG9-1-1 system.

8 (2) After disbursements under paragraph (1) of this
9 subsection (b), all remaining funds in the Statewide 9-1-1
10 Fund shall be disbursed in the following priority order:

11 (A) The Fund shall ~~will~~ pay monthly to:

12 (i) the 9-1-1 Authorities that imposed
13 surcharges under Section 15.3 of this Act and were
14 required to report to the Illinois Commerce
15 Commission under Section 27 of the Wireless
16 Emergency Telephone Safety Act on October 1, 2014,
17 except a 9-1-1 Authority in a municipality with a
18 population in excess of 500,000, an amount equal to
19 the average monthly wireline and VoIP surcharge
20 revenue attributable to the most recent 12-month
21 period reported to the Department under that
22 Section for the October 1, 2014 filing, subject to
23 the power of the Department to investigate the
24 amount reported and adjust the number by order
25 under Article X of the Public Utilities Act, so
26 that the monthly amount paid under this item

1 accurately reflects one-twelfth of the aggregate
2 wireline and VoIP surcharge revenue properly
3 attributable to the most recent 12-month period
4 reported to the Commission; or

5 (ii) county qualified governmental entities
6 that did not impose a surcharge under Section 15.3
7 as of December 31, 2015, and counties that did not
8 impose a surcharge as of June 30, 2015, an amount
9 equivalent to their population multiplied by .37
10 multiplied by the rate of \$0.69; counties that are
11 not county qualified governmental entities and
12 that did not impose a surcharge as of December 31,
13 2015, shall not begin to receive the payment
14 provided for in this subsection until E9-1-1 and
15 wireless E9-1-1 services are provided within their
16 counties; or

17 (iii) counties without 9-1-1 service that had
18 a surcharge in place by December 31, 2015, an
19 amount equivalent to their population multiplied
20 by .37 multiplied by their surcharge rate as
21 established by the referendum.

22 (B) All 9-1-1 network costs for systems outside of
23 municipalities with a population of at least 500,000
24 shall be paid by the Department directly to the
25 vendors.

26 (C) All expenses incurred by the Administrator and

1 the Statewide 9-1-1 Advisory Board and costs
2 associated with procurement under Section 15.6b
3 including requests for information and requests for
4 proposals.

5 (D) Funds may be held in reserve by the Statewide
6 9-1-1 Advisory Board and disbursed by the Department
7 for grants under Section 15.4b of this Act ~~Sections~~
8 ~~15.4a, 15.4b,~~ and for NG9-1-1 expenses up to \$12.5
9 million per year in State fiscal years 2016 and 2017;
10 up to \$20 ~~\$13.5~~ million in State fiscal year 2018; up
11 to \$20.9 ~~\$14.4~~ million in State fiscal year 2019; up to
12 \$15.3 million in State fiscal year 2020; up to \$16.2
13 million in State fiscal year 2021; up to \$23.1 million
14 in State fiscal year 2022; and up to \$17.0 million per
15 year for State fiscal year 2023 and each year
16 thereafter. The amount held in reserve in State fiscal
17 years 2018 and 2019 shall not be less than \$6.5
18 million. Disbursements under this subparagraph (D)
19 shall be prioritized as follows: (i) consolidation
20 grants prioritized under subsection (a) of Section
21 15.4b of this Act; (ii) NG9-1-1 expenses; and (iii)
22 consolidation grants under Section 15.4b of this Act
23 for consolidation expenses incurred between January 1,
24 2010, and January 1, 2016.

25 (E) All remaining funds per remit month shall be
26 used to make monthly proportional grants to the

1 appropriate 9-1-1 Authority currently taking wireless
2 9-1-1 based upon the United States Postal Zip Code of
3 the billing addresses of subscribers of wireless
4 carriers.

5 (c) The moneys deposited into the Statewide 9-1-1 Fund
6 under this Section shall not be subject to administrative
7 charges or chargebacks unless otherwise authorized by this Act.

8 (d) Whenever two or more 9-1-1 Authorities consolidate, the
9 resulting Joint Emergency Telephone System Board shall be
10 entitled to the monthly payments that had theretofore been made
11 to each consolidating 9-1-1 Authority. Any reserves held by any
12 consolidating 9-1-1 Authority shall be transferred to the
13 resulting Joint Emergency Telephone System Board. Whenever a
14 county that has no 9-1-1 service as of January 1, 2016 enters
15 into an agreement to consolidate to create or join a Joint
16 Emergency Telephone System Board, the Joint Emergency
17 Telephone System Board shall be entitled to the monthly
18 payments that would have otherwise been paid to the county if
19 it had provided 9-1-1 service.

20 (Source: P.A. 99-6, eff. 1-1-16.)

21 (50 ILCS 750/35)

22 Sec. 35. 9-1-1 surcharge; allowable expenditures. Except
23 as otherwise provided in this Act, expenditures from surcharge
24 revenues received under this Act may be made by municipalities,
25 counties, and 9-1-1 Authorities only to pay for the costs

1 associated with the following:

2 (1) The design of the Emergency Telephone System.

3 (2) The coding of an initial Master Street Address
4 Guide database, and update and maintenance thereof.

5 (3) The repayment of any moneys advanced for the
6 implementation of the system.

7 (4) The charges for Automatic Number Identification
8 and Automatic Location Identification equipment, a
9 computer aided dispatch system that records, maintains,
10 and integrates information, mobile data transmitters
11 equipped with automatic vehicle locators, and maintenance,
12 replacement, and update thereof to increase operational
13 efficiency and improve the provision of emergency
14 services.

15 (5) The non-recurring charges related to installation
16 of the Emergency Telephone System.

17 (6) The initial acquisition and installation, or the
18 reimbursement of costs therefor to other governmental
19 bodies that have incurred those costs, of road or street
20 signs that are essential to the implementation of the
21 Emergency Telephone System and that are not duplicative of
22 signs that are the responsibility of the jurisdiction
23 charged with maintaining road and street signs. Funds may
24 not be used for ongoing expenses associated with road or
25 street sign maintenance and replacement.

26 (7) Other products and services necessary for the

1 implementation, upgrade, and maintenance of the system and
2 any other purpose related to the operation of the system,
3 including costs attributable directly to the construction,
4 leasing, or maintenance of any buildings or facilities or
5 costs of personnel attributable directly to the operation
6 of the system. Costs attributable directly to the operation
7 of an emergency telephone system do not include the costs
8 of public safety agency personnel who are and equipment
9 that is dispatched in response to an emergency call.

10 (8) The defraying of expenses incurred to implement
11 Next Generation 9-1-1, subject to the conditions set forth
12 in this Act.

13 (9) The implementation of a computer aided dispatch
14 system or hosted supplemental 9-1-1 services.

15 (10) The design, implementation, operation,
16 maintenance, or upgrade of wireless 9-1-1, ~~or~~ E9-1-1, or
17 NG9-1-1 emergency services and public safety answering
18 points.

19 ~~Moneys in the Statewide 9-1-1 Fund may also be transferred~~
20 ~~to a participating fire protection district to reimburse~~
21 ~~volunteer firefighters who man remote telephone switching~~
22 ~~facilities when dedicated 9-1-1 lines are down.~~

23 In the case of a municipality with a population over
24 500,000, moneys may also be used for any anti-terrorism or
25 emergency preparedness measures, including, but not limited
26 to, preparedness planning, providing local matching funds for

1 federal or State grants, personnel training, and specialized
2 equipment, including surveillance cameras, as needed to deal
3 with natural and terrorist-inspired emergency situations or
4 events.

5 (Source: P.A. 99-6, eff. 1-1-16.)

6 (50 ILCS 750/40)

7 Sec. 40. Financial reports.

8 (a) The Department shall create uniform accounting
9 procedures, with such modification as may be required to give
10 effect to statutory provisions applicable only to
11 municipalities with a population in excess of 500,000, that any
12 emergency telephone system board, qualified governmental
13 entity, or unit of local government receiving surcharge money
14 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

15 (b) By January 31, 2018, and every January 31 thereafter
16 ~~October 1, 2016, and every October 1 thereafter~~, each emergency
17 telephone system board, qualified governmental entity, or unit
18 of local government receiving surcharge money pursuant to
19 Section 15.3, 15.3a, or 30 shall report to the Department
20 audited financial statements showing total revenue and
21 expenditures for the period beginning with the end of the
22 period covered by the last submitted report through the end of
23 the previous calendar year ~~previous fiscal year~~ in a form and
24 manner as prescribed by the Department. Such financial
25 information shall include:

1 (1) a detailed summary of revenue from all sources
2 including, but not limited to, local, State, federal, and
3 private revenues, and any other funds received;

4 (2) all expenditures made during the reporting period
5 from distributions under this Act; ~~operating expenses,~~
6 ~~capital expenditures, and cash balances;~~ and

7 (3) call data and statistics, when available, from the
8 reporting period, as specified by the Department and
9 collected in accordance with any reporting method
10 established or required ~~such other financial information~~
11 ~~that is relevant to the provision of 9-1-1 services as~~
12 ~~determined by the Department;~~

13 (4) all costs associated with dispatching appropriate
14 public safety agencies to respond to 9-1-1 calls received
15 by the PSAP; and

16 (5) all funding sources and amounts of funding used for
17 costs described in paragraph (4) of this subsection (b).

18 The emergency telephone system board, qualified
19 governmental entity, or unit of local government is responsible
20 for any costs associated with auditing such financial
21 statements. The Department shall post the audited financial
22 statements on the Department's website.

23 (c) Along with its audited financial statement, each
24 emergency telephone system board, qualified governmental
25 entity, or unit of local government receiving a grant under
26 Section 15.4b of this Act shall include a report of the amount

1 of grant moneys received and how the grant moneys were used. In
2 case of a conflict between this requirement and the Grant
3 Accountability and Transparency Act, or with the rules of the
4 Governor's Office of Management and Budget adopted thereunder,
5 that Act and those rules shall control.

6 (d) If an emergency telephone system board or qualified
7 governmental entity that receives funds from the Statewide
8 9-1-1 Fund fails to file the 9-1-1 system financial reports as
9 required under this Section, the Department shall suspend and
10 withhold monthly disbursements otherwise due to the emergency
11 telephone system board or qualified governmental entity under
12 Section 30 of this Act until the report is filed.

13 Any monthly disbursements that have been withheld for 12
14 months or more shall be forfeited by the emergency telephone
15 system board or qualified governmental entity and shall be
16 distributed proportionally by the Department to compliant
17 emergency telephone system boards and qualified governmental
18 entities that receive funds from the Statewide 9-1-1 Fund.

19 Any emergency telephone system board or qualified
20 governmental entity not in compliance with this Section shall
21 be ineligible to receive any consolidation grant or
22 infrastructure grant issued under this Act.

23 (e) The Department may adopt emergency rules necessary to
24 implement the provisions of this Section.

25 (f) Any findings or decisions of the Department under this
26 Section shall be deemed a final administrative decision and

1 shall be subject to judicial review under the Administrative
2 Review Law.

3 (g) Beginning October 1, 2017, the Department shall provide
4 a quarterly report to the Board of its expenditures from the
5 Statewide 9-1-1 Fund for the prior fiscal quarter.

6 (Source: P.A. 99-6, eff. 1-1-16.)

7 (50 ILCS 750/45)

8 Sec. 45. Wireless Carrier Reimbursement Fund.

9 (a) A special fund in the State treasury known as the
10 Wireless Carrier Reimbursement Fund, which was created
11 previously under Section 30 of the Wireless Emergency Telephone
12 Safety Act, shall continue in existence without interruption
13 notwithstanding the repeal of that Act. Moneys in the Wireless
14 Carrier Reimbursement Fund may be used, subject to
15 appropriation, only (i) to reimburse wireless carriers for all
16 of their costs incurred in complying with the applicable
17 provisions of Federal Communications Commission wireless
18 enhanced 9-1-1 service mandates, and (ii) to pay the reasonable
19 and necessary costs of the Illinois Commerce Commission in
20 exercising its rights, duties, powers, and functions under this
21 Act. This reimbursement to wireless carriers may include, but
22 need not be limited to, the cost of designing, upgrading,
23 purchasing, leasing, programming, installing, testing, and
24 maintaining necessary data, hardware, and software and
25 associated operating and administrative costs and overhead.

1 (b) To recover costs from the Wireless Carrier
2 Reimbursement Fund, the wireless carrier shall submit sworn
3 invoices to the Illinois Commerce Commission. In no event may
4 any invoice for payment be approved for (i) costs that are not
5 related to compliance with the requirements established by the
6 wireless enhanced 9-1-1 mandates of the Federal Communications
7 Commission, or (ii) costs with respect to any wireless enhanced
8 9-1-1 service that is not operable at the time the invoice is
9 submitted.

10 (c) If in any month the total amount of invoices submitted
11 to the Illinois Commerce Commission and approved for payment
12 exceeds the amount available in the Wireless Carrier
13 Reimbursement Fund, wireless carriers that have invoices
14 approved for payment shall receive a pro-rata share of the
15 amount available in the Wireless Carrier Reimbursement Fund
16 based on the relative amount of their approved invoices
17 available that month, and the balance of the payments shall be
18 carried into the following months until all of the approved
19 payments are made.

20 (d) A wireless carrier may not receive payment from the
21 Wireless Carrier Reimbursement Fund for its costs of providing
22 wireless enhanced 9-1-1 services in an area when a unit of
23 local government or emergency telephone system board provides
24 wireless 9-1-1 services in that area and was imposing and
25 collecting a wireless carrier surcharge prior to July 1, 1998.

26 (e) The Illinois Commerce Commission shall maintain

1 detailed records of all receipts and disbursements and shall
2 provide an annual accounting of all receipts and disbursements
3 to the Auditor General.

4 (f) The Illinois Commerce Commission must annually review
5 the balance in the Wireless Carrier Reimbursement Fund as of
6 June 30 of each year and shall direct the Comptroller to
7 transfer into the Statewide 9-1-1 Fund for distribution in
8 accordance with subsection (b) of Section 30 of this Act any
9 amount in excess of outstanding invoices as of June 30 of each
10 year.

11 (g) The Illinois Commerce Commission shall adopt rules to
12 govern the reimbursement process.

13 (Source: P.A. 99-6, eff. 1-1-16.)

14 (50 ILCS 750/50)

15 Sec. 50. Fund audits. The Auditor General shall conduct as
16 a part of its bi-annual audit, an audit of the Statewide 9-1-1
17 Fund and the Wireless Carrier Reimbursement Fund for compliance
18 with the requirements of this Act. The audit shall include, but
19 not be limited to, the following determinations:

20 (1) Whether detailed records of all receipts and
21 disbursements from the Statewide 9-1-1 Fund and the
22 Wireless Carrier Reimbursement Fund are being maintained.

23 (2) Whether administrative costs charged to the funds
24 are adequately documented and are reasonable.

25 (3) Whether the procedures for making disbursements

1 and grants and providing reimbursements in accordance with
2 the Act are adequate.

3 (4) The status of the implementation of statewide 9-1-1
4 service and Next Generation 9-1-1 service in Illinois.

5 The Illinois Commerce Commission, the Department of State
6 Police, and any other entity or person that may have
7 information relevant to the audit shall cooperate fully and
8 promptly with the Office of the Auditor General in conducting
9 the audit. The Auditor General shall commence the audit as soon
10 as possible and distribute the report upon completion in
11 accordance with Section 3-14 of the Illinois State Auditing
12 Act.

13 (Source: P.A. 99-6, eff. 1-1-16.)

14 (50 ILCS 750/55)

15 Sec. 55. Public disclosure. Because of the highly
16 competitive nature of the ~~wireless~~ telephone industry, public
17 disclosure of information about surcharge moneys paid by
18 ~~wireless~~ carriers could have the effect of stifling competition
19 to the detriment of the public and the delivery of ~~wireless~~
20 9-1-1 services. Therefore, the Illinois Commerce Commission,
21 the Department of State Police, governmental agencies, and
22 individuals with access to that information shall take
23 appropriate steps to prevent public disclosure of this
24 information. Information and data supporting the amount and
25 distribution of surcharge moneys collected and remitted by an

1 individual ~~wireless~~ carrier shall be deemed exempt information
2 for purposes of the Freedom of Information Act and shall not be
3 publicly disclosed. The gross amount paid by all carriers shall
4 not be deemed exempt and may be publicly disclosed.

5 (Source: P.A. 99-6, eff. 1-1-16.)

6 (50 ILCS 750/60)

7 Sec. 60. Interconnected VoIP providers. Interconnected
8 VoIP providers in Illinois shall be subject in a competitively
9 neutral manner to the same provisions of this Act as are
10 provided for telecommunications carriers. Interconnected VoIP
11 services shall not be considered an intrastate
12 telecommunications service for the purposes of this Act in a
13 manner inconsistent with federal law or Federal Communications
14 Commission regulation.

15 (Source: P.A. 99-6, eff. 1-1-16.)

16 (50 ILCS 750/75)

17 Sec. 75. Transfer of rights, functions, powers, duties, and
18 property to Department of State Police; rules and standards;
19 savings provisions.

20 (a) On January 1, 2016, the rights, functions, powers, and
21 duties of the Illinois Commerce Commission as set forth in this
22 Act and the Wireless Emergency Telephone Safety Act existing
23 prior to January 1, 2016, are transferred to and shall be
24 exercised by the Department of State Police. On or before

1 January 1, 2016, the Commission shall transfer and deliver to
2 the Department all books, records, documents, property (real
3 and personal), unexpended appropriations, and pending business
4 pertaining to the rights, powers, duties, and functions
5 transferred to the Department under Public Act 99-6.

6 (b) The rules and standards of the Commission that are in
7 effect on January 1, 2016 and that pertain to the rights,
8 powers, duties, and functions transferred to the Department
9 under Public Act 99-6 shall become the rules and standards of
10 the Department on January 1, 2016, and shall continue in effect
11 until amended or repealed by the Department.

12 Any rules pertaining to the rights, powers, duties, and
13 functions transferred to the Department under Public Act 99-6
14 that have been proposed by the Commission but have not taken
15 effect or been finally adopted by January 1, 2016, shall become
16 proposed rules of the Department on January 1, 2016, and any
17 rulemaking procedures that have already been completed by the
18 Commission for those proposed rules need not be repealed.

19 As soon as it is practical after January 1, 2016, the
20 Department shall revise and clarify the rules transferred to it
21 under Public Act 99-6 to reflect the transfer of rights,
22 powers, duties, and functions effected by Public Act 99-6 using
23 the procedures for recodification of rules available under the
24 Illinois Administrative Procedure Act, except that existing
25 title, part, and section numbering for the affected rules may
26 be retained. The Department may propose and adopt under the

1 Illinois Administrative Procedure Act any other rules
2 necessary to consolidate and clarify those rules.

3 (c) The rights, powers, duties, and functions transferred
4 to the Department by Public Act 99-6 shall be vested in and
5 exercised by the Department subject to the provisions of this
6 Act and the Wireless Emergency Telephone Safety Act. An act
7 done by the Department or an officer, employee, or agent of the
8 Department in the exercise of the transferred rights, powers,
9 duties, and functions shall have the same legal effect as if
10 done by the Commission or an officer, employee, or agent of the
11 Commission.

12 The transfer of rights, powers, duties, and functions to
13 the Department under Public Act 99-6 does not invalidate any
14 previous action taken by or in respect to the Commission, its
15 officers, employees, or agents. References to the Commission or
16 its officers, employees, or agents in any document, contract,
17 agreement, or law shall, in appropriate contexts, be deemed to
18 refer to the Department or its officers, employees, or agents.

19 The transfer of rights, powers, duties, and functions to
20 the Department under Public Act 99-6 does not affect any
21 person's rights, obligations, or duties, including any civil or
22 criminal penalties applicable thereto, arising out of those
23 transferred rights, powers, duties, and functions.

24 Public Act 99-6 does not affect any act done, ratified, or
25 cancelled, any right occurring or established, or any action or
26 proceeding commenced in an administrative, civil, or criminal

1 case before January 1, 2016. Any such action or proceeding that
2 pertains to a right, power, duty, or function transferred to
3 the Department under Public Act 99-6 that is pending on that
4 date may be prosecuted, defended, or continued by the
5 Commission.

6 For the purposes of Section 9b of the State Finance Act,
7 the Department is the successor to the Commission with respect
8 to the rights, duties, powers, and functions transferred by
9 Public Act 99-6.

10 (d) The Department is authorized to enter into an
11 intergovernmental agreement with the Commission for the
12 purpose of having the Commission assist the Department and the
13 Statewide 9-1-1 Administrator in carrying out their duties and
14 functions under this Act. The agreement may provide for funding
15 for the Commission for its assistance to the Department and the
16 Statewide 9-1-1 Administrator.

17 (Source: P.A. 99-6, eff. 6-29-15; 99-642, eff. 7-28-16.)

18 (50 ILCS 750/80 new)

19 Sec. 80. Continuation of Act; validation.

20 (a) The General Assembly finds and declares that this
21 amendatory Act of the 100th General Assembly manifests the
22 intention of the General Assembly to extend the repeal of this
23 Act and have this Act continue in effect until December 31,
24 2020.

25 (b) This Section shall be deemed to have been in continuous

1 effect since July 1, 2017 and it shall continue to be in effect
2 henceforward until it is otherwise lawfully repealed. All
3 previously enacted amendments to this Act taking effect on or
4 after July 1, 2017, are hereby validated. All actions taken in
5 reliance on or under this Act by the Department of State Police
6 or any other person or entity are hereby validated.

7 (c) In order to ensure the continuing effectiveness of this
8 Act, it is set forth in full and reenacted by this amendatory
9 Act of the 100th General Assembly. Striking and underscoring
10 are used only to show changes being made to the base text. This
11 reenactment is intended as a continuation of this Act. It is
12 not intended to supersede any amendment to this Act that is
13 enacted by the 100th General Assembly.

14 (50 ILCS 750/99)

15 Sec. 99. Repealer. This Act is repealed on December 31,
16 2020 ~~July 1, 2017.~~

17 (Source: P.A. 99-6, eff. 6-29-15.)

18 Section 20. The Prepaid Wireless 9-1-1 Surcharge Act is
19 amended by changing Section 15 as follows:

20 (50 ILCS 753/15)

21 Sec. 15. Prepaid wireless 9-1-1 surcharge.

22 (a) Until September 30, 2015, there is hereby imposed on
23 consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail

1 transaction. Beginning October 1, 2015, the prepaid wireless
2 9-1-1 surcharge shall be 3% per retail transaction. The
3 surcharge authorized by this subsection (a) does not apply in a
4 home rule municipality having a population in excess of
5 500,000.

6 (a-5) On or after the effective date of this amendatory Act
7 of the 98th General Assembly and until December 31, 2020, ~~July~~
8 ~~1, 2017~~, a home rule municipality having a population in excess
9 of 500,000 on the effective date of this amendatory Act may
10 impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per
11 retail transaction sourced to that jurisdiction and collected
12 and remitted in accordance with the provisions of subsection
13 (b-5) of this Section. On or after January 1, 2021, ~~July 1,~~
14 ~~2017~~, a home rule municipality having a population in excess of
15 500,000 on the effective date of this Act may only impose a
16 prepaid wireless 9-1-1 surcharge not to exceed 7% per retail
17 transaction sourced to that jurisdiction and collected and
18 remitted in accordance with the provisions of subsection (b-5).

19 (b) The prepaid wireless 9-1-1 surcharge shall be collected
20 by the seller from the consumer with respect to each retail
21 transaction occurring in this State and shall be remitted to
22 the Department by the seller as provided in this Act. The
23 amount of the prepaid wireless 9-1-1 surcharge shall be
24 separately stated as a distinct item apart from the charge for
25 the prepaid wireless telecommunications service on an invoice,
26 receipt, or other similar document that is provided to the

1 consumer by the seller or shall be otherwise disclosed to the
2 consumer. If the seller does not separately state the surcharge
3 as a distinct item to the consumer as provided in this Section,
4 then the seller shall maintain books and records as required by
5 this Act which clearly identify the amount of the 9-1-1
6 surcharge for retail transactions.

7 For purposes of this subsection (b), a retail transaction
8 occurs in this State if (i) the retail transaction is made in
9 person by a consumer at the seller's business location and the
10 business is located within the State; (ii) the seller is a
11 provider and sells prepaid wireless telecommunications service
12 to a consumer located in Illinois; (iii) the retail transaction
13 is treated as occurring in this State for purposes of the
14 Retailers' Occupation Tax Act; or (iv) a seller that is
15 included within the definition of a "retailer maintaining a
16 place of business in this State" under Section 2 of the Use Tax
17 Act makes a sale of prepaid wireless telecommunications service
18 to a consumer located in Illinois. In the case of a retail
19 transaction which does not occur in person at a seller's
20 business location, if a consumer uses a credit card to purchase
21 prepaid wireless telecommunications service on-line or over
22 the telephone, and no product is shipped to the consumer, the
23 transaction occurs in this State if the billing address for the
24 consumer's credit card is in this State.

25 (b-5) The prepaid wireless 9-1-1 surcharge imposed under
26 subsection (a-5) of this Section shall be collected by the

1 seller from the consumer with respect to each retail
2 transaction occurring in the municipality imposing the
3 surcharge. The amount of the prepaid wireless 9-1-1 surcharge
4 shall be separately stated on an invoice, receipt, or other
5 similar document that is provided to the consumer by the seller
6 or shall be otherwise disclosed to the consumer. If the seller
7 does not separately state the surcharge as a distinct item to
8 the consumer as provided in this Section, then the seller shall
9 maintain books and records as required by this Act which
10 clearly identify the amount of the 9-1-1 surcharge for retail
11 transactions.

12 For purposes of this subsection (b-5), a retail transaction
13 occurs in the municipality if (i) the retail transaction is
14 made in person by a consumer at the seller's business location
15 and the business is located within the municipality; (ii) the
16 seller is a provider and sells prepaid wireless
17 telecommunications service to a consumer located in the
18 municipality; (iii) the retail transaction is treated as
19 occurring in the municipality for purposes of the Retailers'
20 Occupation Tax Act; or (iv) a seller that is included within
21 the definition of a "retailer maintaining a place of business
22 in this State" under Section 2 of the Use Tax Act makes a sale
23 of prepaid wireless telecommunications service to a consumer
24 located in the municipality. In the case of a retail
25 transaction which does not occur in person at a seller's
26 business location, if a consumer uses a credit card to purchase

1 prepaid wireless telecommunications service on-line or over
2 the telephone, and no product is shipped to the consumer, the
3 transaction occurs in the municipality if the billing address
4 for the consumer's credit card is in the municipality.

5 (c) The prepaid wireless 9-1-1 surcharge is imposed on the
6 consumer and not on any provider. The seller shall be liable to
7 remit all prepaid wireless 9-1-1 surcharges that the seller
8 collects from consumers as provided in Section 20, including
9 all such surcharges that the seller is deemed to collect where
10 the amount of the surcharge has not been separately stated on
11 an invoice, receipt, or other similar document provided to the
12 consumer by the seller. The surcharge collected or deemed
13 collected by a seller shall constitute a debt owed by the
14 seller to this State, and any such surcharge actually collected
15 shall be held in trust for the benefit of the Department.

16 For purposes of this subsection (c), the surcharge shall
17 not be imposed or collected from entities that have an active
18 tax exemption identification number issued by the Department
19 under Section 1g of the Retailers' Occupation Tax Act.

20 (d) The amount of the prepaid wireless 9-1-1 surcharge that
21 is collected by a seller from a consumer, if such amount is
22 separately stated on an invoice, receipt, or other similar
23 document provided to the consumer by the seller, shall not be
24 included in the base for measuring any tax, fee, surcharge, or
25 other charge that is imposed by this State, any political
26 subdivision of this State, or any intergovernmental agency.

1 (e) (Blank).

2 (e-5) Any changes in the rate of the surcharge imposed by a
3 municipality under the authority granted in subsection (a-5) of
4 this Section shall be effective on the first day of the first
5 calendar month to occur at least 60 days after the enactment of
6 the change. The Department shall provide not less than 30 days'
7 notice of the increase or reduction in the rate of such
8 surcharge on the Department's website.

9 (f) When prepaid wireless telecommunications service is
10 sold with one or more other products or services for a single,
11 non-itemized price, then the percentage specified in
12 subsection (a) or (a-5) of this Section 15 shall be applied to
13 the entire non-itemized price unless the seller elects to apply
14 the percentage to (i) the dollar amount of the prepaid wireless
15 telecommunications service if that dollar amount is disclosed
16 to the consumer or (ii) the portion of the price that is
17 attributable to the prepaid wireless telecommunications
18 service if the retailer can identify that portion by reasonable
19 and verifiable standards from its books and records that are
20 kept in the regular course of business for other purposes,
21 including, but not limited to, books and records that are kept
22 for non-tax purposes. However, if a minimal amount of prepaid
23 wireless telecommunications service is sold with a prepaid
24 wireless device for a single, non-itemized price, then the
25 seller may elect not to apply the percentage specified in
26 subsection (a) or (a-5) of this Section 15 to such transaction.

1 For purposes of this subsection, an amount of service
2 denominated as 10 minutes or less or \$5 or less is considered
3 minimal.

4 (g) The prepaid wireless 9-1-1 surcharge imposed under
5 subsections (a) and (a-5) of this Section is not imposed on the
6 provider or the consumer for wireless Lifeline service where
7 the consumer does not pay the provider for the service. Where
8 the consumer purchases from the provider optional minutes,
9 texts, or other services in addition to the federally funded
10 Lifeline benefit, a consumer must pay the prepaid wireless
11 9-1-1 surcharge, and it must be collected by the seller
12 according to subsection (b-5).

13 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

14 Section 25. The Public Utilities Act is amended by
15 reenacting Articles XIII and XXI, by changing Sections 13-102,
16 13-103, 13-230, 13-301.1, 13-406, 13-703, 13-1200, 21-401, and
17 21-1601, and by adding Sections 13-406.1, 13-904, and 21-1503
18 as follows:

19 (220 ILCS 5/Art. XIII heading)

20 ARTICLE XIII. TELECOMMUNICATIONS

21 (220 ILCS 5/13-100) (from Ch. 111 2/3, par. 13-100)

22 Sec. 13-100. This Article shall be known and may be cited
23 as the Universal Telephone Service Protection Law of 1985.

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

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

3 Sec. 13-101. Application of Act to telecommunications
4 rates and services. The Sections of this Act pertaining to
5 public utilities, public utility rates and services, and the
6 regulation thereof, are fully and equally applicable to
7 noncompetitive telecommunications rates and services, and the
8 regulation thereof, except to the extent modified or
9 supplemented by the specific provisions of this Article or
10 where the context clearly renders such provisions
11 inapplicable. Articles I through IV, Sections 5-101, 5-106,
12 5-108, 5-110, 5-201, 5-202.1, 5-203, 8-301, 8-305, 8-501,
13 8-502, 8-503, 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222,
14 9-222.1, 9-222.2, 9-241, 9-250, and 9-252.1, and Article X of
15 this Act are fully and equally applicable to the noncompetitive
16 and competitive services of an Electing Provider and to
17 competitive telecommunications rates and services, and the
18 regulation thereof except that Section 5-109 shall apply to the
19 services of an Electing Provider and to competitive
20 telecommunications rates and services only to the extent that
21 the Commission requires annual reports authorized by Section
22 5-109, provided the telecommunications provider may use
23 generally accepted accounting practices or accounting systems
24 it uses for financial reporting purposes in the annual report,
25 and except that Sections 8-505 and 9-250 shall not apply to

1 competitive retail telecommunications services and Sections
2 8-501 and 9-241 shall not apply to competitive services; in
3 addition, as to competitive telecommunications rates and
4 services, and the regulation thereof, and with the exception of
5 competitive retail telecommunications service rates and
6 services, all rules and regulations made by a
7 telecommunications carrier affecting or pertaining to its
8 charges or service shall be just and reasonable. As of the
9 effective date of this amendatory Act of the 92nd General
10 Assembly, Sections 4-202, 4-203, and 5-202 of this Act shall
11 cease to apply to telecommunications rates and services.

12 (Source: P.A. 98-45, eff. 6-28-13.)

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

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

16 (a) universally available and widely affordable
17 telecommunications services are essential to the health,
18 welfare and prosperity of all Illinois citizens;

19 (b) federal regulatory and judicial rulings in the 1980s
20 caused a restructuring of the telecommunications industry and
21 opened some aspects of the industry to competitive entry,
22 thereby necessitating revision of State telecommunications
23 regulatory policies and practices;

24 (c) revisions in telecommunications regulatory policies
25 and practices in Illinois beginning in the mid-1980s brought

1 the benefits of competition to consumers in many
2 telecommunications markets, but not in local exchange
3 telecommunications service markets;

4 (d) the federal Telecommunications Act of 1996 established
5 the goal of opening all telecommunications service markets to
6 competition and accords to the states the responsibility to
7 establish and enforce policies necessary to attain that goal;

8 (e) it is in the immediate interest of the People of the
9 State of Illinois for the State to exercise its rights within
10 the new framework of federal telecommunications policy to
11 ensure that the economic benefits of competition in all
12 telecommunications service markets are realized as effectively
13 as possible;

14 (f) the competitive offering of all telecommunications
15 services will increase innovation and efficiency in the
16 provision of telecommunications services and may lead to
17 reduced prices for consumers, increased investment in
18 communications infrastructure, the creation of new jobs, and
19 the attraction of new businesses to Illinois; ~~and~~

20 (g) protection of the public interest requires changes in
21 the regulation of telecommunications carriers and services to
22 ensure, to the maximum feasible extent, the reasonable and
23 timely development of effective competition in all
24 telecommunications service markets; ~~and~~

25 (h) Illinois residents rely on today's modern wired and
26 wireless Internet Protocol (IP) networks and services to

1 improve their lives by connecting them to school and college
2 degrees, work and job opportunities, family and friends,
3 information, and entertainment, as well as emergency
4 responders and public safety officials; Illinois businesses
5 rely on these modern IP networks and services to compete in a
6 global marketplace by expanding their customer base, managing
7 inventory and operations more efficiently, and offering
8 customers specialized and personalized products and services;
9 without question, Illinois residents and our State's economy
10 rely profoundly on the modern wired and wireless IP networks
11 and services in our State;

12 (i) the transition from 20th century traditional circuit
13 switched and other legacy telephone services to modern 21st
14 century next generation Internet Protocol (IP) services is
15 taking place at an extraordinary pace as Illinois consumers are
16 upgrading to home communications service using IP technology,
17 including high speed Internet, Voice over Internet Protocol,
18 and wireless service;

19 (j) this rapid transition to IP-based communications has
20 dramatically transformed the way people communicate and has
21 provided significant benefits to consumers in the form of
22 innovative functionalities resulting from the seamless
23 convergence of voice, video, and text, benefits realized by the
24 General Assembly when it chose to transition its own
25 telecommunications system to an all IP communications network
26 in 2016;

1 (k) the benefits of the transition to IP-based networks and
2 services were also recognized by the General Assembly in 2015
3 through the enactment of legislation requiring that every 9-1-1
4 emergency system in Illinois provide Next Generation 9-1-1
5 service by July 1, 2020, and requiring that the Next Generation
6 9-1-1 network must be an IP-based platform; and

7 (l) completing the transition to all IP-based networks and
8 technologies is in the public interest because it will promote
9 continued innovation, consumer benefits, increased
10 efficiencies, and increased investment in IP-based networks
11 and services.

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

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

14 Sec. 13-103. Policy. Consistent with its findings, the
15 General Assembly declares that it is the policy of the State of
16 Illinois that:

17 (a) telecommunications services should be available to all
18 Illinois citizens at just, reasonable, and affordable rates and
19 that such services should be provided as widely and
20 economically as possible in sufficient variety, quality,
21 quantity and reliability to satisfy the public interest;

22 (b) consistent with the protection of consumers of
23 telecommunications services and the furtherance of other
24 public interest goals, competition in all telecommunications
25 service markets should be pursued as a substitute for

1 regulation in determining the variety, quality and price of
2 telecommunications services and that the economic burdens of
3 regulation should be reduced to the extent possible consistent
4 with the furtherance of market competition and protection of
5 the public interest;

6 (c) all necessary and appropriate modifications to State
7 regulation of telecommunications carriers and services should
8 be implemented without unnecessary disruption to the
9 telecommunications infrastructure system or to consumers of
10 telecommunications services and that it is necessary and
11 appropriate to establish rules to encourage and ensure orderly
12 transitions in the development of markets for all
13 telecommunications services;

14 (d) the consumers of telecommunications services and
15 facilities provided by persons or companies subject to
16 regulation pursuant to this Act and Article should be required
17 to pay only reasonable and non-discriminatory rates or charges
18 and that in no case should rates or charges for non-competitive
19 telecommunications services include any portion of the cost of
20 providing competitive telecommunications services, as defined
21 in Section 13-209, or the cost of any nonregulated activities;

22 (e) the regulatory policies and procedures provided in this
23 Article are established in recognition of the changing nature
24 of the telecommunications industry and therefore should be
25 subject to systematic legislative review to ensure that the
26 public benefits intended to result from such policies and

1 procedures are fully realized; ~~and~~

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

8 (g) completion of the transition to modern IP-based
9 networks should be encouraged through relief from the outdated
10 regulations that require continued investment in legacy
11 circuit switched networks from which Illinois consumers have
12 largely transitioned, while at the same time ensuring that
13 consumers have access to available alternative services that
14 provide quality voice service and access to emergency
15 communications.

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

17 (220 ILCS 5/13-201) (from Ch. 111 2/3, par. 13-201)

18 Sec. 13-201. Unless otherwise specified, the terms set
19 forth in the following Sections preceding Section 13-301 of
20 this Article are used in this Act and Article as herein
21 defined.

22 (Source: P.A. 85-1405.)

23 (220 ILCS 5/13-202) (from Ch. 111 2/3, par. 13-202)

24 Sec. 13-202. "Telecommunications carrier" means and

1 includes every corporation, company, association, joint stock
2 company or association, firm, partnership or individual, their
3 lessees, trustees or receivers appointed by any court
4 whatsoever that owns, controls, operates or manages, within
5 this State, directly or indirectly, for public use, any plant,
6 equipment or property used or to be used for or in connection
7 with, or owns or controls any franchise, license, permit or
8 right to engage in the provision of, telecommunications
9 services between points within the State which are specified by
10 the user. "Telecommunications carrier" includes an Electing
11 Provider, as defined in Section 13-506.2. Telecommunications
12 carrier does not include, however:

13 (a) telecommunications carriers that are owned and
14 operated by any political subdivision, public or private
15 institution of higher education or municipal corporation of
16 this State, for their own use, or telecommunications carriers
17 that are owned by such political subdivision, public or private
18 institution of higher education, or municipal corporation and
19 operated by any of its lessees or operating agents, for their
20 own use;

21 (b) telecommunications carriers which are purely mutual
22 concerns, having no rates or charges for services, but paying
23 the operating expenses by assessment upon the members of such a
24 company and no other person but does include telephone or
25 telecommunications cooperatives as defined in Section 13-212;

26 (c) a company or person which provides telecommunications

1 services solely to itself and its affiliates or members or
2 between points in the same building, or between closely located
3 buildings, affiliated through substantial common ownership,
4 control or development; or

5 (d) a company or person engaged in the delivery of
6 community antenna television services as described in
7 subdivision (c) of Section 13-203, except with respect to the
8 provision of telecommunications services by that company or
9 person.

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

11 (220 ILCS 5/13-202.5)

12 Sec. 13-202.5. Incumbent local exchange carrier.
13 "Incumbent local exchange carrier" means, with respect to an
14 area, the telecommunications carrier that provided
15 noncompetitive local exchange telecommunications service in
16 that area on February 8, 1996, and on that date was deemed a
17 member of the exchange carrier association pursuant to 47
18 C.F.R. 69.601(b), and includes its successors, assigns, and
19 affiliates.

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

21 (220 ILCS 5/13-203) (from Ch. 111 2/3, par. 13-203)

22 Sec. 13-203. Telecommunications service.

23 "Telecommunications service" means the provision or
24 offering for rent, sale or lease, or in exchange for other

1 value received, of the transmittal of information, by means of
2 electromagnetic, including light, transmission with or without
3 benefit of any closed transmission medium, including all
4 instrumentalities, facilities, apparatus, and services
5 (including the collection, storage, forwarding, switching, and
6 delivery of such information) used to provide such transmission
7 and also includes access and interconnection arrangements and
8 services.

9 "Telecommunications service" does not include, however:

10 (a) the rent, sale, or lease, or exchange for other
11 value received, of customer premises equipment except for
12 customer premises equipment owned or provided by a
13 telecommunications carrier and used for answering 911
14 calls, and except for customer premises equipment provided
15 under Section 13-703;

16 (b) telephone or telecommunications answering
17 services, paging services, and physical pickup and
18 delivery incidental to the provision of information
19 transmitted through electromagnetic, including light,
20 transmission;

21 (c) community antenna television service which is
22 operated to perform for hire the service of receiving and
23 distributing video and audio program signals by wire, cable
24 or other means to members of the public who subscribe to
25 such service, to the extent that such service is utilized
26 solely for the one-way distribution of such entertainment

1 services with no more than incidental subscriber
2 interaction required for the selection of such
3 entertainment service.

4 The Commission may, by rulemaking, exclude (1) private line
5 service which is not directly or indirectly used for the
6 origination or termination of switched telecommunications
7 service, (2) cellular radio service, (3) high-speed
8 point-to-point data transmission at or above 9.6 kilobits, or
9 (4) the provision of telecommunications service by a company or
10 person otherwise subject to Section 13-202 (c) to a
11 telecommunications carrier, which is incidental to the
12 provision of service subject to Section 13-202 (c), from active
13 regulatory oversight to the extent it finds, after notice,
14 hearing and comment that such exclusion is consistent with the
15 public interest and the purposes and policies of this Article.
16 To the extent that the Commission has excluded cellular radio
17 service from active regulatory oversight for any provider of
18 cellular radio service in this State pursuant to this Section,
19 the Commission shall exclude all other providers of cellular
20 radio service in the State from active regulatory oversight
21 without an additional rulemaking proceeding where there are 2
22 or more certified providers of cellular radio service in a
23 geographic area.

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

25 (220 ILCS 5/13-204) (from Ch. 111 2/3, par. 13-204)

1 Sec. 13-204. "Local Exchange Telecommunications Service"
2 means telecommunications service between points within an
3 exchange, as defined in Section 13-206, or the provision of
4 telecommunications service for the origination or termination
5 of switched telecommunications services.

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

7 (220 ILCS 5/13-205) (from Ch. 111 2/3, par. 13-205)

8 Sec. 13-205. "Interexchange Telecommunications Service"
9 means telecommunications service between points in two or more
10 exchanges.

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

12 (220 ILCS 5/13-206) (from Ch. 111 2/3, par. 13-206)

13 Sec. 13-206. Exchange. "Exchange" means a geographical
14 area for the administration of telecommunications services,
15 established and described by the tariff of a telecommunications
16 carrier providing local exchange telecommunications service,
17 and consisting of one or more contiguous central offices,
18 together with associated facilities used in providing such
19 local exchange telecommunications service. To the extent
20 practicable, a municipality, city, or village shall not be
21 located in more than one exchange unless the municipality,
22 city, or village is located in more than one exchange through
23 annexation that occurs after the establishment of the exchange
24 boundary.

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

2 (220 ILCS 5/13-207) (from Ch. 111 2/3, par. 13-207)

3 Sec. 13-207. "Local Access and Transport Area (LATA)" means
4 a geographical area designated by the Modification of Final
5 Judgment in U.S. v. Western Electric Co., Inc., 552 F. Supp.
6 131 (D.D.C. 1982), as modified from time to time.

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

8 (220 ILCS 5/13-208) (from Ch. 111 2/3, par. 13-208)

9 Sec. 13-208. "Market Service Area (MSA)" means a
10 geographical area consisting of one or more exchanges, defined
11 by the Commission for the administration of tariffs, services
12 and other regulatory obligations. The term Market Service Area
13 includes those areas previously designated by the Commission.

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

15 (220 ILCS 5/13-209) (from Ch. 111 2/3, par. 13-209)

16 Sec. 13-209. "Competitive Telecommunications Service"
17 means a telecommunications service, its functional equivalent
18 or a substitute service, which, for some identifiable class or
19 group of customers in an exchange, group of exchanges, or some
20 other clearly defined geographical area, is reasonably
21 available from more than one provider, whether or not such
22 provider is a telecommunications carrier subject to regulation
23 under this Act. A telecommunications service may be competitive

1 for the entire state, some geographical area therein, including
2 an exchange or set of exchanges, or for a specific customer or
3 class or group of customers, but only to the extent consistent
4 with this definition.

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

6 (220 ILCS 5/13-210) (from Ch. 111 2/3, par. 13-210)

7 Sec. 13-210. "Noncompetitive Telecommunications Service"
8 means a telecommunications service other than a competitive
9 service as defined in Section 13-209.

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

11 (220 ILCS 5/13-211) (from Ch. 111 2/3, par. 13-211)

12 Sec. 13-211. "Resale of Telecommunications Service" means
13 the offering or provision of telecommunications service
14 primarily through the use of services or facilities owned or
15 provided by a separate telecommunications carrier.

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

17 (220 ILCS 5/13-212) (from Ch. 111 2/3, par. 13-212)

18 Sec. 13-212. "Telephone or Telecommunications Cooperative"
19 means any Illinois corporation organized on a cooperative basis
20 for the furnishing of telephone or telecommunications service.

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

22 (220 ILCS 5/13-213) (from Ch. 111 2/3, par. 13-213)

1 Sec. 13-213. "Hearing-aid compatible telephone" means a
2 telephone so equipped that it can activate an inductive
3 coupling hearing-aid or which will provide an alternative
4 technology that provides equally effective telephone service
5 and which will provide equipment necessary for the hearing
6 impaired to use generally available telecommunications
7 services effectively or without assistance.

8 (Source: P.A. 85-1405.)

9 (220 ILCS 5/13-214) (from Ch. 111 2/3, par. 13-214)

10 Sec. 13-214. (a) "Public mobile services" means
11 air-to-ground radio telephone services, cellular radio
12 telecommunications services, offshore radio, rural radio
13 service, public land mobile telephone service and other common
14 carrier radio communications services.

15 (b) "Private radio services" means private land mobile
16 radio services and other communications services characterized
17 by the Commission as private radio services.

18 (Source: P.A. 85-1405.)

19 (220 ILCS 5/13-215) (from Ch. 111 2/3, par. 13-215)

20 Sec. 13-215. (a) "Essential telephones" means all coin
21 operated telephones in any public or semi-public location,
22 telephones provided for emergency use, a reasonable percentage
23 of telephones in hotels, motels, hospitals and nursing homes
24 and a reasonable percentage of credit card operated telephones

1 in any group of such telephones.

2 (b) "Emergency use telephones" includes all telephones
3 intended primarily to save persons from bodily injury, theft or
4 life threatening situations. This definition includes, but is
5 not limited to telephones in elevators, on highways and
6 telephones to alert police, a fire department or other
7 emergency service providers.

8 (Source: P.A. 85-1405.)

9 (220 ILCS 5/13-216)

10 Sec. 13-216. Network element. "Network element" means a
11 facility or equipment used in the provision of a
12 telecommunications service. The term also includes features,
13 functions, and capabilities that are provided by means of the
14 facility or equipment, including, but not limited to,
15 subscriber numbers, databases, signaling systems, and
16 information sufficient for billing and collection or used in
17 the transmission, routing, or other provision of a
18 telecommunications service.

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

20 (220 ILCS 5/13-217)

21 Sec. 13-217. End user. "End user" means any person,
22 corporation, partnership, firm, municipality, cooperative,
23 organization, governmental agency, building owner, or other
24 entity provided with a telecommunications service for its own

1 consumption and not for resale.

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

3 (220 ILCS 5/13-218)

4 Sec. 13-218. Business end user. "Business end user" means

5 (1) an end user engaged primarily or substantially in a paid

6 commercial, professional, or institutional activity; (2) an

7 end user provided telecommunications service in a commercial,

8 professional, or institutional location, or other location

9 serving primarily or substantially as a site of an activity for

10 pay; (3) an end user whose telecommunications service is listed

11 as the principal or only number for a business in any yellow

12 pages directory; (4) an end user whose telecommunications

13 service is used to conduct promotions, solicitations, or market

14 research for which compensation or reimbursement is paid or

15 provided; provided, however, that the use of

16 telecommunications service, without compensation or

17 reimbursement, for a charitable or civic purpose shall not

18 constitute business use of a telecommunications service.

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

20 (220 ILCS 5/13-219)

21 Sec. 13-219. Residential end user. "Residential end user"

22 means an end user other than a business end user.

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

1 (220 ILCS 5/13-220)

2 Sec. 13-220. Retail telecommunications service. "Retail
3 telecommunications service" means a telecommunications service
4 sold to an end user. "Retail telecommunications service" does
5 not include a telecommunications service provided by a
6 telecommunications carrier to a telecommunications carrier,
7 including to itself, as a component of, or for the provision
8 of, telecommunications service. A business retail
9 telecommunications service is a retail telecommunications
10 service provided to a business end user. A residential retail
11 telecommunications service is a retail telecommunications
12 service provided to a residential end user.

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

14 (220 ILCS 5/13-230)

15 Sec. 13-230. Prepaid calling service. "Prepaid calling
16 service" means telecommunications service that must be paid for
17 in advance by an end user, enables the end user to originate
18 calls using an access number or authorization code, whether
19 manually or electronically dialed, and is sold in predetermined
20 units or dollars of which the number declines with use in a
21 known amount. A prepaid calling service call is a call made by
22 an end user using prepaid calling service. "Prepaid calling
23 service" does not include a wireless telecommunications
24 service that allows a caller to dial 9-1-1 to access the 9-1-1
25 system, which service must be paid for in advance, and is sold

1 in predetermined units or dollars and the amount declines with
2 use in a known amount ~~prepaid wireless telecommunications~~
3 ~~service as defined in Section 10 of the Wireless Emergency~~
4 ~~Telephone Safety Act.~~

5 (Source: P.A. 97-463, eff. 1-1-12.)

6 (220 ILCS 5/13-231)

7 Sec. 13-231. Prepaid calling service provider. "Prepaid
8 calling service provider" means and includes every
9 corporation, company, association, joint stock company or
10 association, firm, partnership, or individual and their
11 lessees, trustees, or receivers appointed by any court
12 whatsoever that contracts directly with a telecommunications
13 carrier to resell or offers to resell telecommunications
14 service as prepaid calling service to one or more distributors,
15 prepaid calling resellers, prepaid calling service retailers,
16 or end users.

17 (Source: P.A. 93-1002, eff. 1-1-05.)

18 (220 ILCS 5/13-232)

19 Sec. 13-232. Prepaid calling service retailer. "Prepaid
20 calling service retailer" means and includes every
21 corporation, company, association, joint stock company or
22 association, firm, partnership, or individual and their
23 lessees, trustees, or receivers appointed by any court
24 whatsoever that sells or offers to sell prepaid calling service

1 directly to one or more end users.

2 (Source: P.A. 93-1002, eff. 1-1-05.)

3 (220 ILCS 5/13-233)

4 Sec. 13-233. Prepaid calling service reseller. "Prepaid
5 calling service reseller" means and includes every
6 corporation, company, association, joint stock company or
7 association, firm, partnership, or individual and their
8 lessees, trustees, or receivers appointed by any court
9 whatsoever that purchases prepaid calling services from a
10 prepaid calling service provider or distributor and sells those
11 services to one or more distributors of prepaid calling
12 services or to one or more prepaid calling service retailers.

13 (Source: P.A. 93-1002, eff. 1-1-05.)

14 (220 ILCS 5/13-234)

15 Sec. 13-234. Interconnected voice over Internet protocol
16 service. "Interconnected voice over Internet protocol service"
17 or "Interconnected VoIP service" has the meaning prescribed in
18 47 CFR 9.3 as defined on the effective date of this amendatory
19 Act of the 96th General Assembly or as amended thereafter.

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

21 (220 ILCS 5/13-235)

22 Sec. 13-235. Interconnected voice over Internet protocol
23 provider. "Interconnected voice over Internet protocol

1 provider" or "Interconnected VoIP provider" means and includes
2 every corporation, company, association, joint stock company
3 or association, firm, partnership, or individual, their
4 lessees, trustees, or receivers appointed by any court
5 whatsoever that owns, controls, operates, manages, or provides
6 within this State, directly or indirectly, Interconnected
7 voice over Internet protocol service.

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

9 (220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

10 Sec. 13-301. Duties of the Commission.

11 (1) Consistent with the findings and policy established in
12 paragraph (a) of Section 13-102 and paragraph (a) of Section
13 13-103, and in order to ensure the attainment of such policies,
14 the Commission shall:

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

1 General Assembly, or more often as necessary;

2 (b) (blank);

3 (c) order all telecommunications carriers offering or
4 providing local exchange telecommunications service to
5 propose low-cost or budget service tariffs and any other
6 rate design or pricing mechanisms designed to facilitate
7 customer access to such telecommunications service,
8 provided that services offered by any telecommunications
9 carrier at the rates, terms, and conditions specified in
10 Section 13-506.2 or Section 13-518 of this Article shall
11 constitute compliance with this Section. A
12 telecommunications carrier may seek Commission approval of
13 other low-cost or budget service tariffs or rate design or
14 pricing mechanisms to comply with this Section;

15 (d) investigate the necessity of and, if appropriate,
16 establish a universal service support fund from which local
17 exchange telecommunications carriers who pursuant to the
18 Twenty-Seventh Interim Order of the Commission in Docket
19 No. 83-0142 or the orders of the Commission in Docket No.
20 97-0621 and Docket No. 98-0679 received funding and whose
21 economic costs of providing services for which universal
22 service support may be made available exceed the affordable
23 rate established by the Commission for such services may be
24 eligible to receive support, less any federal universal
25 service support received for the same or similar costs of
26 providing the supported services; provided, however, that

1 if a universal service support fund is established, the
2 Commission shall require that all costs of the fund be
3 recovered from all local exchange and interexchange
4 telecommunications carriers certificated in Illinois on a
5 competitively neutral and nondiscriminatory basis. In
6 establishing any such universal service support fund, the
7 Commission shall, in addition to the determination of costs
8 for supported services, consider and make findings
9 pursuant to subsection (2) of this Section. Proxy cost, as
10 determined by the Commission, may be used for this purpose.
11 In determining cost recovery for any universal service
12 support fund, the Commission shall not permit recovery of
13 such costs from another certificated carrier for any
14 service purchased and used solely as an input to a service
15 provided to such certificated carrier's retail customers.

16 (2) In any order creating a fund pursuant to paragraph (d)
17 of subsection (1), the Commission, after notice and hearing,
18 shall:

19 (a) Define the group of services to be declared
20 "supported telecommunications services" that constitute
21 "universal service". This group of services shall, at a
22 minimum, include those services as defined by the Federal
23 Communications Commission and as from time to time amended.
24 In addition, the Commission shall consider the range of
25 services currently offered by telecommunications carriers
26 offering local exchange telecommunications service, the

1 existing rate structures for the supported
2 telecommunications services, and the telecommunications
3 needs of Illinois consumers in determining the supported
4 telecommunications services. The Commission shall, from
5 time to time or upon request, review and, if appropriate,
6 revise the group of Illinois supported telecommunications
7 services and the terms of the fund to reflect changes or
8 enhancements in telecommunications needs, technologies,
9 and available services.

10 (b) Identify all implicit subsidies contained in rates
11 or charges of incumbent local exchange carriers, including
12 all subsidies in interexchange access charges, and
13 determine how such subsidies can be made explicit by the
14 creation of the fund.

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

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

24 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

25 Sec. 13-301.1. Universal Telephone Service Assistance

1 Program.

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

13 (b) The Commission shall adopt rules providing for enhanced
14 enrollment for eligible consumers to receive lifeline service.
15 Enhanced enrollment may include, but is not limited to, joint
16 marketing, joint application, or joint processing with the
17 Low-Income Home Energy Assistance Program, the Medicaid
18 Program, and the Food Stamp Program. The Department of Human
19 Services, the Department of Healthcare and Family Services, and
20 the Department of Commerce and Economic Opportunity, upon
21 request of the Commission, shall assist in the adoption and
22 implementation of those rules. The Commission and the
23 Department of Human Services, the Department of Healthcare and
24 Family Services, and the Department of Commerce and Economic
25 Opportunity may enter into memoranda of understanding
26 establishing the respective duties of the Commission and the

1 Departments in relation to enhanced enrollment.

2 (c) In this Section:⁷

3 "Lifeline ~~"lifeline~~ service" means a retail local
4 service offering described by 47 CFR ~~C.F.R.~~ ~~Section~~
5 54.401(a), as amended.

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

26 (e) Amounts collected and remitted under subsection (d)

1 may, to the extent the Commission deems advisable, be used for
2 funding a program to be administered by the entity designated
3 by the Commission as administrator of the Universal Telephone
4 Service Assistance Program for educating and assisting
5 low-income residential customers with a transition to Internet
6 protocol-based networks and services. This program may
7 include, but need not be limited to, measures designed to
8 notify and educate residential customers regarding the
9 availability of alternative voice services with access to
10 9-1-1, access to and use of broadband Internet access service,
11 and pricing options.

12 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.);

13 and

14 (220 ILCS 5/13-301.2)

15 Sec. 13-301.2. Program to Foster Elimination of the Digital
16 Divide. The Commission shall require by rule that each
17 telecommunications carrier providing local exchange
18 telecommunications service notify its end-user customers that
19 if the customer wishes to participate in the funding of the
20 Program to Foster Elimination of the Digital Divide he or she
21 may do so by electing to contribute, on a monthly basis, a
22 fixed amount that will be included in the customer's monthly
23 bill. The obligations imposed in this Section shall not be
24 imposed upon a telecommunications carrier for any of its
25 end-users subscribing to the services listed below: (1) private

1 line service which is not directly or indirectly used for the
2 origination or termination of switched telecommunications
3 service, (2) cellular radio service, (3) high-speed
4 point-to-point data transmission at or above 9.6 kilobits, (4)
5 the provision of telecommunications service by a company or
6 person otherwise subject to subsection (c) of Section 13-202 to
7 a telecommunications carrier, which is incidental to the
8 provision of service subject to subsection (c) of Section
9 13-202; (5) pay telephone service; or (6) interexchange
10 telecommunications service. The customer may cease
11 contributing at any time upon providing notice to the
12 telecommunications carrier. The notice shall state that any
13 contribution made will not reduce the customer's bill for
14 telecommunications services. Failure to remit the amount of
15 increased payment will reduce the contribution accordingly.
16 The Commission shall specify the monthly fixed amount or
17 amounts that customers wishing to contribute to the funding of
18 the Program to Foster Elimination of the Digital Divide may
19 choose from in making their contributions. A
20 telecommunications carrier subject to this obligation shall
21 remit the amounts contributed by its customers to the
22 Department of Commerce and Economic Opportunity for deposit in
23 the Digital Divide Elimination Fund at the intervals specified
24 in the Commission rules.

25 (Source: P.A. 93-358, eff. 1-1-04; 94-793, eff. 5-19-06.)

1 (220 ILCS 5/13-301.3)

2 Sec. 13-301.3. Digital Divide Elimination Infrastructure
3 Program.

4 (a) The Digital Divide Elimination Infrastructure Fund is
5 created as a special fund in the State treasury. All moneys in
6 the Fund shall be used, subject to appropriation, by the
7 Commission to fund (i) the construction of facilities specified
8 in Commission rules adopted under this Section and (ii) the
9 accessible electronic information program, as provided in
10 Section 20 of the Accessible Electronic Information Act. The
11 Commission may accept private and public funds, including
12 federal funds, for deposit into the Fund. Earnings attributable
13 to moneys in the Fund shall be deposited into the Fund.

14 (b) The Commission shall adopt rules under which it will
15 make grants out of funds appropriated from the Digital Divide
16 Elimination Infrastructure Fund to eligible entities as
17 specified in the rules for the construction of high-speed data
18 transmission facilities in eligible areas of the State. For
19 purposes of determining whether an area is an eligible area,
20 the Commission shall consider, among other things, whether (i)
21 in such area, advanced telecommunications services, as defined
22 in subsection (c) of Section 13-517 of this Act, are
23 under-provided to residential or small business end users,
24 either directly or indirectly through an Internet Service
25 Provider, (ii) such area has a low population density, and
26 (iii) such area has not yet developed a competitive market for

1 advanced services. In addition, if an entity seeking a grant of
2 funds from the Digital Divide Elimination Infrastructure Fund
3 is an incumbent local exchange carrier having the duty to serve
4 such area, and the obligation to provide advanced services to
5 such area pursuant to Section 13-517 of this Act, the entity
6 shall demonstrate that it has sought and obtained an exemption
7 from such obligation pursuant to subsection (b) of Section
8 13-517. Any entity seeking a grant of funds from the Digital
9 Divide Elimination Infrastructure Fund shall demonstrate to
10 the Commission that the grant shall be used for the
11 construction of high-speed data transmission facilities in an
12 eligible area and demonstrate that it satisfies all other
13 requirements of the Commission's rules. The Commission shall
14 determine the information that it deems necessary to award
15 grants pursuant to this Section.

16 (c) The rules of the Commission shall provide for the
17 competitive selection of recipients of grant funds available
18 from the Digital Divide Elimination Infrastructure Fund
19 pursuant to the Illinois Procurement Code. Grants shall be
20 awarded to bidders chosen on the basis of the criteria
21 established in such rules.

22 (d) All entities awarded grant moneys under this Section
23 shall maintain all records required by Commission rule for the
24 period of time specified in the rules. Such records shall be
25 subject to audit by the Commission, by any auditor appointed by
26 the State, or by any State officer authorized to conduct

1 audits.

2 (Source: P.A. 92-22, eff. 6-30-01; 93-306, eff. 7-23-03;
3 93-797, eff. 7-22-04.)

4 (220 ILCS 5/13-302) (from Ch. 111 2/3, par. 13-302)

5 Sec. 13-302. (a) No telecommunications carrier shall
6 implement a local measured service calling plan which does not
7 include one of the following elements:

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

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

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

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

23 (c) For local measured service plans implemented prior to
24 the effective date of this amendatory Act of 1987 which do not
25 contain one of the elements specified in paragraph (1) or (2)

1 of subsection (a) of this Section, the Commission shall order
2 the telecommunications carrier having such a plan to include
3 one of the elements specified in paragraph (1) or (2) of
4 subsection (a) of this Section by January 1, 1989.

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

6 (220 ILCS 5/13-303)

7 Sec. 13-303. Action to enforce law or orders. Whenever the
8 Commission is of the opinion that a telecommunications carrier
9 is failing or omitting, or is about to fail or omit, to do
10 anything required of it by law or by an order, decision, rule,
11 regulation, direction, or requirement of the Commission or is
12 doing or permitting anything to be done, or is about to do
13 anything or is about to permit anything to be done, contrary to
14 or in violation of law or an order, decision, rule, regulation,
15 direction, or requirement of the Commission, the Commission
16 shall file an action or proceeding in the circuit court in and
17 for the county in which the case or some part thereof arose or
18 in which the telecommunications carrier complained of has its
19 principal place of business, in the name of the People of the
20 State of Illinois for the purpose of having the violation or
21 threatened violation stopped and prevented either by mandamus
22 or injunction. The Commission may express its opinion in a
23 resolution based upon whatever factual information has come to
24 its attention and may issue the resolution ex parte and without
25 holding any administrative hearing before bringing suit.

1 Except in cases involving an imminent threat to the public
2 health and safety, no such resolution shall be adopted until 48
3 hours after the telecommunications carrier has been given
4 notice of (i) the substance of the alleged violation, including
5 citation to the law, order, decision, rule, regulation, or
6 direction of the Commission alleged to have been violated and
7 (ii) the time and the date of the meeting at which such
8 resolution will first be before the Commission for
9 consideration.

10 The Commission shall file the action or proceeding by
11 complaint in the circuit court alleging the violation or
12 threatened violation complained of and praying for appropriate
13 relief by way of mandamus or injunction. It shall be the duty
14 of the court to specify a time, not exceeding 20 days after the
15 service of the copy of the complaint, within which the
16 telecommunications carrier complained of must answer the
17 complaint, and in the meantime the telecommunications carrier
18 may be restrained. In case of default in answer or after
19 answer, the court shall immediately inquire into the facts and
20 circumstances of the case. The telecommunications carrier and
21 persons that the court may deem necessary or proper may be
22 joined as parties. The final judgment in any action or
23 proceeding shall either dismiss the action or proceeding or
24 grant relief by mandamus or injunction as prayed for in the
25 complaint, or in such modified or other form as will afford
26 appropriate relief in the court's judgment.

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

2 (220 ILCS 5/13-303.5)

3 Sec. 13-303.5. Injunctive relief. If, after a hearing, the
4 Commission determines that a telecommunications carrier has
5 violated this Act or a Commission order or rule, any
6 telecommunications carrier adversely affected by the violation
7 may seek injunctive relief in circuit court.

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

9 (220 ILCS 5/13-304)

10 Sec. 13-304. Action to recover civil penalties.

11 (a) The Commission shall assess and collect all civil
12 penalties established under this Act against
13 telecommunications carriers, corporations other than
14 telecommunications carriers, and persons acting as
15 telecommunications carriers. Except for the penalties provided
16 under Section 2-202, civil penalties may be assessed only after
17 notice and opportunity to be heard. Any such civil penalty may
18 be compromised by the Commission. In determining the amount of
19 the civil penalty to be assessed, or the amount of the civil
20 penalty to be compromised, the Commission is authorized to
21 consider any matters of record in aggravation or mitigation of
22 the penalty, including but not limited to the following:

23 (1) the duration and gravity of the violation of the
24 Act, the rules, or the order of the Commission;

1 (2) the presence or absence of due diligence on the
2 part of the violator in attempting either to comply with
3 requirements of the Act, the rules, or the order of the
4 Commission, or to secure lawful relief from those
5 requirements;

6 (3) any economic benefits accrued by the violator
7 because of the delay in compliance with requirements of the
8 Act, the rules, or the order of the Commission; and

9 (4) the amount of monetary penalty that will serve to
10 deter further violations by the violator and to otherwise
11 aid in enhancing voluntary compliance with the Act, the
12 rules, or the order of the Commission by the violator and
13 other persons similarly subject to the Act.

14 (b) If timely judicial review of a Commission order that
15 imposes a civil penalty is taken by a telecommunications
16 carrier, a corporation other than a telecommunications
17 carrier, or a person acting as a telecommunications carrier on
18 whom or on which the civil penalty has been imposed, the
19 reviewing court shall enter a judgment on all amounts upon
20 affirmance of the Commission order. If timely judicial review
21 is not taken and the civil penalty remains unpaid for 60 days
22 after service of the order, the Commission in its discretion
23 may either begin revocation proceedings or bring suit to
24 recover the penalties. Unless stayed by a reviewing court,
25 interest shall accrue from the 60th day after the date of
26 service of the Commission order to the date full payment is

1 received by the Commission.

2 (c) Actions to recover delinquent civil penalties under
3 this Section shall be brought in the name of the People of the
4 State of Illinois in the circuit court in and for the county in
5 which the cause, or some part thereof, arose, or in which the
6 entity complained of resides. The action shall be commenced and
7 prosecuted to final judgement by the Commission. In any such
8 action, all interest incurred up to the time of final court
9 judgment may be recovered in that action. In all such actions,
10 the procedure and rules of evidence shall be the same as in
11 ordinary civil actions, except as otherwise herein provided.
12 Any such action may be compromised or discontinued on
13 application of the Commission upon such terms as the court
14 shall approve and order.

15 (d) Civil penalties related to the late filing of reports,
16 taxes, or other filings shall be paid into the State treasury
17 to the credit of the Public Utility Fund. Except as otherwise
18 provided in this Act, all other fines and civil penalties shall
19 be paid into the State treasury to the credit of the General
20 Revenue Fund.

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

22 (220 ILCS 5/13-305)

23 Sec. 13-305. Amount of civil penalty. A telecommunications
24 carrier, any corporation other than a telecommunications
25 carrier, or any person acting as a telecommunications carrier

1 that violates or fails to comply with any provisions of this
2 Act or that fails to obey, observe, or comply with any order,
3 decision, rule, regulation, direction, or requirement, or any
4 part or provision thereof, of the Commission, made or issued
5 under authority of this Act, in a case in which a civil penalty
6 is not otherwise provided for in this Act, but excepting
7 Section 5-202 of the Act, shall be subject to a civil penalty
8 imposed in the manner provided in Section 13-304 of no more
9 than \$30,000 or 0.00825% of the carrier's gross intrastate
10 annual telecommunications revenue, whichever is greater, for
11 each offense unless the violator has fewer than 35,000
12 subscriber access lines, in which case the civil penalty may
13 not exceed \$2,000 for each offense.

14 A telecommunications carrier subject to administrative
15 penalties resulting from a final Commission order approving an
16 intercorporate transaction entered pursuant to Section 7-204
17 of this Act shall be subject to penalties under this Section
18 imposed for the same conduct only to the extent that such
19 penalties exceed those imposed by the final Commission order.

20 Every violation of the provisions of this Act or of any
21 order, decision, rule, regulation, direction, or requirement
22 of the Commission, or any part or provision thereof, by any
23 corporation or person, is a separate and distinct offense.
24 Penalties under this Section shall attach and begin to accrue
25 from the day after written notice is delivered to such party or
26 parties that they are in violation of or have failed to comply

1 with this Act or an order, decision, rule, regulation,
2 direction, or requirement of the Commission, or part or
3 provision thereof. In case of a continuing violation, each
4 day's continuance thereof shall be a separate and distinct
5 offense.

6 In construing and enforcing the provisions of this Act
7 relating to penalties, the act, omission, or failure of any
8 officer, agent, or employee of any telecommunications carrier
9 or of any person acting within the scope of his or her duties
10 or employment shall in every case be deemed to be the act,
11 omission, or failure of such telecommunications carrier or
12 person.

13 If the party who has violated or failed to comply with this
14 Act or an order, decision, rule, regulation, direction, or
15 requirement of the Commission, or any part or provision
16 thereof, fails to seek timely review pursuant to Sections
17 10-113 and 10-201 of this Act, the party shall, upon expiration
18 of the statutory time limit, be subject to the civil penalty
19 provision of this Section.

20 Twenty percent of all moneys collected under this Section
21 shall be deposited into the Digital Divide Elimination Fund and
22 20% of all moneys collected under this Section shall be
23 deposited into the Digital Divide Elimination Infrastructure
24 Fund.

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

1 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

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

3 (a) No telecommunications carrier not possessing a
4 certificate of public convenience and necessity or certificate
5 of authority from the Commission at the time this Article goes
6 into effect shall transact any business in this State until it
7 shall have obtained a certificate of service authority from the
8 Commission pursuant to the provisions of this Article.

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

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

1 the carrier seeks a Certificate of Service Authority.

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

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

25 The Commission shall review and modify the terms of any
26 certificate of public convenience and necessity issued to a

1 telecommunications carrier prior to the effective date of this
2 Article in order to ensure its conformity with the requirements
3 and policies of this Article. Any Certificate of Service
4 Authority may be altered or modified by the Commission, after
5 notice and hearing, upon its own motion or upon application of
6 the person or company affected. Unless exercised within a
7 period of two years from the issuance thereof, authority
8 conferred by a Certificate of Service Authority shall be null
9 and void.

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

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

20 (220 ILCS 5/13-401.1)

21 Sec. 13-401.1. Interconnected voice over Internet protocol
22 (VoIP) service provider registration.

23 (a) An Interconnected VoIP provider providing fixed or
24 non-nomadic service in Illinois on December 1, 2010 shall
25 register with the Commission no later than January 1, 2011. All

1 other Interconnected VoIP providers providing fixed or
2 non-nomadic service in Illinois shall register with the
3 Commission at least 30 days before providing service in
4 Illinois. The Commission shall prescribe a registration form no
5 later than October 1, 2010. The registration form prescribed by
6 the Commission shall only require the following information:

7 (1) the provider's legal name and any name under which
8 the provider does or will do business in Illinois, as
9 authorized by the Secretary of State;

10 (2) the provider's address and telephone number, along
11 with contact information for the person responsible for
12 ongoing communications with the Commission;

13 (3) a description of the provider's dispute resolution
14 process and, if any, the telephone number to initiate the
15 dispute resolution process; and

16 (4) a description of each exchange of a local exchange
17 company, in whole or in part, or the cities, towns, or
18 geographic areas, in whole or in part, in which the
19 provider is offering or proposes to offer Interconnected
20 VoIP service.

21 A provider must notify the Commission of any change in the
22 information identified in paragraphs (1), (2), (3), or (4) of
23 this subsection (a) within 5 business days after any such
24 change.

25 (b) A provider shall charge and collect from its end-user
26 customers, and remit to the appropriate authority, fees and

1 surcharges in the same manner as are charged and collected upon
2 end-user customers of local exchange telecommunications
3 service and remitted by local exchange telecommunications
4 companies for local enhanced 9-1-1 surcharges.

5 (c) A provider may designate information that it submits in
6 its registration form or subsequent reports as confidential or
7 proprietary, provided that the provider states the reasons the
8 confidential designation is necessary. The Commission shall
9 provide adequate protection for such information pursuant to
10 Section 4-404 of this Act. If the Commission or any other party
11 seeks public disclosure of information designated as
12 confidential, the Commission shall consider the confidential
13 designation in a proceeding under the Illinois Administrative
14 Procedure Act, and the burden of proof to demonstrate that the
15 designated information is confidential shall be upon the
16 provider. Designated information shall remain confidential
17 pending the Commission's determination of whether the
18 information is entitled to confidential treatment. Information
19 designated as confidential shall be provided to local units of
20 government for purposes of assessing compliance with this
21 Article as permitted under a protective order issued by the
22 Commission pursuant to the Commission's rules and to the
23 Attorney General pursuant to Section 6.5 of the Attorney
24 General Act. Information designated as confidential under this
25 Section or determined to be confidential upon Commission review
26 shall only be disclosed pursuant to a valid and enforceable

1 subpoena or court order or as required by the Freedom of
2 Information Act.

3 (d) Notwithstanding any other provision of law to the
4 contrary, the Commission shall have the authority, after notice
5 and hearing, to revoke or suspend the registration of any
6 provider that fails to comply with the requirements of this
7 Section.

8 (e) The provisions of this Section are severable under
9 Section 1.31 of the Statute on Statutes.

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

11 (220 ILCS 5/13-402) (from Ch. 111 2/3, par. 13-402)

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

22 Any such waiver or modification granted to any
23 interexchange telecommunications carrier which has, or any
24 group of such carriers any one of which has annual revenues
25 exceeding \$10,000,000 shall be automatically applied fully and

1 equally to all such carriers with annual revenues exceeding
2 \$10,000,000 unless the Commission specifically finds, after
3 notice to all such carriers and a hearing, that restricting the
4 application of such waiver or modification to only one such
5 carrier or some group of such carriers is consistent with and
6 would promote the purposes and policies of this Article and the
7 protection of telecommunications customers.

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

9 (220 ILCS 5/13-403) (from Ch. 111 2/3, par. 13-403)

10 Sec. 13-403. Interexchange service authority; approval.
11 The Commission shall approve an application for a Certificate
12 of Interexchange Service Authority only upon a showing by the
13 applicant, and a finding by the Commission, after notice and
14 hearing, that the applicant possesses sufficient technical,
15 financial and managerial resources and abilities to provide
16 interexchange telecommunications service. The removal from
17 this Section of the dialing restrictions by this amendatory Act
18 of 1992 does not create any legislative presumption for or
19 against intra-Market Service Area presubscription or changes
20 in intra-Market Service Area dialing arrangements related to
21 the implementation of that presubscription, but simply vests
22 jurisdiction in the Illinois Commerce Commission to consider
23 after notice and hearing the issue of presubscription in
24 accordance with the policy goals outlined in Section 13-103.

25 The Commission shall have authority to alter the boundaries

1 of Market Service Areas when such alteration is consistent with
2 the public interest and the purposes and policies of this
3 Article. A determination by the Commission with respect to
4 Market Service Area boundaries shall not modify or affect the
5 rights or obligations of any telecommunications carrier with
6 respect to any consent decree or agreement with the United
7 States Department of Justice, including, but not limited to,
8 the Modification of Final Judgment in United States v. Western
9 Electric Co., 552 F. Supp. 131 (D.D.C. 1982), as modified from
10 time to time.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (220 ILCS 5/13-404) (from Ch. 111 2/3, par. 13-404)

13 Sec. 13-404. Any telecommunications carrier offering or
14 providing the resale of either local exchange or interexchange
15 telecommunications service must first obtain a Certificate of
16 Service Authority. The Commission shall approve an application
17 for a Certificate for the resale of local exchange or
18 interexchange telecommunications service upon a showing by the
19 applicant, and a finding by the Commission, after notice and
20 hearing, that the applicant possesses sufficient technical,
21 financial and managerial resources and abilities to provide the
22 resale of telecommunications service.

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

24 (220 ILCS 5/13-404.1)

1 Sec. 13-404.1. Prepaid calling service authority; rules.

2 (a) The General Assembly finds that it is necessary to
3 require the certification of prepaid calling service providers
4 to protect and promote against fraud the legitimate business
5 interests of persons or entities currently providing prepaid
6 calling service to Illinois end users and Illinois end users
7 who purchase these services.

8 (b) On and after July 1, 2005, it shall be unlawful for any
9 prepaid calling service provider to offer or provide or seek to
10 offer or provide to any distributor, prepaid calling service
11 reseller, prepaid calling service retailer, or end user any
12 prepaid calling service unless the prepaid calling service
13 provider has applied for and received a Certificate of Prepaid
14 Calling Service Provider Authority from the Commission. The
15 Commission shall approve an application for a Certificate of
16 Prepaid Calling Service Provider Authority upon a showing by
17 the applicant, and a finding by the Commission, after notice
18 and hearing, that the applicant possesses sufficient
19 technical, financial, and managerial resources and abilities
20 to provide prepaid calling services. The Commission shall
21 approve an application for a Certificate of Prepaid Calling
22 Service Provider Authority without a hearing upon a showing by
23 the applicant that the Commission has issued an appropriate
24 Certificate of Service Authority (whether a Certificate of
25 Interexchange Service Authority or Certificate of Exchange
26 Service Authority or both) to the applicant or the

1 telecommunications carrier whose service the applicant is
2 seeking to resell, provided that the telecommunications
3 carrier remains in good standing with the Commission. The
4 Commission may adopt rules necessary for the administration of
5 this subsection.

6 (c) Upon issuance of a Certificate of Prepaid Calling
7 Service Provider Authority to a prepaid calling service
8 provider, the Commission shall post a list that contains the
9 full legal name of the prepaid service provider, the docket
10 number of the provider's certification proceeding, and the
11 toll-free customer service number of the certified prepaid
12 calling service provider on the Commission's web site on a link
13 solely dedicated to prepaid calling service providers. If the
14 certified prepaid calling service provider changes its
15 toll-free customer service number, it is the duty of the
16 certified prepaid calling service provider to provide the
17 Commission with notice of the change and with the provider's
18 new toll-free customer service number at least 24 hours prior
19 to changing its toll-free customer service number. The
20 Commission may adopt rules that further define the
21 administration of this subsection.

22 (d) Any and all enforcement authority granted to the
23 Commission under this Article over any Certificate of Service
24 Authority shall apply equally and without limitation to
25 Certificates of Prepaid Calling Service Provider Authority.

26 (Source: P.A. 93-1002, eff. 1-1-05.)

1 (220 ILCS 5/13-404.2)

2 Sec. 13-404.2. Prepaid calling service standards. The
3 Commission, by rule, may establish and implement minimum
4 service quality standards for prepaid calling service. The
5 rules may include, but are not limited to, requiring access to
6 a live customer service attendant through the customer service
7 number, reporting requirements, fines, penalties, customer
8 credits, remedies, and other enforcement mechanisms to ensure
9 compliance with the service quality standards.

10 (Source: P.A. 93-1002, eff. 1-1-05.)

11 (220 ILCS 5/13-405) (from Ch. 111 2/3, par. 13-405)

12 Sec. 13-405. Local exchange service authority; approval.
13 The Commission shall approve an application for a Certificate
14 of Exchange Service Authority only upon a showing by the
15 applicant, and a finding by the Commission, after notice and
16 hearing, that the applicant possesses sufficient technical,
17 financial, and managerial resources and abilities to provide
18 local exchange telecommunications service.

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

20 (220 ILCS 5/13-405.1) (from Ch. 111 2/3, par. 13-405.1)

21 Sec. 13-405.1. Interexchange services; incidental local
22 service. Whether or not a telecommunications carrier is
23 certified to offer or provide local exchange

1 telecommunications service, nothing in Section 13-405 shall be
2 construed to require the withdrawal or prevent the offering of
3 interexchange services merely because incidental use of such
4 service by the customer for local exchange telecommunications
5 service is possible.

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

7 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

8 Sec. 13-406. Abandonment of service. No telecommunications
9 carrier offering or providing noncompetitive
10 telecommunications service pursuant to a valid Certificate of
11 Service Authority or certificate of public convenience and
12 necessity shall discontinue or abandon such service once
13 initiated until and unless it shall demonstrate, and the
14 Commission finds, after notice and hearing, that such
15 discontinuance or abandonment will not deprive customers of any
16 necessary or essential telecommunications service or access
17 thereto and is not otherwise contrary to the public interest.
18 No telecommunications carrier offering or providing
19 competitive telecommunications service shall completely
20 discontinue or abandon such service to an identifiable class or
21 group of customers once initiated except upon 60 days notice to
22 the Commission and affected customers. The Commission may, upon
23 its own motion or upon complaint, investigate the proposed
24 discontinuance or abandonment of a competitive
25 telecommunications service and may, after notice and hearing,

1 prohibit such proposed discontinuance or abandonment if the
2 Commission finds that it would be contrary to the public
3 interest. If the Commission does not provide notice of a
4 hearing within 60 calendar days after the notification or holds
5 a hearing and fails to find that the proposed discontinuation
6 or abandonment would be contrary to the public interest, the
7 provider may discontinue or abandon such service after
8 providing at least 30 days notice to affected customers. This
9 Section does not apply to a Large Electing Provider proceeding
10 under Section 13-406.1.

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

12 (220 ILCS 5/13-406.1 new)

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

15 (a) As used in this Section:

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

19 "Existing customer" means a residential customer of the
20 Large Electing Provider who is subscribing to a
21 telecommunications service on the date the Large Electing
22 Provider sends its notice under paragraph (1) of subsection (c)
23 of this Section of its intent to cease offering and providing
24 service. For purposes of this Section, a residential customer
25 of the Large Electing Provider whose service has been

1 temporarily suspended, but not finally terminated as of the
2 date that the Large Electing Provider sends that notice, shall
3 be deemed to be an "existing customer".

4 "Large Electing Provider" means an Electing Provider, as
5 defined in Section 13-506.2 of this Act, that (i) reported in
6 its annual competition report for the year 2016 filed with the
7 Commission under Section 13-407 of this Act and 83 Ill. Adm.
8 Code 793 that it provided at least 700,000 access lines to end
9 users; and (ii) is affiliated with a provider of commercial
10 mobile radio service, as defined in 47 CFR 20.3, as of January
11 1, 2017.

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

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

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

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

3 (b) Beginning June 30, 2017, a Large Electing Provider may,
4 to the extent permitted by and consistent with federal law,
5 including, as applicable, approval by the Federal
6 Communications Commission of the discontinuance of the
7 interstate-access component of a telecommunications service,
8 cease to offer and provide a telecommunications service to an
9 identifiable class or group of customers, other than voice
10 telecommunications service to residential customers or a
11 telecommunications service to a class of customers under
12 subsection (b-5) of this Section, upon 60 days' notice to the
13 Commission and affected customers.

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

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

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

25 (1) No less than 255 days prior to providing notice to
26 the Federal Communications Commission of its intent to

1 discontinue the interstate-access component of the
2 requested service, the Large Electing Provider shall:

3 (A) file a notice of the proposed cessation of the
4 requested service with the Commission, which shall
5 include a statement that the Large Electing Provider
6 will comply with any service discontinuance rules and
7 regulations of the Federal Communications Commission
8 pertaining to compatibility of alternative voice
9 services with medical monitoring devices; and

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

1 following statement:

2 "If you do not believe that an alternative
3 voice service including reliable access to 9-1-1
4 is available to you, from either [name of Large
5 Electing Provider] or another provider of wired or
6 wireless voice service where you live, you have the
7 right to request the Illinois Commerce Commission
8 to investigate the availability of alternative
9 voice service including reliable access to 9-1-1.
10 To do so, you must submit such a request either in
11 writing or by signing and returning a copy of this
12 notice, no later than (insert date), 60 days after
13 the date of the notice to the following address:
14 Chief Clerk of the Illinois Commerce Commission
15 527 East Capitol Avenue
16 Springfield, Illinois 62706

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

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

26 (2) After June 30, 2017, and only in a geographic area

1 for which a Large Electing Provider has provided notice of
2 proposed cessation of the requested service to existing
3 customers under paragraph (1) of this subsection (c), an
4 existing customer of that provider may, within 60 days
5 after issuance of such notice, request the Commission to
6 investigate the availability of alternative voice service
7 including reliable access to 9-1-1 to that customer. For
8 the purposes of this paragraph (2), existing customers who
9 make such a request are referred to as "requesting existing
10 customers". The Large Electing Provider may cease to offer
11 or provide the requested service to existing customers who
12 do not make a request for investigation beginning 30 days
13 after issuance of the notice required by paragraph (5) of
14 this subsection (c).

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

25 (i) If, as a result of the investigation, the
26 Commission finds that service from at least one

1 provider offering alternative voice service
2 including reliable access to 9-1-1 through any
3 technology or medium is available to one or more
4 requesting existing customers, the Commission
5 shall declare by order that, with respect to each
6 requesting existing customer for which such a
7 finding is made, the Large Electing Provider may
8 cease to offer or provide the requested service
9 beginning 30 days after the issuance of the notice
10 required by paragraph (5) of this subsection (c).

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

20 (B) If the Commission declares an emergency under
21 subdivision (ii) of subparagraph (A) of this paragraph
22 (2) with respect to one or more requesting existing
23 customers, the Commission shall conduct a request for
24 service process to identify a willing provider of
25 alternative voice service including reliable access to
26 9-1-1. A provider shall not be required to participate

1 in the request for service process. The willing
2 provider may utilize any form of technology that is
3 capable of providing alternative voice service
4 including reliable access to 9-1-1, including, without
5 limitation, Voice over Internet Protocol services and
6 wireless services. The Commission shall, within 45
7 days after the issuance of an order finding that an
8 emergency exists, make one of the determinations
9 described in subdivisions (i) and (ii) of this
10 subparagraph (B) for each requesting existing customer
11 for which an emergency has been declared.

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

24 (ii) If the Commission determines that for one
25 or more of the requesting existing customers for
26 which an emergency has been declared there is no

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

21 (3) If the Commission receives no requests for
22 investigation from any existing customer under paragraph
23 (2) of this subsection (c) within 60 days after issuance of
24 the notice under paragraph (1) of this subsection (c), the
25 Commission shall provide written notice to the Large
26 Electing Provider of that fact no later than 75 days after

1 receipt of notice under paragraph (1) of this subsection
2 (c). Notwithstanding any provision of this subsection (c)
3 to the contrary, if no existing customer requests an
4 investigation under paragraph (2) of this subsection (c),
5 the Large Electing Provider may immediately provide the
6 notice to the Federal Communications Commission as
7 described in paragraph (4) of this subsection (c).

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

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

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

1 that describes the process by which the customer may
2 submit comments to the Federal Communications
3 Commission.

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

25 (6) The notices provided for in paragraph (1) of this
26 subsection (c) are not required as a prerequisite for the

1 Large Electing Provider to cease to offer or provide a
2 telecommunications service in a geographic area where
3 there are no residential customers taking service from the
4 Large Electing Provider on the date that the Large Electing
5 Provider files notice to the Federal Communications
6 Commission of its intent to discontinue the
7 interstate-access component of the requested service in
8 that geographic area.

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

26 (8) Notwithstanding any other provision of this Act,

1 except as expressly authorized by this subsection (c), the
2 Commission may not, upon its own motion or upon complaint,
3 investigate, suspend, disapprove, condition, or otherwise
4 regulate the cessation of a telecommunications service to
5 an identifiable class or group of customers once initiated
6 by a Large Electing Provider under subsection (b) or (b-5)
7 of this Section or this subsection (c).

8 (220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

9 Sec. 13-407. Commission study and report. The Commission
10 shall monitor and analyze patterns of entry and exit and
11 changes in patterns of entry and exit for each relevant market
12 for telecommunications services, including emerging high speed
13 telecommunications markets and broadband services. The
14 Commission shall include its findings together with
15 appropriate recommendations for legislative action in its
16 annual report to the General Assembly. The Commission shall
17 provide an analysis of entry and exit, along with changes in
18 patterns of entry and exit, for broadband services in its
19 annual report to the General Assembly.

20 In preparing its annual report, the Commission may obtain
21 any information on broadband services that has been collected
22 or is in the possession of the Department of Commerce and
23 Economic Opportunity pursuant to the High Speed Internet
24 Services and Information Technology Act. The Commission shall
25 coordinate with the Department of Commerce and Economic

1 Opportunity in collecting information to avoid a duplication of
2 efforts.

3 The Commission shall also monitor and analyze the status of
4 deployment of services to consumers, and any resulting "digital
5 divisions" between consumers, including any changes or trends
6 therein. The Commission shall include its findings together
7 with appropriate recommendations for legislative action in its
8 annual report to the General Assembly. In preparing this
9 analysis the Commission shall evaluate information provided by
10 certificated telecommunications carriers, registered
11 Interconnected VoIP providers, and Facilities-based Providers
12 of Broadband Connections to End User Locations that pertains to
13 the state of competition in telecommunications markets
14 including, but not limited to:

15 (1) the number and type of firms providing
16 telecommunications services and broadband services, within
17 the State;

18 (2) the services offered by these firms to both retail
19 and wholesale customers;

20 (3) the extent to which customers and other providers
21 are purchasing the firms' services; and

22 (4) the technologies or methods by which these firms
23 provide these services, including descriptions of
24 technologies in place and under development, and the degree
25 to which firms rely on other wholesale providers to provide
26 service to their own customers.

1 The Commission shall at a minimum assess the variability in
2 this information according to geography, examining variability
3 by exchange, wirecenter, or zip code, and by customer class,
4 examining, at a minimum, the variability between residential
5 and small, medium, and large business customers. The Commission
6 shall provide an analysis of market trends by collecting this
7 information from certificated telecommunications carriers,
8 registered Interconnected VoIP providers, and Facilities-based
9 Providers of Broadband Connections to End User Locations within
10 the State. The Commission shall also collect all information,
11 in a format determined by the Commission, that the Commission
12 deems necessary to assist in monitoring and analyzing the
13 telecommunications markets and broadband market, along with
14 the status of competition and deployment of telecommunications
15 services and broadband services to consumers in the State.

16 Notwithstanding any other provision of this Act,
17 certificated telecommunications carriers and registered
18 Interconnected VoIP providers shall report to the Commission
19 such information, with the exception of broadband information,
20 requested by the Commission necessary to satisfy the reporting
21 requirements of items (1) through (4) of this Section. The
22 Commission may coordinate and work with the Department of
23 Commerce and Economic Opportunity to avoid duplication of
24 collection of information that is collected pursuant to the
25 High Speed Internet Services and Information Technology Act.

26 For the purposes of this Section:

1 "Broadband connections" include wired lines or
2 wireless channels that enable the end user to receive
3 information from or send information to the Internet at
4 information transfer rates exceeding 200 kbps in at least
5 one direction.

6 "End user" includes a residential, business,
7 institutional, or government entity who uses broadband
8 services for its own purposes and who does not resell such
9 services to other entities or incorporate such services
10 into retail Internet-access services. For purposes of this
11 Section, an Internet Service Provider (ISP) is not an end
12 user of a broadband connection.

13 "Facilities-based Provider of Broadband Connections to
14 End User Locations" means an entity that meets any of the
15 following conditions:

16 (i) It owns the portion of the physical facility
17 that terminates at the end user location.

18 (ii) It obtains unbundled network elements (UNEs),
19 special access lines, or other leased facilities that
20 terminate at the end user location and provisions or
21 equips them as broadband.

22 (iii) It provisions or equips a broadband wireless
23 channel to the end user location over licensed or
24 unlicensed spectrum.

25 "Facilities-based Provider of Broadband Connections to
26 End User Locations" does not include providers of

1 terrestrial fixed wireless services (such as Wi-Fi and
2 other wireless Ethernet, or wireless local area network,
3 applications) that only enable local distribution and
4 sharing of a premises broadband facility and does not
5 include air-to-ground services.

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

7 (220 ILCS 5/13-501) (from Ch. 111 2/3, par. 13-501)

8 Sec. 13-501. Tariff; filing.

9 (a) No telecommunications carrier shall offer or provide
10 noncompetitive telecommunications service, telecommunications
11 service subject to subsection (g) of Section 13-506.2 or
12 Section 13-900.1 or 13-900.2 of this Act, or telecommunications
13 service referred to in an interconnection agreement as a
14 tariffed service unless and until a tariff is filed with the
15 Commission which describes the nature of the service,
16 applicable rates and other charges, terms and conditions of
17 service, and the exchange, exchanges or other geographical area
18 or areas in which the service shall be offered or provided. The
19 Commission may prescribe the form of such tariff and any
20 additional data or information which shall be included therein.

21 (b) After a hearing regarding a telecommunications service
22 subject to subsection (a) of this Section, the Commission has
23 the discretion to impose an interim or permanent tariff on a
24 telecommunications carrier as part of the order in the case.
25 When a tariff is imposed as part of the order in a case, the

1 tariff shall remain in full force and effect until a compliance
2 tariff, or superseding tariff, is filed by the
3 telecommunications carrier and, after notice to the parties in
4 the case and after a compliance hearing is held, is found by
5 the Commission to be in compliance with the Commission's order.

6 (c) A telecommunications carrier shall offer or provide
7 telecommunications service that is not subject to subsection
8 (a) of this Section pursuant to either a tariff filed with the
9 Commission or a written service offering that shall be
10 available on the telecommunications carrier's website as
11 required by Section 13-503 of this Act and that describes the
12 nature of the service, applicable rates and other charges,
13 terms and conditions of service. Revenue from competitive
14 retail telecommunications service received by a
15 telecommunications carrier pursuant to either a tariff or a
16 written service offering shall be gross revenue for purposes of
17 Section 2-202 of this Act.

18 (Source: P.A. 98-45, eff. 6-28-13.)

19 (220 ILCS 5/13-501.5)

20 Sec. 13-501.5. Directory assistance service for the blind.
21 A telecommunications carrier that provides directory
22 assistance service shall provide in its tariffs or its written
23 service offering pursuant to subsection (c) of Section 13-501
24 of this Act for that service that directory assistance shall be
25 provided at no charge to its customers who are legally blind

1 for telephone numbers of customers located within the same
2 calling area, as described in the telecommunications carrier's
3 tariff.

4 (Source: P.A. 98-45, eff. 6-28-13.)

5 (220 ILCS 5/13-502) (from Ch. 111 2/3, par. 13-502)

6 Sec. 13-502. Classification of services.

7 (a) All telecommunications services offered or provided
8 under tariff by telecommunications carriers shall be
9 classified as either competitive or noncompetitive. A
10 telecommunications carrier may offer or provide either
11 competitive or noncompetitive telecommunications services, or
12 both, subject to proper certification and other applicable
13 provisions of this Article. Any tariff filed with the
14 Commission as required by Section 13-501 shall indicate whether
15 the service to be offered or provided is competitive or
16 noncompetitive.

17 (b) A service shall be classified as competitive only if,
18 and only to the extent that, for some identifiable class or
19 group of customers in an exchange, group of exchanges, or some
20 other clearly defined geographical area, such service, or its
21 functional equivalent, or a substitute service, is reasonably
22 available from more than one provider, whether or not any such
23 provider is a telecommunications carrier subject to regulation
24 under this Act. All telecommunications services not properly
25 classified as competitive shall be classified as

1 noncompetitive. The Commission shall have the power to
2 investigate the propriety of any classification of a
3 telecommunications service on its own motion and shall
4 investigate upon complaint. In any hearing or investigation,
5 the burden of proof as to the proper classification of any
6 service shall rest upon the telecommunications carrier
7 providing the service. After notice and hearing, the Commission
8 shall order the proper classification of any service in whole
9 or in part. The Commission shall make its determination and
10 issue its final order no later than 180 days from the date such
11 hearing or investigation is initiated. If the Commission enters
12 into a hearing upon complaint and if the Commission fails to
13 issue an order within that period, the complaint shall be
14 deemed granted unless the Commission, the complainant, and the
15 telecommunications carrier providing the service agree to
16 extend the time period.

17 (c) In determining whether a service should be reclassified
18 as competitive, the Commission shall, at a minimum, consider
19 the following factors:

20 (1) the number, size, and geographic distribution of
21 other providers of the service;

22 (2) the availability of functionally equivalent
23 services in the relevant geographic area and the ability of
24 telecommunications carriers or other persons to make the
25 same, equivalent, or substitutable service readily
26 available in the relevant market at comparable rates,

1 terms, and conditions;

2 (3) the existence of economic, technological, or any
3 other barriers to entry into, or exit from, the relevant
4 market;

5 (4) the extent to which other telecommunications
6 companies must rely upon the service of another
7 telecommunications carrier to provide telecommunications
8 service; and

9 (5) any other factors that may affect competition and
10 the public interest that the Commission deems appropriate.

11 (d) No tariff classifying a new telecommunications service
12 as competitive or reclassifying a previously noncompetitive
13 telecommunications service as competitive, which is filed by a
14 telecommunications carrier which also offers or provides
15 noncompetitive telecommunications service, shall be effective
16 unless and until such telecommunications carrier offering or
17 providing, or seeking to offer or provide, such proposed
18 competitive service prepares and files a study of the long-run
19 service incremental cost underlying such service and
20 demonstrates that the tariffed rates and charges for the
21 service and any relevant group of services that includes the
22 proposed competitive service and for which resources are used
23 in common solely by that group of services are not less than
24 the long-run service incremental cost of providing the service
25 and each relevant group of services. Such study shall be given
26 proprietary treatment by the Commission at the request of such

1 carrier if any other provider of the competitive service, its
2 functional equivalent, or a substitute service in the
3 geographical area described by the proposed tariff has not
4 filed, or has not been required to file, such a study.

5 (e) In the event any telecommunications service has been
6 classified and filed as competitive by the telecommunications
7 carrier, and has been offered or provided on such basis, and
8 the Commission subsequently determines after investigation
9 that such classification improperly included services which
10 were in fact noncompetitive, the Commission shall have the
11 power to determine and order refunds to customers for any
12 overcharges which may have resulted from the improper
13 classification, or to order such other remedies provided to it
14 under this Act, or to seek an appropriate remedy or relief in a
15 court of competent jurisdiction.

16 (f) If no hearing or investigation regarding the propriety
17 of a competitive classification of a telecommunications
18 service is initiated within 180 days after a telecommunications
19 carrier files a tariff listing such telecommunications service
20 as competitive, no refunds to customers for any overcharges
21 which may result from an improper classification shall be
22 ordered for the period from the time the telecommunications
23 carrier filed such tariff listing the service as competitive up
24 to the time an investigation of the service classification is
25 initiated by the Commission's own motion or the filing of a
26 complaint. Where a hearing or an investigation regarding the

1 propriety of a telecommunications service classification as
2 competitive is initiated after 180 days from the filing of the
3 tariff, the period subject to refund for improper
4 classification shall begin on the date such investigation or
5 hearing is initiated by the filing of a Commission motion or a
6 complaint.

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

8 (220 ILCS 5/13-502.5)

9 Sec. 13-502.5. Services alleged to be improperly
10 classified.

11 (a) Any action or proceeding pending before the Commission
12 upon the effective date of this amendatory Act of the 92nd
13 General Assembly in which it is alleged that a
14 telecommunications carrier has improperly classified services
15 as competitive, other than a case pertaining to Section
16 13-506.1, shall be abated and shall not be maintained or
17 continued.

18 (b) All retail telecommunications services provided to
19 business end users by any telecommunications carrier subject,
20 as of May 1, 2001, to alternative regulation under an
21 alternative regulation plan pursuant to Section 13-506.1 of
22 this Act shall be classified as competitive as of the effective
23 date of this amendatory Act of the 92nd General Assembly
24 without further Commission review. Rates for retail
25 telecommunications services provided to business end users

1 with 4 or fewer access lines shall not exceed the rates the
2 carrier charged for those services on May 1, 2001. This
3 restriction upon the rates of retail telecommunications
4 services provided to business end users shall remain in force
5 and effect through July 1, 2005; provided, however, that
6 nothing in this Section shall be construed to prohibit
7 reduction of those rates. Rates for retail telecommunications
8 services provided to business end users with 5 or more access
9 lines shall not be subject to the restrictions set forth in
10 this subsection.

11 (c) All retail vertical services, as defined herein, that
12 are provided by a telecommunications carrier subject, as of May
13 1, 2001, to alternative regulation under an alternative
14 regulation plan pursuant to Section 13-506.1 of this Act shall
15 be classified as competitive as of June 1, 2003 without further
16 Commission review. Retail vertical services shall include, for
17 purposes of this Section, services available on a subscriber's
18 telephone line that the subscriber pays for on a periodic or
19 per use basis, but shall not include caller identification and
20 call waiting.

21 (d) Any action or proceeding before the Commission upon the
22 effective date of this amendatory Act of the 92nd General
23 Assembly, in which it is alleged that a telecommunications
24 carrier has improperly classified services as competitive,
25 other than a case pertaining to Section 13-506.1, shall be
26 abated and the services the classification of which is at issue

1 shall be deemed either competitive or noncompetitive as set
2 forth in this Section. Any telecommunications carrier subject
3 to an action or proceeding in which it is alleged that the
4 telecommunications carrier has improperly classified services
5 as competitive shall be deemed liable to refund, and shall
6 refund, the sum of \$90,000,000 to that class or those classes
7 of its customers that were alleged to have paid rates in excess
8 of noncompetitive rates as the result of the alleged improper
9 classification. The telecommunications carrier shall make the
10 refund no later than 120 days after the effective date of this
11 amendatory Act of the 92nd General Assembly.

12 (e) Any telecommunications carrier subject to an action or
13 proceeding in which it is alleged that the telecommunications
14 carrier has improperly classified services as competitive
15 shall also pay the sum of \$15,000,000 to the Digital Divide
16 Elimination Fund established pursuant to Section 5-20 of the
17 Eliminate the Digital Divide Law, and shall further pay the sum
18 of \$15,000,000 to the Digital Divide Elimination
19 Infrastructure Fund established pursuant to Section 13-301.3
20 of this Act. The telecommunications carrier shall make each of
21 these payments in 3 installments of \$5,000,000, payable on July
22 1 of 2002, 2003, and 2004. The telecommunications carrier shall
23 have no further accounting for these payments, which shall be
24 used for the purposes established in the Eliminate the Digital
25 Divide Law.

26 (f) All other services shall be classified pursuant to

1 Section 13-502 of this Act.

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

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

4 Sec. 13-503. Information available to the public. With
5 respect to rates or other charges made, demanded, or received
6 for any telecommunications service offered, provided, or to be
7 provided, that is subject to subsection (a) of Section 13-501
8 of this Act, telecommunications carriers shall comply with the
9 publication and filing provisions of Sections 9-101, 9-102,
10 9-102.1, and 9-201 of this Act. Except for the provision of
11 services offered or provided by payphone providers pursuant to
12 a tariff, telecommunications carriers shall make all tariffs
13 and all written service offerings for competitive
14 telecommunications service available electronically to the
15 public without requiring a password or other means of
16 registration. A telecommunications carrier's website shall, if
17 applicable, provide in a conspicuous manner information on the
18 rates, charges, terms, and conditions of service available and
19 a toll-free telephone number that may be used to contact an
20 agent for assistance with obtaining rate or other charge
21 information or the terms and conditions of service.

22 (Source: P.A. 98-45, eff. 6-28-13.)

23 (220 ILCS 5/13-504) (from Ch. 111 2/3, par. 13-504)

24 Sec. 13-504. Application of ratemaking provisions of

1 Article IX.

2 (a) Except where the context clearly renders such
3 provisions inapplicable, the ratemaking provisions of Article
4 IX of this Act relating to public utilities are fully and
5 equally applicable to the rates, charges, tariffs and
6 classifications for the offer or provision of noncompetitive
7 telecommunications services. However, the ratemaking
8 provisions do not apply to any proposed change in rates or
9 charges, any proposed change in any classification or tariff
10 resulting in a change in rates or charges, or the establishment
11 of new services and rates therefor for a noncompetitive local
12 exchange telecommunications service offered or provided by a
13 local exchange telecommunications carrier with no more than
14 35,000 subscriber access lines. Proposed changes in rates,
15 charges, classifications, or tariffs meeting these criteria
16 shall be permitted upon the filing of the proposed tariff and
17 30 days notice to the Commission and all potentially affected
18 customers. The proposed changes shall not be subject to
19 suspension. The Commission shall investigate whether any
20 proposed change is just and reasonable only if a
21 telecommunications carrier that is a customer of the local
22 exchange telecommunications carrier or 10% of the potentially
23 affected access line subscribers of the local exchange
24 telecommunications carrier shall file a petition or complaint
25 requesting an investigation of the proposed changes. When the
26 telecommunications carrier or 10% of the potentially affected

1 access line subscribers of a local exchange telecommunications
2 carrier file a complaint, the Commission shall, after notice
3 and hearing, have the power and duty to establish the rates,
4 charges, classifications, or tariffs it finds to be just and
5 reasonable.

6 (b) Subsection (c) of Section 13-502 and Sections 13-505.1,
7 13-505.4, 13-505.6, and 13-507 of this Article do not apply to
8 rates or charges or proposed changes in rates or charges for
9 applicable competitive or interexchange services when offered
10 or provided by a local exchange telecommunications carrier with
11 no more than 35,000 subscriber access lines. In addition,
12 Sections 13-514, 13-515, and 13-516 do not apply to
13 telecommunications carriers with no more than 35,000
14 subscriber access lines. The Commission may require
15 telecommunications carriers with no more than 35,000
16 subscriber access lines to furnish information that the
17 Commission deems necessary for a determination that rates and
18 charges for any competitive telecommunications service are
19 just and reasonable.

20 (c) For a local exchange telecommunications carrier with no
21 more than 35,000 access lines, the Commission shall consider
22 and adjust, as appropriate, a local exchange
23 telecommunications carrier's depreciation rates only in
24 ratemaking proceedings.

25 (d) Article VI and Sections 7-101 and 7-102 of Article VII
26 of this Act pertaining to public utilities, public utility

1 rates and services, and the regulation thereof are not
2 applicable to local exchange telecommunication carriers with
3 no more than 35,000 subscriber access lines.

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

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

6 Sec. 13-505. Rate changes; competitive services. Any
7 proposed increase or decrease in rates or charges, or proposed
8 change in any classification, written service offering, or
9 tariff resulting in an increase or decrease in rates or
10 charges, for a competitive telecommunications service shall be
11 permitted upon the filing with the Commission or posting on the
12 telecommunications carrier's website of the proposed rate,
13 charge, classification, written service offering, or tariff
14 pursuant to Section 13-501 of this Act. Notice of an increase
15 shall be given, no later than the prior billing cycle, to all
16 potentially affected customers by mail or equivalent means of
17 notice, including electronic if the customer has elected
18 electronic billing. Additional notice by publication in a
19 newspaper of general circulation may also be given.

20 (Source: P.A. 98-45, eff. 6-28-13.)

21 (220 ILCS 5/13-505.2) (from Ch. 111 2/3, par. 13-505.2)

22 Sec. 13-505.2. Nondiscrimination in the provision of
23 noncompetitive services. A telecommunications carrier that
24 offers both noncompetitive and competitive services shall

1 offer the noncompetitive services under the same rates, terms,
2 and conditions without unreasonable discrimination to all
3 persons, including all telecommunications carriers and
4 competitors. A telecommunications carrier that offers a
5 noncompetitive service together with any optional feature or
6 functionality shall offer the noncompetitive service together
7 with each optional feature or functionality under the same
8 rates, terms, and conditions without unreasonable
9 discrimination to all persons, including all
10 telecommunications carriers and competitors.

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

12 (220 ILCS 5/13-505.3) (from Ch. 111 2/3, par. 13-505.3)

13 Sec. 13-505.3. Services for resale. A telecommunications
14 carrier that offers both noncompetitive and competitive
15 services shall offer all noncompetitive services, together
16 with each applicable optional feature or functionality,
17 subject to resale; however, the Commission may determine under
18 Article IX of this Act that certain noncompetitive services,
19 together with each applicable optional feature or
20 functionality, that are offered to residence customers under
21 different rates, charges, terms, or conditions than to other
22 customers should not be subject to resale under the rates,
23 charges, terms, or conditions available only to residence
24 customers.

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

1 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

2 Sec. 13-505.4. Provision of noncompetitive services.

3 (a) A telecommunications carrier that offers or provides a
4 noncompetitive service, service element, feature, or
5 functionality on a separate, stand-alone basis to any customer
6 shall provide that service, service element, feature, or
7 functionality pursuant to tariff to all persons, including all
8 telecommunications carriers and competitors, in accordance
9 with the provisions of this Article.

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

23 (c) A telecommunications carrier that is not subject to
24 regulation under an alternative regulation plan pursuant to
25 Section 13-506.1 of this Act may reduce the rate or charge for

1 a noncompetitive service, service element, feature, or
2 functionality offered to customers on a separate, stand-alone
3 basis or as part of a bundled service offering by filing with
4 the Commission a tariff that shows the reduced rate or charge
5 and all applicable terms and conditions of the noncompetitive
6 service, service element, feature, or functionality or bundled
7 offering. The reduction of rates or charges shall be permitted
8 upon the filing of the proposed rate, charge, classification,
9 tariff, or bundled offering. The total price of a bundled
10 offering shall not attribute any portion of the charge to
11 services subject to the jurisdiction of the Commission and
12 shall not be binding on the Commission in any proceeding under
13 Article IX of this Act to set the revenue requirement or to set
14 just and reasonable rates for services subject to the
15 jurisdiction of the Commission. Prices for bundles shall not be
16 subject to Section 13-505.1 of this Act. For purposes of this
17 subsection (c), a bundle is a group of services offered
18 together for a fixed price where at least one of the services
19 is an interLATA service as that term is defined in 47 U.S.C.
20 153(21), a cable service or a video service, a community
21 antenna television service, a satellite broadcast service, a
22 public mobile service as defined in Section 13-214 of this Act,
23 or an advanced telecommunications service as "advanced
24 telecommunications services" is defined in Section 13-517 of
25 this Act.

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

1 (220 ILCS 5/13-505.5) (from Ch. 111 2/3, par. 13-505.5)

2 Sec. 13-505.5. Requests for new noncompetitive services.
3 Any party may petition the Commission to request the provision
4 of a noncompetitive service not currently provided by a local
5 exchange carrier within its service territory. The Commission
6 shall grant the petition, provided that it can be demonstrated
7 that the provisioning of the requested service is technically
8 and economically practicable considering demand for the
9 service, and absent a finding that provision of the service is
10 otherwise contrary to the public interest. The Commission shall
11 render its decision within 180 days after the filing of the
12 petition unless extension of the time period is agreed to by
13 all the parties to the proceeding.

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

15 (220 ILCS 5/13-505.6) (from Ch. 111 2/3, par. 13-505.6)

16 Sec. 13-505.6. Unbundling of noncompetitive services. A
17 telecommunications carrier that provides both noncompetitive
18 and competitive telecommunications services shall provide all
19 noncompetitive telecommunications services on an unbundled
20 basis to the same extent the Federal Communications Commission
21 requires that carrier to unbundle the same services provided
22 under its jurisdiction. The Illinois Commerce Commission may
23 require additional unbundling of noncompetitive
24 telecommunications services over which it has jurisdiction

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

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

6 (220 ILCS 5/13-506.1) (from Ch. 111 2/3, par. 13-506.1)

7 Sec. 13-506.1. Alternative forms of regulation for
8 noncompetitive services.

9 (a) Notwithstanding any of the ratemaking provisions of
10 this Article or Article IX that are deemed to require rate of
11 return regulation, the Commission may implement alternative
12 forms of regulation in order to establish just and reasonable
13 rates for noncompetitive telecommunications services
14 including, but not limited to, price regulation, earnings
15 sharing, rate moratoria, or a network modernization plan. The
16 Commission is authorized to adopt different forms of regulation
17 to fit the particular characteristics of different
18 telecommunications carriers and their service areas.

19 In addition to the public policy goals declared in Section
20 13-103, the Commission shall consider, in determining the
21 appropriateness of any alternative form of regulation, whether
22 it will:

- 23 (1) reduce regulatory delay and costs over time;
24 (2) encourage innovation in services;
25 (3) promote efficiency;

1 (4) facilitate the broad dissemination of technical
2 improvements to all classes of ratepayers;

3 (5) enhance economic development of the State; and

4 (6) provide for fair, just, and reasonable rates.

5 (b) A telecommunications carrier providing noncompetitive
6 telecommunications services may petition the Commission to
7 regulate the rates or charges of its noncompetitive services
8 under an alternative form of regulation. The
9 telecommunications carrier shall submit with its petition its
10 plan for an alternative form of regulation. The Commission
11 shall review and may modify or reject the carrier's proposed
12 plan. The Commission also may initiate consideration of
13 alternative forms of regulation for a telecommunications
14 carrier on its own motion. The Commission may approve the plan
15 or modified plan and authorize its implementation only if it
16 finds, after notice and hearing, that the plan or modified plan
17 at a minimum:

18 (1) is in the public interest;

19 (2) will produce fair, just, and reasonable rates for
20 telecommunications services;

21 (3) responds to changes in technology and the structure
22 of the telecommunications industry that are, in fact,
23 occurring;

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

1 (5) specifically identifies how ratepayers will
2 benefit from any efficiency gains, cost savings arising out
3 of the regulatory change, and improvements in productivity
4 due to technological change;

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

7 (7) will not unduly or unreasonably prejudice or
8 disadvantage any particular customer class, including
9 telecommunications carriers.

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

25 (d) Any alternative form of regulation granted for a
26 multi-year period under this Section shall provide for annual

1 or more frequent reporting to the Commission to document that
2 the requirements of the plan are being properly implemented.

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

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

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

19 (220 ILCS 5/13-506.2)

20 Sec. 13-506.2. Market regulation for competitive retail
21 services.

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

23 (1) "Electing Provider" means a telecommunications
24 carrier that is subject to either rate regulation pursuant
25 to Section 13-504 or Section 13-505 or alternative

1 regulation pursuant to Section 13-506.1 and that elects to
2 have the rates, terms, and conditions of its competitive
3 retail telecommunications services solely determined and
4 regulated pursuant to the terms of this Article.

5 (2) "Basic local exchange service" means either a
6 stand-alone residence network access line and per-call
7 usage or, for any geographic area in which such stand-alone
8 service is not offered, a stand-alone flat rate residence
9 network access line for which local calls are not charged
10 for frequency or duration. Extended Area Service shall be
11 included in basic local exchange service.

12 (3) "Existing customer" means a residential customer
13 who was subscribing to one of the optional packages
14 described in subsection (d) of this Section as of the
15 effective date of this amendatory Act of the 99th General
16 Assembly. A customer who was subscribing to one of the
17 optional packages on that date but stops subscribing
18 thereafter shall not be considered an "existing customer"
19 as of the date the customer stopped subscribing to the
20 optional package, unless the stoppage is temporary and
21 caused by the customer changing service address locations,
22 or unless the customer resumes subscribing and is eligible
23 to receive discounts on monthly telephone service under the
24 federal Lifeline program, 47 C.F.R. Part 54, Subpart E.

25 (4) "New customer" means a residential customer who was
26 not subscribing to one of the optional packages described

1 in subsection (d) of this Section as of the effective date
2 of this amendatory Act of the 99th General Assembly and who
3 is eligible to receive discounts on monthly telephone
4 service under the federal Lifeline program, 47 C.F.R. Part
5 54, Subpart E.

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

24 (c) Competitive classification. Market regulation shall be
25 available for competitive retail telecommunications services
26 as provided in this subsection.

1 (1) For geographic areas in which telecommunications
2 services provided by the Electing Provider were classified
3 as competitive either through legislative action or a
4 tariff filing pursuant to Section 13-502 prior to January
5 1, 2010, and that are included in the Electing Provider's
6 notice of election pursuant to subsection (b) of this
7 Section, such services, and all recurring and nonrecurring
8 charges associated with, related to or used in connection
9 with such services, shall be classified as competitive
10 without further Commission review. For services classified
11 as competitive pursuant to this subsection, the
12 requirements or conditions in any order or decision
13 rendered by the Commission pursuant to Section 13-502 prior
14 to the effective date of this amendatory Act of the 96th
15 General Assembly, except for the commitments made by the
16 Electing Provider in such order or decision concerning the
17 optional packages required in subsection (d) of this
18 Section and basic local exchange service as defined in this
19 Section, shall no longer be in effect and no Commission
20 investigation, review, or proceeding under Section 13-502
21 shall be continued, conducted, or maintained with respect
22 to such services, charges, requirements, or conditions. If
23 an Electing Provider has ceased providing optional
24 packages to customers pursuant to subdivision (d)(8) of
25 this Section, the commitments made by the Electing Provider
26 in such order or decision concerning the optional packages

1 under subsection (d) of this Section shall no longer be in
2 effect and no Commission investigation, review, or
3 proceeding under Section 13-502 shall be continued,
4 conducted, or maintained with respect to such packages.

5 (2) For those geographic areas in which residential
6 local exchange telecommunications services have not been
7 classified as competitive as of the effective date of this
8 amendatory Act of the 96th General Assembly, all
9 telecommunications services provided to residential and
10 business end users by an Electing Provider in the
11 geographic area that is included in its notice of election
12 pursuant to subsection (b) shall be classified as
13 competitive for purposes of this Article without further
14 Commission review.

15 (3) If an Electing Provider was previously subject to
16 alternative regulation pursuant to Section 13-506.1 of
17 this Article, the alternative regulation plan shall
18 terminate in whole for all services subject to that plan
19 and be of no force or effect, without further Commission
20 review or action, when the Electing Provider's residential
21 local exchange telecommunications service in each MSA in
22 its telecommunications service area in the State has been
23 classified as competitive pursuant to either subdivision
24 (c) (1) or (c) (2) of this Section.

25 (4) The service packages described in Section 13-518
26 shall be classified as competitive for purposes of this

1 Section if offered by an Electing Provider in a geographic
2 area in which local exchange telecommunications service
3 has been classified as competitive pursuant to either
4 subdivision (c) (1) or (c) (2) of this Section.

5 (5) Where a service, or its functional equivalent, or a
6 substitute service offered by a carrier that is not an
7 Electing Provider or the incumbent local exchange carrier
8 for that area is also being offered by an Electing Provider
9 for some identifiable class or group of customers in an
10 exchange, group of exchanges, or some other clearly defined
11 geographical area, the service offered by a carrier that is
12 not an Electing Provider or the incumbent local exchange
13 carrier for that area shall be classified as competitive
14 without further Commission review.

15 (6) Notwithstanding any other provision of this Act,
16 retail telecommunications services classified as
17 competitive pursuant to Section 13-502 or subdivision
18 (c) (5) of this Section shall have their rates, terms, and
19 conditions solely determined and regulated pursuant to the
20 terms of this Section in the same manner and to the same
21 extent as the competitive retail telecommunications
22 services of an Electing Provider, except that subsections
23 (d), (g), and (j) of this Section shall not apply to a
24 carrier that is not an Electing Provider or to the
25 competitive telecommunications services of a carrier that
26 is not an Electing Provider. The access services of a

1 carrier that is not an Electing Provider shall remain
2 subject to Section 13-900.2. The requirements in
3 subdivision (e)(3) of this Section shall not apply to
4 retail telecommunications services classified as
5 competitive pursuant to Section 13-502 or subdivision
6 (c)(5) of this Section, except that, upon request from the
7 Commission, the telecommunications carrier providing
8 competitive retail telecommunications services shall
9 provide a report showing the number of credits and
10 exemptions for the requested time period.

11 (d) Consumer choice safe harbor options.

12 (1) Subject to subdivision (d)(8) of this Section, an
13 Electing Provider in each of the MSA or Exchange areas
14 classified as competitive pursuant to subdivision (c)(1)
15 or (c)(2) of this Section shall offer to all residential
16 customers who choose to subscribe the following optional
17 packages of services priced at the same rate levels in
18 effect on January 1, 2010:

19 (A) A basic package, which shall consist of a
20 stand-alone residential network access line and 30
21 local calls. If the Electing Provider offers a
22 stand-alone residential access line and local usage on
23 a per call basis, the price for the basic package shall
24 be the Electing Provider's applicable price in effect
25 on January 1, 2010 for the sum of a residential access
26 line and 30 local calls, additional calls over 30 calls

1 shall be provided at the current per call rate.
2 However, this basic package is not required if
3 stand-alone residential network access lines or
4 per-call local usage are not offered by the Electing
5 Provider in the geographic area on January 1, 2010 or
6 if the Electing Provider has not increased its
7 stand-alone network access line and local usage rates,
8 including Extended Area Service rates, since January
9 1, 2010.

10 (B) An extra package, which shall consist of
11 residential basic local exchange network access line
12 and unlimited local calls. The price for the extra
13 package shall be the Electing Provider's applicable
14 price in effect on January 1, 2010 for a residential
15 access line with unlimited local calls.

16 (C) A plus package, which shall consist of
17 residential basic local exchange network access line,
18 unlimited local calls, and the customer's choice of 2
19 vertical services offered by the Electing Provider.
20 The term "vertical services" as used in this
21 subsection, includes, but is not limited to, call
22 waiting, call forwarding, 3-way calling, caller ID,
23 call tracing, automatic callback, repeat dialing, and
24 voicemail. The price for the plus package shall be the
25 Electing Provider's applicable price in effect on
26 January 1, 2010 for the sum of a residential access

1 line with unlimited local calls and 2 times the average
2 price for the vertical features included in the
3 package.

4 (2) Subject to subdivision (d) (8) of this Section, for
5 those geographic areas in which local exchange
6 telecommunications services were classified as competitive
7 on the effective date of this amendatory Act of the 96th
8 General Assembly, an Electing Provider in each such MSA or
9 Exchange area shall be subject to the same terms and
10 conditions as provided in commitments made by the Electing
11 Provider in connection with such previous competitive
12 classifications, which shall apply with equal force under
13 this Section, except as follows: (i) the limits on price
14 increases on the optional packages required by this Section
15 shall be extended consistent with subsection (d) (1) of this
16 Section and (ii) the price for the extra package required
17 by subsection (d) (1) (B) shall be reduced by one dollar from
18 the price in effect on January 1, 2010. In addition, if an
19 Electing Provider obtains a competitive classification
20 pursuant to subsection (c) (1) and (c) (2), the price for the
21 optional packages shall be determined in such area in
22 compliance with subsection (d) (1), except the price for the
23 plus package required by subsection (d) (1) (C) shall be the
24 lower of the price for such area or the price of the plus
25 package in effect on January 1, 2010 for areas classified
26 as competitive pursuant to subsection (c) (1).

1 (3) To the extent that the requirements in Section
2 13-518 applied to a telecommunications carrier prior to the
3 effective date of this Section and that telecommunications
4 carrier becomes an Electing Provider in accordance with the
5 provisions of this Section, the requirements in Section
6 13-518 shall cease to apply to that Electing Provider in
7 those geographic areas included in the Electing Provider's
8 notice of election pursuant to subsection (b) of this
9 Section.

10 (4) Subject to subdivision (d)(8) of this Section, an
11 Electing Provider shall make the optional packages
12 required by this subsection and stand-alone residential
13 network access lines and local usage, where offered,
14 readily available to the public by providing information,
15 in a clear manner, to residential customers. Information
16 shall be made available on a website, and an Electing
17 Provider shall provide notification to its customers every
18 6 months, provided that notification may consist of a bill
19 page message that provides an objective description of the
20 safe harbor options that includes a telephone number and
21 website address where the customer may obtain additional
22 information about the packages from the Electing Provider.
23 The optional packages shall be offered on a monthly basis
24 with no term of service requirement. An Electing Provider
25 shall allow online electronic ordering of the optional
26 packages and stand-alone residential network access lines

1 and local usage, where offered, on its website in a manner
2 similar to the online electronic ordering of its other
3 residential services.

4 (5) Subject to subdivision (d)(8) of this Section, an
5 Electing Provider shall comply with the Commission's
6 existing rules, regulations, and notices in Title 83, Part
7 735 of the Illinois Administrative Code when offering or
8 providing the optional packages required by this
9 subsection (d) and stand-alone residential network access
10 lines.

11 (6) Subject to subdivision (d)(8) of this Section, an
12 Electing Provider shall provide to the Commission
13 semi-annual subscribership reports as of June 30 and
14 December 31 that contain the number of its customers
15 subscribing to each of the consumer choice safe harbor
16 packages required by subsection (d)(1) of this Section and
17 the number of its customers subscribing to retail
18 residential basic local exchange service as defined in
19 subsection (a)(2) of this Section. The first semi-annual
20 reports shall be made on April 1, 2011 for December 31,
21 2010, and on September 1, 2011 for June 30, 2011, and
22 semi-annually on April 1 and September 1 thereafter. Such
23 subscribership information shall be accorded confidential
24 and proprietary treatment upon request by the Electing
25 Provider.

26 (7) The Commission shall have the power, after notice

1 and hearing as provided in this Article, upon complaint or
2 upon its own motion, to take corrective action if the
3 requirements of this Section are not complied with by an
4 Electing Provider.

5 (8) On and after the effective date of this amendatory
6 Act of the 99th General Assembly, an Electing Provider
7 shall continue to offer and provide the optional packages
8 described in this subsection (d) to existing customers and
9 new customers. On and after July 1, 2017, an Electing
10 Provider may immediately stop offering the optional
11 packages described in this subsection (d) and, upon
12 providing two notices to affected customers and to the
13 Commission, may stop providing the optional packages
14 described in this subsection (d) to all customers who
15 subscribe to one of the optional packages. The first notice
16 shall be provided at least 90 days before the date upon
17 which the Electing Provider intends to stop providing the
18 optional packages, and the second notice must be provided
19 at least 30 days before that date. The first notice shall
20 not be provided prior to July 1, 2017. Each notice must
21 identify the date on which the Electing Provider intends to
22 stop providing the optional packages, at least one
23 alternative service available to the customer, and a
24 telephone number by which the customer may contact a
25 service representative of the Electing Provider. After
26 July 1, 2017 with respect to new customers, and upon the

1 expiration of the second notice period with respect to
2 customers who were subscribing to one of the optional
3 packages, subdivisions (d)(1), (d)(2), (d)(4), (d)(5),
4 (d)(6), and (d)(7) of this Section shall not apply to the
5 Electing Provider. Notwithstanding any other provision of
6 this Article, an Electing Provider that has ceased
7 providing the optional packages under this subdivision
8 (d)(8) is not subject to Section 13-301(1)(c) of this Act.
9 Notwithstanding any other provision of this Act, and
10 subject to subdivision (d)(7) of this Section, the
11 Commission's authority over the discontinuance of the
12 optional packages described in this subsection (d) by an
13 Electing Provider shall be governed solely by this
14 subsection (d)(8).

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

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

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

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

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

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

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

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

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

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

1 portion thereof that the service disruption continues
2 beyond the initial 120-hour period, the Electing
3 Provider shall also provide an additional credit of \$20
4 per calendar day.

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

1 the Electing Provider shall also provide an additional
2 credit of \$20 per calendar day until the basic local
3 exchange service is installed.

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

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

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

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

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

24 (iv) is extended by the Electing Provider's
25 inability to gain access to the customer's
26 premises due to the customer missing an

1 appointment, provided that the violation is not
2 further extended by the Electing Provider;

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

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

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

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

25 (A) With regard to credits due in accordance with
26 subdivision (e) (2) (A) as a result of out-of-service

1 conditions lasting more than 30 hours:

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

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

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

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

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

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

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

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

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

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

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

26 (iv) the number of installations after 11

1 business days; and

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

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

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

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

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

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

24 (4) It is the intent of the General Assembly that the
25 service quality rules and customer credits in this
26 subsection (e) of this Section and other enforcement

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

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

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

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

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

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

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

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

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

24 (3) The Commission shall have no authority to order an
25 Electing Provider to set its rates for intrastate switched
26 access at a level lower than its interstate switched access

1 rates.

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

7 (h) Safety of service equipment and facilities.

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

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

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

6 (i) (Blank).

7 (j) Application of Article VII. The provisions of Sections
8 7-101, 7-102, 7-104, 7-204, 7-205, and 7-206 of this Act are
9 applicable to an Electing Provider offering or providing retail
10 telecommunications service, and the Commission's regulation
11 thereof, except that (1) the approval of contracts and
12 arrangements with affiliated interests required by paragraph
13 (3) of Section 7-101 shall not apply to such telecommunications
14 carriers provided that, except as provided in item (2), those
15 contracts and arrangements shall be filed with the Commission;
16 (2) affiliated interest contracts or arrangements entered into
17 by such telecommunications carriers where the increased
18 obligation thereunder does not exceed the lesser of \$5,000,000
19 or 5% of such carrier's prior annual revenue from
20 noncompetitive services are not required to be filed with the
21 Commission; and (3) any consent and approval of the Commission
22 required by Section 7-102 is not required for the sale, lease,
23 assignment, or transfer by any Electing Provider of any
24 property that is not necessary or useful in the performance of
25 its duties to the public.

26 (k) Notwithstanding other provisions of this Section, the

1 Commission retains its existing authority to enforce the
2 provisions, conditions, and requirements of the following
3 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
4 13-301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
5 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
6 13-404.2, 13-405, 13-406, 13-407, 13-501, 13-501.5, 13-503,
7 13-505, 13-509, 13-510, 13-512, 13-513, 13-514, 13-515,
8 13-516, 13-519, 13-702, 13-703, 13-704, 13-705, 13-706,
9 13-707, 13-709, 13-713, 13-801, 13-802.1, 13-804, 13-900,
10 13-900.1, 13-900.2, 13-901, 13-902, and 13-903, which are fully
11 and equally applicable to Electing Providers and to
12 telecommunications carriers providing retail
13 telecommunications service classified as competitive pursuant
14 to Section 13-502 or subdivision (c) (5) of this Section subject
15 to the provisions of this Section. On the effective date of
16 this amendatory Act of the 98th General Assembly, the following
17 Sections of this Article shall cease to apply to Electing
18 Providers and to telecommunications carriers providing retail
19 telecommunications service classified as competitive pursuant
20 to Section 13-502 or subdivision (c) (5) of this Section:
21 13-302, 13-405.1, 13-502, 13-502.5, 13-504, 13-505.2,
22 13-505.3, 13-505.4, 13-505.5, 13-505.6, 13-506.1, 13-507,
23 13-507.1, 13-508, 13-508.1, 13-517, 13-518, 13-601, 13-701,
24 and 13-712.

25 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

1 (220 ILCS 5/13-507) (from Ch. 111 2/3, par. 13-507)

2 Sec. 13-507. In any proceeding permitting, approving,
3 investigating, or establishing rates, charges,
4 classifications, or tariffs for telecommunications services
5 offered or provided by a telecommunications carrier that offers
6 or provides both noncompetitive and competitive services, the
7 Commission shall not allow any subsidy of competitive services
8 or nonregulated activities by noncompetitive services. In the
9 event that facilities are utilized or expenses are incurred for
10 the provision of both competitive and noncompetitive services,
11 the Commission shall apportion the facilities and expenses
12 between noncompetitive services in the aggregate and
13 competitive services in the aggregate and shall allow or
14 establish rates or charges for the noncompetitive services
15 which reflect only that portion of the facilities or expenses
16 that it finds to be properly and reasonably apportioned to
17 noncompetitive services. An apportionment of facilities or
18 expenses between competitive and noncompetitive services,
19 together with any corresponding rate changes, shall be made in
20 general rate proceedings and in other proceedings, including
21 service classification proceedings, that are necessary to
22 ensure against any subsidy of competitive services by
23 noncompetitive services. The Commission shall have the power to
24 take or require such action as is necessary to ensure that
25 rates or charges for noncompetitive services reflect only the
26 value of facilities, or portion thereof, used and useful, and

1 the expenses or portion thereof reasonably and prudently
2 incurred, for the provision of the noncompetitive services. The
3 Commission may, in such event, also establish, by rule, any
4 additional procedures, rules, regulations, or mechanisms
5 necessary to identify and properly account for the value or
6 amount of such facilities or expenses.

7 The Commission may establish, by rule, appropriate methods
8 for ensuring against cross-subsidization between competitive
9 services and noncompetitive services as required under this
10 Article, including appropriate methods for calculating the
11 long-run service incremental costs of providing any
12 telecommunications service and, when appropriate, group of
13 services and methods for apportioning between noncompetitive
14 services in the aggregate and competitive services in the
15 aggregate the value of facilities utilized and expenses
16 incurred to provide both competitive and noncompetitive
17 services, for example, common overheads that are not accounted
18 for in the long-run service incremental costs of individual
19 services or groups of services. The Commission may order any
20 telecommunications carrier to conduct a long-run service
21 incremental cost study and to provide the results thereof to
22 the Commission. Any cost study provided to the Commission
23 pursuant to the provisions of this Section may, in the
24 Commission's discretion, be accorded proprietary treatment. In
25 addition to the requirements of subsection (c) of Section
26 13-502 and of Section 13-505.1 applicable to the rates and

1 charges for individual competitive services, the aggregate
2 gross revenues of all competitive services shall be equal to or
3 greater than the sum of the long-run service incremental costs
4 for all competitive services as a group and the value of other
5 facilities and expenses apportioned to competitive services as
6 a group under this Section.

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

8 (220 ILCS 5/13-507.1)

9 Sec. 13-507.1. In any proceeding permitting, approving,
10 investigating, or establishing rates, charges,
11 classifications, or tariffs for telecommunications services
12 classified as noncompetitive offered or provided by an
13 incumbent local exchange carrier as that term is defined in
14 Section 13-202.1 of this Act, the Commission shall not allow
15 any subsidy of Internet services, cable services, or video
16 services by the rates or charges for local exchange
17 telecommunications services, including local services
18 classified as noncompetitive.

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

20 (220 ILCS 5/13-508) (from Ch. 111 2/3, par. 13-508)

21 Sec. 13-508. The Commission is authorized, after notice and
22 hearing, to order a telecommunications carrier which offers or
23 provides both competitive and noncompetitive
24 telecommunications service to establish a fully separated

1 subsidiary to provide all or part of such competitive service
2 where:

3 (a) no less costly means is available and effective in
4 fully and properly identifying and allocating costs between
5 such carrier's competitive and noncompetitive
6 telecommunications services; and

7 (b) the incremental cost of establishing and maintaining
8 such subsidiary would not require increases in rates or charges
9 to levels which would effectively preclude the offer or
10 provision of the affected competitive telecommunications
11 service.

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

13 (220 ILCS 5/13-508.1) (from Ch. 111 2/3, par. 13-508.1)

14 Sec. 13-508.1. Separate subsidiary requirement for certain
15 electronic publishing. A telecommunications carrier that
16 offers or provides both competitive and noncompetitive
17 services shall not provide (1) electronically published news,
18 feature, or entertainment material of the type generally
19 published in newspapers, or (2) electronic advertising
20 services, except through a fully separated subsidiary;
21 provided, however, that a telecommunications carrier shall be
22 allowed to resell, without editing the content, news, feature,
23 or entertainment material of the type generally published in
24 newspapers that it purchases from an unaffiliated entity or
25 from a separate subsidiary to the extent the separate

1 subsidiary makes that material available to all other persons
2 under the same rates, terms, and conditions. Nothing in this
3 Section shall prohibit a telecommunications carrier from
4 electronic advertising of its own regulated services or from
5 providing tariffed telecommunications services to a separate
6 subsidiary or an unaffiliated entity that provides
7 electronically published news, feature, or entertainment
8 material or electronic advertising services.

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

10 (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

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

1 provided to the Commission within 10 business days after a
2 request for review of the agreement is made by the Commission
3 or is made to the Commission by another telecommunications
4 carrier or by a party to such agreement.

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

8 (Source: P.A. 98-45, eff. 6-28-13.)

9 (220 ILCS 5/13-510) (from Ch. 111 2/3, par. 13-510)

10 Sec. 13-510. Compensation of payphone providers. Any
11 telecommunications carrier using the facilities or services of
12 a payphone provider shall pay the provider just and reasonable
13 compensation for the use of those facilities or services to
14 complete billable operator services calls and for any other use
15 that the Commission determines appropriate consistent with the
16 provisions of this Act. The compensation shall be determined by
17 the Commission subject to the provisions of this Act. This
18 Section shall not apply to the extent a telecommunications
19 carrier and a payphone provider have reached their own written
20 compensation agreement.

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

22 (220 ILCS 5/13-512)

23 Sec. 13-512. Rules; review. The Commission shall have
24 general rulemaking authority to make rules necessary to enforce

1 this Article. However, not later than 270 days after the
2 effective date of this amendatory Act of 1997, and every 2
3 years thereafter, the Commission shall review all rules issued
4 under this Article that apply to the operations or activities
5 of any telecommunications carrier. The Commission shall, after
6 notice and hearing, repeal or modify any rule it determines to
7 be no longer in the public interest as the result of the
8 reasonable availability of competitive telecommunications
9 services.

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

11 (220 ILCS 5/13-513)

12 Sec. 13-513. Waiver of rules. A telecommunications carrier
13 may petition for waiver of the application of a rule issued
14 pursuant to this Act. The burden of proof in establishing the
15 right to a waiver shall be upon the petitioner. The petition
16 shall include a demonstration that the waiver would not harm
17 consumers and would not impede the development or operation of
18 a competitive market. Upon such demonstration, the Commission
19 may waive the application of a rule, but not the application of
20 a provision of this Act. The Commission may conduct an
21 investigation of the petition on its own motion or at the
22 request of a potentially affected person. If no investigation
23 is conducted, the waiver shall be deemed granted 30 days after
24 the petition is filed.

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

1 (220 ILCS 5/13-514)

2 Sec. 13-514. Prohibited actions of telecommunications
3 carriers. A telecommunications carrier shall not knowingly
4 impede the development of competition in any
5 telecommunications service market. The following prohibited
6 actions are considered per se impediments to the development of
7 competition; however, the Commission is not limited in any
8 manner to these enumerated impediments and may consider other
9 actions which impede competition to be prohibited:

10 (1) unreasonably refusing or delaying interconnections
11 or collocation or providing inferior connections to
12 another telecommunications carrier;

13 (2) unreasonably impairing the speed, quality, or
14 efficiency of services used by another telecommunications
15 carrier;

16 (3) unreasonably denying a request of another provider
17 for information regarding the technical design and
18 features, geographic coverage, information necessary for
19 the design of equipment, and traffic capabilities of the
20 local exchange network except for proprietary information
21 unless such information is subject to a proprietary
22 agreement or protective order;

23 (4) unreasonably delaying access in connecting another
24 telecommunications carrier to the local exchange network
25 whose product or service requires novel or specialized

1 access requirements;

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

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

8 (7) unreasonably failing to offer services to
9 customers in a local exchange, where a telecommunications
10 carrier is certificated to provide service and has entered
11 into an interconnection agreement for the provision of
12 local exchange telecommunications services, with the
13 intent to delay or impede the ability of the incumbent
14 local exchange telecommunications carrier to provide
15 inter-LATA telecommunications services;

16 (8) violating the terms of or unreasonably delaying
17 implementation of an interconnection agreement entered
18 into pursuant to Section 252 of the federal
19 Telecommunications Act of 1996;

20 (9) unreasonably refusing or delaying access to or
21 provision of operation support systems to another
22 telecommunications carrier or providing inferior operation
23 support systems to another telecommunications carrier;

24 (10) unreasonably failing to offer network elements
25 that the Commission or the Federal Communications
26 Commission has determined must be offered on an unbundled

1 basis to another telecommunications carrier in a manner
2 consistent with the Commission's or Federal Communications
3 Commission's orders or rules requiring such offerings;

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

5 (12) violating an order of the Commission regarding
6 matters between telecommunications carriers.

7 (Source: P.A. 98-45, eff. 6-28-13.)

8 (220 ILCS 5/13-515)

9 Sec. 13-515. Enforcement.

10 (a) The following expedited procedures shall be used to
11 enforce the provisions of Section 13-514 of this Act, provided
12 that, for a violation of paragraph (8) of Section 13-514 to
13 qualify for the expedited procedures of this Section, the
14 violation must be in a manner that unreasonably delays,
15 increases the cost, or impedes the availability of
16 telecommunications services to consumers. However, the
17 Commission, the complainant, and the respondent may mutually
18 agree to adjust the procedures established in this Section.

19 (b) (Blank).

20 (c) No complaint may be filed under this Section until the
21 complainant has first notified the respondent of the alleged
22 violation and offered the respondent 48 hours to correct the
23 situation. Provision of notice and the opportunity to correct
24 the situation creates a rebuttable presumption of knowledge
25 under Section 13-514. After the filing of a complaint under

1 this Section, the parties may agree to follow the mediation
2 process under Section 10-101.1 of this Act. The time periods
3 specified in subdivision (d) (7) of this Section shall be tolled
4 during the time spent in mediation under Section 10-101.1.

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

8 (1) The complaint shall be filed with the Chief Clerk
9 of the Commission and shall be served in hand upon the
10 respondent, the executive director, and the general
11 counsel of the Commission at the time of the filing.

12 (2) A complaint filed under this subsection shall
13 include a statement that the requirements of subsection (c)
14 have been fulfilled and that the respondent did not correct
15 the situation as requested.

16 (3) Reasonable discovery specific to the issue of the
17 complaint may commence upon filing of the complaint.
18 Requests for discovery must be served in hand and responses
19 to discovery must be provided in hand to the requester
20 within 14 days after a request for discovery is made.

21 (4) An answer and any other responsive pleading to the
22 complaint shall be filed with the Commission and served in
23 hand at the same time upon the complainant, the executive
24 director, and the general counsel of the Commission within
25 7 days after the date on which the complaint is filed.

26 (5) If the answer or responsive pleading raises the

1 issue that the complaint violates subsection (i) of this
2 Section, the complainant may file a reply to such
3 allegation within 3 days after actual service of such
4 answer or responsive pleading. Within 4 days after the time
5 for filing a reply has expired, the hearing officer or
6 arbitrator shall either issue a written decision
7 dismissing the complaint as frivolous in violation of
8 subsection (i) of this Section including the reasons for
9 such disposition or shall issue an order directing that the
10 complaint shall proceed.

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

13 (7) The hearing shall commence within 30 days of the
14 date on which the complaint is filed. The hearing may be
15 conducted by a hearing examiner or by an arbitrator.
16 Parties and the Commission staff shall be entitled to
17 present evidence and legal argument in oral or written form
18 as deemed appropriate by the hearing examiner or
19 arbitrator. The hearing examiner or arbitrator shall issue
20 a written decision within 60 days after the date on which
21 the complaint is filed. The decision shall include reasons
22 for the disposition of the complaint and, if a violation of
23 Section 13-514 is found, directions and a deadline for
24 correction of the violation.

25 (8) Any party may file a petition requesting the
26 Commission to review the decision of the hearing examiner

1 or arbitrator within 5 days of such decision. Any party may
2 file a response to a petition for review within 3 business
3 days after actual service of the petition. After the time
4 for filing of the petition for review, but no later than 15
5 days after the decision of the hearing examiner or
6 arbitrator, the Commission shall decide to adopt the
7 decision of the hearing examiner or arbitrator or shall
8 issue its own final order.

9 (e) If the alleged violation has a substantial adverse
10 effect on the ability of the complainant to provide service to
11 customers, the complainant may include in its complaint a
12 request for an order for emergency relief. The Commission,
13 acting through its designated hearing examiner or arbitrator,
14 shall act upon such a request within 2 business days of the
15 filing of the complaint. An order for emergency relief may be
16 granted, without an evidentiary hearing, upon a verified
17 factual showing that the party seeking relief will likely
18 succeed on the merits, that the party will suffer irreparable
19 harm in its ability to serve customers if emergency relief is
20 not granted, and that the order is in the public interest. An
21 order for emergency relief shall include a finding that the
22 requirements of this subsection have been fulfilled and shall
23 specify the directives that must be fulfilled by the respondent
24 and deadlines for meeting those directives. The decision of the
25 hearing examiner or arbitrator to grant or deny emergency
26 relief shall be considered an order of the Commission unless

1 the Commission enters its own order within 2 calendar days of
2 the decision of the hearing examiner or arbitrator. The order
3 for emergency relief may require the responding party to act or
4 refrain from acting so as to protect the provision of
5 competitive service offerings to customers. Any action
6 required by an emergency relief order must be technically
7 feasible and economically reasonable and the respondent must be
8 given a reasonable period of time to comply with the order.

9 (f) The Commission is authorized to obtain outside
10 resources including, but not limited to, arbitrators and
11 consultants for the purposes of the hearings authorized by this
12 Section. Any arbitrator or consultant obtained by the
13 Commission shall be approved by both parties to the hearing.
14 The cost of such outside resources including, but not limited
15 to, arbitrators and consultants shall be borne by the parties.
16 The Commission shall review the bill for reasonableness and
17 assess the parties for reasonable costs dividing the costs
18 according to the resolution of the complaint brought under this
19 Section. Such costs shall be paid by the parties directly to
20 the arbitrators, consultants, and other providers of outside
21 resources within 60 days after receiving notice of the
22 assessments from the Commission. Interest at the statutory rate
23 shall accrue after expiration of the 60-day period. The
24 Commission, arbitrators, consultants, or other providers of
25 outside resources may apply to a court of competent
26 jurisdiction for an order requiring payment.

1 (g) The Commission shall assess the parties under this
2 subsection for all of the Commission's costs of investigation
3 and conduct of the proceedings brought under this Section
4 including, but not limited to, the prorated salaries of staff,
5 attorneys, hearing examiners, and support personnel and
6 including any travel and per diem, directly attributable to the
7 complaint brought pursuant to this Section, but excluding those
8 costs provided for in subsection (f), dividing the costs
9 according to the resolution of the complaint brought under this
10 Section. All assessments made under this subsection shall be
11 paid into the Public Utility Fund within 60 days after
12 receiving notice of the assessments from the Commission.
13 Interest at the statutory rate shall accrue after the
14 expiration of the 60 day period. The Commission is authorized
15 to apply to a court of competent jurisdiction for an order
16 requiring payment.

17 (h) If the Commission determines that there is an imminent
18 threat to competition or to the public interest, the Commission
19 may, notwithstanding any other provision of this Act, seek
20 temporary, preliminary, or permanent injunctive relief from a
21 court of competent jurisdiction either prior to or after the
22 hearing.

23 (i) A party shall not bring or defend a proceeding brought
24 under this Section or assert or controvert an issue in a
25 proceeding brought under this Section, unless there is a
26 non-frivolous basis for doing so. By presenting a pleading,

1 written motion, or other paper in complaint or defense of the
2 actions or inaction of a party under this Section, a party is
3 certifying to the Commission that to the best of that party's
4 knowledge, information, and belief, formed after a reasonable
5 inquiry of the subject matter of the complaint or defense, that
6 the complaint or defense is well grounded in law and fact, and
7 under the circumstances:

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

12 (2) the allegations and other factual contentions have
13 evidentiary support or, if specifically so identified, are
14 likely to have evidentiary support after reasonable
15 opportunity for further investigation or discovery as
16 defined herein.

17 (j) If, after notice and a reasonable opportunity to
18 respond, the Commission determines that subsection (i) has been
19 violated, the Commission shall impose appropriate sanctions
20 upon the party or parties that have violated subsection (i) or
21 are responsible for the violation. The sanctions shall be not
22 more than \$30,000, plus the amount of expenses accrued by the
23 Commission for conducting the hearing. Payment of sanctions
24 imposed under this subsection shall be made to the Common
25 School Fund within 30 days of imposition of such sanctions.

26 (k) An appeal of a Commission Order made pursuant to this

1 Section shall not effectuate a stay of the Order unless a court
2 of competent jurisdiction specifically finds that the party
3 seeking the stay will likely succeed on the merits, that the
4 party will suffer irreparable harm without the stay, and that
5 the stay is in the public interest.

6 (Source: P.A. 98-45, eff. 6-28-13.)

7 (220 ILCS 5/13-516)

8 Sec. 13-516. Enforcement remedies for prohibited actions
9 by telecommunications carriers.

10 (a) In addition to any other provision of this Act, all of
11 the following remedies may be applied for violations of Section
12 13-514, provided that, for a violation of paragraph (8) of
13 Section 13-514 to qualify for the remedies in this Section, the
14 violation must be in a manner that unreasonably delays,
15 increases the cost, or impedes the availability of
16 telecommunications services to consumers:

17 (1) A Commission order directing the violating
18 telecommunications carrier to cease and desist from
19 violating the Act or a Commission order or rule.

20 (2) Notwithstanding any other provision of this Act,
21 for a second and any subsequent violation of Section 13-514
22 committed by a telecommunications carrier after the
23 effective date of this amendatory Act of the 92nd General
24 Assembly, the Commission may impose penalties of up to
25 \$30,000 or 0.00825% of the telecommunications carrier's

1 gross intrastate annual telecommunications revenue,
2 whichever is greater, per violation unless the
3 telecommunications carrier has fewer than 35,000
4 subscriber access lines, in which case the civil penalty
5 may not exceed \$2,000 per violation. The second and any
6 subsequent violation of Section 13-514 need not be of the
7 same nature or provision of the Section for a penalty to be
8 imposed. Matters resolved through voluntary mediation
9 pursuant to Section 10-101.1 shall not be considered as a
10 violation of Section 13-514 in computing eligibility for
11 imposition of a penalty under this subdivision (a) (2). Each
12 day of a continuing offense shall be treated as a separate
13 violation for purposes of levying any penalty under this
14 Section. The period for which the penalty shall be levied
15 shall commence on the day the telecommunications carrier
16 first violated Section 13-514 or on the day of the notice
17 provided to the telecommunications carrier pursuant to
18 subsection (c) of Section 13-515, whichever is later, and
19 shall continue until the telecommunications carrier is in
20 compliance with the Commission order. In assessing a
21 penalty under this subdivision (a) (2), the Commission may
22 consider mitigating factors, including those specified in
23 items (1) through (4) of subsection (a) of Section 13-304.

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

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

6 (c) The Commission shall establish by rule procedures for
7 the imposition of remedies under subsection (a) that, at a
8 minimum, provide for notice, hearing and a written order
9 relating to the imposition of remedies.

10 (d) Unless enforcement of an order entered by the
11 Commission under Section 13-515 otherwise directs or is stayed
12 by the Commission or by an appellate court reviewing the
13 Commission's order, at any time after 30 days from the entry of
14 the order, either the Commission, or the telecommunications
15 carrier found by the Commission to have been subjected to a
16 violation of Section 13-514, or both, is authorized to petition
17 a court of competent jurisdiction for an order at law or in
18 equity requiring enforcement of the Commission order. The court
19 shall determine (1) whether the Commission entered the order
20 identified in the petition and (2) whether the violating
21 telecommunications carrier has complied with the Commission's
22 order. A certified copy of a Commission order shall be prima
23 facie evidence that the Commission entered the order so
24 certified. Pending the court's resolution of the petition, the
25 court may award temporary or preliminary injunctive relief, or
26 such other equitable relief as may be necessary, to effectively

1 implement and enforce the Commission's order in a timely
2 manner.

3 If after a hearing the court finds that the Commission
4 entered the order identified in the petition and that the
5 violating telecommunications carrier has not complied with the
6 Commission's order, the court shall enter judgment requiring
7 the violating telecommunications carrier to comply with the
8 Commission's order and order such relief at law or in equity as
9 the court deems necessary to effectively implement and enforce
10 the Commission's order in a timely manner. The court shall also
11 award to the petitioner, or petitioners, attorney's fees and
12 costs, which shall be taxed and collected as part of the costs
13 of the case.

14 If the court finds that the violating telecommunications
15 carrier has failed to comply with the timely payment of
16 damages, attorney's fees, or costs ordered by the Commission,
17 the court shall order the violating telecommunications carrier
18 to pay to the telecommunications carrier or carriers awarded
19 the damages, fees, or costs by the Commission additional
20 damages for the sake of example and by way of punishment for
21 the failure to timely comply with the order of the Commission,
22 unless the court finds a reasonable basis for the violating
23 telecommunications carrier's failure to make timely payment
24 according to the Commission's order, in which instance the
25 court shall establish a new date for payment to be made.

26 (e) Payment of damages, attorney's fees, and costs imposed

1 under subsection (a) shall be made within 30 days after
2 issuance of the Commission order imposing the penalties,
3 damages, attorney's fees, or costs, unless otherwise directed
4 by the Commission or a reviewing court under an appeal taken
5 pursuant to Article X. Payment of penalties imposed under
6 subsection (a) shall be made to the Common School Fund within
7 30 days of issuance of the Commission order imposing the
8 penalties.

9 (Source: P.A. 98-45, eff. 6-28-13.)

10 (220 ILCS 5/13-517)

11 Sec. 13-517. Provision of advanced telecommunications
12 services.

13 (a) Every Incumbent Local Exchange Carrier
14 (telecommunications carrier that offers or provides a
15 noncompetitive telecommunications service) shall offer or
16 provide advanced telecommunications services to not less than
17 80% of its customers by January 1, 2005.

18 (b) The Commission is authorized to grant a full or partial
19 waiver of the requirements of this Section upon verified
20 petition of any Incumbent Local Exchange Carrier ("ILEC") which
21 demonstrates that full compliance with the requirements of this
22 Section would be unduly economically burdensome or technically
23 infeasible or otherwise impractical in exchanges with low
24 population density. Notice of any such petition must be given
25 to all potentially affected customers. If no potentially

1 affected customer requests the opportunity for a hearing on the
2 waiver petition, the Commission may, in its discretion, allow
3 the waiver request to take effect without hearing. The
4 Commission shall grant such petition to the extent that, and
5 for such duration as, the Commission determines that such
6 waiver:

7 (1) is necessary:

8 (A) to avoid a significant adverse economic impact
9 on users of telecommunications services generally;

10 (B) to avoid imposing a requirement that is unduly
11 economically burdensome;

12 (C) to avoid imposing a requirement that is
13 technically infeasible; or

14 (D) to avoid imposing a requirement that is
15 otherwise impractical to implement in exchanges with
16 low population density; and

17 (2) is consistent with the public interest,
18 convenience, and necessity.

19 The Commission shall act upon any petition filed under this
20 subsection within 180 days after receiving such petition. The
21 Commission may by rule establish standards for granting any
22 waiver of the requirements of this Section. The Commission may,
23 upon complaint or on its own motion, hold a hearing to
24 reconsider its grant of a waiver in whole or in part. In the
25 event that the Commission, following hearing, determines that
26 the affected ILEC no longer meets the requirements of item (2)

1 of this subsection, the Commission shall by order rescind such
2 waiver, in whole or in part. In the event and to the degree the
3 Commission rescinds such waiver, the Commission shall
4 establish an implementation schedule for compliance with the
5 requirements of this Section.

6 (c) As used in this Section, "advanced telecommunications
7 services" means services capable of supporting, in at least one
8 direction, a speed in excess of 200 kilobits per second (kbps)
9 to the network demarcation point at the subscriber's premises.
10 (Source: P.A. 97-813, eff. 7-13-12.)

11 (220 ILCS 5/13-518)

12 Sec. 13-518. Optional service packages.

13 (a) It is the intent of this Section to provide unlimited
14 local service packages at prices that will result in savings
15 for the average consumer. Each telecommunications carrier that
16 provides competitive and noncompetitive services, and that is
17 subject to an alternative regulation plan pursuant to Section
18 13-506.1 of this Article, shall provide, in addition to such
19 other services as it offers, the following optional packages of
20 services for a fixed monthly rate, which, along with the terms
21 and conditions thereof, the Commission shall review, pursuant
22 to Article IX of this Act, to determine whether such rates,
23 terms, and conditions are fair, just, and reasonable.

24 (1) A budget package, which shall consist of
25 residential access service and unlimited local calls.

1 (2) A flat rate package, which shall consist of
2 residential access service, unlimited local calls, and the
3 customer's choice of 2 vertical services as defined in this
4 Section.

5 (3) An enhanced flat rate package, which shall consist
6 of residential access service for 2 lines, unlimited local
7 calls, the customer's choice of 2 vertical services as
8 defined in this Section, and unlimited local toll service.

9 (b) Nothing in this Section or this Act shall be construed
10 to prohibit any telecommunications carrier subject to this
11 Section from charging customers who elect to take one of the
12 groups of services offered pursuant to this Section, any
13 applicable surcharges, fees, and taxes.

14 (c) The term "vertical services", when used in this
15 Section, includes, but is not necessarily limited to, call
16 waiting, call forwarding, 3-way calling, caller ID, call
17 tracing, automatic callback, repeat dialing, and voicemail.

18 (d) The service packages described in this Section shall be
19 defined as noncompetitive services.

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

21 (220 ILCS 5/13-519)

22 Sec. 13-519. Fire alarm; discontinuance of service. When a
23 telecommunications carrier initiates a discontinuance of
24 service on a known emergency system or fire alarm system that
25 is required by the local authority to be a dedicated phone line

1 circuit to the central dispatch of the fire department or fire
2 protection district or, if applicable, the police department,
3 the telecommunications carrier shall also transmit a copy of
4 the written notice of discontinuance to that local authority.
5 (Source: P.A. 93-412, eff. 1-1-04.)

6 (220 ILCS 5/13-601) (from Ch. 111 2/3, par. 13-601)

7 Sec. 13-601. Application of Article VII. The provisions of
8 Article VII of this Act are applicable only to
9 telecommunications carriers offering or providing
10 noncompetitive telecommunications service, and the
11 Commission's regulation thereof, except that (1) the approval
12 of contracts and arrangements with affiliated interests
13 required by paragraph (3) of Section 7-101 shall not apply to
14 such telecommunications carriers provided that, except as
15 provided in item (2), those contracts and arrangements shall be
16 filed with the Commission and (2) affiliated interest contracts
17 or arrangements entered into by such telecommunications
18 carriers where the increased obligation thereunder does not
19 exceed the lesser of \$5,000,000 or 5% of such carrier's prior
20 annual revenue from noncompetitive services are not required to
21 be filed with the Commission.

22 (Source: P.A. 89-440, eff. 12-15-95.)

23 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

24 Sec. 13-701. Notwithstanding any other provision of this

1 Act to the contrary, the Commission has no power to supervise
2 or control any telephone cooperative as respects assessment
3 schedules or local service rates made or charged by such a
4 cooperative on a nondiscriminatory basis. In addition, the
5 Commission has no power to inquire into, or require the
6 submission of, the terms, conditions or agreements by or under
7 which telephone cooperatives are financed. A telephone
8 cooperative shall file with the Commission either a copy of the
9 annual financial report required by the Rural Electrification
10 Administration, or the annual financial report required of
11 other public utilities.

12 Sections 13-712 and 13-713 of this Act do not apply to
13 telephone cooperatives.

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

15 (220 ILCS 5/13-702) (from Ch. 111 2/3, par. 13-702)

16 Sec. 13-702. Every telecommunications carrier operating in
17 this State shall receive, transmit and deliver, without
18 discrimination or delay, the conversations, messages or other
19 transmissions of every other telecommunications carrier with
20 which a joint rate has been established or with whose line a
21 physical connection may have been made.

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

23 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

24 Sec. 13-703. (a) The Commission shall design and implement

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

13 (b) The Commission shall design and implement a program,
14 whereby each telecommunications carrier providing local
15 exchange service shall provide a telecommunications relay
16 system, using third party intervention to connect those persons
17 having a hearing or speech disability with persons of normal
18 hearing by way of intercommunications devices and the telephone
19 system, making available reasonable access to all phases of
20 public telephone service to persons who have a hearing or
21 speech disability. In order to design a telecommunications
22 relay system which will meet the requirements of those persons
23 with a hearing or speech disability available at a reasonable
24 cost, the Commission shall initiate an investigation and
25 conduct public hearings to determine the most cost-effective
26 method of providing telecommunications relay service to those

1 persons who have a hearing or speech disability when using
2 telecommunications devices and therein solicit the advice,
3 counsel, and physical assistance of Statewide nonprofit
4 consumer organizations that serve persons with hearing or
5 speech disabilities in such hearings and during the development
6 and implementation of the system. The Commission shall phase in
7 this program, on a geographical basis, as soon as is
8 practicable, but no later than June 30, 1990.

9 (c) The Commission shall establish a competitively neutral
10 rate recovery mechanism that establishes charges in an amount
11 to be determined by the Commission for each line of a
12 subscriber to allow telecommunications carriers providing
13 local exchange service to recover costs as they are incurred
14 under this Section. Beginning no later than April 1, 2016, and
15 on a yearly basis thereafter, the Commission shall initiate a
16 proceeding to establish the competitively neutral amount to be
17 charged or assessed to subscribers of telecommunications
18 carriers and wireless carriers, Interconnected VoIP service
19 providers, and consumers of prepaid wireless
20 telecommunications service in a manner consistent with this
21 subsection (c) and subsection (f) of this Section. The
22 Commission shall issue its order establishing the
23 competitively neutral amount to be charged or assessed to
24 subscribers of telecommunications carriers and wireless
25 carriers, Interconnected VoIP service providers, and
26 purchasers of prepaid wireless telecommunications service on

1 or prior to June 1 of each year, and such amount shall take
2 effect June 1 of each year.

3 Telecommunications carriers, wireless carriers,
4 Interconnected VoIP service providers, and sellers of prepaid
5 wireless telecommunications service shall have 60 days from the
6 date the Commission files its order to implement the new rate
7 established by the order.

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

23 (e) As used in this Section:

24 "Prepaid wireless telecommunications service" has the
25 meaning given to that term under Section 10 of the Prepaid
26 Wireless 9-1-1 Surcharge Act.

1 "Retail transaction" has the meaning given to that term
2 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

3 "Seller" has the meaning given to that term under Section
4 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

5 "Telecommunications carrier providing local exchange
6 service" includes, without otherwise limiting the meaning of
7 the term, telecommunications carriers which are purely mutual
8 concerns, having no rates or charges for services, but paying
9 the operating expenses by assessment upon the members of such a
10 company and no other person.

11 "Wireless carrier" has the meaning given to that term under
12 Section ~~2 10~~ of the ~~Wireless~~ Emergency Telephone System Safety
13 Act.

14 (f) Interconnected VoIP service providers, sellers of
15 prepaid wireless telecommunications service, and wireless
16 carriers in Illinois shall collect and remit assessments
17 determined in accordance with this Section in a competitively
18 neutral manner in the same manner as a telecommunications
19 carrier providing local exchange service. However, the
20 assessment imposed on consumers of prepaid wireless
21 telecommunications service shall be collected by the seller
22 from the consumer and imposed per retail transaction as a
23 percentage of that retail transaction on all retail
24 transactions occurring in this State. The assessment on
25 subscribers of wireless carriers and consumers of prepaid
26 wireless telecommunications service shall not be imposed or

1 collected prior to June 1, 2016.

2 Sellers of prepaid wireless telecommunications service
3 shall remit the assessments to the Department of Revenue on the
4 same form and in the same manner which they remit the fee
5 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
6 the purposes of display on the consumers' receipts, the rates
7 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
8 Act and the assessment under this Section may be combined. In
9 administration and enforcement of this Section, the provisions
10 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
11 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
12 Section 15 and subsections (c) and (e) of Section 20 of the
13 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
14 (the effective date of Public Act 99-6), the seller shall be
15 permitted to deduct and retain 3% of the assessments that are
16 collected by the seller from consumers and that are remitted
17 and timely filed with the Department) that are not inconsistent
18 with this Section, shall apply, as far as practicable, to the
19 subject matter of this Section to the same extent as if those
20 provisions were included in this Section. The Department shall
21 deposit all assessments and penalties collected under this
22 Section into the Illinois Telecommunications Access
23 Corporation Fund, a special fund created in the State treasury.
24 On or before the 25th day of each calendar month, the
25 Department shall prepare and certify to the Comptroller the
26 amount available to the Commission for distribution out of the

1 Illinois Telecommunications Access Corporation Fund. The
2 amount certified shall be the amount (not including credit
3 memoranda) collected during the second preceding calendar
4 month by the Department, plus an amount the Department
5 determines is necessary to offset any amounts which were
6 erroneously paid to a different taxing body or fund. The amount
7 paid to the Illinois Telecommunications Access Corporation
8 Fund shall not include any amount equal to the amount of
9 refunds made during the second preceding calendar month by the
10 Department to retailers under this Section or any amount that
11 the Department determines is necessary to offset any amounts
12 which were payable to a different taxing body or fund but were
13 erroneously paid to the Illinois Telecommunications Access
14 Corporation Fund. The Commission shall distribute all the funds
15 to the Illinois Telecommunications Access Corporation and the
16 funds may only be used in accordance with the provisions of
17 this Section. The Department shall deduct 2% of all amounts
18 deposited in the Illinois Telecommunications Access
19 Corporation Fund during every year of remitted assessments. Of
20 the 2% deducted by the Department, one-half shall be
21 transferred into the Tax Compliance and Administration Fund to
22 reimburse the Department for its direct costs of administering
23 the collection and remittance of the assessment. The remaining
24 one-half shall be transferred into the Public Utility Fund to
25 reimburse the Commission for its costs of distributing to the
26 Illinois Telecommunications Access Corporation the amount

1 certified by the Department for distribution. The amount to be
2 charged or assessed under subsections (c) and (f) is not
3 imposed on a provider or the consumer for wireless Lifeline
4 service where the consumer does not pay the provider for the
5 service. Where the consumer purchases from the provider
6 optional minutes, texts, or other services in addition to the
7 federally funded Lifeline benefit, a consumer must pay the
8 charge or assessment, and it must be collected by the seller
9 according to this subsection (f).

10 Interconnected VoIP services shall not be considered an
11 intrastate telecommunications service for the purposes of this
12 Section in a manner inconsistent with federal law or Federal
13 Communications Commission regulation.

14 (g) The provisions of this Section are severable under
15 Section 1.31 of the Statute on Statutes.

16 (h) The Commission may adopt rules necessary to implement
17 this Section.

18 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,
19 eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17;
20 revised 2-15-17.)

21 (220 ILCS 5/13-704) (from Ch. 111 2/3, par. 13-704)

22 Sec. 13-704. Each page of a billing statement which sets
23 forth charges assessed against a customer by a
24 telecommunications carrier for telecommunications service
25 shall reflect the telephone number or customer account number

1 to which the charges are being billed. If a telecommunications
2 carrier offers electronic billing, customers may elect to have
3 their bills sent electronically. Such bills shall be
4 transmitted with instructions for payment. Information sent
5 electronically shall be deemed to satisfy any requirement in
6 this Section that such information be printed or written on a
7 customer bill. Bills may be paid electronically or by the use
8 of a customer-preferred financially accredited credit or debit
9 methodology.

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

11 (220 ILCS 5/13-705) (from Ch. 111 2/3, par. 13-705)

12 Sec. 13-705. Every telephone directory distributed after
13 July 1, 1990 to the general public in this State which lists
14 the calling numbers of telephones, of any telephone exchange
15 located in this State, shall also contain a listing, at no
16 additional charge, of any special calling number assigned to
17 any telecommunication device for the deaf in use within the
18 geographic area of coverage for the directory, unless the
19 telephone company is notified by the telecommunication device
20 subscriber that the subscriber does not wish the TDD number to
21 be listed in the directory. Such listing shall include, but is
22 not limited to, residential, commercial and governmental
23 numbers with telecommunication device access and shall include
24 a designation if the device is for print or display
25 communication only or if it also accommodates voice

1 transmission. In addition to the aforementioned requirements
2 each telephone directory so distributed shall also contain a
3 listing of any city and county emergency services and any
4 police telecommunication device for the deaf calling numbers in
5 the coverage area within this State which is included in the
6 directory as well as the listing of the Illinois State Police
7 emergency telecommunication device for the deaf calling number
8 in Springfield. This emergency numbers listing shall be
9 preceded by the words "Emergency Assistance for Deaf Persons"
10 which shall be as legible and printed in the same size as all
11 other emergency subheadings on the page; provided, that the
12 provisions of this Section do not apply to those directories
13 distributed solely for business advertising purposes, commonly
14 known as classified directories.

15 (Source: P.A. 85-1404.)

16 (220 ILCS 5/13-706) (from Ch. 111 2/3, par. 13-706)

17 Sec. 13-706. Except as provided in Section 13-707 of this
18 Act, all essential telephones, all coin-operated phones and all
19 emergency telephones sold, rented or distributed by any other
20 means in this State after July 1, 1990 shall be hearing-aid
21 compatible. The provisions of this Section shall not apply to
22 any telephone that is manufactured before July 1, 1989.

23 (Source: P.A. 85-1440.)

24 (220 ILCS 5/13-707) (from Ch. 111 2/3, par. 13-707)

1 Sec. 13-707. The following telephones shall be exempt from
2 the requirements of Section 13-706 of this Act: telephones used
3 with public mobile services; telephones used with private radio
4 services; and cordless telephones. The exemption provided in
5 this Section shall not apply with respect to cordless
6 telephones manufactured or imported more than 3 years after
7 September 19, 1988. The Commission shall periodically assess
8 the appropriateness of continuing in effect the exemptions
9 provided herein for public mobile service and private radio
10 service telephones and report their findings to the General
11 Assembly.

12 (Source: P.A. 85-1440.)

13 (220 ILCS 5/13-709)

14 Sec. 13-709. Orders of correction.

15 (a) A telecommunications carrier shall comply with orders
16 of correction issued by the Department of Public Health under
17 Section 5 of the Illinois Plumbing License Law.

18 (b) Upon receiving notification from the Department of
19 Public Health that a telecommunications carrier has failed to
20 comply with an order of correction, the Illinois Commerce
21 Commission shall enforce the order.

22 (c) The good faith compliance by a telecommunications
23 carrier with an order of the Department of Public Health or
24 Illinois Commerce Commission to terminate service pursuant to
25 Section 5 of the Illinois Plumbing License Law shall constitute

1 a complete defense to any civil action brought against the
2 telecommunications carrier arising from the termination of
3 service.

4 (Source: P.A. 91-184, eff. 1-1-00.)

5 (220 ILCS 5/13-712)

6 Sec. 13-712. Basic local exchange service quality;
7 customer credits.

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

13 (b) Definitions:

14 (1) (Blank).

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

21 (A) services that employ advanced
22 telecommunications capability as defined in Section
23 706(c) (1) of the federal Telecommunications Act of
24 1996;

25 (B) vertical services;

1 (C) company official lines; and

2 (D) records work only.

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

6 (c) The Commission shall promulgate service quality rules
7 for basic local exchange service, which may include fines,
8 penalties, customer credits, and other enforcement mechanisms.
9 In developing such service quality rules, the Commission shall
10 consider, at a minimum, the carrier's gross annual intrastate
11 revenue; the frequency, duration, and recurrence of the
12 violation; and the relative harm caused to the affected
13 customer or other users of the network. In imposing fines, the
14 Commission shall take into account compensation or credits paid
15 by the telecommunications carrier to its customers pursuant to
16 this Section in compensation for the violation found pursuant
17 to this Section. These rules shall become effective within one
18 year after the effective date of this amendatory Act of the
19 92nd General Assembly.

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

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

1 service within this timeframe. If installation of service
2 is requested on or by a date more than 5 business days in
3 the future, the telecommunications carrier shall install
4 service by the date requested. A telecommunications
5 carrier offering basic local exchange service utilizing
6 the network or network elements of another carrier shall
7 install new lines for basic local exchange service within 3
8 business days after provisioning of the line or lines by
9 the carrier whose network or network elements are being
10 utilized is complete. This subdivision (d)(1) does not
11 apply to the migration of a customer between
12 telecommunications carriers, so long as the customer
13 maintains dial tone.

14 (2) Restore basic local exchange service for a customer
15 within 30 hours of receiving notice that a customer is out
16 of service. This provision applies to service disruptions
17 that occur when a customer switches existing basic local
18 exchange service from one carrier to another.

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

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

24 (e) The rules shall include provisions for customers to be
25 credited by the telecommunications carrier for violations of
26 basic local exchange service quality standards as described in

1 subsection (d). The credits shall be applied on the statement
2 issued to the customer for the next monthly billing cycle
3 following the violation or following the discovery of the
4 violation. The performance levels established in subsection
5 (c) are solely for the purposes of consumer credits and shall
6 not be used as performance levels for the purposes of assessing
7 penalties under Section 13-305. At a minimum, the rules shall
8 include the following:

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

1 provide an additional credit of \$20 per day.

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

23 (3) If a carrier fails to keep a scheduled repair or
24 installation appointment when a customer premises visit
25 requires a customer to be present, the carrier shall credit
26 the customer \$25 per missed appointment. A credit required

1 by this subsection does not apply when the carrier provides
2 the customer notice of its inability to keep the
3 appointment no later than 8 p.m. of the day prior to the
4 scheduled date of the appointment.

5 (4) If the violation of a basic local exchange service
6 quality standard is caused by a carrier other than the
7 carrier providing retail service to the customer, the
8 carrier providing retail service to the customer shall
9 credit the customer as provided in this Section. The
10 carrier causing the violation shall reimburse the carrier
11 providing retail service the amount credited the customer.
12 When applicable, an interconnection agreement shall govern
13 compensation between the carrier causing the violation, in
14 whole or in part, and the retail carrier providing the
15 credit to the customer.

16 (5) (Blank).

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

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

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

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

25 (iv) is extended by the carrier's inability to gain
26 access to the customer's premises due to the customer

1 missing an appointment, provided that the violation is
2 not further extended by the carrier;

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

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

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

17 (7) The provisions of this subsection are cumulative
18 and shall not in any way diminish or replace other civil or
19 administrative remedies available to a customer or a class
20 of customers.

21 (f) The rules shall require each telecommunications
22 carrier to provide to the Commission, on a quarterly basis and
23 in a form suitable for posting on the Commission's website, a
24 public report that includes performance data for basic local
25 exchange service quality of service. The performance data shall
26 be disaggregated for each geographic area and each customer

1 class of the State for which the telecommunications carrier
2 internally monitored performance data as of a date 120 days
3 preceding the effective date of this amendatory Act of the 92nd
4 General Assembly. The report shall include, at a minimum,
5 performance data on basic local exchange service
6 installations, lines out of service for more than 30 hours,
7 carrier response to customer calls, trouble reports, and missed
8 repair and installation commitments.

9 (g) The Commission shall establish and implement carrier to
10 carrier wholesale service quality rules and establish remedies
11 to ensure enforcement of the rules.

12 (Source: P.A. 98-45, eff. 6-28-13.)

13 (220 ILCS 5/13-713)

14 Sec. 13-713. Consumer complaint resolution process.

15 (a) It is the intent of the General Assembly that consumer
16 complaints against telecommunications carriers shall be
17 concluded as expeditiously as possible consistent with the
18 rights of the parties thereto to the due process of law and
19 protection of the public interest.

20 (b) The Commission shall promulgate rules that permit
21 parties to resolve disputes through mediation. A consumer may
22 request mediation upon completion of the Commission's informal
23 complaint process and prior to the initiation of a formal
24 complaint as described in Commission rules.

25 (c) A residential consumer or business consumer with fewer

1 than 20 lines shall have the right to request mediation for
2 resolution of a dispute with a telecommunications carrier. The
3 carrier shall be required to participate in mediation at the
4 consumer's request.

5 (d) The Commission may retain the services of an
6 independent neutral mediator or trained Commission staff to
7 facilitate resolution of the consumer dispute. The mediation
8 process must be completed no later than 45 days after the
9 consumer requests mediation.

10 (e) If the parties reach agreement, the agreement shall be
11 reduced to writing at the conclusion of the mediation. The
12 writing shall contain mutual conditions, payment arrangements,
13 or other terms that resolve the dispute in its entirety. If the
14 parties are unable to reach agreement or after 45 days,
15 whichever occurs first, the consumer may file a formal
16 complaint with the Commission as described in Commission rules.

17 (f) If either the consumer or the carrier fails to abide by
18 the terms of the settlement agreement, either party may
19 exercise any rights it may have as specified in the terms of
20 the agreement or as provided in Commission rules.

21 (g) All notes, writings and settlement discussions related
22 to the mediation shall be exempt from discovery and shall be
23 inadmissible in any agency or court proceeding.

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

25 (220 ILCS 5/13-801) (from Ch. 111 2/3, par. 13-801)

1 Sec. 13-801. Incumbent local exchange carrier obligations.

2 (a) This Section provides additional State requirements
3 contemplated by, but not inconsistent with, Section 261(c) of
4 the federal Telecommunications Act of 1996, and not preempted
5 by orders of the Federal Communications Commission. A
6 telecommunications carrier not subject to regulation under an
7 alternative regulation plan pursuant to Section 13-506.1 of
8 this Act shall not be subject to the provisions of this
9 Section, to the extent that this Section imposes requirements
10 or obligations upon the telecommunications carrier that exceed
11 or are more stringent than those obligations imposed by Section
12 251 of the federal Telecommunications Act of 1996 and
13 regulations promulgated thereunder.

14 An incumbent local exchange carrier shall provide a
15 requesting telecommunications carrier with interconnection,
16 collocation, network elements, and access to operations
17 support systems on just, reasonable, and nondiscriminatory
18 rates, terms, and conditions to enable the provision of any and
19 all existing and new telecommunications services within the
20 LATA, including, but not limited to, local exchange and
21 exchange access. The Commission shall require the incumbent
22 local exchange carrier to provide interconnection,
23 collocation, and network elements in any manner technically
24 feasible to the fullest extent possible to implement the
25 maximum development of competitive telecommunications services
26 offerings. As used in this Section, to the extent that

1 interconnection, collocation, or network elements have been
2 deployed for or by the incumbent local exchange carrier or one
3 of its wireline local exchange affiliates in any jurisdiction,
4 it shall be presumed that such is technically feasible in
5 Illinois.

6 (b) Interconnection.

7 (1) An incumbent local exchange carrier shall provide
8 for the facilities and equipment of any requesting
9 telecommunications carrier's interconnection with the
10 incumbent local exchange carrier's network on just,
11 reasonable, and nondiscriminatory rates, terms, and
12 conditions:

13 (A) for the transmission and routing of local
14 exchange, and exchange access telecommunications
15 services;

16 (B) at any technically feasible point within the
17 incumbent local exchange carrier's network; however,
18 the incumbent local exchange carrier may not require
19 the requesting carrier to interconnect at more than one
20 technically feasible point within a LATA; and

21 (C) that is at least equal in quality and
22 functionality to that provided by the incumbent local
23 exchange carrier to itself or to any subsidiary,
24 affiliate, or any other party to which the incumbent
25 local exchange carrier provides interconnection.

26 (2) An incumbent local exchange carrier shall make

1 available to any requesting telecommunications carrier, to
2 the extent technically feasible, those services,
3 facilities, or interconnection agreements or arrangements
4 that the incumbent local exchange carrier or any of its
5 incumbent local exchange subsidiaries or affiliates offers
6 in another state under the terms and conditions, but not
7 the stated rates, negotiated pursuant to Section 252 of the
8 federal Telecommunications Act of 1996. Rates shall be
9 established in accordance with the requirements of
10 subsection (g) of this Section. An incumbent local exchange
11 carrier shall also make available to any requesting
12 telecommunications carrier, to the extent technically
13 feasible, and subject to the unbundling provisions of
14 Section 251(d)(2) of the federal Telecommunications Act of
15 1996, those unbundled network element or interconnection
16 agreements or arrangements that a local exchange carrier
17 affiliate of the incumbent local exchange carrier obtains
18 in another state from the incumbent local exchange carrier
19 in that state, under the terms and conditions, but not the
20 stated rates, obtained through negotiation, or through an
21 arbitration initiated by the affiliate, pursuant to
22 Section 252 of the federal Telecommunications Act of 1996.
23 Rates shall be established in accordance with the
24 requirements of subsection (g) of this Section.

25 (c) Collocation. An incumbent local exchange carrier shall
26 provide for physical or virtual collocation of any type of

1 equipment for interconnection or access to network elements at
2 the premises of the incumbent local exchange carrier on just,
3 reasonable, and nondiscriminatory rates, terms, and
4 conditions. The equipment shall include, but is not limited to,
5 optical transmission equipment, multiplexers, remote switching
6 modules, and cross-connects between the facilities or
7 equipment of other collocated carriers. The equipment shall
8 also include microwave transmission facilities on the exterior
9 and interior of the incumbent local exchange carrier's premises
10 used for interconnection to, or for access to network elements
11 of, the incumbent local exchange carrier or a collocated
12 carrier, unless the incumbent local exchange carrier
13 demonstrates to the Commission that it is not practical due to
14 technical reasons or space limitations. An incumbent local
15 exchange carrier shall allow, and provide for, the most
16 reasonably direct and efficient cross-connects, that are
17 consistent with safety and network reliability standards,
18 between the facilities of collocated carriers. An incumbent
19 local exchange carrier shall also allow, and provide for, cross
20 connects between a noncollocated telecommunications carrier's
21 network elements platform, or a noncollocated
22 telecommunications carrier's transport facilities, and the
23 facilities of any collocated carrier, consistent with safety
24 and network reliability standards.

25 (d) Network elements. The incumbent local exchange carrier
26 shall provide to any requesting telecommunications carrier,

1 for the provision of an existing or a new telecommunications
2 service, nondiscriminatory access to network elements on any
3 unbundled or bundled basis, as requested, at any technically
4 feasible point on just, reasonable, and nondiscriminatory
5 rates, terms, and conditions.

6 (1) An incumbent local exchange carrier shall provide
7 unbundled network elements in a manner that allows
8 requesting telecommunications carriers to combine those
9 network elements to provide a telecommunications service.

10 (2) An incumbent local exchange carrier shall not
11 separate network elements that are currently combined,
12 except at the explicit direction of the requesting carrier.

13 (3) Upon request, an incumbent local exchange carrier
14 shall combine any sequence of unbundled network elements
15 that it ordinarily combines for itself, including but not
16 limited to, unbundled network elements identified in The
17 Draft of the Proposed Ameritech Illinois 271 Amendment
18 (I2A) found in Schedule SJA-4 attached to Exhibit 3.1 filed
19 by Illinois Bell Telephone Company on or about March 28,
20 2001 with the Illinois Commerce Commission under Illinois
21 Commerce Commission Docket Number 00-0700. The Commission
22 shall determine those network elements the incumbent local
23 exchange carrier ordinarily combines for itself if there is
24 a dispute between the incumbent local exchange carrier and
25 the requesting telecommunications carrier under this
26 subdivision of this Section of this Act.

1 The incumbent local exchange carrier shall be entitled
2 to recover from the requesting telecommunications carrier
3 any just and reasonable special construction costs
4 incurred in combining such unbundled network elements (i)
5 if such costs are not already included in the established
6 price of providing the network elements, (ii) if the
7 incumbent local exchange carrier charges such costs to its
8 retail telecommunications end users, and (iii) if fully
9 disclosed in advance to the requesting telecommunications
10 carrier. The Commission shall determine whether the
11 incumbent local exchange carrier is entitled to any special
12 construction costs if there is a dispute between the
13 incumbent local exchange carrier and the requesting
14 telecommunications carrier under this subdivision of this
15 Section of this Act.

16 (4) A telecommunications carrier may use a network
17 elements platform consisting solely of combined network
18 elements of the incumbent local exchange carrier to provide
19 end to end telecommunications service for the provision of
20 existing and new local exchange, interexchange that
21 includes local, local toll, and intraLATA toll, and
22 exchange access telecommunications services within the
23 LATA to its end users or payphone service providers without
24 the requesting telecommunications carrier's provision or
25 use of any other facilities or functionalities.

26 (5) The Commission shall establish maximum time

1 periods for the incumbent local exchange carrier's
2 provision of network elements. The maximum time period
3 shall be no longer than the time period for the incumbent
4 local exchange carrier's provision of comparable retail
5 telecommunications services utilizing those network
6 elements. The Commission may establish a maximum time
7 period for a particular network element that is shorter
8 than for a comparable retail telecommunications service
9 offered by the incumbent local exchange carrier if a
10 requesting telecommunications carrier establishes that it
11 shall perform other functions or activities after receipt
12 of the particular network element to provide
13 telecommunications services to end users. The burden of
14 proof for establishing a maximum time period for a
15 particular network element that is shorter than for a
16 comparable retail telecommunications service offered by
17 the incumbent local exchange carrier shall be on the
18 requesting telecommunications carrier. Notwithstanding any
19 other provision of this Article, unless and until the
20 Commission establishes by rule or order a different
21 specific maximum time interval, the maximum time intervals
22 shall not exceed 5 business days for the provision of
23 unbundled loops, both digital and analog, 10 business days
24 for the conditioning of unbundled loops or for existing
25 combinations of network elements for an end user that has
26 existing local exchange telecommunications service, and

1 one business day for the provision of the high frequency
2 portion of the loop (line-sharing) for at least 95% of the
3 requests of each requesting telecommunications carrier for
4 each month.

5 In measuring the incumbent local exchange carrier's
6 actual performance, the Commission shall ensure that
7 occurrences beyond the control of the incumbent local
8 exchange carrier that adversely affect the incumbent local
9 exchange carrier's performance are excluded when
10 determining actual performance levels. Such occurrences
11 shall be determined by the Commission, but at a minimum
12 must include work stoppage or other labor actions and acts
13 of war. Exclusions shall also be made for performance that
14 is governed by agreements approved by the Commission and
15 containing timeframes for the same or similar measures or
16 for when a requesting telecommunications carrier requests
17 a longer time interval.

18 (6) When a telecommunications carrier requests a
19 network elements platform referred to in subdivision
20 (d)(4) of this Section, without the need for field work
21 outside of the central office, for an end user that has
22 existing local exchange telecommunications service
23 provided by an incumbent local exchange carrier, or by
24 another telecommunications carrier through the incumbent
25 local exchange carrier's network elements platform, unless
26 otherwise agreed by the telecommunications carriers, the

1 incumbent local exchange carrier shall provide the
2 requesting telecommunications carrier with the requested
3 network elements platform within 3 business days for at
4 least 95% of the requests for each requesting
5 telecommunications carrier for each month. A requesting
6 telecommunications carrier may order the network elements
7 platform as is for an end user that has such existing local
8 exchange service without changing any of the features
9 previously selected by the end user. The incumbent local
10 exchange carrier shall provide the requested network
11 elements platform without any disruption to the end user's
12 services.

13 Absent a contrary agreement between the
14 telecommunications carriers entered into after the
15 effective date of this amendatory Act of the 92nd General
16 Assembly, as of 12:01 a.m. on the third business day after
17 placing the order for a network elements platform, the
18 requesting telecommunications carrier shall be the
19 presubscribed primary local exchange carrier for that end
20 user line and shall be entitled to receive, or to direct
21 the disposition of, all revenues for all services utilizing
22 the network elements in the platform, unless it is
23 established that the end user of the existing local
24 exchange service did not authorize the requesting
25 telecommunications carrier to make the request.

26 (e) Operations support systems. The Commission shall

1 establish minimum standards with just, reasonable, and
2 nondiscriminatory rates, terms, and conditions for the
3 preordering, ordering, provisioning, maintenance and repair,
4 and billing functions of the incumbent local exchange carrier's
5 operations support systems provided to other
6 telecommunications carriers.

7 (f) Resale. An incumbent local exchange carrier shall offer
8 all retail telecommunications services, that the incumbent
9 local exchange carrier provides at retail to subscribers who
10 are not telecommunications carriers, within the LATA, together
11 with each applicable optional feature or functionality,
12 subject to resale at wholesale rates without imposing any
13 unreasonable or discriminatory conditions or limitations.
14 Wholesale rates shall be based on the retail rates charged to
15 end users for the telecommunications service requested,
16 excluding the portion thereof attributable to any marketing,
17 billing, collection, and other costs avoided by the local
18 exchange carrier. The Commission may determine under Article IX
19 of this Act that certain noncompetitive services, together with
20 each applicable optional feature or functionality, that are
21 offered to residence customers under different rates, charges,
22 terms, or conditions than to other customers should not be
23 subject to resale under the rates, charges, terms, or
24 conditions available only to residence customers.

25 (g) Cost based rates. Interconnection, collocation,
26 network elements, and operations support systems shall be

1 provided by the incumbent local exchange carrier to requesting
2 telecommunications carriers at cost based rates. The immediate
3 implementation and provisioning of interconnection,
4 collocation, network elements, and operations support systems
5 shall not be delayed due to any lack of determination by the
6 Commission as to the cost based rates. When cost based rates
7 have not been established, within 30 days after the filing of a
8 petition for the setting of interim rates, or after the
9 Commission's own motion, the Commission shall provide for
10 interim rates that shall remain in full force and effect until
11 the cost based rate determination is made, or the interim rate
12 is modified, by the Commission.

13 (h) Rural exemption. This Section does not apply to certain
14 rural telephone companies as described in 47 U.S.C. 251(f).

15 (i) Schedule of rates. A telecommunications carrier may
16 request the incumbent local exchange carrier to provide a
17 schedule of rates listing each of the rate elements of the
18 incumbent local exchange carrier that pertains to a proposed
19 order identified by the requesting telecommunications carrier
20 for any of the matters covered in this Section. The incumbent
21 local exchange carrier shall deliver the requested schedule of
22 rates to the requesting telecommunications carrier within 2
23 business days for 95% of the requests for each requesting
24 carrier

25 (j) Special access circuits. Other than as provided in
26 subdivision (d)(4) of this Section for the network elements

1 platform described in that subdivision, nothing in this
2 amendatory Act of the 92nd General Assembly is intended to
3 require or prohibit the substitution of switched or special
4 access services by or with a combination of network elements
5 nor address the Illinois Commerce Commission's jurisdiction or
6 authority in this area.

7 (k) The Commission shall determine any matters in dispute
8 between the incumbent local exchange carrier and the requesting
9 carrier pursuant to Section 13-515 of this Act.

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

11 (220 ILCS 5/13-802.1)

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

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

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

1 carrier.

2 (c) The Commission is authorized to adopt rules and
3 regulations concerning the conditions to be contained in and
4 become a part of contracts for noncompetitive
5 telecommunications services in a manner consistent with this
6 Act and federal law.

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

15 (Source: P.A. 98-45, eff. 6-28-13.)

16 (220 ILCS 5/13-804)

17 Sec. 13-804. Broadband investment. Increased investment
18 into broadband infrastructure is critical to the economic
19 development of this State and a key component to the retention
20 of existing jobs and the creation of new jobs. The removal of
21 regulatory uncertainty will attract greater private-sector
22 investment in broadband infrastructure. Notwithstanding other
23 provisions of this Article:

24 (A) the Commission shall have the authority to certify
25 providers of wireless services, including, but not limited

1 to, private radio service, public mobile service, or
2 commercial mobile service, as those terms are defined in 47
3 U.S.C. 332 on the effective date of this amendatory Act of
4 the 96th General Assembly or as amended thereafter, to
5 provide telecommunications services in Illinois;

6 (B) the Commission shall have the authority to certify
7 providers of wireless services, including, but not limited
8 to, private radio service, public mobile service, or
9 commercial mobile service, as those terms are defined in 47
10 U.S.C. 332 on the effective date of this amendatory Act of
11 the 96th General Assembly or as amended thereafter, as
12 eligible telecommunications carriers in Illinois, as that
13 term has the meaning prescribed in 47 U.S.C. 214 on the
14 effective date of this amendatory Act of the 96th General
15 Assembly or as amended thereafter;

16 (C) the Commission shall have the authority to register
17 providers of fixed or non-nomadic Interconnected VoIP
18 service as Interconnected VoIP service providers in
19 Illinois in accordance with Section 401.1 of this Article;

20 (D) the Commission shall have the authority to require
21 providers of Interconnected VoIP service to participate in
22 hearing and speech disability programs; and

23 (E) the Commission shall have the authority to access
24 information provided to the non-profit organization under
25 Section 20 of the High Speed Internet Services and
26 Information Technology Act, provided the Commission enters

1 into a proprietary and confidentiality agreement governing
2 such information.

3 Except to the extent expressly permitted by and consistent
4 with federal law, the regulations of the Federal Communications
5 Commission, this Article, Article XXI or XXII of this Act, or
6 this amendatory Act of the 96th General Assembly, the
7 Commission shall not regulate the rates, terms, conditions,
8 quality of service, availability, classification, or any other
9 aspect of service regarding (i) broadband services, (ii)
10 Interconnected VoIP services, (iii) information services, as
11 defined in 47 U.S.C. 153(20) on the effective date of this
12 amendatory Act of the 96th General Assembly or as amended
13 thereafter, or (iv) wireless services, including, but not
14 limited to, private radio service, public mobile service, or
15 commercial mobile service, as those terms are defined in 47
16 U.S.C. 332 on the effective date of this amendatory Act of the
17 96th General Assembly or as amended thereafter.

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

19 (220 ILCS 5/13-900)

20 Sec. 13-900. Authority to serve as 9-1-1 system provider;
21 rules.

22 (a) The General Assembly finds that it is necessary to
23 require the certification of 9-1-1 system providers to ensure
24 the safety of the lives and property of Illinoisans and
25 Illinois businesses, and to otherwise protect and promote the

1 public safety, health, and welfare of the citizens of this
2 State and their property.

3 (b) For purposes of this Section:

4 "9-1-1 system" has the same meaning as that term is
5 defined in Section 2.19 of the Emergency Telephone System
6 Act.

7 "9-1-1 system provider" means any person, corporation,
8 limited liability company, partnership, sole
9 proprietorship, or entity of any description whatever that
10 acts as a system provider within the meaning of Section
11 2.18 of the Emergency Telephone System Act.

12 "Emergency Telephone System Board" has the same
13 meaning as that term is defined in Sections 2.11 and 15.4
14 of the Emergency Telephone System Act.

15 "Public safety agency personnel" means personnel
16 employed by a public safety agency, as that term is defined
17 in Section 2.02 of the Emergency Telephone System Act,
18 whose responsibilities include responding to requests for
19 emergency services.

20 (c) Except as otherwise provided in this Section, beginning
21 July 1, 2010, it is unlawful for any 9-1-1 system provider to
22 offer or provide or seek to offer or provide to any emergency
23 telephone system board or 9-1-1 system, or agent,
24 representative, or designee thereof, any network and database
25 service used or intended to be used by any emergency telephone
26 system board or 9-1-1 system for the purpose of answering,

1 transferring, or relaying requests for emergency services, or
2 dispatching public safety agency personnel in response to
3 requests for emergency services, unless the 9-1-1 system
4 provider has applied for and received a Certificate of 9-1-1
5 System Provider Authority from the Commission. The Commission
6 shall approve an application for a Certificate of 9-1-1 System
7 Provider Authority upon a showing by the applicant, and a
8 finding by the Commission, after notice and hearing, that the
9 applicant possesses sufficient technical, financial, and
10 managerial resources and abilities to provide network service
11 and database services that it seeks authority to provide in its
12 application for service authority, in a safe, continuous, and
13 uninterrupted manner.

14 (d) No incumbent local exchange carrier that provides, as
15 of the effective date of this amendatory Act of the 96th
16 General Assembly, any 9-1-1 network and 9-1-1 database service
17 used or intended to be used by any Emergency Telephone System
18 Board or 9-1-1 system, shall be required to obtain a
19 Certificate of 9-1-1 System Provider Authority under this
20 Section. No entity that possesses, as of the effective date of
21 this amendatory Act of the 96th General Assembly, a Certificate
22 of Service Authority and provides 9-1-1 network and 9-1-1
23 database services to any incumbent local exchange carrier as of
24 the effective date of this amendatory Act of the 96th General
25 Assembly shall be required to obtain a Certificate of 9-1-1
26 System Provider Authority under this Section.

1 (e) Any and all enforcement authority granted to the
2 Commission under this Section shall apply exclusively to 9-1-1
3 system providers granted a Certificate of Service Authority
4 under this Section and shall not apply to incumbent local
5 exchange carriers that are providing 9-1-1 service as of the
6 effective date of this amendatory Act of the 96th General
7 Assembly.

8 (Source: P.A. 96-25, eff. 6-30-09.)

9 (220 ILCS 5/13-900.1)

10 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
11 service. Notwithstanding any other provision of this Article,
12 the Commission retains its full authority over the rates and
13 service quality as they apply to 9-1-1 system providers,
14 including the Commission's existing authority over
15 interconnection with 9-1-1 system providers and 9-1-1 systems.
16 The rates, terms, and conditions for 9-1-1 service shall be
17 tariffed and shall be provided in the manner prescribed by this
18 Act and shall be subject to the applicable laws, including
19 rules or regulations adopted and orders issued by the
20 Commission or the Federal Communications Commission. The
21 Commission retains this full authority regardless of the
22 technologies utilized or deployed by 9-1-1 system providers.

23 (Source: P.A. 96-927, eff. 6-15-10; 97-333, eff. 8-12-11.)

24 (220 ILCS 5/13-900.2)

1 Sec. 13-900.2. Access services.

2 (a) This Section shall apply to switched access rates
3 charged by all carriers other than Electing Providers whose
4 switched access rates are governed by subsection (g) of Section
5 13-506.2 of this Act.

6 (b) Except as otherwise provided in subsection (c) of this
7 Section, the rates of any telecommunications carrier,
8 including, but not limited to, competitive local exchange
9 carriers, providing intrastate switched access service shall
10 be reduced to rates no higher than the carrier's rates for
11 interstate switched access service as follows:

12 (1) by January 1, 2011, each telecommunications
13 carrier must reduce its intrastate switched access rates by
14 an amount equal to 50% of the difference between its then
15 current intrastate switched access rates and its then
16 current interstate switched access rates;

17 (2) by January 1, 2012, each telecommunications
18 carrier must further reduce its intrastate switched access
19 rates by an amount equal to 50% of the difference between
20 its then current intrastate switched access rates and its
21 then current interstate switched access rates;

22 (3) by July 1, 2012, each telecommunications carrier
23 must reduce its intrastate switched access rates to mirror
24 its then current interstate switched access rates and rate
25 structure.

26 Following 24 months after the effective date of this

1 amendatory Act of the 96th General Assembly, each
2 telecommunications carrier must continue to set its intrastate
3 switched access rates to mirror its interstate switched access
4 rates and rate structure. For purposes of this Section, the
5 rate for intrastate switched access service means the
6 composite, per-minute rate for that service, including all
7 applicable fixed and traffic-sensitive charges, including, but
8 not limited to, carrier common line charges.

9 (c) Subsection (b) of this Section shall not apply to
10 incumbent local exchange carriers serving 35,000 or fewer
11 access lines.

12 (d) Nothing in subsection (b) of this Section prohibits a
13 telecommunications carrier from electing to offer intrastate
14 switched access service at rates lower than its interstate
15 rates.

16 (e) The Commission shall have no authority to order a
17 telecommunications carrier to set its rates for intrastate
18 switched access at a level lower than its interstate switched
19 access rates.

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

21 (220 ILCS 5/13-900.3)

22 Sec. 13-900.3. Regulatory flexibility for 9-1-1 system
23 providers.

24 (a) For purposes of this Section, "Regional Pilot Project"
25 to implement next generation 9-1-1 has the same meaning as that

1 term is defined in Section 2.22 of the Emergency Telephone
2 System Act.

3 (b) For the limited purpose of a Regional Pilot Project to
4 implement next generation 9-1-1, as defined in Section 13-900
5 of this Article, the Commission may forbear from applying any
6 rule or provision of Section 13-900 as it applies to
7 implementation of the Regional Pilot Project to implement next
8 generation 9-1-1 if the Commission determines, after notice and
9 hearing, that: (1) enforcement of the rule is not necessary to
10 ensure the development and improvement of emergency
11 communication procedures and facilities in such a manner as to
12 be able to quickly respond to any person requesting 9-1-1
13 services from police, fire, medical, rescue, and other
14 emergency services; (2) enforcement of the rule or provision is
15 not necessary for the protection of consumers; and (3)
16 forbearance from applying such provisions or rules is
17 consistent with the public interest. The Commission may
18 exercise such forbearance with respect to one, and only one,
19 Regional Pilot Project as authorized by Sections 10 and 11 of
20 the Emergency Telephone Systems Act to implement next
21 generation 9-1-1.

22 (Source: P.A. 96-1443, eff. 8-20-10; 97-333, eff. 8-12-11.)

23 (220 ILCS 5/13-901) (from Ch. 111 2/3, par. 13-901)

24 Sec. 13-901. Operator Service Provider.

25 (a) For the purposes of this Section:

1 (1) "Operator service provider" means every
2 telecommunications carrier that provides operator services
3 or any other person or entity that the Commission
4 determines is providing operator services.

5 (2) "Aggregator" means any person or entity that is not
6 an operator service provider and that in the ordinary
7 course of its operations makes telephones available to the
8 public or to transient users of its premises including, but
9 not limited to, a hotel, motel, hospital, or university for
10 telephone calls between points within this State that are
11 specified by the user using an operator service provider.

12 (3) "Operator services" means any telecommunications
13 service that includes, as a component, any automatic or
14 live assistance to a consumer to arrange for billing or
15 completion, or both, of a telephone call between points
16 within this State that are specified by the user through a
17 method other than:

18 (A) automatic completion with billing to the
19 telephone from which the call originated;

20 (B) completion through an access code or a
21 proprietary account number used by the consumer, with
22 billing to an account previously established with the
23 carrier by the consumer; or

24 (C) completion in association with directory
25 assistance services.

26 (b) The Commission shall, by rule or order, adopt and

1 enforce operating requirements for the provision of
2 operator-assisted services. The rules shall apply to operator
3 service providers and to aggregators. The rules shall be
4 compatible with the rules adopted by the Federal Communications
5 Commission under the federal Telephone Operator Consumer
6 Services Improvement Act of 1990. These requirements shall
7 address, but not necessarily be limited to, the following:

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

12 (2) restrictions on billing and charges for operator
13 services;

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

16 (4) access to other telecommunications carriers by the
17 use of access codes including, but not limited to 800, 888,
18 950, and 10XXX numbers;

19 (5) the appropriate routing and handling of emergency
20 calls;

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

26 (c) The Commission shall adopt any rule necessary to make

1 rules previously adopted under this Section compatible with the
2 rules of the Federal Communications Commission no later than
3 one year after the effective date of this amendatory Act of
4 1993.

5 (d) A violation of any rule adopted by the Commission under
6 subsection (b) is a business offense subject to a fine of not
7 less than \$1,000 nor more than \$5,000. In addition, the
8 Commission may, after notice and hearing, order any
9 telecommunications carrier to terminate service to any
10 aggregator found to have violated any rule.

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

12 (220 ILCS 5/13-902)

13 Sec. 13-902. Authorization and verification of a
14 subscriber's change in telecommunications carrier.

15 (a) Definitions; scope.

16 (1) "Submitting carrier" means any telecommunications
17 carrier that requests on behalf of a subscriber that the
18 subscriber's telecommunications carrier be changed and
19 seeks to provide retail services to the end user
20 subscriber.

21 (2) "Executing carrier" means any telecommunications
22 carrier that effects a request that a subscriber's
23 telecommunications carrier be changed.

24 (3) "Authorized carrier" means any telecommunications
25 carrier that submits a change, on behalf of a subscriber,

1 in the subscriber's selection of a provider of
2 telecommunications service with the subscriber's
3 authorization verified in accordance with the procedures
4 specified in this Section.

5 (4) "Unauthorized carrier" means any
6 telecommunications carrier that submits a change, on
7 behalf of a subscriber, in the subscriber's selection of a
8 provider of telecommunications service but fails to obtain
9 the subscriber's authorization verified in accordance with
10 the procedures specified in this Section.

11 (5) "Unauthorized change" means a change in a
12 subscriber's selection of a provider of telecommunications
13 service that was made without authorization verified in
14 accordance with the verification procedures specified in
15 this Section.

16 (6) "Subscriber" means:

17 (A) the party identified in the account records of
18 a common carrier as responsible for payment of the
19 telephone bill;

20 (B) any adult person authorized by such party to
21 change telecommunications services or to charge
22 services to the account; or

23 (C) any person contractually or otherwise lawfully
24 authorized to represent such party.

25 This Section does not apply to retail business subscribers
26 served by more than 20 lines.

1 (b) Authorization from the subscriber. "Authorization"
2 means an express, affirmative act by a subscriber agreeing to
3 the change in the subscriber's telecommunications carrier to
4 another carrier. A subscriber's telecommunications service
5 shall be provided by the telecommunications carrier selected by
6 the subscriber.

7 (c) Authorization and verification of orders for
8 telecommunications service.

9 (1) No telecommunications carrier shall submit or
10 execute a change on behalf of a subscriber in the
11 subscriber's selection of a provider of telecommunications
12 service except in accordance with the procedures
13 prescribed in this subsection.

14 (2) No submitting carrier shall submit a change on the
15 behalf of a subscriber in the subscriber's selection of a
16 provider of telecommunications service prior to obtaining:

17 (A) authorization from the subscriber; and

18 (B) verification of that authorization in
19 accordance with the procedures prescribed in this
20 Section.

21 The submitting carrier shall maintain and preserve records
22 of verification of subscriber authorization for a minimum
23 period of 2 years after obtaining such verification.

24 (3) An executing carrier shall not verify the
25 submission of a change in a subscriber's selection of a
26 provider of telecommunications service received from a

1 submitting carrier. For an executing carrier, compliance
2 with the procedures described in this Section shall be
3 defined as prompt execution, without any unreasonable
4 delay, of changes that have been verified by a submitting
5 carrier.

6 (4) Commercial mobile radio services (CMRS) providers
7 shall be excluded from the verification requirements of
8 this Section as long as they are not required to provide
9 equal access to common carriers for the provision of
10 telephone toll services, in accordance with 47 U.S.C.
11 332(c)(8).

12 (5) Where a telecommunications carrier is selling more
13 than one type of telecommunications service (e.g., local
14 exchange, intraLATA/intrastate toll, interLATA/interstate
15 toll, and international toll), that carrier must obtain
16 separate authorization from the subscriber for each
17 service sold, although the authorizations may be made
18 within the same solicitation. Each authorization must be
19 verified separately from any other authorizations obtained
20 in the same solicitation. Each authorization must be
21 verified in accordance with the verification procedures
22 prescribed in this Section.

23 (6) No telecommunications carrier shall submit a
24 preferred carrier change order unless and until the order
25 has been confirmed in accordance with one of the following
26 procedures:

1 (A) The telecommunications carrier has obtained
2 the subscriber's written or electronically signed
3 authorization in a form that meets the requirements of
4 subsection (d).

5 (B) The telecommunications carrier has obtained
6 the subscriber's electronic authorization to submit
7 the preferred carrier change order. Such authorization
8 must be placed from the telephone number or numbers on
9 which the preferred carrier is to be changed and must
10 confirm the information in subsections (b) and (c) of
11 this Section. Telecommunications carriers electing to
12 confirm sales electronically shall establish one or
13 more toll-free telephone numbers exclusively for that
14 purpose. Calls to the toll-free telephone numbers must
15 connect a subscriber to a voice response unit, or
16 similar mechanism, that records the required
17 information regarding the preferred carrier change,
18 including automatically recording the originating
19 automatic number identification.

20 (C) An appropriately qualified independent third
21 party has obtained, in accordance with the procedures
22 set forth in paragraphs (7) through (10) of this
23 subsection, the subscriber's oral authorization to
24 submit the preferred carrier change order that
25 confirms and includes appropriate verification data.
26 The independent third party must not be owned, managed,

1 controlled, or directed by the carrier or the carrier's
2 marketing agent; must not have any financial incentive
3 to confirm preferred carrier change orders for the
4 carrier or the carrier's marketing agent; and must
5 operate in a location physically separate from the
6 carrier or the carrier's marketing agent.

7 (7) Methods of third party verification. Automated
8 third party verification systems and three-way conference
9 calls may be used for verification purposes so long as the
10 requirements of paragraphs (8) through (10) of this
11 subsection are satisfied.

12 (8) Carrier initiation of third party verification. A
13 carrier or a carrier's sales representative initiating a
14 three-way conference call or a call through an automated
15 verification system must drop off the call once the
16 three-way connection has been established.

17 (9) Requirements for content and format of third party
18 verification. All third party verification methods shall
19 elicit, at a minimum, the identity of the subscriber;
20 confirmation that the person on the call is authorized to
21 make the carrier change; confirmation that the person on
22 the call wants to make the carrier change; the names of the
23 carriers affected by the change; the telephone numbers to
24 be switched; and the types of service involved. Third party
25 verifiers may not market the carrier's services by
26 providing additional information, including information

1 regarding preferred carrier freeze procedures.

2 (10) Other requirements for third party verification.

3 All third party verifications shall be conducted in the
4 same language that was used in the underlying sales
5 transaction and shall be recorded in their entirety. In
6 accordance with the procedures set forth in paragraph
7 (2)(B) of this subsection, submitting carriers shall
8 maintain and preserve audio records of verification of
9 subscriber authorization for a minimum period of 2 years
10 after obtaining such verification. Automated systems must
11 provide consumers with an option to speak with a live
12 person at any time during the call.

13 (11) Telecommunications carriers must provide
14 subscribers the option of using one of the authorization
15 and verification procedures specified in paragraph (6) of
16 this subsection in addition to an electronically signed
17 authorization and verification procedure under paragraph
18 (6)(A) of this subsection.

19 (d) Letter of agency form and content.

20 (1) A telecommunications carrier may use a written or
21 electronically signed letter of agency to obtain
22 authorization or verification, or both, of a subscriber's
23 request to change his or her preferred carrier selection. A
24 letter of agency that does not conform with this Section is
25 invalid for purposes of this Section.

26 (2) The letter of agency shall be a separate document

1 (or an easily separable document) or located on a separate
2 screen or webpage containing only the authorizing language
3 described in paragraph (5) of this subsection having the
4 sole purpose of authorizing a telecommunications carrier
5 to initiate a preferred carrier change. The letter of
6 agency must be signed and dated by the subscriber to the
7 telephone line or lines requesting the preferred carrier
8 change.

9 (3) The letter of agency shall not be combined on the
10 same document, screen, or webpage with inducements of any
11 kind.

12 (4) Notwithstanding paragraphs (2) and (3) of this
13 subsection, the letter of agency may be combined with
14 checks that contain only the required letter of agency
15 language as prescribed in paragraph (5) of this subsection
16 and the necessary information to make the check a
17 negotiable instrument. The letter of agency check shall not
18 contain any promotional language or material. The letter of
19 agency check shall contain in easily readable, bold-face
20 type on the front of the check, a notice that the
21 subscriber is authorizing a preferred carrier change by
22 signing the check. The letter of agency language shall be
23 placed near the signature line on the back of the check.

24 (5) At a minimum, the letter of agency must be printed
25 with a type of sufficient size and readability to be
26 clearly legible and must contain clear and unambiguous

1 language that confirms:

2 (A) The subscriber's billing name and address and
3 each telephone number to be covered by the preferred
4 carrier change order;

5 (B) The decision to change the preferred carrier
6 from the current telecommunications carrier to the
7 soliciting telecommunications carrier;

8 (C) That the subscriber designates (insert the
9 name of the submitting carrier) to act as the
10 subscriber's agent for the preferred carrier change;

11 (D) That the subscriber understands that only one
12 telecommunications carrier may be designated as the
13 subscriber's interstate or interLATA preferred
14 interexchange carrier for any one telephone number. To
15 the extent that a jurisdiction allows the selection of
16 additional preferred carriers (e.g., local exchange,
17 intraLATA/intrastate toll, interLATA/interstate toll,
18 or international interexchange) the letter of agency
19 must contain separate statements regarding those
20 choices, although a separate letter of agency for each
21 choice is not necessary; and

22 (E) That the subscriber may consult with the
23 carrier as to whether a fee will apply to the change in
24 the subscriber's preferred carrier.

25 (6) Any carrier designated in a letter of agency as a
26 preferred carrier must be the carrier directly setting the

1 rates for the subscriber.

2 (7) Letters of agency shall not suggest or require that
3 a subscriber take some action in order to retain the
4 subscriber's current telecommunications carrier.

5 (8) If any portion of a letter of agency is translated
6 into another language then all portions of the letter of
7 agency must be translated into that language. Every letter
8 of agency must be translated into the same language as any
9 promotional materials, oral descriptions, or instructions
10 provided with the letter of agency.

11 (9) Letters of agency submitted with an electronically
12 signed authorization must include the consumer disclosures
13 required by Section 101(c) of the Electronic Signatures in
14 Global and National Commerce Act.

15 (10) A telecommunications carrier shall submit a
16 preferred carrier change order on behalf of a subscriber
17 within no more than 60 days after obtaining a written or
18 electronically signed letter of agency.

19 (11) If a telecommunications carrier uses a letter of
20 agency, the carrier shall send a letter to the subscriber
21 using first class mail, postage prepaid, no later than 10
22 days after the telecommunications carrier submitting the
23 change in the subscriber's telecommunications carrier is
24 on notice that the change has occurred. The letter must
25 inform the subscriber of the details of the
26 telecommunications carrier change and provide the

1 subscriber with a toll free number to call should the
2 subscriber wish to cancel the change.

3 (e) A switch in a subscriber's selection of a provider of
4 telecommunications service that complies with the rules
5 promulgated by the Federal Communications Commission and any
6 amendments thereto shall be deemed to be in compliance with the
7 provisions of this Section.

8 (f) The Commission shall promulgate any rules necessary to
9 administer this Section. The rules promulgated under this
10 Section shall comport with the rules, if any, promulgated by
11 the Attorney General pursuant to the Consumer Fraud and
12 Deceptive Business Practices Act and with any rules promulgated
13 by the Federal Communications Commission.

14 (g) Complaints may be filed with the Commission under this
15 Section by a subscriber whose telecommunications service has
16 been provided by an unauthorized telecommunications carrier as
17 a result of an unreasonable delay, by a subscriber whose
18 telecommunications carrier has been changed to another
19 telecommunications carrier in a manner not in compliance with
20 this Section, by a subscriber's authorized telecommunications
21 carrier that has been removed as a subscriber's
22 telecommunications carrier in a manner not in compliance with
23 this Section, by a subscriber's authorized submitting carrier
24 whose change order was delayed unreasonably, or by the
25 Commission on its own motion. Upon filing of the complaint, the
26 parties may mutually agree to submit the complaint to the

1 Commission's established mediation process. Remedies in the
2 mediation process may include, but shall not be limited to, the
3 remedies set forth in this subsection. In its discretion, the
4 Commission may deny the availability of the mediation process
5 and submit the complaint to hearings. If the complaint is not
6 submitted to mediation or if no agreement is reached during the
7 mediation process, hearings shall be held on the complaint. If,
8 after notice and hearing, the Commission finds that a
9 telecommunications carrier has violated this Section or a rule
10 promulgated under this Section, the Commission may in its
11 discretion do any one or more of the following:

12 (1) Require the violating telecommunications carrier
13 to refund to the subscriber all fees and charges collected
14 from the subscriber for services up to the time the
15 subscriber receives written notice of the fact that the
16 violating carrier is providing telecommunications service
17 to the subscriber, including notice on the subscriber's
18 bill. For unreasonable delays wherein telecommunications
19 service is provided by an unauthorized carrier, the
20 Commission may require the violating carrier to refund to
21 the subscriber all fees and charges collected from the
22 subscriber during the unreasonable delay. The Commission
23 may order the remedial action outlined in this subsection
24 only to the extent that the same remedial action is allowed
25 pursuant to rules or regulations promulgated by the Federal
26 Communications Commission.

1 (2) Require the violating telecommunications carrier
2 to refund to the subscriber charges collected in excess of
3 those that would have been charged by the subscriber's
4 authorized telecommunications carrier.

5 (3) Require the violating telecommunications carrier
6 to pay to the subscriber's authorized telecommunications
7 carrier the amount the authorized telecommunications
8 carrier would have collected for the telecommunications
9 service. The Commission is authorized to reduce this
10 payment by any amount already paid by the violating
11 telecommunications carrier to the subscriber's authorized
12 telecommunications carrier for those telecommunications
13 services.

14 (4) Require the violating telecommunications carrier
15 to pay a fine of up to \$1,000 into the Public Utility Fund
16 for each repeated and intentional violation of this
17 Section.

18 (5) Issue a cease and desist order.

19 (6) For a pattern of violation of this Section or for
20 intentionally violating a cease and desist order, revoke
21 the violating telecommunications carrier's certificate of
22 service authority.

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

24 (220 ILCS 5/13-903)

25 Sec. 13-903. Authorization, verification or notification,

1 and dispute resolution for covered product and service charges
2 on the telephone bill.

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

4 (1) "Subscriber" means a telecommunications carrier's
5 retail business customer served by not more than 20 lines
6 or a retail residential customer.

7 (2) "Telecommunications carrier" has the meaning given
8 in Section 13-202 of the Public Utilities Act and includes
9 agents and employees of a telecommunications carrier,
10 except that "telecommunications carrier" does not include
11 a provider of commercial mobile radio services (as defined
12 by 47 U.S.C. 332(d)(1)).

13 (b) Applicability of Section. This Section does not apply
14 to:

15 (1) changes in a subscriber's local exchange
16 telecommunications service or interexchange
17 telecommunications service;

18 (2) message telecommunications charges that are
19 initiated by dialing 1+, 0+, 0-, 1010XXX, or collect calls
20 and charges for video services if the service provider has
21 the necessary call detail record to establish the billing
22 for the call or service; and

23 (3) telecommunications services available on a
24 subscriber's line when the subscriber activates and pays
25 for the services on a per use basis.

26 (c) Requirements for billing authorized charges. A

1 telecommunications carrier shall meet all of the following
2 requirements before submitting charges for any product or
3 service to be billed on any subscriber's telephone bill:

4 (1) Inform the subscriber. The telecommunications
5 carrier offering the product or service must thoroughly
6 inform the subscriber of the product or service being
7 offered, including all associated charges, and explicitly
8 inform the subscriber that the associated charges for the
9 product or service will appear on the subscriber's
10 telephone bill.

11 (2) Obtain subscriber authorization. The subscriber
12 must have clearly and explicitly consented to obtaining the
13 product or service offered and to having the associated
14 charges appear on the subscriber's telephone bill. The
15 consent must be verified by the service provider in
16 accordance with subsection (d) of this Section. A record of
17 the consent must be maintained by the telecommunications
18 carrier offering the product or service for at least 24
19 months immediately after the consent and verification were
20 obtained.

21 (d) Verification or notification. Except in
22 subscriber-initiated transactions with a certificated
23 telecommunications carrier for which the telecommunications
24 carrier has the appropriate documentation, the
25 telecommunications carrier, after obtaining the subscriber's
26 authorization in the required manner, shall either verify the

1 authorization or notify the subscriber as follows:

2 (1) Independent third-party verification:

3 (A) Verification shall be obtained by an
4 independent third party that:

5 (i) operates from a facility physically
6 separate from that of the telecommunications
7 carrier;

8 (ii) is not directly or indirectly managed,
9 controlled, directed, or owned wholly or in part by
10 the telecommunications carrier or the carrier's
11 marketing agent; and

12 (iii) does not derive commissions or
13 compensation based upon the number of sales
14 confirmed.

15 (B) The third-party verification agent shall
16 state, and shall obtain the subscriber's
17 acknowledgment of, the following disclosures:

18 (i) the subscriber's name, address, and the
19 telephone numbers of all telephone lines that will
20 be charged for the product or service of the
21 telecommunications carrier;

22 (ii) that the person speaking to the third
23 party verification agent is in fact the
24 subscriber;

25 (iii) that the subscriber wishes to purchase
26 the product or service of the telecommunications

1 carrier and is agreeing to do so;

2 (iv) that the subscriber understands that the
3 charges for the product or service of the
4 telecommunications carrier will appear on the
5 subscriber's telephone bill; and

6 (v) the name and customer service telephone
7 number of the telecommunications carrier.

8 (C) The telecommunications carrier shall retain,
9 electronically or otherwise, proof of the verification
10 of sales for a minimum of 24 months.

11 (2) Notification. Written notification shall be
12 provided as follows:

13 (A) the telecommunications carrier shall mail a
14 letter to the subscriber using first class mail,
15 postage prepaid, no later than 10 days after initiation
16 of the product or service;

17 (B) the letter shall be a separate document sent
18 for the sole purpose of describing the product or
19 service of the telecommunications carrier;

20 (C) the letter shall be printed with 10-point or
21 larger type and clearly and conspicuously disclose the
22 material terms and conditions of the offer of the
23 telecommunications carrier, as described in paragraph
24 (1) of subsection (c);

25 (D) the letter shall contain a toll-free telephone
26 number the subscriber can call to cancel the product or

1 service;

2 (E) the telecommunications carrier shall retain,
3 electronically or otherwise, proof of written
4 notification for a minimum of 24 months; and

5 (F) written notification can be provided via
6 electronic mail if consumers are given the disclosures
7 required by Section 101(c) of the Electronic
8 Signatures in Global and National Commerce Act.

9 (e) Unauthorized charges.

10 (1) Responsibilities of the billing telecommunications
11 carrier for unauthorized charges. If a subscriber's
12 telephone bill is charged for any product or service
13 without proper subscriber authorization and verification
14 or notification of authorization in compliance with this
15 Section, the telecommunications carrier that billed the
16 subscriber, on its knowledge or notification of any
17 unauthorized charge, shall promptly, but not later than 45
18 days after the date of the knowledge or notification of an
19 unauthorized charge:

20 (A) notify the product or service provider to
21 immediately cease charging the subscriber for the
22 unauthorized product or service;

23 (B) remove the unauthorized charge from the
24 subscriber's bill; and

25 (C) refund or credit to the subscriber all money
26 that the subscriber has paid for any unauthorized

1 charge.

2 (f) The Commission shall promulgate any rules necessary to
3 ensure that subscribers are not billed on the telephone bill
4 for products or services in a manner not in compliance with
5 this Section. The rules promulgated under this Section shall
6 comport with the rules, if any, promulgated by the Attorney
7 General pursuant to the Consumer Fraud and Deceptive Business
8 Practices Act and with any rules promulgated by the Federal
9 Communications Commission or Federal Trade Commission.

10 (g) Complaints may be filed with the Commission under this
11 Section by a subscriber who has been billed on the telephone
12 bill for products or services not in compliance with this
13 Section or by the Commission on its own motion. Upon filing of
14 the complaint, the parties may mutually agree to submit the
15 complaint to the Commission's established mediation process.
16 Remedies in the mediation process may include, but shall not be
17 limited to, the remedies set forth in paragraphs (1) through
18 (4) of this subsection. In its discretion, the Commission may
19 deny the availability of the mediation process and submit the
20 complaint to hearings. If the complaint is not submitted to
21 mediation or if no agreement is reached during the mediation
22 process, hearings shall be held on the complaint pursuant to
23 Article X of this Act. If after notice and hearing, the
24 Commission finds that a telecommunications carrier has
25 violated this Section or a rule promulgated under this Section,
26 the Commission may in its discretion order any one or more of

1 the following:

2 (1) Require the violating telecommunications carrier
3 to pay a fine of up to \$1,000 into the Public Utility Fund
4 for each repeated and intentional violation of this
5 Section.

6 (2) Require the violating carrier to refund or cancel
7 all charges for products or services not billed in
8 compliance with this Section.

9 (3) Issue a cease and desist order.

10 (4) For a pattern of violation of this Section or for
11 intentionally violating a cease and desist order, revoke
12 the violating telecommunications carrier's certificate of
13 service authority.

14 (Source: P.A. 98-756, eff. 7-16-14.)

15 (220 ILCS 5/13-904 new)

16 Sec. 13-904. Continuation of Article; validation.

17 (a) The General Assembly finds and declares that this
18 amendatory Act of the 100th General Assembly manifests the
19 intention of the General Assembly to extend the repeal of this
20 Article and have this Article continue in effect until December
21 31, 2020.

22 (b) This Article shall be deemed to have been in continuous
23 effect since July 1, 2017 and it shall continue to be in effect
24 henceforward until it is otherwise lawfully repealed. All
25 previously enacted amendments to this Article taking effect on

1 or after July 1, 2017, are hereby validated. All actions taken
2 in reliance on or under this Article by the Illinois Commerce
3 Commission or any other person or entity are hereby validated.

4 (c) In order to ensure the continuing effectiveness of this
5 Article, it is set forth in full and reenacted by this
6 amendatory Act of the 100th General Assembly. Striking and
7 underscoring are used only to show changes being made to the
8 base text. This reenactment is intended as a continuation of
9 this Article. It is not intended to supersede any amendment to
10 this Article that is enacted by the 100th General Assembly.

11 (220 ILCS 5/13-1200)

12 Sec. 13-1200. Repealer. This Article is repealed December
13 31, 2020 ~~July 1, 2017~~.

14 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

15 (220 ILCS 5/Art. XXI heading)

16 ARTICLE XXI. CABLE AND VIDEO COMPETITION

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

18 (220 ILCS 5/21-100)

19 Sec. 21-100. Short title. This Article may be cited as the
20 Cable and Video Competition Law of 2007.

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

22 (220 ILCS 5/21-101)

1 Sec. 21-101. Findings. With respect to cable and video
2 competition, the General Assembly finds that:

3 (a) The economy in the State of Illinois will be
4 enhanced by investment in new communications, cable
5 services, and video services infrastructure, including
6 broadband facilities, fiber optic, and Internet protocol
7 technologies.

8 (b) Cable services and video services bring important
9 daily benefits to Illinois consumers by providing news,
10 education, and entertainment.

11 (c) Competitive cable service and video service
12 providers are capable of providing new video programming
13 services and competition to Illinois consumers and of
14 decreasing the prices for video programming services paid
15 by Illinois consumers.

16 (d) Although there has been some competitive entry into
17 the facilities-based video programming market since
18 current franchising requirements in this State were
19 enacted, further entry by facilities-based providers could
20 benefit consumers, provided cable and video services are
21 equitably available to all Illinois consumers at
22 reasonable prices.

23 (e) The provision of competitive cable services and
24 video services is a matter of statewide concern that
25 extends beyond the boundaries of individual local units of
26 government. Notwithstanding the foregoing, public

1 rights-of-way are limited resources over which the
2 municipality has a custodial duty to ensure that they are
3 used, repaired, and maintained in a manner that best serves
4 the public interest.

5 (f) The State authorization process and uniform
6 standards and procedures in this Article are intended to
7 enable rapid and widespread entry by competitive
8 providers, which will bring to Illinois consumers the
9 benefits of video competition, including providing
10 consumers with more choice, lower prices, higher speed and
11 more advanced Internet access, more diverse and varied
12 news, public information, education, and entertainment
13 programming, and will bring to this State and its local
14 units of government the benefits of new infrastructure
15 investment, job growth, and innovation in broadband and
16 Internet protocol technologies and deployment.

17 (g) Providing an incumbent cable or video service
18 provider with the option to secure a State-issued
19 authorization through the termination of existing cable
20 franchises between incumbent cable and video service
21 providers and any local franchising authority is part of
22 the new regulatory framework established by this Article.
23 This Article is intended to best ensure equal treatment and
24 parity among providers and technologies.

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

1 (220 ILCS 5/21-101.1)

2 Sec. 21-101.1. Applicability. The provisions of Public Act
3 95-9 shall apply only to a holder of a cable service or video
4 service authorization issued by the Commission pursuant to this
5 Article, and shall not apply to any person or entity that
6 provides cable television services under a cable television
7 franchise issued by any municipality or county pursuant to
8 Section 11-42-11 of the Illinois Municipal Code (65 ILCS
9 5/11-42-11) or Section 5-1095 of the Counties Code (55 ILCS
10 5/5-1095), unless specifically provided for herein. A local
11 unit of government that has an existing agreement for the
12 provision of video services with a company or entity that uses
13 its telecommunications facilities to provide video service as
14 of May 30, 2007 may continue to operate under that agreement or
15 may, at its discretion, terminate the existing agreement and
16 require the video provider to obtain a State-issued
17 authorization under this Article.

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

19 (220 ILCS 5/21-201)

20 Sec. 21-201. Definitions. As used in this Article:

21 (a) "Access" means that the cable or video provider is
22 capable of providing cable services or video services at the
23 household address using any technology, other than
24 direct-to-home satellite service, that provides 2-way
25 broadband Internet capability and video programming, content,

1 and functionality, regardless of whether any customer has
2 ordered service or whether the owner or landlord or other
3 responsible person has granted access to the household. If more
4 than one technology is used, the technologies shall provide
5 similar 2-way broadband Internet accessibility and similar
6 video programming.

7 (b) "Basic cable or video service" means any cable or video
8 service offering or tier that includes the retransmission of
9 local television broadcast signals.

10 (c) "Broadband service" means a high speed service
11 connection to the public Internet capable of supporting, in at
12 least one direction, a speed in excess of 200 kilobits per
13 second (kbps) to the network demarcation point at the
14 subscriber's premises.

15 (d) "Cable operator" means that term as defined in item (5)
16 of 47 U.S.C. 522.

17 (e) "Cable service" means that term as defined in item (6)
18 of 47 U.S.C. 522.

19 (f) "Cable system" means that term as defined in item (7)
20 of 47 U.S.C. 522.

21 (g) "Commission" means the Illinois Commerce Commission.

22 (h) "Competitive cable service or video service provider"
23 means a person or entity that is providing or seeks to provide
24 cable service or video service in an area where there is at
25 least one incumbent cable operator.

26 (i) "Designated market area" means a designated market

1 area, as determined by Nielsen Media Research and published in
2 the 1999-2000 Nielsen Station Index Directory and Nielsen
3 Station Index United States Television Household Estimates or
4 any successor publication. For any designated market area that
5 crosses State lines, only households in the portion of the
6 designated market area that is located within the holder's
7 telecommunications service area in the State where access to
8 video service will be offered shall be considered.

9 (j) "Footprint" means the geographic area designated by the
10 cable service or video service provider as the geographic area
11 in which it will offer cable services or video services during
12 the period of its State-issued authorization. Each footprint
13 shall be identified in terms of either (i) exchanges, as that
14 term is defined in Section 13-206 of this Act; (ii) a
15 collection of United States Census Bureau Block numbers (13
16 digit); (iii) if the area is smaller than the areas identified
17 in either (i) or (ii), by geographic information system digital
18 boundaries meeting or exceeding national map accuracy
19 standards; or (iv) local units of government.

20 (k) "Holder" means a person or entity that has received
21 authorization to offer or provide cable or video service from
22 the Commission pursuant to Section 21-401 of this Article.

23 (l) "Household" means a house, an apartment, a mobile home,
24 a group of rooms, or a single room that is intended for
25 occupancy as separate living quarters. Separate living
26 quarters are those in which the occupants live and eat

1 separately from any other persons in the building and that have
2 direct access from the outside of the building or through a
3 common hall. This definition is consistent with the United
4 States Census Bureau, as that definition may be amended
5 thereafter.

6 (m) "Incumbent cable operator" means a person or entity
7 that provided cable services or video services in a particular
8 area under a franchise agreement with a local unit of
9 government pursuant to Section 11-42-11 of the Illinois
10 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the
11 Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

12 (n) "Local franchising authority" means the local unit of
13 government that has or requires a franchise with a cable
14 operator, a provider of cable services, or a provider of video
15 services to construct or operate a cable or video system or to
16 offer cable services or video services under Section 11-42-11
17 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section
18 5-1095 of the Counties Code (55 ILCS 5/5-1095).

19 (o) "Local unit of government" means a city, village,
20 incorporated town, or county.

21 (p) "Low-income household" means those residential
22 households located within the holder's existing telephone
23 service area where the average annual household income is less
24 than \$35,000, based on the United States Census Bureau
25 estimates adjusted annually to reflect rates of change and
26 distribution.

1 (q) "Public rights-of-way" means the areas on, below, or
2 above a public roadway, highway, street, public sidewalk,
3 alley, waterway, or utility easements dedicated for compatible
4 uses.

5 (r) "Service" means the provision of cable service or video
6 service to subscribers and the interaction of subscribers with
7 the person or entity that has received authorization to offer
8 or provide cable or video service from the Commission pursuant
9 to Section 21-401 of this Act.

10 (s) "Service provider fee" means the amount paid under
11 Section 21-801 of this Act by the holder to a municipality, or
12 in the case of an unincorporated service area to a county, for
13 service areas within its territorial jurisdiction, but under no
14 circumstances shall the service provider fee be paid to more
15 than one local unit of government for the same portion of the
16 holder's service area.

17 (t) "Telecommunications service area" means the area
18 designated by the Commission as the area in which a
19 telecommunications company was obligated to provide
20 non-competitive local telephone service as of February 8, 1996
21 as incorporated into Section 13-202.5 of this Act.

22 (u) "Video programming" means that term as defined in item
23 (20) of 47 U.S.C. 522.

24 (v) "Video service" means video programming and subscriber
25 interaction, if any, that is required for the selection or use
26 of such video programming services, and that is provided

1 through wireline facilities located at least in part in the
2 public rights-of-way without regard to delivery technology,
3 including Internet protocol technology. This definition does
4 not include any video programming provided by a commercial
5 mobile service provider defined in subsection (d) of 47 U.S.C.
6 332 or any video programming provided solely as part of, and
7 via, service that enables users to access content, information,
8 electronic mail, or other services offered over the public
9 Internet.

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

11 (220 ILCS 5/21-301)

12 Sec. 21-301. Eligibility.

13 (a) A person or entity seeking to provide cable service or
14 video service in this State after June 30, 2007 (the effective
15 date of Public Act 95-9) shall either (1) obtain a State-issued
16 authorization pursuant to Section 21-401 of the Public
17 Utilities Act (220 ILCS 5/21-401); (2) obtain authorization
18 pursuant to Section 11-42-11 of the Illinois Municipal Code (65
19 ILCS 5/11-42-11); or (3) obtain authorization pursuant to
20 Section 5-1095 of the Counties Code (55 ILCS 5/5-1095).

21 (b) An incumbent cable operator shall be eligible to apply
22 for a State-issued authorization as provided in subsection (c)
23 of this Section. Upon expiration of its current franchise
24 agreement, an incumbent cable operator may obtain State
25 authorization from the Commission pursuant to this Article or

1 may pursue a franchise renewal with the appropriate local
2 franchise authority under State and federal law. An incumbent
3 cable operator and any successor-in-interest that receives a
4 State-issued authorization shall be obligated to provide
5 access to cable services or video services within any local
6 unit of government at the same levels required by the local
7 franchising authorities for the local unit of government on
8 June 30, 2007 (the effective date of Public Act 95-9).

9 (c) (1) An incumbent cable operator may elect to terminate
10 its agreement with the local franchising authority and obtain a
11 State-issued authorization by providing written notice to the
12 Commission and the affected local franchising authority and any
13 entity authorized by that franchising authority to manage
14 public, education, and government access at least 180 days
15 prior to its filing an application for a State-issued
16 authorization. The existing agreement shall be terminated on
17 the date that the Commission issues the State-issued
18 authorization.

19 (2) An incumbent cable operator that elects to
20 terminate an existing agreement with a local franchising
21 authority under this Section is responsible for remitting
22 to the affected local franchising authority and any entity
23 designated by that local franchising authority to manage
24 public, education, and government access before the 46th
25 day after the date the agreement is terminated any accrued
26 but unpaid fees due under the terminated agreement. If that

1 incumbent cable operator has credit remaining from prepaid
2 franchise fees, such amount of the remaining credit may be
3 deducted from any future fees the incumbent cable operator
4 must pay to the local franchising authority pursuant to
5 subsection (b) of Section 21-801 of this Act.

6 (3) An incumbent cable operator that elects to
7 terminate an existing agreement with a local franchising
8 authority under this Section shall pay the affected local
9 franchising authority and any entity designated by that
10 franchising authority to manage public, education, and
11 government access, at the time that they would have been
12 due, all monetary payments for public, education, or
13 government access that would have been due during the
14 remaining term of the agreement had it not been terminated
15 as provided in this paragraph. All payments made by an
16 incumbent cable operator pursuant to the previous sentence
17 of this paragraph may be credited against the fees that
18 that operator owes under item (1) of subsection (d) of
19 Section 21-801 of this Act.

20 (d) For purposes of this Article, the Commission shall be
21 the franchising authority for cable service or video service
22 providers that apply for and obtain a State-issued
23 authorization under this Article with regard to the footprint
24 covered by such authorization. Notwithstanding any other
25 provision of this Article, holders using telecommunications
26 facilities to provide cable service or video service are not

1 obligated to provide that service outside the holder's
2 telecommunications service area.

3 (e) Any person or entity that applies for and obtains a
4 State-issued authorization under this Article shall not be
5 subject to Section 11-42-11 of the Illinois Municipal Code (65
6 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55
7 ILCS 5/5-1095), except as provided in this Article. Except as
8 provided under this Article, neither the Commission nor any
9 local unit of government may require a person or entity that
10 has applied for and obtained a State-issued authorization to
11 obtain a separate franchise or pay any franchise fee on cable
12 service or video service.

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

14 (220 ILCS 5/21-401)

15 Sec. 21-401. Applications.

16 (a) (1) A person or entity seeking to provide cable service
17 or video service pursuant to this Article shall not use the
18 public rights-of-way for the installation or construction of
19 facilities for the provision of cable service or video service
20 or offer cable service or video service until it has obtained a
21 State-issued authorization to offer or provide cable or video
22 service under this Section, except as provided for in item (2)
23 of this subsection (a). All cable or video providers offering
24 or providing service in this State shall have authorization
25 pursuant to either (i) the Cable and Video Competition Law of

1 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
2 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
3 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

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

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

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

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

23 (4) An exact description of the cable service or video
24 service area where the cable service or video service will
25 be offered during the term of the State-issued
26 authorization. The service area shall be identified in

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

21 (5) The location and telephone number of the
22 applicant's principal place of business within this State
23 and the names of the applicant's principal executive
24 officers who are responsible for communications concerning
25 the application and the services to be offered pursuant to
26 the application, the applicant's legal name, and any name

1 or names under which the applicant does or will provide
2 cable services or video services in this State.

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

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

17 (8) For any entity that received State-issued
18 authorization prior to this amendatory Act of the 98th
19 General Assembly as a cable operator and that intends to
20 proceed as a cable operator under this Article, the entity
21 shall file a written affidavit with the Commission and
22 shall serve a copy of the affidavit with any local units of
23 government affected by the authorization within 30 days
24 after the effective date of this amendatory Act of the 98th
25 General Assembly stating that the holder will be providing
26 cable service under the State-issued authorization.

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

13 The application shall include the applicant's general
14 standards related to customer service required by Section
15 22-501 of this Act, which shall include, but not be limited to,
16 installation, disconnection, service and repair obligations;
17 appointment hours; employee ID requirements; customer service
18 telephone numbers and hours; procedures for billing, charges,
19 deposits, refunds, and credits; procedures for termination of
20 service; notice of deletion of programming service and changes
21 related to transmission of programming or changes or increases
22 in rates; use and availability of parental control or lock-out
23 devices; complaint procedures and procedures for bill dispute
24 resolution and a description of the rights and remedies
25 available to consumers if the holder does not materially meet
26 their customer service standards; and special services for

1 customers with visual, hearing, or mobility disabilities.

2 (c)(1) The applicant may designate information that it
3 submits in its application or subsequent reports as
4 confidential or proprietary, provided that the applicant
5 states the reasons the confidential designation is necessary.
6 The Commission shall provide adequate protection for such
7 information pursuant to Section 4-404 of this Act. If the
8 Commission, a local unit of government, or any other party
9 seeks public disclosure of information designated as
10 confidential, the Commission shall consider the confidential
11 designation in a proceeding under the Illinois Administrative
12 Procedure Act, and the burden of proof to demonstrate that the
13 designated information is confidential shall be upon the
14 applicant. Designated information shall remain confidential
15 pending the Commission's determination of whether the
16 information is entitled to confidential treatment. Information
17 designated as confidential shall be provided to local units of
18 government for purposes of assessing compliance with this
19 Article as permitted under a Protective Order issued by the
20 Commission pursuant to the Commission's rules and to the
21 Attorney General pursuant to Section 6.5 of the Attorney
22 General Act (15 ILCS 205/6.5). Information designated as
23 confidential under this Section or determined to be
24 confidential upon Commission review shall only be disclosed
25 pursuant to a valid and enforceable subpoena or court order or
26 as required by the Freedom of Information Act. Nothing herein

1 shall delay the application approval timeframes set forth in
2 this Article.

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

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

10 (2) The Commission shall notify an applicant for a cable
11 service or video service authorization whether the applicant's
12 application and affidavit are complete on or before the 15th
13 business day after the applicant submits the application. If
14 the application and affidavit are not complete, the Commission
15 shall state in its notice all of the reasons the application or
16 affidavit are incomplete, and the applicant shall resubmit a
17 complete application. The Commission shall have 30 days after
18 submission by the applicant of a complete application and
19 affidavit to issue the service authorization. If the Commission
20 does not notify the applicant regarding the completeness of the
21 application and affidavit or issue the service authorization
22 within the time periods required under this subsection, the
23 application and affidavit shall be considered complete and the
24 service authorization issued upon the expiration of the 30th
25 day.

26 (e) Any authorization issued by the Commission will expire

1 on December 31, 2023 ~~2020~~ and shall contain or include all of
2 the following:

3 (1) A grant of authority, including an authorization
4 issued prior to this amendatory Act of the 98th General
5 Assembly, to provide cable service or video service in the
6 service area footprint as requested in the application,
7 subject to the provisions of this Article in existence on
8 the date the grant of authority was issued, and any
9 modifications to this Article enacted at any time prior to
10 the date in Section 21-1601 of this Act, and to the laws of
11 the State and the ordinances, rules, and regulations of the
12 local units of government.

13 (2) A grant of authority to use, occupy, and construct
14 facilities in the public rights-of-way for the delivery of
15 cable service or video service in the service area
16 footprint, subject to the laws, ordinances, rules, or
17 regulations of this State and local units of governments.

18 (3) A statement that the grant of authority is subject
19 to lawful operation of the cable service or video service
20 by the applicant, its affiliated entities, or its
21 successors-in-interest.

22 (e-5) The Commission shall notify a local unit of
23 government within 3 business days of the grant of any
24 authorization within a service area footprint if that
25 authorization includes any part of the local unit of
26 government's jurisdictional boundaries and state whether the

1 holder will be providing video service or cable service under
2 the authorization.

3 (f) The authorization issued pursuant to this Section by
4 the Commission may be transferred to any successor-in-interest
5 to the applicant to which it is initially granted without
6 further Commission action if the successor-in-interest (i)
7 submits an application and the information required by
8 subsection (b) of this Section for the successor-in-interest
9 and (ii) is not in violation of this Article or of any federal,
10 State, or local law, ordinance, rule, or regulation. A
11 successor-in-interest shall file its application and notice of
12 transfer with the Commission and the relevant local units of
13 government no less than 15 business days prior to the
14 completion of the transfer. The Commission is not required or
15 authorized to act upon the notice of transfer; however, the
16 transfer is not effective until the Commission approves the
17 successor-in-interest's application. A local unit of
18 government or the Attorney General may seek to bar a transfer
19 of ownership by filing suit in a court of competent
20 jurisdiction predicated on the existence of a material and
21 continuing breach of this Article by the holder, a pattern of
22 noncompliance with customer service standards by the potential
23 successor-in-interest, or the insolvency of the potential
24 successor-in-interest. If a transfer is made when there are
25 violations of this Article or of any federal, State, or local
26 law, ordinance, rule, or regulation, the successor-in-interest

1 shall be subject to 3 times the penalties provided for in this
2 Article.

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

20 (h) The Commission's authority to administer this Article
21 is limited to the powers and duties explicitly provided under
22 this Article. Its authority under this Article does not include
23 or limit the powers and duties that the Commission has under
24 the other Articles of this Act, the Illinois Administrative
25 Procedure Act, or any other law or regulation to conduct
26 proceedings, other than as provided in subsection (c), or has

1 to promulgate rules or regulations. The Commission shall not
2 have the authority to limit or expand the obligations and
3 requirements provided in this Section or to regulate or control
4 a person or entity to the extent that person or entity is
5 providing cable service or video service, except as provided in
6 this Article.

7 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14; 99-6,
8 eff. 6-29-15.)

9 (220 ILCS 5/21-601)

10 Sec. 21-601. Public, education, and government access. For
11 the purposes of this Section, "programming" means content
12 produced or provided by any person, group, governmental agency,
13 or noncommercial public or private agency or organization.

14 (a) Not later than 90 days after a request by the local
15 unit of government or its designee that has received notice
16 under subsection (a) of Section 21-801 of this Act, the holder
17 shall (i) designate the same amount of capacity on its network
18 to provide for public, education, and government access use as
19 the incumbent cable operator is required to designate under its
20 franchise terms in effect with a local unit of government on
21 January 1, 2007 and (ii) retransmit to its subscribers the same
22 number of public, education, and government access channels as
23 the incumbent cable operator was retransmitting to subscribers
24 on January 1, 2007.

25 (b) If the local unit of government produces or maintains

1 the public education or government programming in a manner or
2 form that is compatible with the holder's network, it shall
3 transmit such programming to the holder in that form provided
4 that form permits the holder to satisfy the requirements of
5 subsection (c) of this Section. If the local unit of government
6 does not produce or maintain such programming in that manner or
7 form, then the holder shall be responsible for any changes in
8 the form of the transmission necessary to make public,
9 education, and government programming compatible with the
10 technology or protocol used by the holder to deliver services.
11 The holder shall receive programming from the local unit of
12 government (or the local unit of government's public,
13 education, and government programming providers) and transmit
14 that public, education, and government programming directly to
15 the holder's subscribers within the local unit of government's
16 jurisdiction at no cost to the local unit of government or the
17 public, education, and government programming providers. If
18 the holder is required to change the form of the transmission,
19 the local unit of government or its designee shall provide
20 reasonable access to the holder to allow the holder to transmit
21 the public, education, and government programming in an
22 economical manner subject to the requirements of subsection (c)
23 of this Section.

24 (c) The holder shall provide to subscribers public,
25 education, and government access channel capacity at
26 equivalent visual and audio quality and equivalent

1 functionality, from the viewing perspective of the subscriber,
2 to that of commercial channels carried on the holder's basic
3 cable or video service offerings or tiers without the need for
4 any equipment other than the equipment necessary to receive the
5 holder's basic cable or video service offerings or tiers.

6 (d) The holder and an incumbent cable operator shall
7 negotiate in good faith to interconnect their networks, if
8 needed, for the purpose of providing public, education, and
9 government programming. Interconnection may be accomplished by
10 direct cable, microwave link, satellite, or other reasonable
11 method of connection. The holder and the incumbent cable
12 operator shall provide interconnection of the public,
13 education, and government channels on reasonable terms and
14 conditions and may not withhold the interconnection. If a
15 holder and an incumbent cable operator cannot reach a mutually
16 acceptable interconnection agreement, the local unit of
17 government may require the incumbent cable operator to allow
18 the holder to interconnect its network with the incumbent cable
19 operator's network at a technically feasible point on their
20 networks. If no technically feasible point for interconnection
21 is available, the holder and an incumbent cable operator shall
22 each make an interconnection available to the public,
23 education, and government channel originators at their local
24 origination points and shall provide the facilities necessary
25 for the interconnection. The cost of any interconnection shall
26 be borne by the holder unless otherwise agreed to by the

1 parties. The interconnection required by this subsection shall
2 be completed within the 90-day deadline set forth in subsection
3 (a) of this Section.

4 (e) The public, education, and government channels shall be
5 for the exclusive use of the local unit of government or its
6 designee to provide public, education, and government
7 programming. The public, education, and government channels
8 shall be used only for noncommercial purposes. However,
9 advertising, underwriting, or sponsorship recognition may be
10 carried on the channels for the purpose of funding public,
11 education, and government access related activities.

12 (f) Public, education, and government channels shall all be
13 carried on the holder's basic cable or video service offerings
14 or tiers. To the extent feasible, the public, education, and
15 government channels shall not be separated numerically from
16 other channels carried on the holder's basic cable or video
17 service offerings or tiers, and the channel numbers for the
18 public, education, and government channels shall be the same
19 channel numbers used by the incumbent cable operator, unless
20 prohibited by federal law. After the initial designation of
21 public, education, and government channel numbers, the channel
22 numbers shall not be changed without the agreement of the local
23 unit of government or the entity to which the local unit of
24 government has assigned responsibility for managing public,
25 education, and government access channels, unless the change is
26 required by federal law. Each channel shall be capable of

1 carrying a National Television System Committee (NTSC)
2 television signal.

3 (g) The holder shall provide a listing of public,
4 education, and government channels on channel cards and menus
5 provided to subscribers in a manner equivalent to other
6 channels if the holder uses such cards and menus. Further, the
7 holder shall provide a listing of public, education, and
8 government programming on its electronic program guide if such
9 a guide is utilized by the holder. It is the public, education,
10 and government entity's responsibility to provide the holder or
11 its designated agent, as determined by the holder, with program
12 schedules and information in a timely manner.

13 (h) If less than 3 public, education, and government
14 channels are provided within the local unit of government as of
15 January 1, 2007, a local unit of government whose jurisdiction
16 lies within the authorized service area of the holder may
17 initially request the holder to designate sufficient capacity
18 for up to 3 public, education, and government channels. A local
19 unit of government or its designee that seeks to add additional
20 capacity shall give the holder a written notification
21 specifying the number of additional channels to be used,
22 specifying the number of channels in actual use, and verifying
23 that the additional channels requested will be put into actual
24 use.

25 (i) The holder shall, within 90 days of a request by the
26 local unit of government or its designated public, education,

1 or government access entity, provide sufficient capacity for an
2 additional channel for public, education, and government
3 access when the programming on a given access channel exceeds
4 40 hours per week as measured on a quarterly basis. The
5 additional channel shall not be used for any purpose other than
6 for carrying additional public, education, or government
7 access programming.

8 (j) The public, education, and government access
9 programmer is solely responsible for the content that it
10 provides over designated public, education, or government
11 channels. A holder shall not exercise any editorial control
12 over any programming on any channel designed for public,
13 education, or government use or on any other channel required
14 by law or a binding agreement with the local unit of
15 government.

16 (k) A holder shall not be subject to any civil or criminal
17 liability for any program carried on any channel designated for
18 public, education, or government use.

19 (l) A court of competent jurisdiction shall have exclusive
20 jurisdiction to enforce any requirement under this Section or
21 resolve any dispute regarding the requirements set forth in
22 this Section, and no provider of cable service or video service
23 may be barred from providing service or be required to
24 terminate service as a result of that dispute or enforcement
25 action.

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

1 (220 ILCS 5/21-701)

2 Sec. 21-701. Emergency alert system. The holder shall
3 comply with all applicable requirements of the Federal
4 Communications Commission involving the distribution and
5 notification of federal, State, and local emergency messages
6 over the emergency alert system applicable to cable operators.
7 The holder will provide a requesting local unit of government
8 with sufficient information regarding how to submit, via
9 telephone or web listing, a local emergency alert for
10 distribution over its cable or video network. To the extent
11 that a local unit of government requires incumbent cable
12 operators to provide emergency alert system messages or
13 services in excess of the requirements of this Section, the
14 holder shall comply with any such additional requirements
15 within the jurisdiction of the local franchising authority. The
16 holder may provide a local emergency alert to an area larger
17 than the boundaries of the local unit of government issuing the
18 emergency alert.

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

20 (220 ILCS 5/21-801)

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

23 (a) Prior to offering cable service or video service in a
24 local unit of government's jurisdiction, a holder shall notify

1 the local unit of government. The notice shall be given to the
2 local unit of government at least 10 days before the holder
3 begins to offer cable service or video service within the
4 boundaries of that local unit of government.

5 (b) In any local unit of government in which a holder
6 offers cable service or video service on a commercial basis,
7 the holder shall be liable for and pay the service provider fee
8 to the local unit of government. The local unit of government
9 shall adopt an ordinance imposing such a fee. The holder's
10 liability for the fee shall commence on the first day of the
11 calendar month that is at least 30 days after the holder
12 receives such ordinance. For any such ordinance adopted on or
13 after the effective date of this amendatory Act of the 99th
14 General Assembly, the holder's liability shall commence on the
15 first day of the calendar month that is at least 30 days after
16 the adoption of such ordinance. The ordinance shall be sent by
17 mail, postage prepaid, to the address listed on the holder's
18 application provided to the local unit of government pursuant
19 to item (6) of subsection (b) of Section 21-401 of this Act.
20 The fee authorized by this Section shall be 5% of gross
21 revenues or the same as the fee paid to the local unit of
22 government by any incumbent cable operator providing cable
23 service. The payment of the service provider fee shall be due
24 on a quarterly basis, 45 days after the close of the calendar
25 quarter. If mailed, the fee is considered paid on the date it
26 is postmarked. Except as provided in this Article, the local

1 unit of government may not demand any additional fees or
2 charges from the holder and may not demand the use of any other
3 calculation method other than allowed under this Article.

4 (c) For purposes of this Article, "gross revenues" means
5 all consideration of any kind or nature, including, without
6 limitation, cash, credits, property, and in-kind contributions
7 received by the holder for the operation of a cable or video
8 system to provide cable service or video service within the
9 holder's cable service or video service area within the local
10 unit of government's jurisdiction.

11 (1) Gross revenues shall include the following:

12 (i) Recurring charges for cable service or video
13 service.

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

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

19 (iv) Service charges related to the provision of
20 cable service or video service, including, but not
21 limited to, activation, installation, and repair
22 charges.

23 (v) Administrative charges related to the
24 provision of cable service or video service, including
25 but not limited to service order and service
26 termination charges.

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

4 (vii) A pro rata portion of all revenue derived by
5 the holder or its affiliates pursuant to compensation
6 arrangements for advertising or for promotion or
7 exhibition of any products or services derived from the
8 operation of the holder's network to provide cable
9 service or video service within the local unit of
10 government's jurisdiction. The allocation shall be
11 based on the number of subscribers in the local unit of
12 government divided by the total number of subscribers
13 in relation to the relevant regional or national
14 compensation arrangement.

15 (viii) Compensation received by the holder that is
16 derived from the operation of the holder's network to
17 provide cable service or video service with respect to
18 commissions that are received by the holder as
19 compensation for promotion or exhibition of any
20 products or services on the holder's network, such as a
21 "home shopping" or similar channel, subject to item
22 (ix) of this paragraph (1).

23 (ix) In the case of a cable service or video
24 service that is bundled or integrated functionally
25 with other services, capabilities, or applications,
26 the portion of the holder's revenue attributable to the

1 other services, capabilities, or applications shall be
2 included in gross revenue unless the holder can
3 reasonably identify the division or exclusion of the
4 revenue from its books and records that are kept in the
5 regular course of business.

6 (x) The service provider fee permitted by
7 subsection (b) of this Section.

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

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

12 (ii) Refunds, discounts, or other price
13 adjustments that reduce the amount of gross revenues
14 received by the holder of the State-issued
15 authorization to the extent the refund, rebate,
16 credit, or discount is attributable to cable service or
17 video service.

18 (iii) Regardless of whether the services are
19 bundled, packaged, or functionally integrated with
20 cable service or video service, any revenues received
21 from services not classified as cable service or video
22 service, including, without limitation, revenue
23 received from telecommunications services, information
24 services, or the provision of directory or Internet
25 advertising, including yellow pages, white pages,
26 banner advertisement, and electronic publishing, or

1 any other revenues attributed by the holder to noncable
2 service or nonvideo service in accordance with the
3 holder's books and records and records kept in the
4 regular course of business and any applicable laws,
5 rules, regulations, standards, or orders.

6 (iv) The sale of cable services or video services
7 for resale in which the purchaser is required to
8 collect the service provider fee from the purchaser's
9 subscribers to the extent the purchaser certifies in
10 writing that it will resell the service within the
11 local unit of government's jurisdiction and pay the fee
12 permitted by subsection (b) of this Section with
13 respect to the service.

14 (v) Any tax or fee of general applicability imposed
15 upon the subscribers or the transaction by a city,
16 State, federal, or any other governmental entity and
17 collected by the holder of the State-issued
18 authorization and required to be remitted to the taxing
19 entity, including sales and use taxes.

20 (vi) Security deposits collected from subscribers.

21 (vii) Amounts paid by subscribers to "home
22 shopping" or similar vendors for merchandise sold
23 through any home shopping channel offered as part of
24 the cable service or video service.

25 (3) Revenue of an affiliate of a holder shall be
26 included in the calculation of gross revenues to the extent

1 the treatment of the revenue as revenue of the affiliate
2 rather than the holder has the effect of evading the
3 payment of the fee permitted by subsection (b) of this
4 Section which would otherwise be paid by the cable service
5 or video service.

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

1 cable operator's or operators' gross revenues during the
2 immediately prior calendar year. The sum of payments includes
3 any payments that an incumbent cable operator is required to
4 pay pursuant to item (3) of subsection (c) of Section 21-301.

5 (2) A local unit of government may require all holders of a
6 State-issued authorization and all cable operators franchised
7 by that local unit of government on June 30, 2007 (the
8 effective date of this Section) in the franchise area to
9 provide to the local unit of government, or to the entity
10 designated by that local unit of government to manage public,
11 education, and government access, information sufficient to
12 calculate the public, education, and government access
13 equivalent fee and any credits under paragraph (1) of this
14 subsection (d).

15 (3) The fee shall be due on a quarterly basis and paid 45
16 days after the close of the calendar quarter. Each payment
17 shall include a statement explaining the basis for the
18 calculation of the fee. If mailed, the fee is considered paid
19 on the date it is postmarked. The liability of the holder for
20 payment of the fee under this subsection shall commence on the
21 same date as the payment of the service provider fee pursuant
22 to subsection (b) of this Section.

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

26 (f) The holder may identify and collect the amount of the

1 public, education, and government programming support fee as a
2 separate line item on the regular bill of each subscriber.

3 (g) All determinations and computations under this Section
4 shall be made pursuant to the definition of gross revenues set
5 forth in this Section and shall be made pursuant to generally
6 accepted accounting principles.

7 (h) Nothing contained in this Article shall be construed to
8 exempt a holder from any tax that is or may later be imposed by
9 the local unit of government, including any tax that is or may
10 later be required to be paid by or through the holder with
11 respect to cable service or video service. A State-issued
12 authorization shall not affect any requirement of the holder
13 with respect to payment of the local unit of government's
14 simplified municipal telecommunications tax or any other tax as
15 it applies to any telephone service provided by the holder. A
16 State-issued authorization shall not affect any requirement of
17 the holder with respect to payment of the local unit of
18 government's 911 or E911 fees, taxes, or charges.

19 (i) Except for a municipality having a population of
20 2,000,000 or more, the fee imposed under paragraph (1) of
21 subsection (d) by a local unit of government against a holder
22 who is a cable operator shall be as follows:

23 (1) the fee shall be collected and paid only for
24 capital costs that are considered lawful under Subchapter
25 VI of the federal Communications Act of 1934, as amended,
26 and as implemented by the Federal Communications

1 Commission;

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

4 (3) the fee may not exceed 1% of gross revenue; if,
5 however, on the date that an incumbent cable operator files
6 an application under Section 21-401, the incumbent cable
7 operator is operating under a franchise agreement that
8 imposes a fee for support for capital costs for public,
9 education, and government access facilities obligations in
10 excess of 1% of gross revenue, then the cable operator
11 shall continue to provide support for capital costs for
12 public, education, and government access facilities
13 obligations at the rate stated in such agreement.

14 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

15 (220 ILCS 5/21-901)

16 Sec. 21-901. Audits.

17 (a) A holder that has received State-issued authorization
18 under this Article is subject to an audit of its service
19 provider fees derived from the provision of cable or video
20 services to subscribers within any part of the local unit of
21 government which is located in the holder's service territory.
22 Any such audit shall be conducted by the local unit of
23 government or its agent for the sole purpose of determining any
24 overpayment or underpayment of the holder's service provider
25 fee to the local unit of government.

1 (b) Beginning on or after the effective date of this
2 amendatory Act of the 99th General Assembly, any audit
3 conducted pursuant to this Section by a local government shall
4 be governed by Section 11-42-11.05 of the Illinois Municipal
5 Code or Section 5-1095.1 of the Counties Code.

6 (Source: P.A. 99-6, eff. 6-29-15.)

7 (220 ILCS 5/21-1001)

8 Sec. 21-1001. Local unit of government authority.

9 (a) The holder of a State-issued authorization shall comply
10 with all the applicable construction and technical standards
11 and right-of-way occupancy standards set forth in a local unit
12 of government's code of ordinances relating to the use of
13 public rights-of-way, pole attachments, permit obligations,
14 indemnification, performance bonds, penalties, or liquidated
15 damages. The applicable requirements for a holder that is using
16 its existing telecommunications network or constructing a
17 telecommunications network shall be the same requirements that
18 the local unit of government imposes on telecommunications
19 providers in its jurisdiction. The applicable requirements for
20 a holder that is using or constructing a cable system shall be
21 the same requirements the local unit of government imposes on
22 other cable operators in its jurisdiction.

23 (b) A local unit of government shall allow the holder to
24 install, construct, operate, maintain, and remove a cable
25 service, video service, or telecommunications network within a

1 public right-of-way and shall provide the holder with open,
2 comparable, nondiscriminatory, and competitively neutral
3 access to the public right-of-way on the same terms applicable
4 to other cable service or video service providers or cable
5 operators in its jurisdiction. Notwithstanding any other
6 provisions of law, if a local unit of government is permitted
7 by law to require the holder of a State authorization to seek a
8 permit to install, construct, operate, maintain, or remove its
9 cable service, video service, or telecommunications network
10 within a public right-of-way, those permits shall be deemed
11 granted within 45 days after being submitted, if not otherwise
12 acted upon by the local unit of government, provided the holder
13 complies with the requirements applicable to the holder in its
14 jurisdiction.

15 (c) A local unit of government may impose reasonable terms,
16 but it may not discriminate against the holder with respect to
17 any of the following:

18 (1) The authorization or placement of a cable service,
19 video service, or telecommunications network or equipment
20 in public rights-of-way.

21 (2) Access to a building.

22 (3) A local unit of government utility pole attachment.

23 (d) If a local unit of government imposes a permit fee on
24 incumbent cable operators, it may impose a permit fee on the
25 holder only to the extent it imposes such a fee on incumbent
26 cable operators. In all other cases, these fees may not exceed

1 the actual, direct costs incurred by the local unit of
2 government for issuing the relevant permit. In no event may a
3 fee under this Section be levied if the holder already has paid
4 a permit fee of any kind in connection with the same activity
5 that would otherwise be covered by the permit fee under this
6 Section provided no additional equipment, work, function, or
7 other burden is added to the existing activity for which the
8 permit was issued.

9 (e) Nothing in this Article shall affect the rights that
10 any holder has under Section 4 of the Telephone Line Right of
11 Way Act (220 ILCS 65/4).

12 (f) In addition to the other requirements in this Section,
13 if the holder installs, upgrades, constructs, operates,
14 maintains, and removes facilities or equipment within a public
15 right-of-way to provide cable service or video service, it
16 shall comply with the following:

17 (1) The holder must locate its equipment in the
18 right-of-way as to cause only minimum interference with the
19 use of streets, alleys, and other public ways and places,
20 and to cause only minimum impact upon and interference with
21 the rights and reasonable convenience of property owners
22 who adjoin any of the said streets, alleys, or other public
23 ways. No fixtures shall be placed in any public ways in
24 such a manner to interfere with the usual travel on such
25 public ways, nor shall such fixtures or equipment limit the
26 visibility of vehicular or pedestrian traffic, or both.

1 (2) The holder shall comply with a local unit of
2 government's reasonable requests to place equipment on
3 public property where possible and promptly comply with
4 local unit of government direction with respect to the
5 location and screening of equipment and facilities. In
6 constructing or upgrading its cable or video network in the
7 right-of-way, the holder shall use the smallest suitable
8 equipment enclosures and power pedestals and cabinets then
9 in use by the holder for the application.

10 (3) The holder's construction practices shall be in
11 accordance with all applicable Sections of the
12 Occupational Safety and Health Act of 1970, as amended, as
13 well as all applicable State laws, including the Civil
14 Administrative Code of Illinois, and local codes, where
15 applicable, as adopted by the local unit of government. All
16 installation of electronic equipment shall be of a
17 permanent nature, durable, and, where applicable,
18 installed in accordance with the provisions of the National
19 Electrical Safety Code of the National Bureau of Standards
20 and National Electrical Code of the National Board of Fire
21 Underwriters.

22 (4) The holder shall not interfere with the local unit
23 of government's performance of public works. Nothing in the
24 State-issued authorization shall be in preference or
25 hindrance to the right of the local unit of government to
26 perform or carry on any public works or public improvements

1 of any kind. The holder expressly agrees that it shall, at
2 its own expense, protect, support, temporarily disconnect,
3 relocate in the same street or other public place, or
4 remove from such street or other public place any of the
5 network, system, facilities, or equipment when required to
6 do so by the local unit of government because of necessary
7 public health, safety, and welfare improvements. In the
8 event a holder and other users of a public right-of-way,
9 including incumbent cable operators or utilities, are
10 required to relocate and compensation is paid to the users
11 of such public right-of-way, such parties shall be treated
12 equally with respect to such compensation.

13 (5) The holder shall comply with all local units of
14 government inspection requirements. The making of
15 post-construction, subsequent or periodic inspections, or
16 both, or the failure to do so shall not operate to relieve
17 the holder of any responsibility, obligation, or
18 liability.

19 (6) The holder shall maintain insurance or provide
20 evidence of self insurance as required by an applicable
21 ordinance of the local unit of government.

22 (7) The holder shall reimburse all reasonable
23 make-ready expenses, including aerial and underground
24 installation expenses requested by the holder to the local
25 unit of government within 30 days of billing to the holder,
26 provided that such charges shall be at the same rates as

1 charges to others for the same or similar services.

2 (8) The holder shall indemnify and hold harmless the
3 local unit of government and all boards, officers,
4 employees, and representatives thereof from all claims,
5 demands, causes of action, liability, judgments, costs and
6 expenses, or losses for injury or death to persons or
7 damage to property owned by, and Worker's Compensation
8 claims against any parties indemnified herein, arising out
9 of, caused by, or as a result of the holder's construction,
10 lines, cable, erection, maintenance, use or presence of, or
11 removal of any poles, wires, conduit, appurtenances
12 thereto, or equipment or attachments thereto. The holder,
13 however, shall not indemnify the local unit of government
14 for any liabilities, damages, cost, and expense resulting
15 from the willful misconduct, or negligence of the local
16 unit of government, its officers, employees, and agents.
17 The obligations imposed pursuant to this Section by a local
18 unit of government shall be competitively neutral.

19 (9) The holder, upon request, shall provide the local
20 unit of government with information describing the
21 location of the cable service or video service facilities
22 and equipment located in the unit of local government's
23 rights-of-way pursuant to its State-issued authorization.
24 If designated by the holder as confidential, such
25 information provided pursuant to this subsection shall be
26 exempt from inspection and copying under the Freedom of

1 Information Act and shall not be disclosed by the unit of
2 local government to any third party without the written
3 consent of the holder.

4 (Source: P.A. 99-6, eff. 6-29-15.)

5 (220 ILCS 5/21-1101)

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

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

12 (b) (Blank).

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

1 after at least 15% of the households with access to the
2 holder's video service subscribe to the service for 6
3 consecutive months.

4 The holder's obligation to provide such access in the State
5 shall be distributed, as the holder determines, within 3
6 designated market areas, one in each of the northeastern,
7 central, and southwestern portions of the holder's
8 telecommunications service area in the State. The designated
9 market area for the northeastern portion shall consist of 2
10 separate and distinct reporting areas: (i) a city with more
11 than 1,000,000 inhabitants, and (ii) all other local units of
12 government on a combined basis within such designated market
13 area in which it offers video service.

14 If any state, in which a holder subject to this subsection
15 (c) or one of its affiliates provides or seeks to provide cable
16 or video service, adopts a law permitting state-issued
17 authorization or statewide franchises to provide cable or video
18 service that requires a cable or video provider to offer
19 service to more than 35% of the households in the cable or
20 video provider's service area in that state within 3 years,
21 holders subject to this subsection (c) shall provide service in
22 this State to the same percentage of households within 3 years
23 of adoption of such law in that state.

24 Furthermore, if any state, in which a holder subject to
25 this subsection (c) or one of its affiliates provides or seeks
26 to provide cable or video service, adopts a law requiring a

1 holder of a state-issued authorization or statewide franchises
2 to offer cable or video service to more than 35% of its
3 households if less than 15% of the households with access to
4 the holder's video service subscribe to the service for 6
5 consecutive months, then as a precondition to further
6 build-out, holders subject to this subsection (c) shall be
7 subject to the same percentage of service subscription in
8 meeting its obligation to provide service to 50% of the
9 households in this State.

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

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

1 (d) (1) All other holders shall only provide access to one
2 or more exchanges, as that term is defined in Section 13-206 of
3 this Act, or to local units of government and shall provide
4 access to their cable or video service to a number of
5 households equal to 35% of the households in the exchange or
6 local unit of government within 3 years after the date a holder
7 receives a State-issued authorization from the Commission and
8 to a number not less than 50% of these households within 5
9 years after the date a holder receives a State-issued
10 authorization from the Commission, provided that if the holder
11 is an incumbent cable operator or any successor-in-interest
12 company, it shall be obligated to provide access to cable or
13 video services within the jurisdiction of a local unit of
14 government at the same levels required by the local franchising
15 authorities for that local unit of government on June 30, 2007
16 (the effective date of Public Act 95-9).

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

21 Within each designated exchange, as that term is defined in
22 Section 13-206 of this Act, or local unit of government listed
23 in paragraph (1) of this subsection (d), the holder's
24 obligation to offer service to low-income households shall be
25 measured by each exchange or local unit of government in which
26 the holder chooses to provide cable or video service. Except as

1 provided in paragraph (1) of this subsection (d), the holder is
2 under no obligation to serve or provide access to an entire
3 exchange or local unit of government; however, in addition to
4 the statewide obligation to provide low-income access provided
5 by this Section, in each exchange or local unit of government
6 in which the holder chooses to provide cable or video service,
7 the holder shall provide access to a percentage of low-income
8 households that is at least equal to the percentage of the
9 total low-income households within that exchange or local unit
10 of government.

11 (e) A holder subject to subsection (c) of this Section
12 shall provide wireline broadband service, defined as wireline
13 service, capable of supporting, in at least one direction, a
14 speed in excess of 200 kilobits per second (kbps), to the
15 network demarcation point at the subscriber's premises, to a
16 number of households equal to 90% of the households in the
17 holder's telecommunications service area by December 31, 2008,
18 or shall pay within 30 days of December 31, 2008 a sum of
19 \$15,000,000 to the Digital Divide Elimination Infrastructure
20 Fund established pursuant to Section 13-301.3 of this Act, or
21 any successor fund established by the General Assembly. In that
22 event the holder is required to make a payment pursuant to this
23 subsection (e), the holder shall have no further accounting for
24 this payment, which shall be used in any part of the State for
25 the purposes established in the Digital Divide Elimination
26 Infrastructure Fund or for broadband deployment.

1 (f) The holder of a State-issued authorization may satisfy
2 the requirements of subsections (c) and (d) of this Section
3 through the use of any technology, which shall not include
4 direct-to-home satellite service, that offers service,
5 functionality, and content that is demonstrably similar to that
6 provided through the holder's video service system.

7 (g) In any investigation into or complaint alleging that
8 the holder of a State-issued authorization has failed to meet
9 the requirements of this Section, the following factors may be
10 considered in justification or mitigation or as justification
11 for an extension of time to meet the requirements of
12 subsections (c) and (d) of this Section:

13 (1) The inability to obtain access to public and
14 private rights-of-way under reasonable terms and
15 conditions.

16 (2) Barriers to competition arising from existing
17 exclusive service arrangements in developments or
18 buildings.

19 (3) The inability to access developments or buildings
20 using reasonable technical solutions under commercially
21 reasonable terms and conditions.

22 (4) Natural disasters.

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

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

1 (1) what substantial effort the holder of a
2 State-issued authorization has taken to meet the
3 requirements of subsection (a) or (c) of this Section;

4 (2) which portions of subsection (g) of this Section
5 apply; and

6 (3) the number of days it has been delayed or the
7 requirements it cannot perform as a consequence of
8 subsection (g) of this Section.

9 (i) The factors in subsection (g) of this Section may be
10 considered by the Attorney General or by a court of competent
11 jurisdiction in determining whether the holder is in violation
12 of this Article.

13 (j) Every holder of a State-issued authorization, no later
14 than April 1, 2009, and annually no later than April 1
15 thereafter, shall report to the Commission for each of the
16 service areas as described in subsections (c) and (d) of this
17 Section in which it provides access to its video service in the
18 State, the following information:

19 (1) Cable service and video service information:

20 (A) The number of households in the holder's
21 telecommunications service area within each designated
22 market area as described in subsection (c) of this
23 Section or exchange or local unit of government as
24 described in subsection (d) of this Section in which it
25 offers video service.

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

1 telecommunications service area within each designated
2 market area as described in subsection (c) of this
3 Section or exchange or local unit of government as
4 described in subsection (d) of this Section that are
5 offered access to video service by the holder.

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

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

11 (2) Low-income household information:

12 (A) The number of low-income households in the
13 holder's telecommunications service area within each
14 designated market area as described in subsection (c)
15 of this Section, as further identified in terms of
16 exchanges, or exchange or local unit of government as
17 described in subsection (d) of this Section in which it
18 offers video service.

19 (B) The number of low-income households in the
20 holder's telecommunications service area within each
21 designated market area as described in subsection (c)
22 of this Section, as further identified in terms of
23 exchanges, or exchange or local unit of government as
24 described in subsection (d) of this Section in the
25 State that are offered access to video service by the
26 holder.

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

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

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

20 (1) Cable service and video service information:

21 (A) The number of households in the holder's
22 telecommunications service area within each designated
23 market area in which it offers cable service or video
24 service.

25 (B) The number of households in the holder's
26 telecommunications service area within each designated

1 market area that are offered access to cable service or
2 video service by the holder.

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

5 (D) The number of households in the holder's
6 telecommunications service area in the State that are
7 offered access to cable service or video service by the
8 holder.

9 (E) The exchanges or local units of government in
10 which the holder added cable service or video service
11 in the prior year.

12 (2) Low-income household information:

13 (A) The number of low-income households in the
14 holder's telecommunications service area within each
15 designated market area in which it offers video
16 service.

17 (B) The number of low-income households in the
18 holder's telecommunications service area within each
19 designated market area that are offered access to video
20 service by the holder.

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

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

26 (j-10) The requirements of subsection (d) of this Section

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

13 (1) Cable service and video service information:

14 (A) The number of households in the holder's
15 footprint in which it offers cable service or video
16 service.

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

20 (C) The exchanges or local units of government in
21 which the holder added cable service or video service
22 in the prior year.

23 (2) Low-income household information:

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

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

4 (k) The Commission, within 30 days of receiving the first
5 report from holders under this Section, and annually no later
6 than July 1 thereafter, shall submit to the General Assembly a
7 report that includes, based on year-end data, the information
8 submitted by holders pursuant to subdivisions (1) and (2) of
9 subsections (j), (j-5), and (j-10) of this Section. The
10 Commission shall make this report available to any member of
11 the public or any local unit of government upon request. All
12 information submitted to the Commission and designated by
13 holders as confidential and proprietary shall be subject to the
14 disclosure provisions in subsection (c) of Section 21-401 of
15 this Act. No individually identifiable customer information
16 shall be subject to public disclosure.

17 (Source: P.A. 98-45, eff. 6-28-13.)

18 (220 ILCS 5/21-1201)

19 Sec. 21-1201. Multiple-unit dwellings; interference with
20 holder prohibited.

21 (a) Neither the owner of any multiple-unit residential
22 dwelling nor an agent or representative nor an assignee,
23 grantee, licensee, or similar holders of rights, including
24 easements, in any multiple-unit residential dwelling (the
25 "owner, agent or representative") shall unreasonably interfere

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

1 Municipal Code (65 ILCS 5/11-42-11.1).

2 (b) Neither the owner of any multiple-unit residential
3 dwelling nor an agent or representative shall ask, demand, or
4 receive any additional payment, service, or gratuity in any
5 form from any tenant or lawful resident thereof as a condition
6 for permitting or cooperating with the installation of a cable
7 service or video service or related services to the dwelling
8 unit occupied by a tenant or resident requesting such service.

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

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

22 (e) The owner of any multiple-unit residential dwelling or
23 an agent or representative may require a holder to agree to
24 indemnify the owner, or his agents or representatives, for
25 damages or from liability for damages caused by the
26 installation, operation, maintenance, or removal of cable

1 service or video service facilities.

2 (f) For purposes of this Section, "multiple-unit dwelling"
3 or "such property" means a multiple dwelling unit building
4 (such as an apartment building, condominium building, or
5 cooperative) and any other centrally managed residential real
6 estate development (such as a gated community, mobile home
7 park, or garden apartment); provided however, that
8 multiple-unit dwelling shall not include time share units,
9 academic campuses and dormitories, military bases, hotels,
10 rooming houses, prisons, jails, halfway houses, nursing homes
11 or other assisted living facilities, and hospitals.

12 (Source: P.A. 98-45, eff. 6-28-13.)

13 (220 ILCS 5/21-1301)

14 Sec. 21-1301. Enforcement; penalties.

15 (a) The Attorney General is responsible for administering
16 and ensuring holders' compliance with this Article, provided
17 that nothing in this Article shall deprive local units of
18 government of the right to enforce applicable rights and
19 obligations.

20 (b) The Attorney General may conduct an investigation
21 regarding possible violations by holders of this Article
22 including, without limitation, the issuance of subpoenas to:

23 (1) require the holder to file a statement or report or
24 to answer interrogatories in writing as to all information
25 relevant to the alleged violations;

1 (2) examine, under oath, any person who possesses
2 knowledge or information related to the alleged
3 violations; and

4 (3) examine any record, book, document, account, or
5 paper related to the alleged violation.

6 (c) If the Attorney General determines that there is a
7 reason to believe that a holder has violated or is about to
8 violate this Article, the Attorney General may bring an action
9 in a court of competent jurisdiction in the name of the People
10 of the State against the holder to obtain temporary,
11 preliminary, or permanent injunctive relief and civil
12 penalties for any act, policy, or practice by the holder that
13 violates this Article.

14 (d) If a court orders a holder to make payments to the
15 Attorney General and the payments are to be used for the
16 operations of the Office of the Attorney General or if a holder
17 agrees to make payments to the Attorney General for the
18 operations of the Office of the Attorney General as part of an
19 Assurance of Voluntary Compliance, then the moneys paid under
20 any of the conditions described in this subsection (d) shall be
21 deposited into the Attorney General Court Ordered and Voluntary
22 Compliance Payment Projects Fund. Moneys in the Fund shall be
23 used, subject to appropriation, for the performance of any
24 function pertaining to the exercise of the duties to the
25 Attorney General, including, but not limited to, enforcement of
26 any law of this State and conducting public education programs;

1 however, any moneys in the Fund that are required by the court
2 to be used for a particular purpose shall be used for that
3 purpose.

4 (e) In an action against a holder brought pursuant to this
5 Article, the Attorney General may seek the assessment of one or
6 more of the following civil monetary penalties in any action
7 filed under this Article where the holder violates this Article
8 and does not remedy the violation within 30 days of notice by
9 the Attorney General:

10 (1) Any holder that violates or fails to comply with
11 any of the provisions of this Article or of its
12 State-issued authorization shall be subject to a civil
13 penalty of up to \$30,000 for each and every offense, or
14 0.00825% of the holder's gross revenues, as defined in
15 Section 21-801 of this Act, whichever is greater. Every
16 violation of the provisions of this Article by a holder is
17 a separate and distinct offense, provided that if the same
18 act or omission violates more than one provision of this
19 Article, only one penalty or cumulative penalty may be
20 imposed for such act or omission. In the case of a
21 continuing violation, each day's continuance thereof shall
22 be a separate and distinct offense, provided that the
23 cumulative penalty for any continuing violation shall not
24 exceed \$500,000 per year, and provided further that these
25 limits shall not apply where the violation was intentional
26 and either (i) created substantial risk to the safety of

1 the cable service or video service provider's employees or
2 customers or the public or (ii) was intended to cause
3 economic benefits to accrue to the violator.

4 (2) The holder's State-issued authorization may be
5 suspended or revoked if the holder fails to comply with the
6 provisions of this Article after a reasonable time to
7 achieve compliance has passed.

8 (3) If the holder is in violation of Section 21-1101 of
9 this Act, in addition to any other remedies provided by
10 law, a fine not to exceed 3% of the holder's total monthly
11 gross revenue, as that term is defined in this Article,
12 shall be imposed for each month from the date of violation
13 until the date that compliance is achieved.

14 (4) Nothing in this Section shall limit or affect the
15 powers of the Attorney General to enforce the provisions of
16 this Article, Section 22-501 of this Act, or the Consumer
17 Fraud and Deceptive Business Practices Act.

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

19 (220 ILCS 5/21-1401)

20 Sec. 21-1401. Home rule.

21 (a) The provisions of this Article are a limitation of home
22 rule powers under subsection (i) of Section 6 of Article VII of
23 the Illinois Constitution.

24 (b) Nothing in this Article shall be construed to limit or
25 deny a home rule unit's power to tax as set forth in Section 6

1 of Article VII of the Illinois Constitution.

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

3 (220 ILCS 5/21-1501)

4 Sec. 21-1501. Except as otherwise provided in this Article,
5 this Article shall be enforced only by a court of competent
6 jurisdiction.

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

8 (220 ILCS 5/21-1502)

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

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

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

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

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

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

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

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

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

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

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

25 (Source: P.A. 98-45, eff. 6-28-13.)

1 (220 ILCS 5/21-1503 new)

2 Sec. 21-1503. Continuation of Article; validation.

3 (a) The General Assembly finds and declares that this
4 amendatory Act of the 100th General Assembly manifests the
5 intention of the General Assembly to extend the repeal of this
6 Article and have this Article continue in effect until December
7 31, 2020.

8 (b) This Article shall be deemed to have been in continuous
9 effect since July 1, 2017 and it shall continue to be in effect
10 henceforward until it is otherwise lawfully repealed. All
11 previously enacted amendments to this Article taking effect on
12 or after July 1, 2017, are hereby validated. All actions taken
13 in reliance on or under this Article by the Illinois Commerce
14 Commission or any other person or entity are hereby validated.

15 (c) In order to ensure the continuing effectiveness of this
16 Article, it is set forth in full and reenacted by this
17 amendatory Act of the 100th General Assembly. Striking and
18 underscoring are used only to show changes being made to the
19 base text. This reenactment is intended as a continuation of
20 this Article. It is not intended to supersede any amendment to
21 this Article that is enacted by the 100th General Assembly.

22 (220 ILCS 5/21-1601)

23 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
24 this Article are repealed December 31, 2020 ~~July 1, 2017~~.

25 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

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