

1 AN ACT in relation to public utilities.

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

4 Section 5. The Public Utilities Act is amended by
5 changing Section 13-712 as follows:

6 (220 ILCS 5/13-712)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-712. Basic local exchange service quality;
9 customer credits.

10 (a) It is the intent of the General Assembly that every
11 telecommunications carrier meet minimum service quality
12 standards in providing basic local exchange service on a
13 non-discriminatory basis to all classes of customers.

14 (b) Definitions:

15 (1) "Alternative telephone service" means, except
16 where technically impracticable, a wireless telephone
17 capable of making local calls, and may also include, but
18 is not limited to, call forwarding, voice mail, or paging
19 services.

20 (2) "Basic local exchange service" means
21 residential and business lines used for local exchange
22 telecommunications service as defined in Section 13-204
23 of this Act, excluding:

24 (A) services that employ advanced
25 telecommunications capability as defined in Section
26 706(c)(1) of the federal Telecommunications Act of
27 1996;

28 (B) vertical services;

29 (C) company official lines; and

30 (D) records work only.

31 (3) "Link Up" refers to the Link Up Assistance

1 program defined and established at 47 C.F.R. Section
2 54.411 et seq. as amended.

3 (c) The Commission shall promulgate service quality
4 rules for basic local exchange service, which may include
5 fines, penalties, customer credits, and other enforcement
6 mechanisms. In developing such service quality rules, the
7 Commission shall consider, at a minimum, the carrier's gross
8 annual intrastate revenue; the frequency, duration, and
9 recurrence of the violation; and the relative harm caused to
10 the affected customer or other users of the network. In
11 imposing fines, the Commission shall take into account
12 compensation or credits paid by the telecommunications
13 carrier to its customers pursuant to this Section in
14 compensation for the violation found pursuant to this
15 Section. These rules shall become effective within one year
16 after the effective date of this amendatory Act of the 92nd
17 General Assembly.

18 (d) The rules shall, at a minimum, require each
19 telecommunications carrier to do all of the following:

20 (1) Install basic local exchange service within 5
21 business days after receipt of an order from the customer
22 unless the customer requests an installation date that is
23 beyond 5 business days after placing the order for basic
24 service and to inform the customer of its duty to install
25 service within this timeframe. If installation of
26 service is requested on or by a date more than 5 business
27 days in the future, the telecommunications carrier shall
28 install service by the date requested. A
29 telecommunications carrier offering basic local exchange
30 service utilizing the network or network elements of
31 another carrier shall install new lines for basic local
32 exchange service within 3 business days after
33 provisioning of the line or lines by the carrier whose
34 network or network elements are being utilized is

1 complete. This subdivision (d)(1) does not apply to the
2 migration of a customer between telecommunications
3 carriers, so long as the customer maintains dial tone.

4 (2) Restore basic local exchange service for a
5 customer within 24 hours of receiving notice that a
6 customer is out of service. This provision applies to
7 service disruptions that occur when a customer switches
8 existing basic local exchange service from one carrier to
9 another.

10 (3) Keep all repair and installation appointments
11 for basic local exchange service, when a customer
12 premises visit requires a customer to be present.

13 (4) Inform a customer when a repair or installation
14 appointment requires the customer to be present.

15 (e) The rules shall include provisions for customers to
16 be credited by the telecommunications carrier for violations
17 of basic local exchange service quality standards as
18 described in subsection (d). The credits shall be applied on
19 the statement issued to the customer for the next monthly
20 billing cycle following the violation or following the
21 discovery of the violation. The performance levels
22 established in subsection (c) are solely for the purposes of
23 consumer credits and shall not be used as performance levels
24 for the purposes of assessing penalties under Section 13-305.
25 At a minimum, the rules shall include the following:

26 (1) If a carrier fails to repair an out-of-service
27 condition for basic local exchange service within 24
28 hours, the carrier shall provide a credit to the
29 customer. If the service disruption is for 48 hours or
30 less, the credit must be equal to a pro-rata portion of
31 the monthly recurring charges for all local services
32 disrupted. If the service disruption is for more than 48
33 hours, but not more than 72 hours, the credit must be
34 equal to at least 33% of one month's recurring charges

1 for all local services disrupted. If the service
2 disruption is for more than 72 hours, but not more than
3 96 hours, the credit must be equal to at least 67% of one
4 month's recurring charges for all local services
5 disrupted. If the service disruption is for more than 96
6 hours, but not more than 120 hours, the credit must be
7 equal to one month's recurring charges for all local
8 services disrupted. For each day or portion thereof that
9 the service disruption continues beyond the initial
10 120-hour period, the carrier shall also provide either
11 alternative telephone service or an additional credit of
12 \$20 per day, at the customers option.

13 (2) If a carrier fails to install basic local
14 exchange service as required under subdivision (d)(1),
15 the carrier shall waive 50% of any installation charges,
16 or in the absence of an installation charge or where
17 installation is pursuant to the Link Up program, the
18 carrier shall provide a credit of \$25. If a carrier
19 fails to install service within 10 business days after
20 the service application is placed, or fails to install
21 service within 5 business days after the customer's
22 requested installation date, if the requested date was
23 more than 5 business days after the date of the order,
24 the carrier shall waive 100% of the installation charge,
25 or in the absence of an installation charge or where
26 installation is provided pursuant to the Link Up program,
27 the carrier shall provide a credit of \$50. For each day
28 that the failure to install service continues beyond the
29 initial 10 business days, or beyond 5 business days after
30 the customer's requested installation date, if the
31 requested date was more than 5 business days after the
32 date of the order, the carrier shall also provide either
33 alternative telephone service or an additional credit of
34 \$20 per day, at the customer's option until service is

1 installed.

2 (3) If a carrier fails to keep a scheduled repair
3 or installation appointment when a customer premises
4 visit requires a customer to be present, the carrier
5 shall credit the customer \$50 per missed appointment. A
6 credit required by this subsection does not apply when
7 the carrier provides the customer with 24-hour notice of
8 its inability to keep the appointment.

9 (4) If the violation of a basic local exchange
10 service quality standard is caused by a carrier other
11 than the carrier providing retail service to the
12 customer, the carrier providing retail service to the
13 customer shall credit the customer as provided in this
14 Section. The carrier causing the violation shall
15 reimburse the carrier providing retail service the amount
16 credited the customer. When applicable, an
17 interconnection agreement shall govern compensation
18 between the carrier causing the violation, in whole or in
19 part, and the retail carrier providing the credit to the
20 customer.

21 (5) When alternative telephone service is
22 appropriate, the customer may select one of the
23 alternative telephone services offered by the carrier.
24 The alternative telephone service shall be provided at no
25 cost to the customer for the provision of local service.

26 (6) Credits required by this subsection do not
27 apply if the violation of a service quality standard:

28 (i) occurs as a result of a negligent or
29 willful act on the part of the customer;

30 (ii) occurs as a result of a malfunction of
31 customer-owned telephone equipment or inside wiring;

32 (iii) occurs as a result of, or is extended
33 by, an emergency situation as defined in Commission
34 rules, provided that, for the purpose of this item

1 (iii), the term "emergency situation" does not
2 include a work stoppage;

3 (iv) is extended by the carrier's inability to
4 gain access to the customer's premises due to the
5 customer missing an appointment, provided that the
6 violation is not further extended by the carrier;

7 (v) occurs as a result of a customer request
8 to change the scheduled appointment, provided that
9 the violation is not further extended by the
10 carrier;

11 (vi) occurs as a result of a carrier's right
12 to refuse service to a customer as provided in
13 Commission rules; or

14 (vii) occurs as a result of a lack of
15 facilities where a customer requests service at a
16 geographically remote location, a customer requests
17 service in a geographic area where the carrier is
18 not currently offering service, or there are
19 insufficient facilities to meet the customer's
20 request for service, subject to a carrier's
21 obligation for reasonable facilities planning.

22 (7) The provisions of this subsection are
23 cumulative and shall not in any way diminish or replace
24 other civil or administrative remedies available to a
25 customer or a class of customers.

26 (f) The rules shall require each telecommunications
27 carrier to provide to the Commission, on a quarterly basis
28 and in a form suitable for posting on the Commission's
29 website, a public report that includes performance data for
30 basic local exchange service quality of service. The
31 performance data shall be disaggregated for each geographic
32 area and each customer class of the State for which the
33 telecommunications carrier internally monitored performance
34 data as of a date 120 days preceding the effective date of

1 this amendatory Act of the 92nd General Assembly. The report
2 shall include, at a minimum, performance data on basic local
3 exchange service installations, lines out of service for more
4 than 24 hours, carrier response to customer calls, trouble
5 reports, and missed repair and installation commitments.

6 (g) The Commission shall establish and implement carrier
7 to carrier wholesale service quality rules and establish
8 remedies to ensure enforcement of the rules.

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