



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4430**

Introduced 02/03/04, by Robert F. Flider

**SYNOPSIS AS INTRODUCED:**

220 ILCS 5/13-504

from Ch. 111 2/3, par. 13-504

Amends the Public Utilities Act. Makes a technical change in a Section concerning the application of ratemaking provisions of Article IX of the Act.

LRB093 18172 AMC 46317 b

1 AN ACT concerning 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 changing  
5 Section 13-504 as follows:

6 (220 ILCS 5/13-504) (from Ch. 111 2/3, par. 13-504)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-504. Application of ratemaking provisions of  
9 Article IX.

10 (a) Except where the context clearly renders such  
11 provisions inapplicable, the ratemaking provisions of Article  
12 IX of this Act relating to public utilities are fully and  
13 equally applicable to the rates, charges, tariffs and  
14 classifications for the offer or provision of noncompetitive  
15 telecommunications services. However, the ratemaking  
16 provisions do not apply to any proposed change in rates or  
17 charges, any proposed change in any classification or tariff  
18 resulting in a change in rates or charges, or the establishment  
19 of new services and rates therefor for a noncompetitive local  
20 exchange telecommunications service offered or provided by a  
21 local exchange telecommunications carrier with no more than  
22 35,000 subscriber access lines. Proposed changes in rates,  
23 charges, classifications, or tariffs meeting these criteria  
24 shall be permitted upon the filing of the proposed tariff and  
25 30 days notice to the Illinois Commerce Commission and all  
26 potentially affected customers. The proposed changes shall not  
27 be subject to suspension. The Commission shall investigate  
28 whether any proposed change is just and reasonable only if a  
29 telecommunications carrier that is a customer of the local  
30 exchange telecommunications carrier or 10% of the potentially  
31 affected access line subscribers of the local exchange  
32 telecommunications carrier shall file a petition or complaint

1 requesting an investigation of the proposed changes. When the  
2 telecommunications carrier or 10% of the potentially affected  
3 access line subscribers of a local exchange telecommunications  
4 carrier file a complaint, the Commission shall, after notice  
5 and hearing, have the power and duty to establish the rates,  
6 charges, classifications, or tariffs it finds to be just and  
7 reasonable.

8 (b) Subsection (c) of Section 13-502 and Sections 13-505.1,  
9 13-505.4, 13-505.6, and 13-507 of this Article do not apply to  
10 rates or charges or proposed changes in rates or charges for  
11 applicable competitive or interexchange services when offered  
12 or provided by a local exchange telecommunications carrier with  
13 no more than 35,000 subscriber access lines. In addition,  
14 Sections 13-514, 13-515, and 13-516 do not apply to  
15 telecommunications carriers with no more than 35,000  
16 subscriber access lines. The Commission may require  
17 telecommunications carriers with no more than 35,000  
18 subscriber access lines to furnish information that the  
19 Commission deems necessary for a determination that rates and  
20 charges for any competitive telecommunications service are  
21 just and reasonable.

22 (c) For a local exchange telecommunications carrier with no  
23 more than 35,000 access lines, the Commission shall consider  
24 and adjust, as appropriate, a local exchange  
25 telecommunications carrier's depreciation rates only in  
26 ratemaking proceedings.

27 (d) Article VI and Sections 7-101 and 7-102 of Article VII  
28 of this Act pertaining to public utilities, public utility  
29 rates and services, and the regulation thereof are not  
30 applicable to local exchange telecommunication carriers with  
31 no more than 35,000 subscriber access lines.

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