

**SB2889**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB2889**

Introduced 2/15/2008, by Sen. Don Harmon

**SYNOPSIS AS INTRODUCED:**

220 ILCS 5/13-401

from Ch. 111 2/3, par. 13-401

Amends the Telecommunications Article of the Public Utilities Act. Makes a technical change in a Section concerning a certificate of service authority.

LRB095 19573 AMC 45899 b

**A BILL FOR**

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 5. The Public Utilities Act is amended by changing  
5 Section 13-401 as follows:

6 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

7 (Section scheduled to be repealed on July 1, 2009)

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

9 (a) No telecommunications carrier not possessing a  
10 certificate of public convenience and ~~and~~ necessity or  
11 certificate of authority from the Commission at the time this  
12 Article goes into effect shall transact any business in this  
13 State until it shall have obtained a certificate of service  
14 authority from the Commission pursuant to the provisions of  
15 this Article.

16 No telecommunications carrier offering or providing, or  
17 seeking to offer or provide, any interexchange  
18 telecommunications service shall do so until it has applied for  
19 and received a Certificate of Interexchange Service Authority  
20 pursuant to the provisions of Section 13-403. No  
21 telecommunications carrier offering or providing, or seeking  
22 to offer or provide, any local exchange telecommunications  
23 service shall do so until it has applied for and received a

1 Certificate of Exchange Service Authority pursuant to the  
2 provisions of Section 13-405.

3 Notwithstanding Sections 13-403, 13-404, and 13-405, the  
4 Commission shall approve a cellular radio application for a  
5 Certificate of Service Authority without a hearing upon a  
6 showing by the cellular applicant that the Federal  
7 Communications Commission has issued to it a construction  
8 permit or an operating license to construct or operate a  
9 cellular radio system in the area as defined by the Federal  
10 Communications Commission, or portion of the area, for which  
11 the carrier seeks a Certificate of Service Authority.

12 No Certificate of Service Authority issued by the  
13 Commission shall be construed as granting a monopoly or  
14 exclusive privilege, immunity or franchise. The issuance of a  
15 Certificate of Service Authority to any telecommunications  
16 carrier shall not preclude the Commission from issuing  
17 additional Certificates of Service Authority to other  
18 telecommunications carriers providing the same or equivalent  
19 service or serving the same geographical area or customers as  
20 any previously certified carrier, except to the extent  
21 otherwise provided by Sections 13-403 and 13-405.

22 Any certificate of public convenience and necessity  
23 granted by the Commission to a telecommunications carrier prior  
24 to the effective date of this Article shall remain in full  
25 force and effect, and such carriers need not apply for a  
26 Certificate of Service Authority in order to continue offering

1 or providing service to the extent authorized in such  
2 certificate of public convenience and necessity. Any such  
3 carrier, however, prior to substantially altering the nature or  
4 scope of services provided under a certificate of public  
5 convenience and necessity, or adding or expanding services  
6 beyond the authority contained in such certificate, must apply  
7 for a Certificate of Service Authority for such alterations or  
8 additions pursuant to the provisions of this Article.

9 The Commission shall review and modify the terms of any  
10 certificate of public convenience and necessity issued to a  
11 telecommunications carrier prior to the effective date of this  
12 Article in order to ensure its conformity with the requirements  
13 and policies of this Article. Any Certificate of Service  
14 Authority may be altered or modified by the Commission, after  
15 notice and hearing, upon its own motion or upon application of  
16 the person or company affected. Unless exercised within a  
17 period of two years from the issuance thereof, authority  
18 conferred by a Certificate of Service Authority shall be null  
19 and void.

20 (b) The Commission may issue a temporary Certificate which  
21 shall remain in force not to exceed one year in cases of  
22 emergency, to assure maintenance of adequate service or to  
23 serve particular customers, without notice and hearing,  
24 pending the determination of an application for a Certificate,  
25 and may by regulation exempt from the requirements of this  
26 Section temporary acts or operations for which the issuance of

1 a certificate is not necessary in the public interest and which  
2 will not be required therefor.

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