



Rep. Kevin A. McCarthy

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1 AMENDMENT TO HOUSE BILL 6425

2 AMENDMENT NO. _____. Amend House Bill 6425 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The High Speed Internet Services and
5 Information Technology Act is amended by changing Sections 20
6 and 25 as follows:

7 (20 ILCS 661/20)

8 Sec. 20. Duties of the enlisted nonprofit organization.

9 (a) The high speed Internet deployment strategy and demand
10 creation initiative to be performed by the nonprofit
11 organization shall include, but not be limited to, the
12 following actions:

13 (1) Create a geographic statewide inventory of high
14 speed Internet service and other relevant broadband and
15 information technology services. The inventory shall:

16 (A) identify geographic gaps in high speed

1 Internet service through a method of GIS mapping of
2 service availability and GIS analysis at the census
3 block level; ~~and~~

4 (B) provide a baseline assessment of statewide
5 high speed Internet deployment in terms of percentage
6 of Illinois households with high speed Internet
7 availability; ~~and~~ -

8 (C) collect the following information from
9 Facilities-based Providers of Broadband Connections to
10 End User Locations:

11 (i) the number and type of Facilities-based
12 Providers of Broadband Connections to End User
13 Locations within the State;

14 (ii) the services offered by these firms to
15 both retail and wholesale customers;

16 (iii) the extent to which customers and other
17 providers are purchasing the firms' services; and

18 (iv) the technologies or methods by which
19 these firms provide these services, including
20 descriptions of technologies in place and under
21 development, and the degree to which firms rely on
22 other wholesale providers to provide service to
23 their own customers.

24 For the purposes of item (C), "Facilities-based
25 Providers of Broadband Connections to End User
26 Locations" shall have the same meaning as that term is

1 defined in Section 13-407 of the Public Utilities Act.

2 (2) Track and identify, through customer interviews
3 and surveys and other publicly available sources,
4 statewide residential and business adoption of high speed
5 Internet, computers, and related information technology
6 and any barriers to adoption.

7 (3) Build and facilitate in each county or designated
8 region a local technology planning team with members
9 representing a cross section of the community, including,
10 but not limited to, representatives of business, K-12
11 education, health care, libraries, higher education,
12 community-based organizations, local government, tourism,
13 parks and recreation, and agriculture. Each team shall
14 benchmark technology use across relevant community
15 sectors, set goals for improved technology use within each
16 sector, and develop a plan for achieving its goals, with
17 specific recommendations for online application
18 development and demand creation.

19 (4) Collaborate with high speed Internet providers and
20 technology companies to encourage deployment and use,
21 especially in underserved areas, by aggregating local
22 demand, mapping analysis, and creating market intelligence
23 to improve the business case for providers to deploy.

24 (5) Collaborate with the Department in developing a
25 program to increase computer ownership and broadband
26 access for disenfranchised populations across the State.

1 The program may include grants to local community
2 technology centers that provide technology training,
3 promote computer ownership, and increase broadband access.

4 (6) Collaborate with the Department and the Illinois
5 Commerce Commission regarding the collection of any
6 information required by this Section that the Department
7 and the Illinois Commerce Commission deems necessary to
8 assist in monitoring and analyzing the broadband markets
9 and the status of competition and deployment of broadband
10 services to consumers in the State, including the format of
11 information requested.

12 (b) The nonprofit organization may apply for federal grants
13 consistent with the objectives of this Act.

14 (c) The Department of Commerce and Economic Opportunity
15 shall use the funds in the High Speed Internet Services and
16 Information Technology Fund to (1) provide grants to the
17 nonprofit organization enlisted under this Act and (2) for any
18 costs incurred by the Department to administer this Act.

19 (d) The nonprofit organization shall have the power to
20 obtain or to raise funds other than the grants received from
21 the Department under this Act.

22 (e) The nonprofit organization and its Board of Directors
23 shall exist separately and independently from the Department
24 and any other governmental entity, but shall cooperate with
25 other public or private entities it deems appropriate in
26 carrying out its duties.

1 (f) Notwithstanding anything in this Act or any other Act
2 to the contrary, any information that is designated
3 confidential or proprietary by an entity providing the
4 information to the nonprofit organization or any other entity
5 to accomplish the objectives of this Act shall be deemed
6 confidential, proprietary, and a trade secret and treated by
7 the nonprofit organization or anyone else possessing the
8 information as such and shall not be disclosed.

9 (g) The nonprofit organization shall provide a report to
10 the Commission on Government Forecasting and Accountability on
11 an annual basis for the first 3 complete State fiscal years
12 following its enlistment.

13 (Source: P.A. 95-684, eff. 10-19-07.)

14 (20 ILCS 661/25)

15 Sec. 25. Scope of authority. Nothing in this Act shall be
16 construed as giving the Department of Commerce and Economic
17 Opportunity, the nonprofit organization, or other entities any
18 additional authority, regulatory or otherwise, over providers
19 of telecommunications, broadband, and information technology.
20 However, the Department shall have the authority to require
21 Facilities-based Providers of Broadband Connections to End
22 User Locations to provide information pursuant to subsection
23 (a) of Section 20. Upon request, any and all information
24 collected pursuant to subsection (a) of Section 20 that is
25 provided to the enlisted nonprofit organization shall be

1 provided to the Department.

2 (Source: P.A. 95-684, eff. 10-19-07.)

3 Section 10. The Public Utilities Act is amended by changing
4 Sections 13-101, 13-202, 13-301, 13-406, 13-407, 13-503,
5 13-505, 13-509, 13-703, 13-704, 13-712, and 13-1200 and by
6 adding Sections 13-234, 13-235, 13-236, 13-401.1, 13-506.2,
7 13-804, 13-900.1, and 13-900.2 as follows:

8 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

9 (Section scheduled to be repealed on July 1, 2010)

10 Sec. 13-101. Application of Act to telecommunications
11 rates and services. Except to the extent modified or
12 supplemented by the specific provisions of this Article, the
13 Sections of this Act pertaining to public utilities, public
14 utility rates and services, and the regulation thereof, are
15 fully and equally applicable to noncompetitive
16 telecommunications rates and services, and the regulation
17 thereof, except where the context clearly renders such
18 provisions inapplicable. Except to the extent modified or
19 supplemented by the specific provisions of this Article,
20 Articles I through V, Sections 8-301, 8-305, 8-502, 8-503,
21 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222, 9-222.1, 9-222.2,
22 9-250, and 9-252.1, and Article ~~Articles X and XI~~ of this Act
23 are fully and equally applicable to competitive
24 telecommunications rates and services, and the regulation

1 thereof except that Section 9-250 shall not apply to
2 competitive retail telecommunications services; in addition,
3 as to competitive telecommunications rates and services, and
4 the regulation thereof, and with the exception of competitive
5 retail telecommunications service rates and services, all
6 rules and regulations made by a telecommunications carrier
7 affecting or pertaining to its charges or service ~~to the public~~
8 shall be just and reasonable, ~~provided that nothing in this~~
9 ~~Section shall be construed to prevent a telecommunications~~
10 ~~carrier from accepting payment electronically or by the use of~~
11 ~~a customer preferred financially accredited credit or debit~~
12 ~~methodology~~. As of the effective date of this amendatory Act of
13 the 92nd General Assembly, Sections 4-202, 4-203, and 5-202 of
14 this Act shall cease to apply to telecommunications rates and
15 services.

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

17 (220 ILCS 5/13-202) (from Ch. 111 2/3, par. 13-202)

18 (Section scheduled to be repealed on July 1, 2010)

19 Sec. 13-202. "Telecommunications carrier" means and
20 includes every corporation, company, association, joint stock
21 company or association, firm, partnership or individual, their
22 lessees, trustees or receivers appointed by any court
23 whatsoever that owns, controls, operates or manages, within
24 this State, directly or indirectly, for public use, any plant,
25 equipment or property used or to be used for or in connection

1 with, or owns or controls any franchise, license, permit or
2 right to engage in the provision of, telecommunications
3 services between points within the State which are specified by
4 the user. "Telecommunications carrier" includes an Electing
5 Provider, as defined in Section 13-506.2. Telecommunications
6 carrier does not include, however:

7 (a) telecommunications carriers that are owned and
8 operated by any political subdivision, public or private
9 institution of higher education or municipal corporation of
10 this State, for their own use, or telecommunications carriers
11 that are owned by such political subdivision, public or private
12 institution of higher education, or municipal corporation and
13 operated by any of its lessees or operating agents, for their
14 own use;

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

20 (c) a company or person which provides telecommunications
21 services solely to itself and its affiliates or members or
22 between points in the same building, or between closely located
23 buildings, affiliated through substantial common ownership,
24 control or development; or

25 (d) a company or person engaged in the delivery of
26 community antenna television services as described in

1 subdivision (c) of Section 13-203, except with respect to the
2 provision of telecommunications services by that company or
3 person.

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

5 (220 ILCS 5/13-234 new)

6 (Section scheduled to be repealed on July 1, 2010)

7 Sec. 13-234. Interconnected voice over Internet protocol
8 service. "Interconnected voice over Internet protocol service"
9 or "Interconnected VoIP service" has the meaning prescribed in
10 47 CFR 9.3 as defined on the effective date of this amendatory
11 Act of the 96th General Assembly or as the amended thereafter.

12 (220 ILCS 5/13-235 new)

13 (Section scheduled to be repealed on July 1, 2010)

14 Sec. 13-235. Interconnected voice over Internet protocol
15 provider. "Interconnected voice over Internet protocol
16 provider" or "Interconnected VoIP provider" means and includes
17 every corporation, company, association, joint stock company
18 or association, firm, partnership, or individual, their
19 lessees, trustees, or receivers appointed by any court
20 whatsoever that owns, controls, operates, manages, or provides
21 within this State, directly or indirectly, Interconnected
22 voice over Internet protocol service.

23 (220 ILCS 5/13-236 new)

1 (Section scheduled to be repealed on July 1, 2010)

2 Sec. 13-236. Internet protocol enabled service. "Internet
3 protocol enabled service" means any service, capability,
4 functionality, or application provided using Internet Protocol
5 that enables an end user to send or receive a voice, data, or
6 video communication in Internet protocol format.

7 (220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

8 (Section scheduled to be repealed on July 1, 2010)

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

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

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

1 (b) (Blank) ~~establish a program to monitor the level of~~
2 ~~telecommunications subscriber connection within each~~
3 ~~exchange in Illinois, and shall report the results of such~~
4 ~~monitoring and any actions it has taken or recommends be~~
5 ~~taken to maintain and increase such levels in its annual~~
6 ~~report to the General Assembly, or more often if necessary;~~

7 (c) order all telecommunications carriers offering or
8 providing local exchange telecommunications service to
9 propose low-cost or budget service tariffs and any other
10 rate design or pricing mechanisms designed to facilitate
11 customer access to such telecommunications service,
12 provided services by any telecommunications carrier at the
13 rates, terms, and conditions specified in Section 13-506.2
14 or Section 13-518 of this Article shall constitute
15 compliance with this Section. A telecommunications carrier
16 may seek Commission approval of other low-cost or budget
17 service tariffs or rate design or pricing mechanisms to
18 comply with this Section ~~and shall after notice and~~
19 ~~hearing, implement any such proposals which it finds likely~~
20 ~~to achieve such purpose;~~

21 (d) investigate the necessity of and, if appropriate,
22 establish a universal service support fund from which local
23 exchange telecommunications carriers who pursuant to the
24 Twenty-Seventh Interim Order of the Commission in Docket
25 No. 83-0142 or the orders of the Commission in Docket No.
26 97-0621 and Docket No. 98-0679 received funding and whose

1 economic costs of providing services for which universal
2 service support may be made available exceed the affordable
3 rate established by the Commission for such services may be
4 eligible to receive support, less any federal universal
5 service support received for the same or similar costs of
6 providing the supported services; provided, however, that
7 if a universal service support fund is established, the
8 Commission shall require that all costs of the fund be
9 recovered from all local exchange and interexchange
10 telecommunications carriers certificated in Illinois and
11 all providers of Interconnected VoIP providers registered
12 in Illinois on a competitively neutral and
13 nondiscriminatory basis. Interconnected VoIP service shall
14 not be considered an intrastate telecommunications service
15 for the purposes of this subsection, unless defined as such
16 under federal law or Federal Communications Commission
17 regulation. For purposes of determining Interconnected
18 VoIP service revenues subject to the monthly assessment
19 under this Section, providers of Interconnected VoIP
20 service may use the results of a company-specific traffic
21 study or the inverse of the Federal Communications
22 Commission's federal universal service fund safe harbor in
23 a manner that is consistent with the methodology each
24 provider uses to determine its contributions to the federal
25 universal service fund. In establishing any such universal
26 service support fund, the Commission shall, in addition to

1 the determination of costs for supported services,
2 consider and make findings pursuant to subsection (2)
3 ~~paragraphs (1), (2), and (4) of item (e) of this Section.~~

4 Proxy cost, as determined by the Commission, may be used
5 for this purpose. In determining cost recovery for any
6 universal service support fund, the Commission shall not
7 permit recovery of such costs from another certificated
8 carrier for any service purchased and used solely as an
9 input to a service provided to such certificated carrier's
10 retail customers. ; ~~and~~

11 (2) (e) ~~investigate the necessity of and, if appropriate,~~
12 ~~establish a universal service support fund in addition to any~~
13 ~~fund that may be established pursuant to item (d) of this~~
14 ~~Section; provided, however, that if a telecommunications~~
15 ~~carrier receives universal service support pursuant to item (d)~~
16 ~~of this Section, that telecommunications carrier shall not~~
17 ~~receive universal service support pursuant to this item.~~
18 ~~Recipients of any universal service support funding created by~~
19 ~~this item shall be "eligible" telecommunications carriers, as~~
20 ~~designated by the Commission in accordance with 47 U.S.C.~~
21 ~~214(e)(2).~~ Eligible telecommunications carriers providing
22 local exchange telecommunications service may be eligible to
23 receive support for such services, less any federal universal
24 service support received for the same or similar costs of
25 providing the supported services. If a fund is established, the
26 Commission shall require that the costs of such fund be

1 recovered from all telecommunications carriers, with the
2 exception of wireless carriers who are providers of two-way
3 cellular telecommunications service and who have not been
4 designated as eligible telecommunications carriers, on a
5 competitively neutral and non-discriminatory basis. In any
6 order creating a fund pursuant to this item, the Commission,
7 after notice and hearing, shall:

8 (a) ~~(1)~~ Define the group of services to be declared
9 "supported telecommunications services" that constitute
10 "universal service". This group of services shall, at a
11 minimum, include those services as defined by the Federal
12 Communications Commission and as from time to time amended.
13 In addition, the Commission shall consider the range of
14 services currently offered by telecommunications carriers
15 offering local exchange telecommunications service, the
16 existing rate structures for the supported
17 telecommunications services, and the telecommunications
18 needs of Illinois consumers in determining the supported
19 telecommunications services. The Commission shall, from
20 time to time or upon request, review and, if appropriate,
21 revise the group of Illinois supported telecommunications
22 services and the terms of the fund to reflect changes or
23 enhancements in telecommunications needs, technologies,
24 and available services.

25 (b) ~~(2)~~ Identify all implicit subsidies contained in
26 rates or charges of incumbent local exchange carriers,

1 including all subsidies in interexchange access charges,
2 and determine how such subsidies can be made explicit by
3 the creation of the fund.

4 ~~(3) Identify the incumbent local exchange carriers'~~
5 ~~economic costs of providing the supported~~
6 ~~telecommunications services.~~

7 (c) ~~(4)~~ Establish an affordable price for the supported
8 telecommunications services for the respective incumbent
9 local exchange carrier. The affordable price shall be no
10 less than the rates in effect at the time the Commission
11 creates a fund pursuant to this item. The Commission may
12 establish and utilize indices or models for updating the
13 affordable price for supported telecommunications
14 services.

15 ~~(5) Identify the telecommunications carriers from whom~~
16 ~~the costs of the fund shall be recovered and the mechanism~~
17 ~~to be used to determine and establish a competitively~~
18 ~~neutral and non-discriminatory funding basis. From time to~~
19 ~~time, or upon request, the Commission shall consider~~
20 ~~whether, based upon changes in technology or other factors,~~
21 ~~additional telecommunications providers should contribute~~
22 ~~to the fund. The Commission shall establish the basis upon~~
23 ~~which telecommunications carriers contributing to the fund~~
24 ~~shall recover contributions on a competitively neutral and~~
25 ~~non-discriminatory basis. In determining cost recovery for~~
26 ~~any universal support fund, the Commission shall not permit~~

1 ~~recovery of such costs from another certificated carrier~~
2 ~~for any service purchased and used solely as an input to a~~
3 ~~service provided to such certificated carriers' retail~~
4 ~~customers.~~

5 ~~(6) Approve a plan for the administration and operation~~
6 ~~of the fund by a neutral third party consistent with the~~
7 ~~requirements of this item.~~

8 ~~No fund shall be created pursuant to this item until~~
9 ~~existing implicit subsidies, including, but not limited to,~~
10 ~~those subsidies contained in interexchange access charges,~~
11 ~~have been identified and eliminated through revisions to rates~~
12 ~~or charges. Prior to May 1, 2000, such revisions to rates or~~
13 ~~charges to eliminate implicit subsidies shall occur~~
14 ~~contemporaneously with any funding established pursuant to~~
15 ~~this item. However, if the Commission does not establish a~~
16 ~~universal service support fund by May 1, 2000, the Commission~~
17 ~~shall not be prevented from entering an order or taking other~~
18 ~~actions to reduce or eliminate existing subsidies as well as~~
19 ~~considering the effect of such reduction or elimination on~~
20 ~~local exchange carriers.~~

21 ~~Any telecommunications carrier providing local exchange~~
22 ~~telecommunications service which offers to its local exchange~~
23 ~~customers a choice of two or more local exchange~~
24 ~~telecommunications service offerings shall provide, to any~~
25 ~~such customer requesting it, once a year without charge, a~~
26 ~~report describing which local exchange telecommunications~~

1 ~~service offering would result in the lowest bill for such~~
2 ~~customer's local exchange service, based on such customer's~~
3 ~~calling pattern and usage for the previous 6 months. At least~~
4 ~~once a year, each such carrier shall provide a notice to each~~
5 ~~of its local exchange telecommunications service customers~~
6 ~~describing the availability of this report and the specific~~
7 ~~procedures by which customers may receive it. Such report shall~~
8 ~~only be available to current and future customers who have~~
9 ~~received at least 6 months of continuous local exchange service~~
10 ~~from such carrier.~~

11 (Source: P.A. 91-636, eff. 8-20-99.)

12 (220 ILCS 5/13-401.1 new)

13 (Section scheduled to be repealed on July 1, 2010)

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

16 (a) An Interconnected VoIP provider providing fixed or
17 non-nomadic service in Illinois on December 1, 2010 shall
18 register with the Commission no later than January 1, 2011. All
19 other Interconnected VoIP providers providing fixed or
20 non-nomadic service in Illinois shall register with the
21 Commission at least 30 days before providing service in
22 Illinois. The Commission shall prescribe a registration form no
23 later than October 1, 2010. The registration form prescribed by
24 the Commission shall only require the following information:

25 (1) the provider's legal name and any name under which

1 the provider does or will do business in Illinois, as
2 authorized by the Secretary of State;

3 (2) the provider's address and telephone number, along
4 with contact information for the person responsible for
5 ongoing communications with the Commission;

6 (3) a description of the provider's dispute resolution
7 process and, if any, the telephone number to initiate the
8 dispute resolution process; and

9 (4) a description of each exchange of a local exchange
10 company, in whole or in part, or the cities, towns, or
11 geographic areas, in whole or in part, in which the
12 provider is offering or proposes to offer Interconnected
13 VoIP service.

14 A provider must notify the Commission of any change in the
15 information identified in paragraphs (1), (2), (3), or (4) of
16 this subsection (a) within 5 business days after any such
17 change.

18 (b) A provider shall charge and collect from its end-user
19 customers, and remit to the appropriate authority, fees and
20 surcharges in the same manner as are charged and collected upon
21 end-user customers of local exchange telecommunications
22 service and remitted by local exchange telecommunications
23 companies for local enhanced 9-1-1 surcharges.

24 (c) A provider may designate information that it submits in
25 its registration form or subsequent reports as confidential or
26 proprietary, provided that the provider states the reasons the

1 confidential designation is necessary. The Commission shall
2 provide adequate protection for such information pursuant to
3 Section 4-404 of this Act. If the Commission or any other party
4 seeks public disclosure of information designated as
5 confidential, the Commission shall consider the confidential
6 designation in a proceeding under the Illinois Administrative
7 Procedure Act, and the burden of proof to demonstrate that the
8 designated information is confidential shall be upon the
9 provider. Designated information shall remain confidential
10 pending the Commission's determination of whether the
11 information is entitled to confidential treatment. Information
12 designated as confidential shall be provided to local units of
13 government for purposes of assessing compliance with this
14 Article as permitted under a protective order issued by the
15 Commission pursuant to the Commission's rules and to the
16 Attorney General pursuant to Section 6.5 of the Attorney
17 General Act. Information designated as confidential under this
18 Section or determined to be confidential upon Commission review
19 shall only be disclosed pursuant to a valid and enforceable
20 subpoena or court order or as required by the Freedom of
21 Information Act.

22 (d) Notwithstanding any other provision of law to the
23 contrary, the Commission shall have the authority, after notice
24 and hearing, to revoke or suspend the registration of any
25 provider who fails to comply with the requirements of this
26 Section.

1 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

2 (Section scheduled to be repealed on July 1, 2010)

3 Sec. 13-406. Abandonment of service. No telecommunications
4 carrier offering or providing noncompetitive
5 telecommunications service pursuant to a valid Certificate of
6 Service Authority or certificate of public convenience and
7 necessity shall discontinue or abandon such service once
8 initiated until and unless it shall demonstrate, and the
9 Commission finds, after notice and hearing, that such
10 discontinuance or abandonment will not deprive customers of any
11 necessary or essential telecommunications service or access
12 thereto and is not otherwise contrary to the public interest.
13 No telecommunications carrier offering or providing
14 competitive telecommunications service to an identifiable
15 class or group of customers shall completely discontinue or
16 abandon such service once initiated except upon 30 days notice
17 to the Commission and affected customers. The Commission may,
18 upon its own motion or upon complaint, investigate the proposed
19 discontinuance or abandonment of a competitive
20 telecommunications service and may, after notice and hearing,
21 prohibit such proposed discontinuance or abandonment if the
22 Commission finds that it would be contrary to the public
23 interest. If the Commission does not provide notice of a
24 hearing within 60 calendar days after the notification or holds
25 a hearing and fails to find that the proposed discontinuation

1 or abandonment would be contrary to the public interest, the
2 provider may discontinue or abandon such service after
3 providing at least 30 days notice to affected customers.

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

5 (220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

6 (Section scheduled to be repealed on July 1, 2010)

7 Sec. 13-407. Commission study and report. The Commission
8 shall monitor and analyze patterns of entry and exit and
9 changes in patterns of entry and exit for each relevant market
10 for telecommunications services, including emerging high speed
11 telecommunications markets and broadband services. The
12 Commission,~~and~~ shall include its findings together with
13 appropriate recommendations for legislative action in its
14 annual report to the General Assembly. The Commission shall
15 provide an analysis of entry and exit, along with changes in
16 patterns of entry and exit, for broadband services in its
17 annual report to the General Assembly.

18 In preparing its annual report, the Commission shall obtain
19 any information on broadband services that has been collected
20 or is in the possession of the Department of Commerce and
21 Economic Opportunity pursuant to the High Speed Internet
22 Services and Information Technology Act. The Commission shall
23 coordinate with the Department of Commerce and Economic
24 Opportunity in collecting information to avoid a duplication of
25 efforts.

1 The Commission shall also monitor and analyze the status of
2 deployment of services to consumers, and any resulting "digital
3 divisions" between consumers, including any changes or trends
4 therein. The Commission shall include its findings together
5 with appropriate recommendations for legislative action in its
6 annual report to the General Assembly. In preparing this
7 analysis the Commission shall evaluate information provided by
8 certificated telecommunications carriers, registered
9 Interconnected VoIP providers, and Facilities-based Providers
10 of Broadband Connections to End User Locations that pertains to
11 the state of competition in telecommunications markets
12 including, but not limited to:

13 (1) the number and type of firms providing
14 telecommunications services and ~~including~~ broadband
15 ~~telecommunications~~ services, within the State;

16 (2) the ~~telecommunications~~ services offered by these
17 firms to both retail and wholesale customers;

18 (3) the extent to which customers and other providers
19 are purchasing the firms' ~~telecommunications~~ services; and

20 (4) the technologies or methods by which these firms
21 provide these services, including descriptions of
22 technologies in place and under development, and the degree
23 to which firms rely on other wholesale providers to provide
24 service to their own customers. ~~and~~

25 ~~(5) the tariffed retail and wholesale prices for~~
26 ~~services provided by these firms.~~

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 registered
9 Facilities-based Providers of Broadband Connections to End
10 User Locations ~~firms providing telecommunications services~~
11 within the State. The Commission shall also collect all
12 information, in a format determined by the Commission, that the
13 Commission deems necessary to assist in monitoring and
14 analyzing the telecommunications markets and broadband market,
15 along with ~~and~~ the status of competition and deployment of
16 telecommunications services and broadband services to
17 consumers in the State.

18 Notwithstanding any other provision in this Act,
19 certificated telecommunications carriers, registered
20 Interconnected VoIP providers, and Facilities-based Providers
21 of Broadband Connections to End User Locations shall report to
22 the Commission any information requested by the Commission that
23 the Commission deems necessary to perform its responsibilities
24 under this Section. The Commission may coordinate and work with
25 the Department of Commerce and Economic Opportunity to avoid
26 duplication of collection of information that is collected

1 pursuant to the High Speed Internet Services and Information
2 Technology Act.

3 For the purposes of this Section:

4 (1) "Broadband connections" include wired lines or
5 wireless channels that enable the end user to receive
6 information from or send information to the Internet at
7 information transfer rates exceeding 200 kbps in at least
8 one direction.

9 (2) "End user" includes a residential, business,
10 institutional, or government entity who uses broadband
11 services for its own purposes and who does not resell such
12 services to other entities or incorporate such services
13 into retail Internet-access services. For purposes of this
14 Section, an Internet Service Provider (ISP) is not an end
15 user of a broadband connection.

16 (3) "Facilities-based Provider of Broadband
17 Connections to End User Locations" means an entity that
18 meets any of the following conditions:

19 (1) It owns the portion of the physical facility
20 that terminates at the end user location.

21 (2) It obtains unbundled network elements (UNEs),
22 special access lines, or other leased facilities that
23 terminate at the end user location and provisions or
24 equips them as broadband.

25 (3) It provisions or equips a broadband wireless
26 channel to the end user location over licensed or

1 unlicensed spectrum.

2 "Facilities-based Provider of Broadband Connections to
3 End User Locations" does not include providers of
4 terrestrial fixed wireless services (such as Wi-Fi and
5 other wireless Ethernet, or wireless local area network,
6 applications) that only enable local distribution and
7 sharing of a premises broadband facility and does not
8 include air-to-ground services.

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

10 (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

11 (Section scheduled to be repealed on July 1, 2010)

12 Sec. 13-503. Information available to the public. With
13 respect to rates or other charges made, demanded or received
14 for any telecommunications service offered, provided or to be
15 provided, whether such service is competitive or
16 noncompetitive, telecommunications carriers shall comply with
17 the publication and filing provisions of Sections 9-101, 9-102,
18 and 9-103. Telecommunications carriers shall make all tariffs
19 available electronically to the public upon request. A
20 telecommunications carrier's website shall, if applicable,
21 provide in a conspicuous manner information on the rates,
22 charges, terms, and conditions of service available and a
23 toll-free telephone number the person may use to contact an
24 agent for assistance with obtaining rate or other charge
25 information or the terms and conditions of service.

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

2 (220 ILCS 5/13-505) (from Ch. 111 2/3, par. 13-505)

3 (Section scheduled to be repealed on July 1, 2010)

4 Sec. 13-505. Rate changes; competitive services. ~~(a)~~ Any
5 proposed increase or decrease in rates or charges, or proposed
6 change in any classification or tariff resulting in an increase
7 or decrease in rates or charges, for a competitive
8 telecommunications service shall be permitted upon the filing
9 of the proposed rate, charge, classification, or tariff. Notice
10 ~~Prior notice~~ of an increase shall be given, no later than the
11 prior billing cycle, to all potentially affected customers by
12 mail, publication in a newspaper of general circulation, or
13 equivalent means of notice, including electronic if the
14 customer has elected electronic billing.

15 ~~(b) If a hearing is held pursuant to Section 9-250~~
16 ~~regarding the reasonableness of an increase in the rates or~~
17 ~~charges of a competitive local exchange service, then the~~
18 ~~telecommunications carrier providing the service shall have~~
19 ~~the burden of proof to establish the justness and~~
20 ~~reasonableness of the proposed rate or charge.~~

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

22 (220 ILCS 5/13-506.2 new)

23 (Section scheduled to be repealed on July 1, 2010)

24 Sec. 13-506.2. Market regulation for competitive retail

1 services.

2 (a) Definitions. As used in this Section:

3 (1) "Electing Provider" means a telecommunications
4 carrier that is subject to either rate regulation pursuant
5 to Section 13-504 or Section 13-505 or alternative
6 regulation pursuant to Section 13-506.1 and that elects to
7 have the rates, terms, and conditions of its competitive
8 retail telecommunications services solely determined and
9 regulated pursuant to the terms of this Article.

10 (2) "Basic local exchange service" means either a
11 stand-alone residence network access line and per-call
12 usage or, for any geographic area in which such stand-alone
13 service is not offered, a stand-alone flat rate residence
14 network access line for which local calls are not charged
15 for frequency or duration.

16 (b) Election for market regulation. Notwithstanding any
17 other provision of this Act, an Electing Provider may elect to
18 have the rates, terms, and conditions of its competitive retail
19 telecommunications services solely determined and regulated
20 pursuant to the terms of this Section by filing written notice
21 of its election for market regulation with the Commission. The
22 notice of election shall designate the geographic area of the
23 Electing Provider's service territory where the market
24 regulation shall apply, either on a state-wide basis or in one
25 or more specified Market Service Areas ("MSA") or Exchange
26 areas. An Electing Provider shall not make an election for

1 market regulation under this Section unless it commits in its
2 written notice of election for market regulation to fulfill the
3 conditions and requirements in this Section in each geographic
4 area in which market regulation is elected. Immediately upon
5 filing the notice of election for market regulation, the
6 Electing Provider shall be subject to the jurisdiction of the
7 Commission to the extent expressly provided in this Article.

8 (c) Competitive classification. Market regulation shall
9 only be available for competitive retail telecommunications
10 services as provided in this subsection.

11 (1) For geographic areas in which telecommunications
12 services provided by the Electing Provider were classified
13 as competitive either through legislative action or a
14 tariff filing pursuant to Section 13-502 prior to January
15 1, 2010, and that are included in the Electing Provider's
16 notice of election pursuant to subsection (b) of this
17 Section, such services, and all recurring and nonrecurring
18 charges associated with, related to or used in connection
19 with such services, shall be classified as competitive
20 without further Commission review. For services classified
21 as competitive pursuant to this subsection, the
22 requirements or conditions in any order or decision
23 rendered by the Commission pursuant to Section 13-502 prior
24 to the effective date of this amendatory Act of the 96th
25 General Assembly, except for the commitments made by the
26 Electing Provider in such order or decision concerning the

1 optional packages required in subsection (d) of this
2 Section and basic local exchange service as defined in this
3 Section, shall no longer be in effect and no Commission
4 investigation, review, or proceeding under Section 13-502
5 shall be continued, conducted, or maintained with respect
6 to such services, charges, requirements, or conditions.

7 (2) For those geographic areas in which residential
8 local exchange telecommunications services have not been
9 classified as competitive as of the effective date of this
10 amendatory Act of the 96th General Assembly, all
11 telecommunications services provided to residential and
12 business end users by an Electing Provider in the
13 geographic area that is included in its notice of election
14 pursuant to subsection (b) shall be classified as
15 competitive for purposes of this Article without further
16 Commission review.

17 (3) If an Electing Provider was previously subject to
18 alternative regulation pursuant to Section 13-506.1 of
19 this Article, the alternative regulation plan shall
20 terminate in whole for all services subject to that plan
21 and be of no force or effect, without further Commission
22 review or action, when the Electing Provider's residential
23 local exchange telecommunications service in each MSA in
24 its telecommunications service area in the State has been
25 classified as competitive pursuant to either subdivision
26 (c) (1) or (c) (2) of this Section.

1 (4) The service packages described in Section 13-518
2 shall be classified as competitive for purposes of this
3 Section if offered by an Electing Provider in a geographic
4 area in which local exchange telecommunications service
5 has been classified as competitive pursuant to either
6 subdivision (c)(1) or (c)(2) of this Section.

7 (d) Consumer choice safe harbor options.

8 (1) Through July 1, 2013, an Electing Provider in each
9 of the MSA or Exchange areas classified as competitive
10 pursuant to subdivision (c)(1) or (c)(2) of this Section
11 shall offer to all residential customers who choose to
12 subscribe the following optional packages of services
13 priced at the same rate levels in effect on January 1, 2010

14 (A) A basic package, which shall consist of a
15 stand-alone residential network access line and 30
16 local calls. If the Electing Provider offers a
17 stand-alone residential access line and local usage on
18 a per call basis, the price for the basic package shall
19 be the Electing Provider's applicable price in effect
20 on January 1, 2010 for the sum of a residential access
21 line and 30 local calls, additional calls over 30 calls
22 shall be provided at the current per call rate.
23 However, this basic package is not required if
24 stand-alone residential network access lines or
25 per-call local usage are not offered by the Electing
26 Provider in the geographic area on January 1, 2010.

1 (B) An extra package, which shall consist of
2 residential basic local exchange network access line
3 and unlimited local calls. The price for the extra
4 package shall be the Electing Provider's applicable
5 price in effect on January 1, 2010 for a residential
6 access line with unlimited local calls.

7 (C) A plus package, which shall consist of
8 residential basic local exchange network access line,
9 unlimited local calls, and the customer's choice of 2
10 vertical services. The term "vertical services" as
11 used in this subsection, includes, but is not limited
12 to, call waiting, call forwarding, 3-way calling,
13 caller ID, call tracing, automatic callback, repeat
14 dialing, and voicemail. The price for the plus package
15 shall be the Electing Provider's applicable price in
16 effect on January 1, 2010 for the sum of a residential
17 access line with unlimited local calls and 2 times the
18 average price for the vertical features included in the
19 package.

20 (2) For those geographic areas in which local exchange
21 telecommunications services were classified as competitive
22 on the effective date of this amendatory Act of the 96th
23 General Assembly an Electing Provider in each such MSA or
24 Exchange area shall be subject to the same terms and
25 conditions as provided in commitments made by the Electing
26 Provider in connection with such previous competitive

1 classifications, which shall apply with equal force under
2 this Section, except as follows: (i) the limits on price
3 increases on the optional packages required by this Section
4 shall be extended until July 1, 2013 and (ii) the price for
5 the extra package required by subsection (d)(1)(B) shall be
6 reduced by one dollar from the price in effect on January
7 1, 2010. In addition, if an Electing Provider obtains a
8 competitive classification pursuant to subsection (c)(1)
9 and (c)(2), the price for the optional packages shall be
10 determined in such area in compliance with subsection
11 (d)(1), except the price for the plus package required by
12 subsection (d)(1) C) shall be the lower of the price for
13 such area or the price of the plus package in effect on
14 January 1, 2010 for areas classified as competitive
15 pursuant to subsection (c)(1).

16 (3) To the extent that the requirements in Section
17 13-518 applied to a telecommunications carrier prior to the
18 effective date of this Section and that telecommunications
19 carrier becomes an Electing Provider in accordance with the
20 provisions of this Section, the requirements in Section
21 13-518 shall cease to apply to that Electing Provider in
22 those geographic areas included in the Electing Provider's
23 notice of election pursuant to subsection (b) of this
24 Section.

25 (4) An Electing Provider shall make the optional
26 packages required by this subsection and stand-alone

1 residential network access lines and local usage, where
2 offered, readily available to the public by providing
3 information, in a clear manner, to residential customers.
4 Information shall be made available on a website, and an
5 Electing Provider shall provide notification to its
6 customers every 6 months, provided that notification may
7 consist of a bill page message that provides an objective
8 description of the safe harbor options that includes a
9 telephone number and website address where the customer may
10 obtain additional information about the packages from the
11 Electing Provider. The optional packages shall be offered
12 on a monthly basis with no term of service requirement. An
13 Electing Provider shall allow online electronic ordering
14 of the optional packages and stand alone residential
15 network access lines and local usage, where offered, on its
16 website in a manner similar to the online electronic
17 ordering of its other residential services. An Electing
18 Provider shall comply with the Commission's existing
19 rules, regulations, and notices regarding medical
20 conditions, disconnection of service, and refusal of
21 service when offering or providing the optional packages
22 required by this subsection (d) and stand-alone
23 residential network access lines. The Commission shall
24 have the power, after notice and hearing as provided in
25 this Article, upon complaint or upon its own motion, to
26 take corrective action if the requirements of this Section

1 are not complied with by an Electing Provider.

2 (e) Service quality and customer credits for basic local
3 exchange service.

4 (1) An Electing Provider shall meet the following
5 service quality standards in providing basic local
6 exchange service, which for purposes of this subsection
7 (e), includes both basic local exchange service and the
8 consumer choice safe harbor options required by subsection
9 (d) of this Section.

10 (A) Install basic local exchange service within 5
11 business days after receipt of an order from the
12 customer unless the customer requests an installation
13 date that is beyond 5 business days after placing the
14 order for basic service and to inform the customer of
15 the Electing Provider's duty to install service within
16 this timeframe. If installation of service is
17 requested on or by a date more than 5 business days in
18 the future, the Electing Provider shall install
19 service by the date requested.

20 (B) Restore basic local exchange service for the
21 customer within 30 hours after receiving notice that
22 the customer is out of service.

23 (C) Keep all repair and installation appointments
24 for basic local exchange service if a customer premises
25 visit requires a customer to be present. The
26 appointment window shall be either a specific time or,

1 at a maximum, a 4-hour time block during evening,
2 weekend, and normal business hours.

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

5 (2) Customers shall be credited by the Electing
6 Provider for violations of basic local exchange service
7 quality standards described in subdivision (e)(1) of this
8 Section. The credits shall be applied automatically on the
9 statement issued to the customer for the next monthly
10 billing cycle following the violation or following the
11 discovery of the violation. The next monthly billing cycle
12 following the violation or the discovery of the violation
13 means the billing cycle immediately following the billing
14 cycle in process at the time of the violation or discovery
15 of the violation, provided the total time between the
16 violation or discovery of the violation and the issuance of
17 the credit shall not exceed 60 calendar days. The Electing
18 Provider is responsible for providing the credits and the
19 customer is under no obligation to request such credits.
20 The following credits shall apply:

21 (A) If an Electing Provider fails to repair an
22 out-of-service condition for basic local exchange
23 service within 30 hours, the Electing Provider shall
24 provide a credit to the customer. If the service
25 disruption is for more than 30 hours, but not more than
26 48 hours, the credit must be equal to a pro-rata

1 portion of the monthly recurring charges for all basic
2 local exchange services disrupted. If the service
3 disruption is for more than 48 hours, but not more than
4 72 hours, the credit must be equal to at least 33% of
5 one month's recurring charges for all local services
6 disrupted. If the service disruption is for more than
7 72 hours, but not more than 96 hours, the credit must
8 be equal to at least 67% of one month's recurring
9 charges for all basic local exchange services
10 disrupted. If the service disruption is for more than
11 96 hours, but not more than 120 hours, the credit must
12 be equal to one month's recurring charges for all basic
13 local exchange services disrupted. For each day or
14 portion thereof that the service disruption continues
15 beyond the initial 120-hour period, the Electing
16 Provider shall also provide an additional credit of \$20
17 per calendar day.

18 (B) If an Electing Provider fails to install basic
19 local exchange service as required under subdivision
20 (e)(1) of this Section, the Electing Provider shall
21 waive 50% of any installation charges, or in the
22 absence of an installation charge or where
23 installation is pursuant to the Link Up program, the
24 Electing Provider shall provide a credit of \$25. If an
25 Electing Provider fails to install service within 10
26 business days after the service application is placed,

1 or fails to install service within 5 business days
2 after the customer's requested installation date, if
3 the requested date was more than 5 business days after
4 the date of the order, the Electing Provider shall
5 waive 100% of the installation charge, or in the
6 absence of an installation charge or where
7 installation is provided pursuant to the Link Up
8 program, the Electing Provider shall provide a credit
9 of \$50. For each day that the failure to install
10 service continues beyond the initial 10 business days,
11 or beyond 5 business days after the customer's
12 requested installation date, if the requested date was
13 more than 5 business days after the date of the order,
14 the Electing Provider shall also provide an additional
15 credit of \$20 per calendar day until the basic local
16 exchange service is installed.

17 (C) If an Electing Provider fails to keep a
18 scheduled repair or installation appointment when a
19 customer premises visit requires a customer to be
20 present as required under subdivision (e)(1) of this
21 Section, the Electing Provider shall credit the
22 customer \$25 per missed appointment. A credit required
23 by this subdivision does not apply when the Electing
24 Provider provides the customer notice of its inability
25 to keep the appointment no later than 8:00 pm of the
26 day prior to the scheduled date of the appointment.

1 (D) Credits required by this subsection do not
2 apply if the violation of a service quality standard:

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

5 (ii) occurs as a result of a malfunction of
6 customer-owned telephone equipment or inside
7 wiring;

8 (iii) occurs as a result of, or is extended by,
9 an emergency situation as defined in 83 Ill. Adm.
10 Code 732.10;

11 (iv) is extended by the Electing Provider's
12 inability to gain access to the customer's
13 premises due to the customer missing an
14 appointment, provided that the violation is not
15 further extended by the Electing Provider;

16 (v) occurs as a result of a customer request to
17 change the scheduled appointment, provided that
18 the violation is not further extended by the
19 Electing Provider;

20 (vi) occurs as a result of an Electing
21 Provider's right to refuse service to a customer as
22 provided in Commission rules; or

23 (vii) occurs as a result of a lack of
24 facilities where a customer requests service at a
25 geographically remote location, where a customer
26 requests service in a geographic area where the

1 Electing Provider is not currently offering
2 service, or where there are insufficient
3 facilities to meet the customer's request for
4 service, subject to an Electing Provider's
5 obligation for reasonable facilities planning.

6 (3) Each Electing Provider shall provide to the
7 Commission on April 1, 2012, and annually no later than
8 April 1 thereafter, in a form suitable for posting on the
9 Commission's website, a public report that includes the
10 following data for basic local exchange service quality of
11 service:

12 (A) With regard to credits due in accordance with
13 subdivision (e) (2) (A) as a result of out-of-service
14 conditions lasting more than 30 hours:

15 (i) the total dollar amount of any customer
16 credits paid;

17 (ii) the number of credits issued for repairs
18 between 30 and 48 hours;

19 (iii) the number of credits issued for repairs
20 between 49 and 72 hours;

21 (iv) the number of credits issued for repairs
22 between 73 and 96 hours;

23 (v) the number of credits used for repairs
24 between 97 and 120 hours;

25 (vi) the number of credits issued for repairs
26 greater than 120 hours; and

1 (vii) the number of exemptions claimed for
2 each of the categories identified in subdivision
3 (e) (2) (D).

4 (B) With regard to credits due in accordance with
5 subdivision (e) (2) (B) as a result of failure to install
6 basic local exchange service:

7 (i) the total dollar amount of any customer
8 credits paid;

9 (ii) the number of installations after 5
10 business days;

11 (iii) the number of installations after 10
12 business days;

13 (iv) the number of installations after 11
14 business days; and

15 (v) the number of exemptions claimed for each
16 of the categories identified in subdivision
17 (e) (2) (D).

18 (C) With regard to credits due in accordance with
19 subdivision (e) (2) (C) as a result of missed
20 appointments:

21 (i) the total dollar amount of any customer
22 credits paid;

23 (ii) the number of any customers receiving
24 credits; and

25 (iii) the number of exemptions claimed for
26 each of the categories identified in subdivision

1 (e) (2) (D) .

2 (D) The Electing Provider's annual report required
3 by this subsection shall also include, for
4 informational reporting, the performance data
5 described in subdivisions (e) (2) (A), (e) (2) (B), and
6 (e) (2) (C), and trouble reports per 100 access lines
7 calculated using the Commission's existing applicable
8 rules and regulations for such measures, but not
9 including the existing requirements for service
10 standards.

11 (4) It is the intent of the General Assembly that the
12 service quality rules and customer credits in this
13 subsection (e) of this Section and other enforcement
14 mechanisms, including fines and penalties authorized by
15 Section 13-305, shall apply on a nondiscriminatory basis to
16 all Electing Providers. Accordingly, notwithstanding any
17 provision of any service quality rules promulgated by the
18 Commission, any alternative regulation plan adopted by the
19 Commission, or any other order of the Commission, any
20 Electing Provider that is subject to any other order of the
21 Commission and that violates or fails to comply with the
22 service quality standards promulgated pursuant to this
23 subsection (e) or any other order of the Commission shall
24 not be subject to any fines, penalties, customer credits,
25 or enforcement mechanisms other than such fines or
26 penalties or customer credits as may be imposed by the

1 Commission in accordance with the provisions of this
2 subsection (e) and Section 13-305, which are to be
3 generally applicable to all Electing Providers. The amount
4 of any fines or penalties imposed by the Commission for
5 failure to comply with the requirements of this subsection
6 (e) shall be an appropriate amount, taking into account, at
7 a minimum, the Electing Provider's gross annual intrastate
8 revenue; the frequency, duration, and recurrence of the
9 violation; and the relative harm caused to the affected
10 customers or other users of the network. In imposing fines
11 and penalties, the Commission shall take into account
12 compensation or credits paid by the Electing Provider to
13 its customers pursuant to this subsection (e) in
14 compensation for any violation found pursuant to this
15 subsection (e), and in any event the fine or penalty shall
16 not exceed an amount equal to the maximum amount of a civil
17 penalty that may be imposed under Section 13-305.

18 (f) Commission jurisdiction upon election for market
19 regulation. Except as otherwise expressly stated in this
20 Section, the Commission shall thereafter have no jurisdiction
21 or authority over any aspect of competitive retail
22 telecommunications service of an Electing Provider in those
23 geographic areas included in the Electing Provider's notice of
24 election pursuant to subsection (c) of this Section, heretofore
25 subject to the jurisdiction of the Commission, including but
26 not limited to, any requirements of this Article related to the

1 terms, conditions, rates, quality of service, availability,
2 classification or any other aspect of any of the Electing
3 Provider's competitive retail telecommunications services. No
4 Electing Provider shall commit any unfair or deceptive act or
5 practice in connection with any aspect of the offering or
6 provision of any competitive retail telecommunications
7 service. Nothing in this Article shall limit or affect any
8 provisions in the Consumer Fraud and Deceptive Business
9 Practices Act with respect to any unfair or deceptive act or
10 practice by an Electing Provider.

11 (g) Commission authority over access services upon
12 election for market regulation.

13 (1) As part of its Notice of Election for Market
14 Regulation, the Electing Provider shall reduce its
15 intrastate switched access rates to rates no higher than
16 its interstate switched access rates in 4 installments. The
17 first reduction must be made 30 days after submission of
18 its complete application for Notice of Election for Market
19 Regulation, and the Electing Provider must reduce its
20 intrastate switched access rates by an amount equal to 33%
21 of the difference between its current intrastate switched
22 access rates and its current interstate switched access
23 rates. The second reduction must be made no later than one
24 year after the first reduction, and the Electing Provider
25 must reduce its then current intrastate switched access
26 rates by an amount equal to 50% of the difference between

1 its then current intrastate switched access rates and its
2 then current interstate switched access rates. The third
3 reduction must be made no later than one year after the
4 second reduction, and the Electing Provider must reduce its
5 then current intrastate switched access rates by an amount
6 equal to 50% of the difference between its then current
7 intrastate switched access rate and its then current
8 interstate switched access rates. The fourth reduction
9 must be made no longer than one year after the third
10 reduction, and the Electing Provider must reduce its
11 intrastate switched access rate to mirror its then current
12 interstate switched access rates and rate structure.
13 Following the fourth reduction, each Electing Provider
14 must continue to set its intrastate switched access rates
15 to mirror its interstate switched access rates and rate
16 structure. For purposes of this subsection, the rate for
17 intrastate switched access service means the composite,
18 per-minute rate for that service, including all applicable
19 fixed and traffic-sensitive charges, including, but not
20 limited to, carrier common line charges.

21 (2) Nothing in paragraph (1) of this subsection (g)
22 prohibits an Electing Provider from electing to offer
23 intrastate switched access service at rates lower than its
24 interstate switched access rates.

25 (3) The Commission shall have no authority to order an
26 Electing Provider to set its rates for intrastate switched

1 access at a level lower than its interstate switched access
2 rates.

3 (4) The Commission's authority under this subsection
4 (g) shall only apply to Electing Providers under Market
5 Regulation. The Commission's authority over switched
6 access services for all other carriers is retained under
7 Section 13-900.2 of this Act.

8 (h) Safety of service equipment and facilities.

9 (1) An Electing Provider shall furnish, provide, and
10 maintain such service instrumentalities, equipment, and
11 facilities as shall promote the safety, health, comfort,
12 and convenience of its patrons, employees, and public and
13 as shall be in all respects adequate, reliable, and
14 efficient without discrimination or delay. Every Electing
15 Provider shall provide service and facilities that are in
16 all respects environmentally safe.

17 (2) The Commission is authorized to conduct an
18 investigation of any Electing Provider or part thereof. The
19 investigation may examine the reasonableness, prudence, or
20 efficiency of any aspect of the Electing Provider's
21 operations or functions that may affect the adequacy,
22 safety, efficiency, or reliability of telecommunications
23 service. The Commission may conduct or order an
24 investigation only when it has reasonable grounds to
25 believe that the investigation is necessary to assure that
26 the Electing Provider is providing adequate, efficient,

1 reliable, and safe service. The Commission shall, before
2 initiating any such investigation, issue an order
3 describing the grounds for the investigation and the
4 appropriate scope and nature of the investigation, which
5 shall be reasonably related to the grounds relied upon by
6 the Commission in its order.

7 (i) Tariffs. No Electing Provider shall offer or provide
8 telecommunications service unless and until a tariff is filed
9 with the Commission that describes the nature of the service,
10 applicable rates and other charges, terms, and conditions of
11 service and the exchange, exchanges, or other geographical area
12 or areas in which the service shall be offered or provided. The
13 Commission may prescribe the form of such tariff and any
14 additional data or information that shall be included in the
15 form. Revenue received from an Electing Provider pursuant to
16 such tariffs shall be gross revenue for purposes of Section
17 2-202 of this Act.

18 (j) Application of Article VII. The provisions of Sections
19 7-101, 7-102, 7-103, 7-104, 7-204, 7-205, and 7-206 of this Act
20 are applicable to an Electing Provider offering or providing
21 retail telecommunications service, and the Commission's
22 regulation thereof, except that (1) the approval of contracts
23 and arrangements with affiliated interests required by
24 paragraph (3) of Section 7-101 shall not apply to such
25 telecommunications carriers provided that, except as provided
26 in item (2), those contracts and arrangements shall be filed

1 with the Commission; (2) affiliated interest contracts or
2 arrangements entered into by such telecommunications carriers
3 where the increased obligation thereunder does not exceed the
4 lesser of \$5,000,000 or 5% of such carrier's prior annual
5 revenue from noncompetitive services are not required to be
6 filed with the Commission; and (3) any consent and approval of
7 the Commission required by Section 7-102 is not required for
8 the sale, lease, assignment, or transfer by any Electing
9 Provider of any real property that is not necessary or useful
10 in the performance of its duties to the public.

11 (k) Notwithstanding other provisions of this Section, the
12 Commission retains its existing authority to enforce the
13 provisions, conditions, and requirements of the following
14 Sections of this Article: 13-101, 13-103, 13-201, 13-301,
15 13.301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,
16 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,
17 13-404.2, 13-405, 13-406, 13-501.5, 13-505, 13-509 13-510,
18 13-512, 13-513, 13-514, 13-515, 13-516, 13-519, 13-702,
19 13-703, 13-704, 13-705, 13-706, 13-707, 13-709, 13-713,
20 13-801, 13-804, 13-900, 13-900.1, 13-900.2, 13-901, 13-902,
21 and 13-903, which are fully and equally applicable to Electing
22 Providers subject to the provisions of this Section. On the
23 effective date of this amendatory Act of the 96th General
24 Assembly, the following Sections of this Article shall cease to
25 apply to Electing Providers: 13-302, 13-405.1, 13-501, 13-502,
26 13-502.5, 13-503, 13-504, 13-505.2, 13-505.3, 13-505.4,

1 13-505.5, 13-505.6, 13-506.1, 13-507, 13-507.1, 13-508,
2 13-508.1, 13-517, 13-518, 13-601, 13-701, and 13-712.

3 (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

4 (Section scheduled to be repealed on July 1, 2010)

5 Sec. 13-509. Agreements for provisions of competitive
6 telecommunications services differing from tariffs. A
7 telecommunications carrier may negotiate with customers or
8 prospective customers to provide competitive
9 telecommunications service, and in so doing, may offer or agree
10 to provide such service on such terms and for such rates or
11 charges as are reasonable, without regard to any tariffs it may
12 have filed with the Commission with respect to such services.
13 Upon request of the Commission ~~Within 30 days after executing~~
14 ~~any such agreement,~~ the telecommunications carrier shall
15 submit to the Commission written notice of a list of any such
16 agreements (which list may be filed electronically) within the
17 past year. The notice shall identify the general nature of all
18 such agreements, ~~the parties to each agreement, and a general~~
19 ~~description of differences between each agreement and the~~
20 ~~related tariff.~~ A copy of each such agreement ~~and any cost~~
21 ~~support required to be filed with the agreement by some other~~
22 ~~Section of this Act~~ shall be provided to the Commission within
23 10 business days after a request for review of the agreement is
24 made by the Commission or is made to the Commission by another
25 telecommunications carrier or by a party to such agreement.

1 ~~Upon submitting notice to the Commission of any such agreement,~~
2 ~~the telecommunications carrier shall thereafter provide~~
3 ~~service according to the terms thereof, unless the Commission~~
4 ~~finds, after notice and hearing, that the continued provision~~
5 ~~of service pursuant to such agreement would substantially and~~
6 ~~adversely affect the financial integrity of the~~
7 ~~telecommunications carrier or would violate any other~~
8 ~~provision of this Act.~~

9 Any agreement or notice entered into or submitted pursuant
10 to the provisions of this Section may, in the Commission's
11 discretion, be accorded proprietary treatment.

12 (Source: P.A. 92-22, eff. 6-30-01; 93-245, eff. 7-22-03.)

13 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

14 (Section scheduled to be repealed on July 1, 2010)

15 Sec. 13-703. (a) The Commission shall design and implement
16 a program whereby each telecommunications carrier providing
17 local exchange service shall provide a telecommunications
18 device capable of servicing the needs of those persons with a
19 hearing or speech disability together with a single party line,
20 at no charge additional to the basic exchange rate, to any
21 subscriber who is certified as having a hearing or speech
22 disability by a licensed physician, speech-language
23 pathologist, audiologist or a qualified State agency and to any
24 subscriber which is an organization serving the needs of those
25 persons with a hearing or speech disability as determined and

1 specified by the Commission pursuant to subsection (d).

2 (b) The Commission shall design and implement a program,
3 whereby each telecommunications carrier providing local
4 exchange service shall provide a telecommunications relay
5 system, using third party intervention to connect those persons
6 having a hearing or speech disability with persons of normal
7 hearing by way of intercommunications devices and the telephone
8 system, making available reasonable access to all phases of
9 public telephone service to persons who have a hearing or
10 speech disability. In order to design a telecommunications
11 relay system which will meet the requirements of those persons
12 with a hearing or speech disability available at a reasonable
13 cost, the Commission shall initiate an investigation and
14 conduct public hearings to determine the most cost-effective
15 method of providing telecommunications relay service to those
16 persons who have a hearing or speech disability when using
17 telecommunications devices and therein solicit the advice,
18 counsel, and physical assistance of Statewide nonprofit
19 consumer organizations that serve persons with hearing or
20 speech disabilities in such hearings and during the development
21 and implementation of the system. The Commission shall phase in
22 this program, on a geographical basis, as soon as is
23 practicable, but no later than June 30, 1990.

24 (c) The Commission shall establish a rate recovery
25 mechanism, authorizing charges in an amount to be determined by
26 the Commission for each line of a subscriber to allow

1 telecommunications carriers providing local exchange service
2 to recover costs as they are incurred under this Section.

3 (d) The Commission shall determine and specify those
4 organizations serving the needs of those persons having a
5 hearing or speech disability that shall receive a
6 telecommunications device and in which offices the equipment
7 shall be installed in the case of an organization having more
8 than one office. For the purposes of this Section,
9 "organizations serving the needs of those persons with hearing
10 or speech disabilities" means centers for independent living as
11 described in Section 12a of the Disabled Persons Rehabilitation
12 Act and not-for-profit organizations whose primary purpose is
13 serving the needs of those persons with hearing or speech
14 disabilities. The Commission shall direct the
15 telecommunications carriers subject to its jurisdiction and
16 this Section to comply with its determinations and
17 specifications in this regard.

18 (e) As used in this Section, the phrase "telecommunications
19 carrier providing local exchange service" includes, without
20 otherwise limiting the meaning of the term, telecommunications
21 carriers which are purely mutual concerns, having no rates or
22 charges for services, but paying the operating expenses by
23 assessment upon the members of such a company and no other
24 person.

25 (f) Interconnected VoIP service providers in Illinois
26 shall collect and remit assessments determined in accordance

1 with this Section in a competitively neutral manner in the same
2 manner as a telecommunications carrier providing local
3 exchange service. Interconnected VoIP services shall not be
4 considered an intrastate telecommunications service for the
5 purposes of this Section, unless defined as such under federal
6 law or Federal Communications Commission regulation.

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

8 (220 ILCS 5/13-704) (from Ch. 111 2/3, par. 13-704)

9 (Section scheduled to be repealed on July 1, 2010)

10 Sec. 13-704. Each page of a billing statement which sets
11 forth charges assessed against a customer by a
12 telecommunications carrier for telecommunications service
13 shall reflect the telephone number or customer account number
14 to which the charges are being billed. If a telecommunications
15 carrier offers electronic billing, customers may elect to have
16 their bills sent electronically. Such bills shall be
17 transmitted with instructions for payment. Information sent
18 electronically shall be deemed to satisfy any requirement in
19 this Section that such information be printed or written on a
20 customer bill. Bills may be paid electronically or by the use
21 of a customer-preferred financially accredited credit or debit
22 methodology. ~~The billing statement shall also contain a~~
23 ~~separate bill identifying the amount charged as an~~
24 ~~infrastructure maintenance fee.~~

25 (Source: P.A. 90-154, eff. 1-1-98.)

1 (220 ILCS 5/13-712)

2 (Section scheduled to be repealed on July 1, 2010)

3 Sec. 13-712. Basic local exchange service quality;
4 customer credits.

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

9 (b) Definitions:

10 (1) (Blank) ~~"Alternative telephone service" means,~~
11 ~~except where technically impracticable, a wireless~~
12 ~~telephone capable of making local calls, and may also~~
13 ~~include, but is not limited to, call forwarding, voice~~
14 ~~mail, or paging services.~~

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, excluding:

19 (A) services that employ advanced
20 telecommunications capability as defined in Section
21 706(c)(1) of the federal Telecommunications Act of
22 1996;

23 (B) vertical services;

24 (C) company official lines; and

25 (D) records work only.

1 (3) "Link Up" refers to the Link Up Assistance program
2 defined and established at 47 C.F.R. Section 54.411 et seq.
3 as amended.

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

1 the future, the telecommunications carrier shall install
2 service by the date requested. A telecommunications
3 carrier offering basic local exchange service utilizing
4 the network or network elements of another carrier shall
5 install new lines for basic local exchange service within 3
6 business days after provisioning of the line or lines by
7 the carrier whose network or network elements are being
8 utilized is complete. This subdivision (d)(1) does not
9 apply to the migration of a customer between
10 telecommunications carriers, so long as the customer
11 maintains dial tone.

12 (2) Restore basic local exchange service for a customer
13 within 24 hours of receiving notice that a customer is out
14 of service. This provision applies to service disruptions
15 that occur when a customer switches existing basic local
16 exchange service from one carrier to another.

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

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

22 (e) The rules shall include provisions for customers to be
23 credited by the telecommunications carrier for violations of
24 basic local exchange service quality standards as described in
25 subsection (d). The credits shall be applied on the statement
26 issued to the customer for the next monthly billing cycle

1 following the violation or following the discovery of the
2 violation. The performance levels established in subsection
3 (c) are solely for the purposes of consumer credits and shall
4 not be used as performance levels for the purposes of assessing
5 penalties under Section 13-305. At a minimum, the rules shall
6 include the following:

7 (1) If a carrier fails to repair an out-of-service
8 condition for basic local exchange service within 30 ~~24~~
9 hours, the carrier shall provide a credit to the customer.
10 If the service disruption is for 48 hours or less, the
11 credit must be equal to a pro-rata portion of the monthly
12 recurring charges for all local services disrupted. If the
13 service disruption is for more than 48 hours, but not more
14 than 72 hours, the credit must be equal to at least 33% of
15 one month's recurring charges for all local services
16 disrupted. If the service disruption is for more than 72
17 hours, but not more than 96 hours, the credit must be equal
18 to at least 67% of one month's recurring charges for all
19 local services disrupted. If the service disruption is for
20 more than 96 hours, but not more than 120 hours, the credit
21 must be equal to one month's recurring charges for all
22 local services disrupted. For each day or portion thereof
23 that the service disruption continues beyond the initial
24 120-hour period, the carrier shall also provide ~~either~~
25 ~~alternative telephone service or~~ an additional credit of
26 \$20 per day, ~~at the customers option.~~

1 (2) If a carrier fails to install basic local exchange
2 service as required under subdivision (d)(1), the carrier
3 shall waive 50% of any installation charges, or in the
4 absence of an installation charge or where installation is
5 pursuant to the Link Up program, the carrier shall provide
6 a credit of \$25. If a carrier fails to install service
7 within 10 business days after the service application is
8 placed, or fails to install service within 5 business days
9 after the customer's requested installation date, if the
10 requested date was more than 5 business days after the date
11 of the order, the carrier shall waive 100% of the
12 installation charge, or in the absence of an installation
13 charge or where installation is provided pursuant to the
14 Link Up program, the carrier shall provide a credit of \$50.
15 For each day that the failure to install service continues
16 beyond the initial 10 business days, or beyond 5 business
17 days after the customer's requested installation date, if
18 the requested date was more than 5 business days after the
19 date of the order, the carrier shall also provide ~~either~~
20 ~~alternative telephone service or~~ an additional credit of
21 \$20 per day, ~~at the customer's option~~ 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 \$50 per missed appointment. A credit required

1 by this subsection does not apply when the carrier provides
2 the customer with 24-hour notice of its inability to keep
3 the appointment.

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

15 (5) (Blank) ~~When alternative telephone service is~~
16 ~~appropriate, the customer may select one of the alternative~~
17 ~~telephone services offered by the carrier. The alternative~~
18 ~~telephone service shall be provided at no cost to the~~
19 ~~customer for the provision of local service.~~

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

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

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

26 (iii) occurs as a result of, or is extended by, an

1 emergency situation as defined in Commission rules;

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

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

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

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

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

24 (f) The rules shall require each telecommunications
25 carrier to provide to the Commission, on a quarterly basis and
26 in a form suitable for posting on the Commission's website, a

1 public report that includes performance data for basic local
2 exchange service quality of service. The performance data shall
3 be disaggregated for each geographic area and each customer
4 class of the State for which the telecommunications carrier
5 internally monitored performance data as of a date 120 days
6 preceding the effective date of this amendatory Act of the 92nd
7 General Assembly. The report shall include, at a minimum,
8 performance data on basic local exchange service
9 installations, lines out of service for more than 24 hours,
10 carrier response to customer calls, trouble reports, and missed
11 repair and installation commitments.

12 (g) The Commission shall establish and implement carrier to
13 carrier wholesale service quality rules and establish remedies
14 to ensure enforcement of the rules.

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

16 (220 ILCS 5/13-804 new)

17 (Section scheduled to be repealed on July 1, 2010)

18 Sec. 13-804. Broadband investment. Increased investment
19 into broadband infrastructure is critical to the economic
20 development of this State and a key component to the retention
21 of existing jobs and the creation of new jobs. The removal of
22 regulatory uncertainty will attract greater private-sector
23 investment in broadband infrastructure. Notwithstanding other
24 provisions of this Article:

25 (A) the Commission shall have the authority to certify

1 providers of wireless services, including, but not limited
2 to, private radio service, public mobile service, or
3 commercial mobile service, as those terms are defined in 47
4 U.S.C. 332 on the effective date of this amendatory Act of
5 the 96th General Assembly or as amended thereafter, to
6 provide telecommunications services in Illinois;

7 (B) the Commission shall have the authority to certify
8 providers of wireless services, including, but not limited
9 to, private radio service, public mobile service, or
10 commercial mobile service, as those terms are defined in 47
11 U.S.C. 332 on the effective date of this amendatory Act of
12 the 96th General Assembly or as amended thereafter, as
13 eligible telecommunications carriers in Illinois, as that
14 term has the meaning prescribed in 47 U.S.C. 214 on the
15 effective date of this amendatory Act of the 96th General
16 Assembly or as amended thereafter;

17 (C) the Commission shall have the authority to register
18 providers of fixed or non-nomadic Interconnected VoIP
19 service as Interconnected VoIP service providers in
20 Illinois in accordance with Section 401.1 of this Article;

21 (D) the Commission shall have the authority to require
22 providers of Interconnected VoIP service to participate in
23 universal service support programs and in hearing and
24 speech disability programs, as those terms are defined in
25 this Article; and

26 (E) the Commission shall have the authority to require

1 certificated telecommunications carriers, registered
2 Interconnected VoIP providers, and Facilities-based
3 Providers of Broadband Connections to End User Locations to
4 provide information pursuant to Section 13-407.

5 Except to the extent permitted by and consistent with
6 federal law, the regulations of the Federal Communications
7 Commission, this Article, or Article XXI or XXII of this Act,
8 the Commission shall not regulate the rates, terms, conditions,
9 quality of service, availability, classification, or any other
10 aspect of service regarding (i) broadband services, (ii)
11 Internet Protocol enabled services, including Interconnected
12 VoIP service, (iii) information services, as defined in 47
13 U.S.C. 153(20) on the effective date of this amendatory Act of
14 the 96th General Assembly or as amended thereafter, or (iv)
15 wireless services, including, but not limited to, private radio
16 service, public mobile service, or commercial mobile service,
17 as those terms are defined in 47 U.S.C. 332 on the effective
18 date of this amendatory Act of the 96th General Assembly or as
19 amended thereafter.

20 (220 ILCS 5/13-900.1 new)

21 (Section scheduled to be repealed on July 1, 2010)

22 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
23 service. Notwithstanding any other provision of this Article,
24 the Commission retains its full authority over the rates and
25 service quality as they apply to 9-1-1 system providers,

1 including the Commission's existing authority over
2 interconnection with 9-1-1 system providers and 9-1-1 systems.
3 The rates, terms, and conditions for 9-1-1 service shall be
4 tariffed and shall be provided in the manner prescribed by this
5 Act and shall be subject to the applicable laws, including
6 rules or regulations adopted and orders issued by the
7 Commission or the Federal Communications Commission. The
8 Commission retains this full authority regardless of the
9 technologies utilized or deployed by 9-1-1 system providers.

10 (220 ILCS 5/13-900.2 new)

11 (Section scheduled to be repealed on July 1, 2010)

12 Sec. 13-900.2. Access services.

13 (a) This Section shall apply to switched access rates
14 charged by all carriers other than Electing Providers as
15 provided in subsection (b) of Section 13-506.2 of this Act.

16 (b) Except as otherwise provided in subsection (c) of this
17 Section, the rates of any telecommunications carrier,
18 including, but not limited to, competitive local exchange
19 carriers, providing intrastate switched access service shall
20 be no higher than the carrier's rates for interstate switched
21 access service. For purposes of this Section, the intrastate
22 switched access rates of a carrier shall be considered to be no
23 higher than its interstate switched access rates if the
24 carrier's intrastate rates are no higher than its interstate
25 rates within 30 days after the effective date of this

1 amendatory Act of the 96th General Assembly or, in the event a
2 carrier's interstate switched access rates are reduced, within
3 one day after the interstate access rate reduction takes
4 effect. For purposes of this Section, the rate for intrastate
5 switched access service means the composite, per-minute rate
6 for that service, including all applicable fixed and
7 traffic-sensitive charges, including, but not limited to,
8 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 (220 ILCS 5/13-1200)

21 (Section scheduled to be repealed on July 1, 2010)

22 Sec. 13-1200. Repealer. This Article is repealed July 1,
23 2013 ~~2010~~.

24 (Source: P.A. 95-9, eff. 6-30-07; 96-24, eff. 6-30-09.)

1 (220 ILCS 5/13-402.1 rep.)

2 (220 ILCS 5/13-408 rep.)

3 (220 ILCS 5/13-409 rep.)

4 (220 ILCS 5/13-505.1 rep.)

5 (220 ILCS 5/13-505.7 rep.)

6 (220 ILCS 5/13-506 rep.)

7 (220 ILCS 5/13-511 rep.)

8 (220 ILCS 5/13-802 rep.)

9 Section 15. The Public Utilities Act is amended by
10 repealing Sections 13-402.1, 13-408, 13-409, 13-505.1,
11 13-505.7, 13-506, 13-511, and 13-802.

12 Section 90. Nothing in this amendatory Act of the 96th
13 General Assembly shall be construed or interpreted to abate,
14 suspend, alter, or otherwise affect (i) any decision or (ii)
15 any condition that is rendered by the Illinois Commerce
16 Commission pursuant to Section 7-204 of the Illinois Public
17 Utilities Act between April 1, 2010 and July 1, 2010.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."