



Rep. Robert Rita

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LRB096 16565 AMC 41002 a

1 AMENDMENT TO SENATE BILL 3464

2 AMENDMENT NO. _____. Amend Senate Bill 3464 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-12001.1 as follows:

6 (55 ILCS 5/5-12001.1)

7 Sec. 5-12001.1. Authority to regulate certain specified
8 facilities of a telecommunications carrier and to regulate,
9 pursuant to subsections (a) through (g), AM broadcast towers
10 and facilities.

11 (a) Notwithstanding any other Section in this Division, the
12 county board or board of county commissioners of any county
13 shall have the power to regulate the location of the
14 facilities, as defined in subsection (c), of a
15 telecommunications carrier or AM broadcast station established
16 outside the corporate limits of cities, villages, and

1 incorporated towns that have municipal zoning ordinances in
2 effect. The power shall only be exercised to the extent and in
3 the manner set forth in this Section.

4 (b) The provisions of this Section shall not abridge any
5 rights created by or authority confirmed in the federal
6 Telecommunications Act of 1996, P.L. 104-104.

7 (c) As used in this Section, unless the context otherwise
8 requires:

9 (1) "county jurisdiction area" means those portions of
10 a county that lie outside the corporate limits of cities,
11 villages, and incorporated towns that have municipal
12 zoning ordinances in effect;

13 (2) "county board" means the county board or board of
14 county commissioners of any county;

15 (3) "residential zoning district" means a zoning
16 district that is designated under a county zoning ordinance
17 and is zoned predominantly for residential uses;

18 (4) "non-residential zoning district" means the county
19 jurisdiction area of a county, except for those portions
20 within a residential zoning district;

21 (5) "residentially zoned lot" means a zoning lot in a
22 residential zoning district;

23 (6) "non-residentially zoned lot" means a zoning lot in
24 a non-residential zoning district;

25 (7) "telecommunications carrier" means a
26 telecommunications carrier as defined in the Public

1 Utilities Act as of January 1, 1997;

2 (8) "facility" means that part of the signal
3 distribution system used or operated by a
4 telecommunications carrier or AM broadcast station under a
5 license from the FCC consisting of a combination of
6 improvements and equipment including (i) one or more
7 antennas, (ii) a supporting structure and the hardware by
8 which antennas are attached; (iii) equipment housing; and
9 (iv) ancillary equipment such as signal transmission
10 cables and miscellaneous hardware;

11 (9) "FAA" means the Federal Aviation Administration of
12 the United States Department of Transportation;

13 (10) "FCC" means the Federal Communications
14 Commission;

15 (11) "antenna" means an antenna device by which radio
16 signals are transmitted, received, or both;

17 (12) "supporting structure" means a structure, whether
18 an antenna tower or another type of structure, that
19 supports one or more antennas as part of a facility;

20 (13) "qualifying structure" means a supporting
21 structure that is (i) an existing structure, if the height
22 of the facility, including the structure, is not more than
23 15 feet higher than the structure just before the facility
24 is installed, or (ii) a substantially similar,
25 substantially same-location replacement of an existing
26 structure, if the height of the facility, including the

1 replacement structure, is not more than 15 feet higher than
2 the height of the existing structure just before the
3 facility is installed;

4 (14) "equipment housing" means a combination of one or
5 more equipment buildings or enclosures housing equipment
6 that operates in conjunction with the antennas of a
7 facility, and the equipment itself;

8 (15) "height" of a facility means the total height of
9 the facility's supporting structure and any antennas that
10 will extend above the top of the supporting structure;
11 however, if the supporting structure's foundation extends
12 more than 3 feet above the uppermost ground level along the
13 perimeter of the foundation, then each full foot in excess
14 of 3 feet shall be counted as an additional foot of
15 facility height. The height of a facility's supporting
16 structure is to be measured from the highest point of the
17 supporting structure's foundation;

18 (16) "facility lot" means the zoning lot on which a
19 facility is or will be located;

20 (17) "principal residential building" has its common
21 meaning but shall not include any building under the same
22 ownership as the land of the facility lot. "Principal
23 residential building" shall not include any structure that
24 is not designed for human habitation;

25 (18) "horizontal separation distance" means the
26 distance measured from the center of the base of the

1 facility's supporting structure to the point where the
2 ground meets a vertical wall of a principal residential
3 building;

4 (19) "lot line set back distance" means the distance
5 measured from the center of the base of the facility's
6 supporting structure to the nearest point on the common lot
7 line between the facility lot and the nearest residentially
8 zoned lot. If there is no common lot line, the measurement
9 shall be made to the nearest point on the lot line of the
10 nearest residentially zoned lot without deducting the
11 width of any intervening right of way; and

12 (20) "AM broadcast station" means a facility and one or
13 more towers for the purpose of transmitting communication
14 in the 540 kHz to 1700 kHz band for public reception
15 authorized by the FCC.

16 (d) In choosing a location for a facility, a
17 telecommunications carrier or AM broadcast station shall
18 consider the following:

19 (1) A non-residentially zoned lot is the most desirable
20 location.

21 (2) A residentially zoned lot that is not used for
22 residential purposes is the second most desirable
23 location.

24 (3) A residentially zoned lot that is 2 acres or more
25 in size and is used for residential purposes is the third
26 most desirable location.

1 (4) A residentially zoned lot that is less than 2 acres
2 in size and is used for residential purposes is the least
3 desirable location.

4 The size of a lot shall be the lot's gross area in square
5 feet without deduction of any unbuildable or unusable land, any
6 roadway, or any other easement.

7 (e) In designing a facility, a telecommunications carrier
8 or AM broadcast station shall consider the following
9 guidelines:

10 (1) No building or tower that is part of a facility
11 should encroach onto any recorded easement prohibiting the
12 encroachment unless the grantees of the easement have given
13 their approval.

14 (2) Lighting should be installed for security and
15 safety purposes only. Except with respect to lighting
16 required by the FCC or FAA, all lighting should be shielded
17 so that no glare extends substantially beyond the
18 boundaries of a facility.

19 (3) No facility should encroach onto an existing septic
20 field.

21 (4) Any facility located in a special flood hazard area
22 or wetland should meet the legal requirements for those
23 lands.

24 (5) Existing trees more than 3 inches in diameter
25 should be preserved if reasonably feasible during
26 construction. If any tree more than 3 inches in diameter is

1 removed during construction a tree 3 inches or more in
2 diameter of the same or a similar species shall be planted
3 as a replacement if reasonably feasible. Tree diameter
4 shall be measured at a point 3 feet above ground level.

5 (6) If any elevation of a facility faces an existing,
6 adjoining residential use within a residential zoning
7 district, low maintenance landscaping should be provided
8 on or near the facility lot to provide at least partial
9 screening of the facility. The quantity and type of that
10 landscaping should be in accordance with any county
11 landscaping regulations of general applicability, except
12 that paragraph (5) of this subsection (e) shall control
13 over any tree-related regulations imposing a greater
14 burden.

15 (7) Fencing should be installed around a facility. The
16 height and materials of the fencing should be in accordance
17 with any county fence regulations of general
18 applicability.

19 (8) Any building that is part of a facility located
20 adjacent to a residentially zoned lot should be designed
21 with exterior materials and colors that are reasonably
22 compatible with the residential character of the area.

23 (f) The following provisions shall apply to all facilities
24 established in any county jurisdiction area (i) after the
25 effective date of the amendatory Act of 1997 with respect to
26 telecommunications carriers and (ii) after the effective date

1 of this amendatory Act of the 94th General Assembly with
2 respect to AM broadcast stations:

3 (1) Except as provided in this Section, no yard or set
4 back regulations shall apply to or be required for a
5 facility.

6 (2) A facility may be located on the same zoning lot as
7 one or more other structures or uses without violating any
8 ordinance or regulation that prohibits or limits multiple
9 structures, buildings, or uses on a zoning lot.

10 (3) No minimum lot area, width, or depth shall be
11 required for a facility, and unless the facility is to be
12 manned on a regular, daily basis, no off-street parking
13 spaces shall be required for a facility. If the facility is
14 to be manned on a regular, daily basis, one off-street
15 parking space shall be provided for each employee regularly
16 at the facility. No loading facilities are required.

17 (4) No portion of a facility's supporting structure or
18 equipment housing shall be less than 15 feet from the front
19 lot line of the facility lot or less than 10 feet from any
20 other lot line.

21 (5) No bulk regulations or lot coverage, building
22 coverage, or floor area ratio limitations shall be applied
23 to a facility or to any existing use or structure
24 coincident with the establishment of a facility. Except as
25 provided in this Section, no height limits or restrictions
26 shall apply to a facility.

1 (6) A county's review of a building permit application
2 for a facility shall be completed within 30 days. If a
3 decision of the county board is required to permit the
4 establishment of a facility, the county's review of the
5 application shall be simultaneous with the process leading
6 to the county board's decision.

7 (7) The improvements and equipment comprising the
8 facility may be wholly or partly freestanding or wholly or
9 partly attached to, enclosed in, or installed in or on a
10 structure or structures.

11 (8) Any public hearing authorized under this Section
12 shall be conducted in a manner determined by the county
13 board. Notice of any such public hearing shall be published
14 at least 15 days before the hearing in a newspaper of
15 general circulation published in the county. Notice of any
16 such public hearing shall also be sent by certified mail at
17 least 15 days prior to the hearing to the owners of record
18 of all residential property that is adjacent to the lot
19 upon which the facility is proposed to be sited.

20 (9) Any decision regarding a facility by the county
21 board or a county agency or official shall be supported by
22 written findings of fact. The circuit court shall have
23 jurisdiction to review the reasonableness of any adverse
24 decision and the plaintiff shall bear the burden of proof,
25 but there shall be no presumption of the validity of the
26 decision.

1 (10) Thirty days prior to the issuance of a building
2 permit for a facility necessitating the erection of a new
3 tower, the permit applicant shall provide written notice of
4 its intent to construct the facility to the State
5 Representative and the State Senator of the district in
6 which the subject facility is to be constructed and each
7 member of the county board representing the area within the
8 county in which the subject facility is to be constructed.
9 This notice shall include, but not be limited to, the
10 following information: (i) the name, address, and
11 telephone number of the company responsible for the
12 construction of the facility; (ii) the name, address, and
13 telephone number of the governmental entity authorized to
14 issue the building permit; and (iii) the location of the
15 proposed facility. The applicant shall demonstrate
16 compliance with the notice requirements set forth in this
17 item (10) by submitting certified mail receipts or
18 equivalent mail service receipts at the same time that the
19 applicant submits the permit application.

20 (g) The following provisions shall apply to all facilities
21 established (i) after the effective date of this amendatory Act
22 of 1997 with respect to telecommunications carriers and (ii)
23 after the effective date of this amendatory Act of the 94th
24 General Assembly with respect to AM broadcast stations in the
25 county jurisdiction area of any county with a population of
26 less than 180,000:

1 (1) A facility is permitted if its supporting structure
2 is a qualifying structure or if both of the following
3 conditions are met:

4 (A) the height of the facility shall not exceed 200
5 feet, except that if a facility is located more than
6 one and one-half miles from the corporate limits of any
7 municipality with a population of 25,000 or more the
8 height of the facility shall not exceed 350 feet; and

9 (B) the horizontal separation distance to the
10 nearest principal residential building shall not be
11 less than the height of the supporting structure;
12 except that if the supporting structure exceeds 99 feet
13 in height, the horizontal separation distance to the
14 nearest principal residential building shall be at
15 least 100 feet or 80% of the height of the supporting
16 structure, whichever is greater. Compliance with this
17 paragraph shall only be evaluated as of the time that a
18 building permit application for the facility is
19 submitted. If the supporting structure is not an
20 antenna tower this paragraph is satisfied.

21 (2) Unless a facility is permitted under paragraph (1)
22 of this subsection (g), a facility can be established only
23 after the county board gives its approval following
24 consideration of the provisions of paragraph (3) of this
25 subsection (g). The county board may give its approval
26 after one public hearing on the proposal, but only by the

1 favorable vote of a majority of the members present at a
2 meeting held no later than 75 days after submission of a
3 complete application by the telecommunications carrier. If
4 the county board fails to act on the application within 75
5 days after its submission, the application shall be deemed
6 to have been approved. No more than one public hearing
7 shall be required.

8 (3) For purposes of paragraph (2) of this subsection
9 (g), the following siting considerations, but no other
10 matter, shall be considered by the county board or any
11 other body conducting the public hearing:

12 (A) the criteria in subsection (d) of this Section;

13 (B) whether a substantial adverse effect on public
14 safety will result from some aspect of the facility's
15 design or proposed construction, but only if that
16 aspect of design or construction is modifiable by the
17 applicant;

18 (C) the benefits to be derived by the users of the
19 services to be provided or enhanced by the facility and
20 whether public safety and emergency response
21 capabilities would benefit by the establishment of the
22 facility;

23 (D) the existing uses on adjacent and nearby
24 properties; and

25 (E) the extent to which the design of the proposed
26 facility reflects compliance with subsection (e) of

1 this Section.

2 (4) On judicial review of an adverse decision, the
3 issue shall be the reasonableness of the county board's
4 decision in light of the evidence presented on the siting
5 considerations and the well-reasoned recommendations of
6 any other body that conducts the public hearing.

7 (h) The following provisions shall apply to all facilities
8 established after the effective date of this amendatory Act of
9 1997 in the county jurisdiction area of any county with a
10 population of 180,000 or more. A facility is permitted in any
11 zoning district subject to the following:

12 (1) A facility shall not be located on a lot under
13 paragraph (4) of subsection (d) unless a variation is
14 granted by the county board under paragraph (4) of this
15 subsection (h).

16 (2) Unless a height variation is granted by the county
17 board, the height of a facility shall not exceed 75 feet if
18 the facility will be located in a residential zoning
19 district or 200 feet if the facility will be located in a
20 non-residential zoning district. However, the height of a
21 facility may exceed the height limit in this paragraph, and
22 no height variation shall be required, if the supporting
23 structure is a qualifying structure.

24 (3) The improvements and equipment of the facility
25 shall be placed to comply with the requirements of this
26 paragraph at the time a building permit application for the

1 facility is submitted. If the supporting structure is an
2 antenna tower other than a qualifying structure then (i) if
3 the facility will be located in a residential zoning
4 district the lot line set back distance to the nearest
5 residentially zoned lot shall be at least 50% of the height
6 of the facility's supporting structure or (ii) if the
7 facility will be located in a non-residential zoning
8 district the horizontal separation distance to the nearest
9 principal residential building shall be at least equal to
10 the height of the facility's supporting structure.

11 (4) The county board may grant variations for any of
12 the regulations, conditions, and restrictions of this
13 subsection (h), after one public hearing on the proposed
14 variations held at a zoning or other appropriate committee
15 meeting with proper notice given as provided in this
16 Section, by a favorable vote of a majority of the members
17 present at a meeting held no later than 75 days after
18 submission of an application by the telecommunications
19 carrier. If the county board fails to act on the
20 application within 75 days after submission, the
21 application shall be deemed to have been approved. In its
22 consideration of an application for variations, the county
23 board, and any other body conducting the public hearing,
24 shall consider the following, and no other matters:

25 (A) whether, but for the granting of a variation,
26 the service that the telecommunications carrier seeks

1 to enhance or provide with the proposed facility will
2 be less available, impaired, or diminished in quality,
3 quantity, or scope of coverage;

4 (B) whether the conditions upon which the
5 application for variations is based are unique in some
6 respect or, if not, whether the strict application of
7 the regulations would result in a hardship on the
8 telecommunications carrier;

9 (C) whether a substantial adverse effect on public
10 safety will result from some aspect of the facility's
11 design or proposed construction, but only if that
12 aspect of design or construction is modifiable by the
13 applicant;

14 (D) whether there are benefits to be derived by the
15 users of the services to be provided or enhanced by the
16 facility and whether public safety and emergency
17 response capabilities would benefit by the
18 establishment of the facility; and

19 (E) the extent to which the design of the proposed
20 facility reflects compliance with subsection (e) of
21 this Section.

22 No more than one public hearing shall be required.

23 (5) On judicial review of an adverse decision, the
24 issue shall be the reasonableness of the county board's
25 decision in light of the evidence presented and the
26 well-reasoned recommendations of any other body that

1 conducted the public hearing.

2 (Source: P.A. 95-815, eff. 8-13-08; 96-696, eff. 1-1-10.)

3 Section 10. The Public Utilities Act is amended by changing
4 Sections 13-301 as follows:

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

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

7 Sec. 13-301. Consistent with the findings and policy
8 established in paragraph (a) of Section 13-102 and paragraph
9 (a) of Section 13-103, and in order to ensure the attainment of
10 such policies, the Commission shall:

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

23 (b) establish a program to monitor the level of
24 telecommunications subscriber connection within each exchange

1 in Illinois, and shall report the results of such monitoring
2 and any actions it has taken or recommends be taken to maintain
3 and increase such levels in its annual report to the General
4 Assembly, or more often if necessary;

5 (c) order all telecommunications carriers offering or
6 providing local exchange telecommunications service to propose
7 low-cost or budget service tariffs and any other rate design or
8 pricing mechanisms designed to facilitate customer access to
9 such telecommunications service, and shall after notice and
10 hearing, implement any such proposals which it finds likely to
11 achieve such purpose;

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

1 Illinois on a competitively neutral and nondiscriminatory
2 basis. In establishing any such universal service support fund,
3 the Commission shall, in addition to the determination of costs
4 for supported services, consider and make findings pursuant to
5 paragraphs (1), (2), and (4) of item (e) of this Section. Proxy
6 cost, as determined by the Commission, may be used for this
7 purpose. In determining cost recovery for any universal service
8 support fund, the Commission shall not permit recovery of such
9 costs from another certificated carrier for any service
10 purchased and used solely as an input to a service provided to
11 such certificated carrier's retail customers; ~~and~~

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

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

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

26 (2) Identify all implicit subsidies contained in rates

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

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

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

16 (5) Identify the telecommunications carriers from whom
17 the costs of the fund shall be recovered and the mechanism
18 to be used to determine and establish a competitively
19 neutral and non-discriminatory funding basis. From time to
20 time, or upon request, the Commission shall consider
21 whether, based upon changes in technology or other factors,
22 additional telecommunications providers should contribute
23 to the fund. The Commission shall establish the basis upon
24 which telecommunications carriers contributing to the fund
25 shall recover contributions on a competitively neutral and
26 non-discriminatory basis. In determining cost recovery for

1 any universal support fund, the Commission shall not permit
2 recovery of such costs from another certificated carrier
3 for any service purchased and used solely as an input to a
4 service provided to such certificated carriers' retail
5 customers.

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

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

22 (f) provide for a universal and emergency services support
23 program under which all payphone service providers operating
24 under certificates of service authority issued by the
25 Commission shall receive financial support for all local
26 exchange services identified in this subsection (f) that are

1 used in the provisioning of payphone services, other than for
2 payphones located at inmate institutions or airports, provided
3 that such payphone service provider submits itself to the
4 universal and emergency services support program
5 (participating provider). The General Assembly finds that the
6 continued provision of payphones is fundamental to the public
7 policy goals of providing universal access and emergency links
8 to the communications network in the public interest of
9 providing for the health, welfare, prosperity, and security of
10 Illinois citizens. Developments in the telecommunications
11 industry make it necessary to take steps to ensure the
12 continued availability of payphones as part of the overall
13 communications network. Therefore, no later than December 1,
14 2010, the Commission, after notice and hearing, shall have in
15 effect a universal and emergency services support program that
16 shall provide that all payphone lines of a participating
17 provider, other than those payphones located at inmate
18 institutions or airports, shall receive universal and
19 emergency services support in an amount equal to the charges
20 for the telephone line, the subscriber line charge, all usage
21 of up to 15 miles, and the features (collectively "local
22 charges") for each payphone each month, to be paid directly by
23 the fund for the universal and emergency services support
24 program to the local exchange carrier providing the telephone
25 subscriber line to the payphone. The participating provider
26 shall remain responsible for the remainder of any other

1 charges. The Commission shall require that all costs of the
2 fund for the universal and emergency services support program
3 be recovered from the same entities as those required for the
4 recovery of costs under subsection (d) of this Section on a
5 competitively neutral and nondiscriminatory basis. The funding
6 for the universal and emergency services support program for
7 this subsection may be through a separate fund or through
8 another fund established pursuant to this Article, as the
9 Commission deems to be the most efficient and effective,
10 provided that any inclusion in another fund established
11 pursuant to this Article is neither detrimental to, nor
12 diminishes the benefits of that fund to, the other
13 participants.

14 Any telecommunications carrier providing local exchange
15 telecommunications service which offers to its local exchange
16 customers a choice of two or more local exchange
17 telecommunications service offerings shall provide, to any
18 such customer requesting it, once a year without charge, a
19 report describing which local exchange telecommunications
20 service offering would result in the lowest bill for such
21 customer's local exchange service, based on such customer's
22 calling pattern and usage for the previous 6 months. At least
23 once a year, each such carrier shall provide a notice to each
24 of its local exchange telecommunications service customers
25 describing the availability of this report and the specific
26 procedures by which customers may receive it. Such report shall

1 only be available to current and future customers who have
2 received at least 6 months of continuous local exchange service
3 from such carrier.

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

5 (220 ILCS 5/9-216 rep.)

6 Section 15. The Public Utilities Act is amended by
7 repealing Section 9-216.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".