

1 AN ACT in relation to telecommunications.

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

4 Section 5. The Public Utilities Act is amended by adding
5 Section 13-408 as follows:

6 (220 ILCS 5/13-408 new)

7 Sec. 13-408. Access to pole, conduit, or right-of-way.

8 (a) Any utility that is required to provide a cable
9 television system or telecommunications carrier with
10 nondiscriminatory access to any pole, conduit, or
11 right-of-way owned or controlled by the utility pursuant to
12 the federal Telecommunications Act of 1996 shall provide such
13 access within 60 days after the utility receives written
14 notification of a request for access and payment therefor,
15 unless the utility can show:

16 (1) that it does not have the capacity to provide
17 the requested access;

18 (2) that such access would be unsafe or unreliable;
19 or

20 (3) that there are generally applicable engineering
21 reasons, as stated in the federal Telecommunications Act
22 of 1996, that make the granting of such access unduly
23 burdensome or impossible.

24 (b) Any utility that does not comply with the provisions
25 of this Section shall be subject to a fine to be determined
26 by the ICC.