**Section 755.10 Definitions**

"Act" means the Public Utilities Act [220 ILCS 5].

"Acting in concert with" means persons who, pursuant to an agreement or understanding (whether formal or informal), cooperate with a vendor to take actions that, if taken by the vendor directly, would give rise to a conflict of interest for that vendor.

"Affiliate" of a vendor means:

Any corporation or person owning or holding, directly or indirectly, or in any chain of successive ownership of, 10% or more of the voting capital stock of the vendor;

Any corporation or person, 10% of whose voting capital stock is owned by a person or corporation owning 10% or more of the vendor's voting capital stock, or by a person or corporation in any chain of successive ownership of 10% or more of the vendor's voting capital stock;

Any corporation, 10% or more of whose voting securities is owned, directly or indirectly, by the vendor;

Any corporation that has one or more elective officers or directors in common with the vendor;

Any corporation or person that, after investigation and hearing, the Commission determines is actually exercising substantial influence over the policies and actions of the vendor, even though that influence is not based upon stock holding, stockholders, directors or officers;

Any entity that, after investigation and hearing, the Commission determines is actually exercising substantial influence over the vendor's policies and actions of the vendor in conjunction with one or more other corporations or persons to which that person or corporation is related by ownership or blood relationship, or by action in concert, so that together the entity is affiliated with the vendor even though there is not a direct relationship between the two.

No person or corporation is affiliated, however, if that person or corporation has not had transactions or dealings other than the holding of stock and the receipt of stock dividends with the vendor during the previous two years.

"Assessment" means the charge authorized by Section 13-703(f) of the Act and includes the charge per subscription or per wireless line, or the equivalent percentage charge imposed per prepaid wireless telecommunications service retail transaction.

"Centers for Independent Living " means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a].

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight-disability and who can regularly and routinely communicate by telephone only through the aid of equipment.

"Deaf or hard-of-hearing" refers to a condition of permanent hearing loss (whether continuous or variable) by which regular and routine telephone communication is possible only through the aid of equipment.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled.

"Equipment" means telecommunications devices capable of servicing the needs of those persons with a hearing or speech disability as specified in ITAC's tariff or on ITAC's website pursuant to Section 755.135(a).

"Hearing care professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician.

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

"Hearing-sight disability" refers to a condition of permanent hearing and sight disability that renders regular and routine telephone communication possible only through the aid of equipment.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by Illinois telecommunications carriers providing local exchange service pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act.

"Interconnected Voice over Internet Protocol provider" or "interconnected VoIP provider" has the same meaning as "interconnected voice over Internet protocol provider" as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"ITAP" or "program" means the Illinois Telecommunications Access Program, by which Illinois telecommunications carriers providing local exchange service shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities as required by Section 13-703 of the Act.

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

"Organizations" means Centers for Independent Living and those Illinois-based not-for-profit organizations not:

affiliated with or otherwise acting in concert with an owner or vendor of equipment promoted for use by persons with disability; or

owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this State

whose primary purpose is serving the needs of those persons with disabilities.

"Person with a disability" or "persons with a disability" means a person or persons with at least one disability as defined in this Section.

"Personal service contracts" means all contracts entered into by ITAC, on behalf of the carriers for publicity/marketing and accounting.

"Prepaid wireless telecommunications service" has the meaning given to that term in Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a user or a parent or legal guardian of a minor user in whose name equipment is granted, as provided in Section 755.205(b).

"Retail transaction" has the meaning given to that term in Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

"Selection center" is a location designated by ITAC to display and demonstrate equipment for an eligible recipient to test in order to select the appropriate equipment for the recipient's disability.

"Seller" has the meaning given to that term in Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of equipment.

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of equipment.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber lines" means a voice grade communication channel between a subscriber and a telecommunications carrier's public switched network that would be required to carry the subscriber's interpremises traffic and that is capable of providing access to the public switched network. A subscriber line does not include 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. For customer bills issued before June 1, 2004, in calculating charges on subscriber lines of telecommunications carriers, each centrex line shall be equivalent to one-tenth of a residence or business access line. For customer bills issued on or after June 1, 2004, in calculating charges on subscriber lines pursuant to Section 13-703(c) of the Act, one charge shall be applied for each five centrex lines, and five charges shall be applied for each PBX trunk. ITAC's tariff or website shall specify the manner of applying charges to other multi-channel technologies.

"Subscriptions" means a count of the maximum number of interconnected VoIP calls that an end-user may have active at the same time. If the interconnected VoIP provider's retail customer purchases a service or services that allows more than one interconnected VoIP call to be made from the customer's physical location at the same time, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time. In the case of a business retail customer that purchases a service or services pursuant to a service agreement, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreements with that customer. In calculating assessments on business subscriptions, one assessment shall be applied for each five business subscriptions (i.e., the application of the assessment on business subscriptions shall mirror the application of the line charge to centrex lines).

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act that is providing local exchange telecommunications service as defined in Section 13-204 of the Act. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications relay service" or "TRS" or "relay service call volumes" means all Illinois intrastate calls placed through any Illinois Relay Center, whether or not completed.

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part for whose use equipment is provided, as set forth in Section 755.205.

"Vendor" means an owner or vendor of equipment or services promoted for use by persons with a disability.

"Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming call. For the purposes of this Part, bandwidth for voice grade access is 300 to 3,000 Hertz.

"Voucher program" means a program for the distribution of equipment offered by ITAC, on behalf of the carriers, pursuant to Section 755.100(b).

"Wireless carrier" has the meaning given to that term in Section 10 of the Wireless Emergency Telephone Safety Act.

"Wireless lines" means a communication channel between a subscriber and a wireless carrier's network that would be required to carry the subscriber's traffic and that is capable of providing access to the public switched network. A wireless line does not include lines used for official communications of wireless carriers.

(Source: Amended at 41 Ill. Reg. 5401, effective May 5, 2017)