

1           AN ACT concerning regulation.

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

4           Section 1. This Act may be referred to as the 2017  
5       High-speed Internet Investment and Telecommunications  
6       Modernization Act for Job Creation and Public Safety.

7           Section 5. The Public Utilities Act is amended by changing  
8       Sections 13-102, 13-103, 13-301.1, 13-406, and 21-401 and by  
9       adding Section 13-406.1 as follows:

10          (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

11          (Section scheduled to be repealed on July 1, 2017)

12          Sec. 13-102. Findings. With respect to telecommunications  
13       services, as herein defined, the General Assembly finds that:

14           (a) universally available and widely affordable  
15       telecommunications services are essential to the health,  
16       welfare and prosperity of all Illinois citizens;

17           (b) federal regulatory and judicial rulings in the 1980s  
18       caused a restructuring of the telecommunications industry and  
19       opened some aspects of the industry to competitive entry,  
20       thereby necessitating revision of State telecommunications  
21       regulatory policies and practices;

22           (c) revisions in telecommunications regulatory policies

1 and practices in Illinois beginning in the mid-1980s brought  
2 the benefits of competition to consumers in many  
3 telecommunications markets, but not in local exchange  
4 telecommunications service markets;

5 (d) the federal Telecommunications Act of 1996 established  
6 the goal of opening all telecommunications service markets to  
7 competition and accords to the states the responsibility to  
8 establish and enforce policies necessary to attain that goal;

9 (e) it is in the immediate interest of the People of the  
10 State of Illinois for the State to exercise its rights within  
11 the new framework of federal telecommunications policy to  
12 ensure that the economic benefits of competition in all  
13 telecommunications service markets are realized as effectively  
14 as possible;

15 (f) the competitive offering of all telecommunications  
16 services will increase innovation and efficiency in the  
17 provision of telecommunications services and may lead to  
18 reduced prices for consumers, increased investment in  
19 communications infrastructure, the creation of new jobs, and  
20 the attraction of new businesses to Illinois; ~~and~~

21 (g) protection of the public interest requires changes in  
22 the regulation of telecommunications carriers and services to  
23 ensure, to the maximum feasible extent, the reasonable and  
24 timely development of effective competition in all  
25 telecommunications service markets;~~;~~

26 (h) Illinois residents rely on today's modern wired and

wireless Internet Protocol (IP) networks and services to improve their lives by connecting them to school and college degrees, work and job opportunities, family and friends, information, and entertainment, as well as emergency responders and public safety officials; Illinois businesses rely on these modern IP networks and services to compete in a global marketplace by expanding their customer base, managing inventory and operations more efficiently, and offering customers specialized and personalized products and services; without question, Illinois residents and our State's economy rely profoundly on the modern wired and wireless IP networks and services in our State;

(i) the transition from 20th century traditional circuit switched and other legacy telephone services to modern 21st century next generation Internet Protocol (IP) services is taking place at an extraordinary pace as Illinois consumers are upgrading to home communications service using IP technology, including high speed Internet, Voice over Internet Protocol, and wireless service;

(j) this rapid transition to IP-based communications has dramatically transformed the way people communicate and has provided significant benefits to consumers in the form of innovative functionalities resulting from the seamless convergence of voice, video, and text, benefits realized by the General Assembly when it chose to transition its own telecommunications system to an all IP communications network

1       in 2016;

2           (k) the benefits of the transition to IP-based networks and  
3       services were also recognized by the General Assembly in 2015  
4       through the enactment of legislation requiring that every 9-1-1  
5       emergency system in Illinois provide Next Generation 9-1-1  
6       service by July 1, 2020 and requiring that the Next Generation  
7       9-1-1 network must be an IP-based platform; and

8           (l) completing the transition to all IP-based networks and  
9       technologies is in the public interest because it will promote  
10      continued innovation, consumer benefits, increased  
11      efficiencies, and increased investment in IP-based networks  
12      and services.

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

14           (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

15           (Section scheduled to be repealed on July 1, 2017)

16       Sec. 13-103. Policy. Consistent with its findings, the  
17       General Assembly declares that it is the policy of the State of  
18       Illinois that:

19           (a) telecommunications services should be available to all  
20       Illinois citizens at just, reasonable, and affordable rates and  
21       that such services should be provided as widely and  
22       economically as possible in sufficient variety, quality,  
23       quantity and reliability to satisfy the public interest;

24           (b) consistent with the protection of consumers of  
25       telecommunications services and the furtherance of other

1       public interest goals, competition in all telecommunications  
2       service markets should be pursued as a substitute for  
3       regulation in determining the variety, quality and price of  
4       telecommunications services and that the economic burdens of  
5       regulation should be reduced to the extent possible consistent  
6       with the furtherance of market competition and protection of  
7       the public interest;

8                 (c) all necessary and appropriate modifications to State  
9       regulation of telecommunications carriers and services should  
10      be implemented without unnecessary disruption to the  
11      telecommunications infrastructure system or to consumers of  
12      telecommunications services and that it is necessary and  
13      appropriate to establish rules to encourage and ensure orderly  
14      transitions in the development of markets for all  
15      telecommunications services;

16                 (d) the consumers of telecommunications services and  
17      facilities provided by persons or companies subject to  
18      regulation pursuant to this Act and Article should be required  
19      to pay only reasonable and non-discriminatory rates or charges  
20      and that in no case should rates or charges for non-competitive  
21      telecommunications services include any portion of the cost of  
22      providing competitive telecommunications services, as defined  
23      in Section 13-209, or the cost of any nonregulated activities;

24                 (e) the regulatory policies and procedures provided in this  
25      Article are established in recognition of the changing nature  
26      of the telecommunications industry and therefore should be

1 subject to systematic legislative review to ensure that the  
2 public benefits intended to result from such policies and  
3 procedures are fully realized; and

4 (f) development of and prudent investment in advanced  
5 telecommunications services and networks that foster economic  
6 development of the State should be encouraged through the  
7 implementation and enforcement of policies that promote  
8 effective and sustained competition in all telecommunications  
9 service markets; and-

10 (g) completion of the transition to modern IP-based  
11 networks should be encouraged through relief from the outdated  
12 regulations that require continued investment in legacy  
13 circuit switched networks from which Illinois consumers have  
14 largely transitioned, while at the same time ensuring that  
15 consumers have access to available alternative services that  
16 provide quality voice service and access to emergency  
17 communications.

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

19 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

20 (Section scheduled to be repealed on July 1, 2017)

21 Sec. 13-301.1. Universal Telephone Service Assistance  
22 Program.

23 (a) The Commission shall by rule or regulation establish a  
24 Universal Telephone Service Assistance Program for low income  
25 residential customers. The program shall provide for a

1 reduction of access line charges, a reduction of connection  
2 charges, or any other alternative assistance or program to  
3 increase accessibility to telephone service and broadband  
4 Internet access service that the Commission deems advisable  
5 subject to the availability of funds for the program as  
6 provided in subsections subsection (d) and (e). The Commission  
7 shall establish eligibility requirements for benefits under  
8 the program.

9 (b) The Commission shall adopt rules providing for enhanced  
10 enrollment for eligible consumers to receive lifeline service.  
11 Enhanced enrollment may include, but is not limited to, joint  
12 marketing, joint application, or joint processing with the  
13 Low-Income Home Energy Assistance Program, the Medicaid  
14 Program, and the Food Stamp Program. The Department of Human  
15 Services, the Department of Healthcare and Family Services, and  
16 the Department of Commerce and Economic Opportunity, upon  
17 request of the Commission, shall assist in the adoption and  
18 implementation of those rules. The Commission and the  
19 Department of Human Services, the Department of Healthcare and  
20 Family Services, and the Department of Commerce and Economic  
21 Opportunity may enter into memoranda of understanding  
22 establishing the respective duties of the Commission and the  
23 Departments in relation to enhanced enrollment.

24 (c) In this Section:<sup>17</sup>

25       "Lifeline "lifeline service" means a retail local  
26 service offering described by 47 CFR C.F.R. Section

1           54.401(a), as amended.

2           (d) The Commission shall require by rule or regulation that  
3       each telecommunications carrier providing local exchange  
4       telecommunications services notify its customers that if the  
5       customer wishes to participate in the funding of the Universal  
6       Telephone Service Assistance Program he may do so by electing  
7       to contribute, on a monthly basis, a fixed amount that will be  
8       included in the customer's monthly bill. The customer may cease  
9       contributing at any time upon providing notice to the  
10      telecommunications carrier providing local exchange  
11      telecommunications services. The notice shall state that any  
12      contribution made will not reduce the customer's bill for  
13      telecommunications services. Failure to remit the amount of  
14      increased payment will reduce the contribution accordingly.  
15      The Commission shall specify the monthly fixed amount or  
16      amounts that customers wishing to contribute to the funding of  
17      the Universal Telephone Service Assistance Program may choose  
18      from in making their contributions. Every telecommunications  
19      carrier providing local exchange telecommunications services  
20      shall remit the amounts contributed in accordance with the  
21      terms of the Universal Telephone Service Assistance Program.

22           (e) Amounts collected and remitted under subsection (d)  
23           may, to the extent the Commission deems advisable, be used for  
24           funding a program to be administered by the entity designated  
25           by the Commission as administrator of the Universal Telephone  
26           Service Assistance Program for educating and assisting

low-income residential customers with a transition to Internet protocol-based networks and services. This program may include, but need not be limited to, measures designed to notify and educate residential customers regarding the availability of alternative voice services with access to 9-1-1, access to and use of broadband Internet access service, and pricing options.

(Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)

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

(Section scheduled to be repealed on July 1, 2017)

Sec. 13-406. Abandonment of service. No telecommunications carrier offering or providing noncompetitive telecommunications service pursuant to a valid Certificate of Service Authority or certificate of public convenience and necessity shall discontinue or abandon such service once initiated until and unless it shall demonstrate, and the Commission finds, after notice and hearing, that such discontinuance or abandonment will not deprive customers of any necessary or essential telecommunications service or access thereto and is not otherwise contrary to the public interest.

No telecommunications carrier offering or providing competitive telecommunications service shall completely discontinue or abandon such service to an identifiable class or group of customers once initiated except upon 60 days notice to the Commission and affected customers. The Commission may, upon

1 its own motion or upon complaint, investigate the proposed  
2 discontinuance or abandonment of a competitive  
3 telecommunications service and may, after notice and hearing,  
4 prohibit such proposed discontinuance or abandonment if the  
5 Commission finds that it would be contrary to the public  
6 interest. If the Commission does not provide notice of a  
7 hearing within 60 calendar days after the notification or holds  
8 a hearing and fails to find that the proposed discontinuation  
9 or abandonment would be contrary to the public interest, the  
10 provider may discontinue or abandon such service after  
11 providing at least 30 days notice to affected customers. This  
Section does not apply to a Large Electing Provider proceeding  
under Section 13-406.1.

14 (Source: P.A. 96-927, eff. 6-15-10.)

15 (220 ILCS 5/13-406.1 new)

16 Sec. 13-406.1. Large Electing Provider transition to  
17 IP-based networks and service.

18 (a) As used in this Section:

19 "Alternative voice service" means service that includes  
20 all of the applicable functionalities for voice telephony  
21 services described in 47 CFR 54.101(a).

22 "Existing customer" means a residential customer of the  
23 Large Electing Provider who is subscribing to a  
24 telecommunications service on the date the Large Electing  
25 Provider sends its notice under paragraph (1) of subsection (c)

1       of this Section of its intent to cease offering and providing  
2       service. For purposes of this Section, a residential customer  
3       of the Large Electing Provider whose service has been  
4       temporarily suspended, but not finally terminated as of the  
5       date that the Large Electing Provider sends such notice, shall  
6       be deemed to be an "existing customer".

7       "Large Electing Provider" means an Electing Provider, as  
8       defined in Section 13-506.2 of this Act, that reported in its  
9       annual competition report for the year 2016 filed with the  
10      Commission under Section 13-407 of this Act and 83 Ill. Adm.  
11      Code 793 that it provided at least 700,000 access lines to end  
12      users.

13      "New customer" means a residential customer who is not  
14      subscribing to a telecommunications service provided by the  
15      Large Electing Provider on the date the Large Electing Provider  
16      sends its notice under paragraph (1) of subsection (c) of this  
17      Section of its intent to cease offering and providing such  
18      service.

19      "Provider" includes every corporation, company,  
20      association, firm, partnership, and individual and their  
21      lessees, trustees, or receivers appointed by any court that  
22      sell or offer to sell an alternative voice service.

23      "Reliable access to 9-1-1" means access to 9-1-1 that  
24      complies with the applicable rules, regulations, and  
25      guidelines established by the Federal Communications  
26      Commission and the applicable provisions of the Emergency

1       Telephone System Act and implementing rules.

2           "Willing provider" means a provider that voluntarily  
3        participates in the request for service process.

4           (b) Beginning June 30, 2017, a Large Electing Provider may,  
5        to the extent permitted by and consistent with federal law,  
6        including, as applicable, approval by the Federal  
7        Communications Commission of the discontinuance of the  
8        interstate-access component of a telecommunications service,  
9        cease to offer and provide a telecommunications service to an  
10      identifiable class or group of customers, other than voice  
11      telecommunications service to residential customers, upon 60  
12      days' notice to the Commission and affected customers.

13           (c) Beginning June 30, 2017, a Large Electing Provider may,  
14        to the extent permitted by and consistent with federal law,  
15        cease to offer and provide voice telecommunications service to  
16        an identifiable class or group of residential customers, which,  
17        for the purposes of this subsection (c), shall be referred to  
18        as "requested service", subject to compliance with the  
19        following requirements:

20           (1) No less than 255 days prior to providing notice to  
21        the Federal Communications Commission of its intent to  
22        discontinue the interstate-access component of the  
23        requested service, the Large Electing Provider shall:

24                  (A) file a notice of the proposed cessation of the  
25        requested service with the Commission; and

26                  (B) provide notice of the proposed cessation of the

1           requested service to each of the Large Electing  
2           Provider's existing customers within the affected  
3           geographic area by first-class mail separate from  
4           customer bills. If the customer has elected to receive  
5           electronic billing, the notice shall be sent  
6           electronically and by first-class mail separate from  
7           customer bills. The notice provided under this  
8           subparagraph (B) must describe the requested service,  
9           identify the earliest date on which the Large Electing  
10          Provider intends to cease offering or providing the  
11          telecommunications service, provide a telephone number  
12          by which the existing customer may contact a service  
13          representative of the Large Electing Provider, and  
14          provide a telephone number by which the existing  
15          customer may contact the Commission's Consumer  
16          Services Division. The notice shall also include the  
17          following statement:

18           "If you do not believe that an alternative  
19          voice service including reliable access to 9-1-1  
20          is available to you, from either [name of Large  
21          Electing Provider] or another provider of wired or  
22          wireless voice service where you live, you have the  
23          right to request the Illinois Commerce Commission  
24          to investigate the availability of alternative  
25          voice service including reliable access to 9-1-1.  
26          To do so, you must submit such a request in either

1               writing or by signing and returning a copy of this  
2               notice, no later than (insert date), 60 days after  
3               the date of the notice to the following address:  
4               Chief Clerk of the Illinois Commerce Commission  
5               527 East Capitol Avenue  
6               Springfield, Illinois 62706

7               You must include in your request a reference to  
8               the notice you received from [Large Electing  
9               Provider's name] and the date of notice.".

10               Thirty days following the date of notice, the Large  
11               Electing Provider shall provide each customer to which  
12               the notice was sent a follow-up notice containing the  
13               same information and reminding customers of the  
14               deadline for requesting the Commission to investigate  
15               alternative voice service with access to 9-1-1.

16               (2) After June 30, 2017, and only in a geographic area  
17               for which a Large Electing Provider has provided notice of  
18               proposed cessation of the requested service to existing  
19               customers under paragraph (1) of this subsection (c), an  
20               existing customer of that provider may, within 60 days  
21               after issuance of such notice, request the Commission to  
22               investigate the availability of alternative voice service  
23               including reliable access to 9-1-1 to that customer. For  
24               the purposes of this paragraph (2), existing customers who  
25               make such a request are referred to as "requesting existing  
26               customers". The Large Electing Provider may cease to offer

1       or provide the requested service to existing customers who  
2       do not make a request for investigation beginning 30 days  
3       after issuance of the notice required by paragraph (5) of  
4       this subsection (c).

5           (A) In response to all requests and investigations  
6       under this paragraph (2), the Commission shall conduct  
7       a single investigation to be commenced 75 days after  
8       the receipt of notice under paragraph (1) of this  
9       subsection (c), and completed within 135 days after  
10      commencement. The Commission shall, within 135 days  
11      after commencement of the investigation, make one of  
12      the findings described in subdivisions (i) and (ii) of  
13      this subparagraph (A) for each requesting existing  
14      customer.

15           (i) If, as a result of the investigation, the  
16      Commission finds that service from at least one  
17      provider offering alternative voice service  
18      including reliable access to 9-1-1 through any  
19      technology or medium is available to one or more  
20      requesting existing customers, the Commission  
21      shall declare by order that, with respect to each  
22      requesting existing customer for which such a  
23      finding is made, the Large Electing Provider may  
24      cease to offer or provide the requested service  
25      beginning 30 days after the issuance of the notice  
26      required by paragraph (5) of this subsection (c).

1                   (ii) If, as a result of the investigation, the  
2                   Commission finds that service from at least one  
3                   provider offering alternative voice service,  
4                   including reliable access to 9-1-1, through any  
5                   technology or medium is not available to one or  
6                   more requesting existing customers, the Commission  
7                   shall declare by order that an emergency exists  
8                   with respect to each requesting existing customer  
9                   for which such a finding is made.

10                  (B) If the Commission declares an emergency under  
11                  subdivision (ii) of subparagraph (A) of this paragraph  
12                  (2) with respect to one or more requesting existing  
13                  customers, the Commission shall conduct a request for  
14                  service process to identify a willing provider of  
15                  alternative voice service including reliable access to  
16                  9-1-1. A provider shall not be required to participate  
17                  in the request for service process. The willing  
18                  provider may utilize any form of technology that is  
19                  capable of providing alternative voice service  
20                  including reliable access to 9-1-1, including, without  
21                  limitation, Voice over Internet Protocol services and  
22                  wireless services. The Commission shall, within 45  
23                  days after the issuance of an order finding that an  
24                  emergency exists, make one of the determinations  
25                  described in subdivisions (i) and (ii) of this  
26                  subparagraph (B) for each requesting existing customer

1                   for which an emergency has been declared.

2                   (i) If the Commission determines that another  
3                   provider is willing and capable of providing  
4                   alternative voice service including reliable  
5                   access to 9-1-1 to one or more requesting existing  
6                   customers for which an emergency has been  
7                   declared, the Commission shall declare by order  
8                   that, with respect to each requesting existing  
9                   customer for which such a determination is made,  
10                  the Large Electing Provider may cease to offer or  
11                  provide the requested service beginning 30 days  
12                  after the issuance of the notice required by  
13                  paragraph (5) of this Section.

14                  (ii) If the Commission determines that for one  
15                  or more of the requesting existing customers for  
16                  which an emergency has been declared there is no  
17                  other provider willing and capable of providing  
18                  alternative voice service including reliable  
19                  access to 9-1-1, the Commission shall issue an  
20                  order requiring the Large Electing Provider to  
21                  provide alternative voice service including  
22                  reliable access to 9-1-1 to each such requesting  
23                  existing customer utilizing any form of technology  
24                  capable of providing alternative voice service  
25                  including reliable access to 9-1-1, including,  
26                  without limitation, continuation of the requested

1           service, Voice over Internet Protocol services,  
2           and wireless services, until another willing  
3           provider is available. A Large Electing Provider  
4           may fulfill the requirement through an affiliate  
5           or another provider. The Large Electing Provider  
6           may request that such an order be rescinded upon a  
7           showing that an alternative voice service  
8           including reliable access to 9-1-1 has become  
9           available to the requesting existing customer from  
10          another provider.

11         (3) If the Commission receives no requests for  
12         investigation from any existing customer under paragraph  
13         (2) of this subsection (c) within 60 days after issuance of  
14         the notice under paragraph (1) of this subsection (c), the  
15         Commission shall provide written notice to the Large  
16         Electing Provider of that fact no later than 75 days after  
17         receipt of notice under paragraph (1) of this subsection  
18         (c). Notwithstanding any provision of this subsection (c)  
19         to the contrary, if no existing customer requests an  
20         investigation under paragraph (2) of this subsection (c),  
21         the Large Electing Provider may immediately provide the  
22         notice to the Federal Communications Commission as  
23         described in paragraph (4) of this subsection (c).

24         (4) At the same time that it provides notice to the  
25         Federal Communications Commission of its intent to  
26         discontinue the interstate-access component of the

1           requested service, the Large Electing Provider shall:

2               (A) file a notice of proposal to cease to offer and  
3               provide the requested service with the Commission; and

4               (B) provide a notice of proposal to cease to offer  
5               and provide the requested service to existing  
6               customers and new customers receiving the service at  
7               the time of the notice within each affected geographic  
8               area, with the notice made by first-class mail or  
9               within customer bills delivered by mail or equivalent  
10               means of notice, including electronic means if the  
11               customer has elected to receive electronic billing.

12               The notice provided under this subparagraph (B) must  
13               include a brief description of the requested service,  
14               the date on which the Large Electing Provider intends  
15               to cease offering or providing the telecommunications  
16               service, and a statement as required by 47 CFR 63.71  
17               that describes the process by which the customer may  
18               submit comments to the Federal Communications  
19               Commission.

20               (5) Upon approval by the Federal Communications  
21               Commission of its request to discontinue the  
22               interstate-access component of the requested service and  
23               subject to the requirements of any order issued by the  
24               Commission under subdivision (ii) of subparagraph (B) of  
25               paragraph (2) of this subsection (c), the Large Electing  
26               Provider may immediately cease to offer the requested

1       service to all customers not receiving the service on the  
2       date of the Federal Communications Commission's approval  
3       and may cease to offer and provide the requested service to  
4       all customers receiving the service at the time of the  
5       Federal Communications Commission's approval upon 30 days'  
6       notice to the Commission and affected customers. Notice to  
7       affected customers under this paragraph (5) shall be  
8       provided by first-class mail separate from customer bills.  
9       The notice provided under this paragraph (5) must describe  
10      the requested service, identify the date on which the Large  
11      Electing Provider intends to cease offering or providing  
12      the telecommunications service, and provide a telephone  
13      number by which the existing customer may contact a service  
14      representative of the Large Electing Provider.

15      (6) The notices provided for in paragraph (1) of this  
16      subsection (c) are not required as a prerequisite for the  
17      Large Electing Provider to cease to offer or provide a  
18      telecommunications service in a geographic area where  
19      there are no residential customers taking service from the  
20      Large Electing Provider on the date that the Large Electing  
21      Provider files notice to the Federal Communications  
22      Commission of its intent to discontinue the  
23      interstate-access component of the requested service in  
24      such a geographic area.

25      (7) For a period of 45 days following the date of a  
26      notice issued pursuant to paragraph (5) of this Section,

any existing customer (i) who is located in the affected geographic area subject to that notice; (ii) who was receiving the requested service as of the date of the Federal Communications Commission's approval of the Large Electing Provider's request to discontinue the interstate-access component of the requested service; (iii) who did not make a timely request for investigation pursuant to paragraph (2) of this Section; and (iv) whose service will be or has been discontinued pursuant to paragraph (5), may request assistance from the Large Electing Provider in identifying providers of alternative voice service including reliable access to 9-1-1. Within 15 days of the request, the Large Electing Provider shall provide the customer with a list of alternative voice service providers.

(8) Notwithstanding any other provision of this Act, except as expressly authorized by this subsection (c), the Commission may not, upon its own motion or upon complaint, investigate, suspend, disapprove, condition, or otherwise regulate the cessation of a telecommunications service to an identifiable class or group of customers once initiated by a Large Electing Provider under subsection (b) or this subsection (c).

(220 ILCS 5/21-401)

(Section scheduled to be repealed on July 1, 2017)

1           Sec. 21-401. Applications.

2           (a) (1) A person or entity seeking to provide cable service  
3       or video service pursuant to this Article shall not use the  
4       public rights-of-way for the installation or construction of  
5       facilities for the provision of cable service or video service  
6       or offer cable service or video service until it has obtained a  
7       State-issued authorization to offer or provide cable or video  
8       service under this Section, except as provided for in item (2)  
9       of this subsection (a). All cable or video providers offering  
10      or providing service in this State shall have authorization  
11      pursuant to either (i) the Cable and Video Competition Law of  
12      2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
13      Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
14      5-1095 of the Counties Code (55 ILCS 5/5-1095).

15           (2) Nothing in this Section shall prohibit a local unit of  
16       government from granting a permit to a person or entity for the  
17       use of the public rights-of-way to install or construct  
18       facilities to provide cable service or video service, at its  
19       sole discretion. No unit of local government shall be liable  
20       for denial or delay of a permit prior to the issuance of a  
21       State-issued authorization.

22           (b) The application to the Commission for State-issued  
23       authorization shall contain a completed affidavit submitted by  
24       the applicant and signed by an officer or general partner of  
25       the applicant affirming all of the following:

26           (1) That the applicant has filed or will timely file

1       with the Federal Communications Commission all forms  
2       required by that agency in advance of offering cable  
3       service or video service in this State.

4               (2) That the applicant agrees to comply with all  
5       applicable federal and State statutes and regulations.

6               (3) That the applicant agrees to comply with all  
7       applicable local unit of government regulations.

8               (4) An exact description of the cable service or video  
9       service area where the cable service or video service will  
10      be offered during the term of the State-issued  
11      authorization. The service area shall be identified in  
12      terms of either (i) exchanges, as that term is defined in  
13      Section 13-206 of this Act; (ii) a collection of United  
14      States Census Bureau Block numbers (13 digit); (iii) if the  
15      area is smaller than the areas identified in either (i) or  
16      (ii), by geographic information system digital boundaries  
17      meeting or exceeding national map accuracy standards; or  
18      (iv) local unit of government. The description shall  
19      include the number of low-income households within the  
20      service area or footprint. If an applicant is an incumbent  
21      cable operator, the incumbent cable operator and any  
22      successor-in-interest shall be obligated to provide access  
23      to cable services or video services within any local units  
24      of government at the same levels required by the local  
25      franchising authorities for the local unit of government on  
26      June 30, 2007 (the effective date of Public Act 95-9), and

1       its application shall provide a description of an area no  
2       smaller than the service areas contained in its franchise  
3       or franchises within the jurisdiction of the local unit of  
4       government in which it seeks to offer cable or video  
5       service.

6                 (5) The location and telephone number of the  
7       applicant's principal place of business within this State  
8       and the names of the applicant's principal executive  
9       officers who are responsible for communications concerning  
10      the application and the services to be offered pursuant to  
11      the application, the applicant's legal name, and any name  
12      or names under which the applicant does or will provide  
13      cable services or video services in this State.

14                 (6) A certification that the applicant has  
15      concurrently delivered a copy of the application to all  
16      local units of government that include all or any part of  
17      the service area identified in item (4) of this subsection  
18      (b) within such local unit of government's jurisdictional  
19      boundaries.

20                 (7) The expected date that cable service or video  
21      service will be initially offered in the area identified in  
22      item (4) of this subsection (b). In the event that a holder  
23      does not offer cable services or video services within 3  
24      months after the expected date, it shall amend its  
25      application and update the expected date service will be  
26      offered and explain the delay in offering cable services or

1 video services.

2 (8) For any entity that received State-issued  
3 authorization prior to this amendatory Act of the 98th  
4 General Assembly as a cable operator and that intends to  
5 proceed as a cable operator under this Article, the entity  
6 shall file a written affidavit with the Commission and  
7 shall serve a copy of the affidavit with any local units of  
8 government affected by the authorization within 30 days  
9 after the effective date of this amendatory Act of the 98th  
10 General Assembly stating that the holder will be providing  
11 cable service under the State-issued authorization.

12 The application shall include adequate assurance that the  
13 applicant possesses the financial, managerial, legal, and  
14 technical qualifications necessary to construct and operate  
15 the proposed system, to promptly repair any damage to the  
16 public right-of-way caused by the applicant, and to pay the  
17 cost of removal of its facilities. To accomplish these  
18 requirements, the applicant may, at the time the applicant  
19 seeks to use the public rights-of-way in that jurisdiction, be  
20 required by the State of Illinois or later be required by the  
21 local unit of government, or both, to post a bond, produce a  
22 certificate of insurance, or otherwise demonstrate its  
23 financial responsibility.

24 The application shall include the applicant's general  
25 standards related to customer service required by Section  
26 22-501 of this Act, which shall include, but not be limited to,

1 installation, disconnection, service and repair obligations;  
2 appointment hours; employee ID requirements; customer service  
3 telephone numbers and hours; procedures for billing, charges,  
4 deposits, refunds, and credits; procedures for termination of  
5 service; notice of deletion of programming service and changes  
6 related to transmission of programming or changes or increases  
7 in rates; use and availability of parental control or lock-out  
8 devices; complaint procedures and procedures for bill dispute  
9 resolution and a description of the rights and remedies  
10 available to consumers if the holder does not materially meet  
11 their customer service standards; and special services for  
12 customers with visual, hearing, or mobility disabilities.

13 (c) (1) The applicant may designate information that it  
14 submits in its application or subsequent reports as  
15 confidential or proprietary, provided that the applicant  
16 states the reasons the confidential designation is necessary.  
17 The Commission shall provide adequate protection for such  
18 information pursuant to Section 4-404 of this Act. If the  
19 Commission, a local unit of government, or any other party  
20 seeks public disclosure of information designated as  
21 confidential, the Commission shall consider the confidential  
22 designation in a proceeding under the Illinois Administrative  
23 Procedure Act, and the burden of proof to demonstrate that the  
24 designated information is confidential shall be upon the  
25 applicant. Designated information shall remain confidential  
26 pending the Commission's determination of whether the

1 information is entitled to confidential treatment. Information  
2 designated as confidential shall be provided to local units of  
3 government for purposes of assessing compliance with this  
4 Article as permitted under a Protective Order issued by the  
5 Commission pursuant to the Commission's rules and to the  
6 Attorney General pursuant to Section 6.5 of the Attorney  
7 General Act (15 ILCS 205/6.5). Information designated as  
8 confidential under this Section or determined to be  
9 confidential upon Commission review shall only be disclosed  
10 pursuant to a valid and enforceable subpoena or court order or  
11 as required by the Freedom of Information Act. Nothing herein  
12 shall delay the application approval timeframes set forth in  
13 this Article.

14 (2) Information regarding the location of video services  
15 that have been or are being offered to the public and aggregate  
16 information included in the reports required by this Article  
17 shall not be designated or treated as confidential.

18 (d) (1) The Commission shall post all applications it  
19 receives under this Article on its web site within 5 business  
20 days.

21 (2) The Commission shall notify an applicant for a cable  
22 service or video service authorization whether the applicant's  
23 application and affidavit are complete on or before the 15th  
24 business day after the applicant submits the application. If  
25 the application and affidavit are not complete, the Commission  
26 shall state in its notice all of the reasons the application or

1 affidavit are incomplete, and the applicant shall resubmit a  
2 complete application. The Commission shall have 30 days after  
3 submission by the applicant of a complete application and  
4 affidavit to issue the service authorization. If the Commission  
5 does not notify the applicant regarding the completeness of the  
6 application and affidavit or issue the service authorization  
7 within the time periods required under this subsection, the  
8 application and affidavit shall be considered complete and the  
9 service authorization issued upon the expiration of the 30th  
10 day.

11 (e) Any authorization issued by the Commission ~~will expire~~  
12 ~~on December 31, 2020~~ and shall contain or include all of the  
13 following:

14 (1) A grant of authority, including an authorization  
15 issued prior to this amendatory Act of the 98th General  
16 Assembly, to provide cable service or video service in the  
17 service area footprint as requested in the application,  
18 subject to the provisions of this Article in existence on  
19 the date the grant of authority was issued, and any  
20 modifications to this Article enacted at any time prior to  
21 the date in Section 21-1601 of this Act, and to the laws of  
22 the State and the ordinances, rules, and regulations of the  
23 local units of government.

24 (2) A grant of authority to use, occupy, and construct  
25 facilities in the public rights-of-way for the delivery of  
26 cable service or video service in the service area

1        footprint, subject to the laws, ordinances, rules, or  
2        regulations of this State and local units of governments.

3                (3) A statement that the grant of authority is subject  
4        to lawful operation of the cable service or video service  
5        by the applicant, its affiliated entities, or its  
6        successors-in-interest.

7                (e-5) The Commission shall notify a local unit of  
8        government within 3 business days of the grant of any  
9        authorization within a service area footprint if that  
10      authorization includes any part of the local unit of  
11      government's jurisdictional boundaries and state whether the  
12      holder will be providing video service or cable service under  
13      the authorization.

14                (f) The authorization issued pursuant to this Section by  
15      the Commission may be transferred to any successor-in-interest  
16      to the applicant to which it is initially granted without  
17      further Commission action if the successor-in-interest (i)  
18      submits an application and the information required by  
19      subsection (b) of this Section for the successor-in-interest  
20      and (ii) is not in violation of this Article or of any federal,  
21      State, or local law, ordinance, rule, or regulation. A  
22      successor-in-interest shall file its application and notice of  
23      transfer with the Commission and the relevant local units of  
24      government no less than 15 business days prior to the  
25      completion of the transfer. The Commission is not required or  
26      authorized to act upon the notice of transfer; however, the

1 transfer is not effective until the Commission approves the  
2 successor-in-interest's application. A local unit of  
3 government or the Attorney General may seek to bar a transfer  
4 of ownership by filing suit in a court of competent  
5 jurisdiction predicated on the existence of a material and  
6 continuing breach of this Article by the holder, a pattern of  
7 noncompliance with customer service standards by the potential  
8 successor-in-interest, or the insolvency of the potential  
9 successor-in-interest. If a transfer is made when there are  
10 violations of this Article or of any federal, State, or local  
11 law, ordinance, rule, or regulation, the successor-in-interest  
12 shall be subject to 3 times the penalties provided for in this  
13 Article.

14 (g) The authorization issued pursuant to this Section by  
15 the Commission may be terminated, or its cable service or video  
16 service area footprint may be modified, by the cable service  
17 provider or video service provider by submitting notice to the  
18 Commission and to the relevant local unit of government  
19 containing a description of the change on the same terms as the  
20 initial description pursuant to item (4) of subsection (b) of  
21 this Section. The Commission is not required or authorized to  
22 act upon that notice. It shall be a violation of this Article  
23 for a holder to discriminate against potential residential  
24 subscribers because of the race or income of the residents in  
25 the local area in which the group resides by terminating or  
26 modifying its cable service or video service area footprint. It

1 shall be a violation of this Article for a holder to terminate  
2 or modify its cable service or video service area footprint if  
3 it leaves an area with no cable service or video service from  
4 any provider.

5 (h) The Commission's authority to administer this Article  
6 is limited to the powers and duties explicitly provided under  
7 this Article. Its authority under this Article does not include  
8 or limit the powers and duties that the Commission has under  
9 the other Articles of this Act, the Illinois Administrative  
10 Procedure Act, or any other law or regulation to conduct  
11 proceedings, other than as provided in subsection (c), or has  
12 to promulgate rules or regulations. The Commission shall not  
13 have the authority to limit or expand the obligations and  
14 requirements provided in this Section or to regulate or control  
15 a person or entity to the extent that person or entity is  
16 providing cable service or video service, except as provided in  
17 this Article.

18 (Source: P.A. 98-45, eff. 6-28-13; 98-756, eff. 7-16-14; 99-6,  
19 eff. 6-29-15.)

20 (220 ILCS 5/13-1200 rep.)

21 (220 ILCS 5/21-1601 rep.)

22 Section 10. The Public Utilities Act is amended by  
23 repealing Sections 13-1200 and 21-1601.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.