



Rep. Brandon W. Phelps

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10000SB1839ham003

LRB100 06226 RJF 27271 a

1 AMENDMENT TO SENATE BILL 1839

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1839 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Telephone System Act is amended  
5 by changing Sections 15.3, 15.3a, and 99 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)  
7 (Section scheduled to be repealed on July 1, 2017)  
8 Sec. 15.3. Local non-wireless surcharge.

9 (a) Except as provided in subsection (l) of this Section,  
10 the corporate authorities of any municipality or any county  
11 may, subject to the limitations of subsections (c), (d), and  
12 (h), and in addition to any tax levied pursuant to the  
13 Simplified Municipal Telecommunications Tax Act, impose a  
14 monthly surcharge on billed subscribers of network connection  
15 provided by telecommunication carriers engaged in the business  
16 of transmitting messages by means of electricity originating

1 within the corporate limits of the municipality or county  
2 imposing the surcharge at a rate per network connection  
3 determined in accordance with subsection (c), however the  
4 monthly surcharge shall not apply to a network connection  
5 provided for use with pay telephone services. Provided,  
6 however, that where multiple voice grade communications  
7 channels are connected between the subscriber's premises and a  
8 public switched network through private branch exchange (PBX)  
9 or centrex type service, a municipality imposing a surcharge at  
10 a rate per network connection, as determined in accordance with  
11 this Act, shall impose:

12 (i) in a municipality with a population of 500,000 or  
13 less or in any county, 5 such surcharges per network  
14 connection, as determined in accordance with Section 2  
15 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for  
16 both regular service and advanced service provisioned  
17 trunk lines;

18 (ii) in a municipality with a population, prior to  
19 March 1, 2010, of 500,000 or more, 5 surcharges per network  
20 connection, as determined in accordance with Section 2  
21 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for  
22 both regular service and advanced service provisioned  
23 trunk lines;

24 (iii) in a municipality with a population, as of March  
25 1, 2010, of 500,000 or more, 5 surcharges per network  
26 connection, as determined in accordance with Section 2

1 ~~subsections (a) and (d) of Section 2.12~~ of this Act, for  
2 regular service provisioned trunk lines, and 12 surcharges  
3 per network connection, as determined in accordance with  
4 Section 2 ~~subsections (a) and (d) of Section 2.12~~ of this  
5 Act, for advanced service provisioned trunk lines, except  
6 where an advanced service provisioned trunk line supports  
7 at least 2 but fewer than 23 simultaneous voice grade calls  
8 ("VGC's"), a telecommunication carrier may elect to impose  
9 fewer than 12 surcharges per trunk line as provided in  
10 subsection (iv) of this Section; or

11 (iv) for an advanced service provisioned trunk line  
12 connected between the subscriber's premises and the public  
13 switched network through a P.B.X., where the advanced  
14 service provisioned trunk line is capable of transporting  
15 at least 2 but fewer than 23 simultaneous VGC's per trunk  
16 line, the telecommunications carrier collecting the  
17 surcharge may elect to impose surcharges in accordance with  
18 the table provided in this Section, without limiting any  
19 telecommunications carrier's obligations to otherwise keep  
20 and maintain records. Any telecommunications carrier  
21 electing to impose fewer than 12 surcharges per an advanced  
22 service provisioned trunk line shall keep and maintain  
23 records adequately to demonstrate the VGC capability of  
24 each advanced service provisioned trunk line with fewer  
25 than 12 surcharges imposed, provided that 12 surcharges  
26 shall be imposed on an advanced service provisioned trunk

1 line regardless of the VGC capability where a  
2 telecommunications carrier cannot demonstrate the VGC  
3 capability of the advanced service provisioned trunk line.

4	Facility	VGC's	911 Surcharges
5	Advanced service provisioned trunk line	18-23	12
6	Advanced service provisioned trunk line	12-17	10
7	Advanced service provisioned trunk line	2-11	8

8 Subsections (i), (ii), (iii), and (iv) are not intended to  
9 make any change in the meaning of this Section, but are  
10 intended to remove possible ambiguity, thereby confirming the  
11 intent of paragraph (a) as it existed prior to and following  
12 the effective date of this amendatory Act of the 97th General  
13 Assembly.

14 For mobile telecommunications services, if a surcharge is  
15 imposed it shall be imposed based upon the municipality or  
16 county that encompasses the customer's place of primary use as  
17 defined in the Mobile Telecommunications Sourcing Conformity  
18 Act. A municipality may enter into an intergovernmental  
19 agreement with any county in which it is partially located,  
20 when the county has adopted an ordinance to impose a surcharge  
21 as provided in subsection (c), to include that portion of the  
22 municipality lying outside the county in that county's  
23 surcharge referendum. If the county's surcharge referendum is  
24 approved, the portion of the municipality identified in the

1 intergovernmental agreement shall automatically be  
2 disconnected from the county in which it lies and connected to  
3 the county which approved the referendum for purposes of a  
4 surcharge on telecommunications carriers.

5 (b) For purposes of computing the surcharge imposed by  
6 subsection (a), the network connections to which the surcharge  
7 shall apply shall be those in-service network connections,  
8 other than those network connections assigned to the  
9 municipality or county, where the service address for each such  
10 network connection or connections is located within the  
11 corporate limits of the municipality or county levying the  
12 surcharge. Except for mobile telecommunication services, the  
13 "service address" shall mean the location of the primary use of  
14 the network connection or connections. For mobile  
15 telecommunication services, "service address" means the  
16 customer's place of primary use as defined in the Mobile  
17 Telecommunications Sourcing Conformity Act.

18 (c) Upon the passage of an ordinance to impose a surcharge  
19 under this Section the clerk of the municipality or county  
20 shall certify the question of whether the surcharge may be  
21 imposed to the proper election authority who shall submit the  
22 public question to the electors of the municipality or county  
23 in accordance with the general election law; provided that such  
24 question shall not be submitted at a consolidated primary  
25 election. The public question shall be in substantially the  
26 following form:

1 -----

2        Shall the county (or city, village  
3 or incorporated town) of ..... impose                    YES  
4 a surcharge of up to ...¢ per month per  
5 network connection, which surcharge will  
6 be added to the monthly bill you receive -----  
7 for telephone or telecommunications  
8 charges, for the purpose of installing  
9 (or improving) a 9-1-1 Emergency                            NO  
10 Telephone System?

11 -----

12        If a majority of the votes cast upon the public question  
13 are in favor thereof, the surcharge shall be imposed.

14        However, if a Joint Emergency Telephone System Board is to  
15 be created pursuant to an intergovernmental agreement under  
16 Section 15.4, the ordinance to impose the surcharge shall be  
17 subject to the approval of a majority of the total number of  
18 votes cast upon the public question by the electors of all of  
19 the municipalities or counties, or combination thereof, that  
20 are parties to the intergovernmental agreement.

21        The referendum requirement of this subsection (c) shall not  
22 apply to any municipality with a population over 500,000 or to  
23 any county in which a proposition as to whether a sophisticated  
24 9-1-1 Emergency Telephone System should be installed in the  
25 county, at a cost not to exceed a specified monthly amount per  
26 network connection, has previously been approved by a majority

1 of the electors of the county voting on the proposition at an  
2 election conducted before the effective date of this amendatory  
3 Act of 1987.

4 (d) A county may not impose a surcharge, unless requested  
5 by a municipality, in any incorporated area which has  
6 previously approved a surcharge as provided in subsection (c)  
7 or in any incorporated area where the corporate authorities of  
8 the municipality have previously entered into a binding  
9 contract or letter of intent with a telecommunications carrier  
10 to provide sophisticated 9-1-1 service through municipal  
11 funds.

12 (e) A municipality or county may at any time by ordinance  
13 change the rate of the surcharge imposed under this Section if  
14 the new rate does not exceed the rate specified in the  
15 referendum held pursuant to subsection (c).

16 (f) The surcharge authorized by this Section shall be  
17 collected from the subscriber by the telecommunications  
18 carrier providing the subscriber the network connection as a  
19 separately stated item on the subscriber's bill.

20 (g) The amount of surcharge collected by the  
21 telecommunications carrier shall be paid to the particular  
22 municipality or county or Joint Emergency Telephone System  
23 Board not later than 30 days after the surcharge is collected,  
24 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
25 charges then due the particular telecommunications carrier, as  
26 shown on an itemized bill. The telecommunications carrier

1 collecting the surcharge shall also be entitled to deduct 3% of  
2 the gross amount of surcharge collected to reimburse the  
3 telecommunications carrier for the expense of accounting and  
4 collecting the surcharge.

5 (h) Except as expressly provided in subsection (a) of this  
6 Section, on or after the effective date of this amendatory Act  
7 of the 98th General Assembly and until December 31, 2020 ~~July~~  
8 ~~1, 2017~~, a municipality with a population of 500,000 or more  
9 shall not impose a monthly surcharge per network connection in  
10 excess of the highest monthly surcharge imposed as of January  
11 1, 2014 by any county or municipality under subsection (c) of  
12 this Section. On or after December 31, 2020 ~~July 1, 2017~~, a  
13 municipality with a population over 500,000 may not impose a  
14 monthly surcharge in excess of \$2.50 per network connection.

15 (i) Any municipality or county or joint emergency telephone  
16 system board that has imposed a surcharge pursuant to this  
17 Section prior to the effective date of this amendatory Act of  
18 1990 shall hereafter impose the surcharge in accordance with  
19 subsection (b) of this Section.

20 (j) The corporate authorities of any municipality or county  
21 may issue, in accordance with Illinois law, bonds, notes or  
22 other obligations secured in whole or in part by the proceeds  
23 of the surcharge described in this Section. The State of  
24 Illinois pledges and agrees that it will not limit or alter the  
25 rights and powers vested in municipalities and counties by this  
26 Section to impose the surcharge so as to impair the terms of or



1 affect the security for bonds, notes or other obligations  
2 secured in whole or in part with the proceeds of the surcharge  
3 described in this Section. The pledge and agreement set forth  
4 in this Section survive the termination of the surcharge under  
5 subsection (l) by virtue of the replacement of the surcharge  
6 monies guaranteed under Section 20; the State of Illinois  
7 pledges and agrees that it will not limit or alter the rights  
8 vested in municipalities and counties to the surcharge  
9 replacement funds guaranteed under Section 20 so as to impair  
10 the terms of or affect the security for bonds, notes or other  
11 obligations secured in whole or in part with the proceeds of  
12 the surcharge described in this Section.

13 (k) Any surcharge collected by or imposed on a  
14 telecommunications carrier pursuant to this Section shall be  
15 held to be a special fund in trust for the municipality, county  
16 or Joint Emergency Telephone Board imposing the surcharge.  
17 Except for the 3% deduction provided in subsection (g) above,  
18 the special fund shall not be subject to the claims of  
19 creditors of the telecommunication carrier.

20 ~~(l) On and after the effective date of this amendatory Act~~  
21 ~~of the 99th General Assembly, no county or municipality, other~~  
22 ~~than a municipality with a population over 500,000, may impose~~  
23 ~~a monthly surcharge under this Section in excess of the amount~~  
24 ~~imposed by it on the effective date of this Act.~~ Any surcharge  
25 imposed pursuant to this Section by a county or municipality,  
26 other than a municipality with a population in excess of

1 500,000, shall cease to be imposed on January 1, 2016.

2 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

3 (50 ILCS 750/15.3a)

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

5 Sec. 15.3a. Local wireless surcharge.

6 (a) Notwithstanding any other provision of this Act, a unit  
7 of local government or emergency telephone system board  
8 providing wireless 9-1-1 service and imposing and collecting a  
9 wireless carrier surcharge prior to July 1, 1998 may continue  
10 its practices of imposing and collecting its wireless carrier  
11 surcharge, but, except as provided in subsection (b) of this  
12 Section, in no event shall that monthly surcharge exceed \$2.50  
13 per commercial mobile radio service (CMRS) connection or  
14 in-service telephone number billed on a monthly basis. For  
15 mobile telecommunications services provided on and after  
16 August 1, 2002, any surcharge imposed shall be imposed based  
17 upon the municipality or county that encompasses the customer's  
18 place of primary use as defined in the Mobile  
19 Telecommunications Sourcing Conformity Act.

20 (b) Until December 31, 2020 ~~July 1, 2017~~, the corporate  
21 authorities of a municipality with a population in excess of  
22 500,000 on the effective date of this amendatory Act of the  
23 99th General Assembly may by ordinance continue to impose and  
24 collect a monthly surcharge per commercial mobile radio service  
25 (CMRS) connection or in-service telephone number billed on a

1 monthly basis that does not exceed the highest monthly  
2 surcharge imposed as of January 1, 2014 by any county or  
3 municipality under subsection (c) of Section 15.3 of this Act.  
4 On or after December 31, 2020 ~~July 1, 2017~~, the municipality  
5 may continue imposing and collecting its wireless carrier  
6 surcharge as provided in and subject to the limitations of  
7 subsection (a) of this Section.

8 (c) In addition to any other lawful purpose, a municipality  
9 with a population over 500,000 may use the moneys collected  
10 under this Section for any anti-terrorism or emergency  
11 preparedness measures, including, but not limited to,  
12 preparedness planning, providing local matching funds for  
13 federal or State grants, personnel training, and specialized  
14 equipment, including surveillance cameras, as needed to deal  
15 with natural and terrorist-inspired emergency situations or  
16 events.

17 (Source: P.A. 99-6, eff. 1-1-16.)

18 (50 ILCS 750/99)

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

20 Sec. 99. Repealer. This Act is repealed on December 31,  
21 2020 ~~July 1, 2017~~.

22 (Source: P.A. 99-6, eff. 6-29-15.)

23 Section 15. The Prepaid Wireless 9-1-1 Surcharge Act is  
24 amended by changing Section 15 as follows:

1 (50 ILCS 753/15)

2 Sec. 15. Prepaid wireless 9-1-1 surcharge.

3 (a) Until September 30, 2015, there is hereby imposed on  
4 consumers a prepaid wireless 9-1-1 surcharge of 1.5% per retail  
5 transaction. Beginning October 1, 2015, the prepaid wireless  
6 9-1-1 surcharge shall be 3% per retail transaction. The  
7 surcharge authorized by this subsection (a) does not apply in a  
8 home rule municipality having a population in excess of  
9 500,000.

10 (a-5) On or after the effective date of this amendatory Act  
11 of the 98th General Assembly and until December 31, 2020 ~~July~~  
12 ~~1, 2017~~, a home rule municipality having a population in excess  
13 of 500,000 on the effective date of this amendatory Act may  
14 impose a prepaid wireless 9-1-1 surcharge not to exceed 9% per  
15 retail transaction sourced to that jurisdiction and collected  
16 and remitted in accordance with the provisions of subsection  
17 (b-5) of this Section. On or after December 31, 2020 ~~July 1,~~  
18 ~~2017~~, a home rule municipality having a population in excess of  
19 500,000 on the effective date of this Act may only impose a  
20 prepaid wireless 9-1-1 surcharge not to exceed 7% per retail  
21 transaction sourced to that jurisdiction and collected and  
22 remitted in accordance with the provisions of subsection (b-5).

23 (b) The prepaid wireless 9-1-1 surcharge shall be collected  
24 by the seller from the consumer with respect to each retail  
25 transaction occurring in this State and shall be remitted to

1 the Department by the seller as provided in this Act. The  
2 amount of the prepaid wireless 9-1-1 surcharge shall be  
3 separately stated as a distinct item apart from the charge for  
4 the prepaid wireless telecommunications service on an invoice,  
5 receipt, or other similar document that is provided to the  
6 consumer by the seller or shall be otherwise disclosed to the  
7 consumer. If the seller does not separately state the surcharge  
8 as a distinct item to the consumer as provided in this Section,  
9 then the seller shall maintain books and records as required by  
10 this Act which clearly identify the amount of the 9-1-1  
11 surcharge for retail transactions.

12 For purposes of this subsection (b), a retail transaction  
13 occurs in this State if (i) the retail transaction is made in  
14 person by a consumer at the seller's business location and the  
15 business is located within the State; (ii) the seller is a  
16 provider and sells prepaid wireless telecommunications service  
17 to a consumer located in Illinois; (iii) the retail transaction  
18 is treated as occurring in this State for purposes of the  
19 Retailers' Occupation Tax Act; or (iv) a seller that is  
20 included within the definition of a "retailer maintaining a  
21 place of business in this State" under Section 2 of the Use Tax  
22 Act makes a sale of prepaid wireless telecommunications service  
23 to a consumer located in Illinois. In the case of a retail  
24 transaction which does not occur in person at a seller's  
25 business location, if a consumer uses a credit card to purchase  
26 prepaid wireless telecommunications service on-line or over

1 the telephone, and no product is shipped to the consumer, the  
2 transaction occurs in this State if the billing address for the  
3 consumer's credit card is in this State.

4 (b-5) The prepaid wireless 9-1-1 surcharge imposed under  
5 subsection (a-5) of this Section shall be collected by the  
6 seller from the consumer with respect to each retail  
7 transaction occurring in the municipality imposing the  
8 surcharge. The amount of the prepaid wireless 9-1-1 surcharge  
9 shall be separately stated on an invoice, receipt, or other  
10 similar document that is provided to the consumer by the seller  
11 or shall be otherwise disclosed to the consumer. If the seller  
12 does not separately state the surcharge as a distinct item to  
13 the consumer as provided in this Section, then the seller shall  
14 maintain books and records as required by this Act which  
15 clearly identify the amount of the 9-1-1 surcharge for retail  
16 transactions.

17 For purposes of this subsection (b-5), a retail transaction  
18 occurs in the municipality if (i) the retail transaction is  
19 made in person by a consumer at the seller's business location  
20 and the business is located within the municipality; (ii) the  
21 seller is a provider and sells prepaid wireless  
22 telecommunications service to a consumer located in the  
23 municipality; (iii) the retail transaction is treated as  
24 occurring in the municipality for purposes of the Retailers'  
25 Occupation Tax Act; or (iv) a seller that is included within  
26 the definition of a "retailer maintaining a place of business

1 in this State" under Section 2 of the Use Tax Act makes a sale  
2 of prepaid wireless telecommunications service to a consumer  
3 located in the municipality. In the case of a retail  
4 transaction which does not occur in person at a seller's  
5 business location, if a consumer uses a credit card to purchase  
6 prepaid wireless telecommunications service on-line or over  
7 the telephone, and no product is shipped to the consumer, the  
8 transaction occurs in the municipality if the billing address  
9 for the consumer's credit card is in the municipality.

10 (c) The prepaid wireless 9-1-1 surcharge is imposed on the  
11 consumer and not on any provider. The seller shall be liable to  
12 remit all prepaid wireless 9-1-1 surcharges that the seller  
13 collects from consumers as provided in Section 20, including  
14 all such surcharges that the seller is deemed to collect where  
15 the amount of the surcharge has not been separately stated on  
16 an invoice, receipt, or other similar document provided to the  
17 consumer by the seller. The surcharge collected or deemed  
18 collected by a seller shall constitute a debt owed by the  
19 seller to this State, and any such surcharge actually collected  
20 shall be held in trust for the benefit of the Department.

21 For purposes of this subsection (c), the surcharge shall  
22 not be imposed or collected from entities that have an active  
23 tax exemption identification number issued by the Department  
24 under Section 1g of the Retailers' Occupation Tax Act.

25 (d) The amount of the prepaid wireless 9-1-1 surcharge that  
26 is collected by a seller from a consumer, if such amount is

1 separately stated on an invoice, receipt, or other similar  
2 document provided to the consumer by the seller, shall not be  
3 included in the base for measuring any tax, fee, surcharge, or  
4 other charge that is imposed by this State, any political  
5 subdivision of this State, or any intergovernmental agency.

6 (e) (Blank).

7 (e-5) Any changes in the rate of the surcharge imposed by a  
8 municipality under the authority granted in subsection (a-5) of  
9 this Section shall be effective on the first day of the first  
10 calendar month to occur at least 60 days after the enactment of  
11 the change. The Department shall provide not less than 30 days'  
12 notice of the increase or reduction in the rate of such  
13 surcharge on the Department's website.

14 (f) When prepaid wireless telecommunications service is  
15 sold with one or more other products or services for a single,  
16 non-itemized price, then the percentage specified in  
17 subsection (a) or (a-5) of this Section shall be applied to  
18 the entire non-itemized price unless the seller elects to apply  
19 the percentage to (i) the dollar amount of the prepaid wireless  
20 telecommunications service if that dollar amount is disclosed  
21 to the consumer or (ii) the portion of the price that is  
22 attributable to the prepaid wireless telecommunications  
23 service if the retailer can identify that portion by reasonable  
24 and verifiable standards from its books and records that are  
25 kept in the regular course of business for other purposes,  
26 including, but not limited to, books and records that are kept



1 for non-tax purposes. However, if a minimal amount of prepaid  
2 wireless telecommunications service is sold with a prepaid  
3 wireless device for a single, non-itemized price, then the  
4 seller may elect not to apply the percentage specified in  
5 subsection (a) or (a-5) of this Section 15 to such transaction.  
6 For purposes of this subsection, an amount of service  
7 denominated as 10 minutes or less or \$5 or less is considered  
8 minimal.

9 (g) The prepaid wireless 9-1-1 surcharge imposed under  
10 subsections (a) and (a-5) of this Section is not imposed on the  
11 provider or the consumer for wireless Lifeline service where  
12 the consumer does not pay the provider for the service. Where  
13 the consumer purchases from the provider optional minutes,  
14 texts, or other services in addition to the federally funded  
15 Lifeline benefit, a consumer must pay the prepaid wireless  
16 9-1-1 surcharge, and it must be collected by the seller  
17 according to subsection (b-5).

18 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

19 Section 20. The Public Utilities Act is amended by changing  
20 Sections 13-1200, 21-1601, 21-401, and 21-1601 as follows:

21 (220 ILCS 5/13-1200)

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

23 Sec. 13-1200. Repealer. This Article is repealed December  
24 31, 2020 ~~July 1, 2017~~.

1 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

2 (220 ILCS 5/21-401)

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

4 Sec. 21-401. Applications.

5 (a) (1) A person or entity seeking to provide cable service  
6 or video service pursuant to this Article shall not use the  
7 public rights-of-way for the installation or construction of  
8 facilities for the provision of cable service or video service  
9 or offer cable service or video service until it has obtained a  
10 State-issued authorization to offer or provide cable or video  
11 service under this Section, except as provided for in item (2)  
12 of this subsection (a). All cable or video providers offering  
13 or providing service in this State shall have authorization  
14 pursuant to either (i) the Cable and Video Competition Law of  
15 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
16 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
17 5-1095 of the Counties Code (55 ILCS 5/5-1095).

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

25 (b) The application to the Commission for State-issued

1 authorization shall contain a completed affidavit submitted by  
2 the applicant and signed by an officer or general partner of  
3 the applicant affirming all of the following:

4 (1) That the applicant has filed or will timely file  
5 with the Federal Communications Commission all forms  
6 required by that agency in advance of offering cable  
7 service or video service in this State.

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

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

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

1 to cable services or video services within any local units  
2 of government at the same levels required by the local  
3 franchising authorities for the local unit of government on  
4 June 30, 2007 (the effective date of Public Act 95-9), and  
5 its application shall provide a description of an area no  
6 smaller than the service areas contained in its franchise  
7 or franchises within the jurisdiction of the local unit of  
8 government in which it seeks to offer cable or video  
9 service.

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

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

24 (7) The expected date that cable service or video  
25 service will be initially offered in the area identified in  
26 item (4) of this subsection (b). In the event that a holder

1 does not offer cable services or video services within 3  
2 months after the expected date, it shall amend its  
3 application and update the expected date service will be  
4 offered and explain the delay in offering cable services or  
5 video services.

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

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

1 financial responsibility.

2 The application shall include the applicant's general  
3 standards related to customer service required by Section  
4 22-501 of this Act, which shall include, but not be limited to,  
5 installation, disconnection, service and repair obligations;  
6 appointment hours; employee ID requirements; customer service  
7 telephone numbers and hours; procedures for billing, charges,  
8 deposits, refunds, and credits; procedures for termination of  
9 service; notice of deletion of programming service and changes  
10 related to transmission of programming or changes or increases  
11 in rates; use and availability of parental control or lock-out  
12 devices; complaint procedures and procedures for bill dispute  
13 resolution and a description of the rights and remedies  
14 available to consumers if the holder does not materially meet  
15 their customer service standards; and special services for  
16 customers with visual, hearing, or mobility disabilities.

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

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

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

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

25 (2) The Commission shall notify an applicant for a cable  
26 service or video service authorization whether the applicant's

1 application and affidavit are complete on or before the 15th  
2 business day after the applicant submits the application. If  
3 the application and affidavit are not complete, the Commission  
4 shall state in its notice all of the reasons the application or  
5 affidavit are incomplete, and the applicant shall resubmit a  
6 complete application. The Commission shall have 30 days after  
7 submission by the applicant of a complete application and  
8 affidavit to issue the service authorization. If the Commission  
9 does not notify the applicant regarding the completeness of the  
10 application and affidavit or issue the service authorization  
11 within the time periods required under this subsection, the  
12 application and affidavit shall be considered complete and the  
13 service authorization issued upon the expiration of the 30th  
14 day.

15 (e) Any authorization issued by the Commission will expire  
16 on December 31, 2023 ~~2020~~ and shall contain or include all of  
17 the following:

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



1 local units of government.

2 (2) A grant of authority to use, occupy, and construct  
3 facilities in the public rights-of-way for the delivery of  
4 cable service or video service in the service area  
5 footprint, subject to the laws, ordinances, rules, or  
6 regulations of this State and local units of governments.

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

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

18 (f) The authorization issued pursuant to this Section by  
19 the Commission may be transferred to any successor-in-interest  
20 to the applicant to which it is initially granted without  
21 further Commission action if the successor-in-interest (i)  
22 submits an application and the information required by  
23 subsection (b) of this Section for the successor-in-interest  
24 and (ii) is not in violation of this Article or of any federal,  
25 State, or local law, ordinance, rule, or regulation. A  
26 successor-in-interest shall file its application and notice of

1 transfer with the Commission and the relevant local units of  
2 government no less than 15 business days prior to the  
3 completion of the transfer. The Commission is not required or  
4 authorized to act upon the notice of transfer; however, the  
5 transfer is not effective until the Commission approves the  
6 successor-in-interest's application. A local unit of  
7 government or the Attorney General may seek to bar a transfer  
8 of ownership by filing suit in a court of competent  
9 jurisdiction predicated on the existence of a material and  
10 continuing breach of this Article by the holder, a pattern of  
11 noncompliance with customer service standards by the potential  
12 successor-in-interest, or the insolvency of the potential  
13 successor-in-interest. If a transfer is made when there are  
14 violations of this Article or of any federal, State, or local  
15 law, ordinance, rule, or regulation, the successor-in-interest  
16 shall be subject to 3 times the penalties provided for in this  
17 Article.

18 (g) The authorization issued pursuant to this Section by  
19 the Commission may be terminated, or its cable service or video  
20 service area footprint may be modified, by the cable service  
21 provider or video service provider by submitting notice to the  
22 Commission and to the relevant local unit of government  
23 containing a description of the change on the same terms as the  
24 initial description pursuant to item (4) of subsection (b) of  
25 this Section. The Commission is not required or authorized to  
26 act upon that notice. It shall be a violation of this Article

1 for a holder to discriminate against potential residential  
2 subscribers because of the race or income of the residents in  
3 the local area in which the group resides by terminating or  
4 modifying its cable service or video service area footprint. It  
5 shall be a violation of this Article for a holder to terminate  
6 or modify its cable service or video service area footprint if  
7 it leaves an area with no cable service or video service from  
8 any provider.

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

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

24 (220 ILCS 5/21-1601)

25 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of

1 this Article are repealed December 31, 2020 ~~July 1, 2017~~.

2 (Source: P.A. 98-45, eff. 6-28-13; 99-6, eff. 6-29-15.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".