

SB2908



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2908

Introduced 2/14/2018, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-406.1

Amends the Universal Telephone Service Protection Law of 1985 of the Public Utilities Act. Requires a Large Electing Provider to provide the required statement in a notice of proposed cessation of requested service to existing customers in English and in Spanish. Effective immediately.

LRB100 19089 SMS 34346 b

A BILL FOR

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 5. The Public Utilities Act is amended by changing
5 Section 13-406.1 as follows:

6 (220 ILCS 5/13-406.1)

7 (Section scheduled to be repealed on December 31, 2020)

8 Sec. 13-406.1. Large Electing Provider transition to
9 IP-based networks and service.

10 (a) As used in this Section:

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

14 "Existing customer" means a residential customer of the
15 Large Electing Provider who is subscribing to a
16 telecommunications service on the date the Large Electing
17 Provider sends its notice under paragraph (1) of subsection (c)
18 of this Section of its intent to cease offering and providing
19 service. For purposes of this Section, a residential customer
20 of the Large Electing Provider whose service has been
21 temporarily suspended, but not finally terminated as of the
22 date that the Large Electing Provider sends that notice, shall
23 be deemed to be an "existing customer".

1 "Large Electing Provider" means an Electing Provider, as
2 defined in Section 13-506.2 of this Act, that (i) reported in
3 its annual competition report for the year 2016 filed with the
4 Commission under Section 13-407 of this Act and 83 Ill. Adm.
5 Code 793 that it provided at least 700,000 access lines to end
6 users; and (ii) is affiliated with a provider of commercial
7 mobile radio service, as defined in 47 CFR 20.3, as of January
8 1, 2017.

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

15 "Provider" includes every corporation, company,
16 association, firm, partnership, and individual and their
17 lessees, trustees, or receivers appointed by a court that sell
18 or offer to sell an alternative voice service.

19 "Reliable access to 9-1-1" means access to 9-1-1 that
20 complies with the applicable rules, regulations, and
21 guidelines established by the Federal Communications
22 Commission and the applicable provisions of the Emergency
23 Telephone System Act and implementing rules.

24 "Willing provider" means a provider that voluntarily
25 participates in the request for service process.

26 (b) Beginning June 30, 2017, a Large Electing Provider may,

1 to the extent permitted by and consistent with federal law,
2 including, as applicable, approval by the Federal
3 Communications Commission of the discontinuance of the
4 interstate-access component of a telecommunications service,
5 cease to offer and provide a telecommunications service to an
6 identifiable class or group of customers, other than voice
7 telecommunications service to residential customers or a
8 telecommunications service to a class of customers under
9 subsection (b-5) of this Section, upon 60 days' notice to the
10 Commission and affected customers.

11 (b-5) Notwithstanding any provision to the contrary in this
12 Section 13-406.1, beginning December 31, 2021, a Large Electing
13 Provider may, to the extent permitted by and consistent with
14 federal law, including, if applicable, approval by the Federal
15 Communications Commission of the discontinuance of the
16 interstate-access component of a telecommunication service,
17 cease to offer and provide a telecommunications service to one
18 or more of the following classes or groups of customers upon 60
19 days' notice to the Commission and affected customers: (1)
20 electric utilities, as defined in Section 16-102 of this Act;
21 (2) public utilities, as defined in Section 3-105 of this Act,
22 that offers natural gas or water services; (3) electric, gas,
23 and water utilities that are excluded from the definition of
24 public utility under paragraph (1) of subsection (b) of Section
25 3-105 of this Act; (4) water companies as described in
26 paragraph (2) of subsection (b) of Section 3-105 of this Act;

1 (5) natural gas cooperatives as described in paragraph (4) of
2 subsection (b) of Section 3-105 of this Act; (6) electric
3 cooperatives as defined in Section 3-119 of this Act; (7)
4 entities engaged in the commercial generation of electric power
5 and energy; (8) the functional divisions of public agencies, as
6 defined in Section 2 of the Emergency Telephone System Act,
7 that provide police or firefighting services; and (9) 9-1-1
8 Authorities, as defined in Section 2 of the Emergency Telephone
9 System Act; provided that the date shall be extended to
10 December 21, 2022, for (i) an electric utility, as defined in
11 Section 16-102 of this Act, that serves more than 3 million
12 customers in the State; and (ii) an entity engaged in the
13 commercial generation of electric power and energy that
14 operates one or more nuclear power plants in the State.

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

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

26 (A) file a notice of the proposed cessation of the

1 requested service with the Commission, which shall
2 include a statement that the Large Electing Provider
3 will comply with any service discontinuance rules and
4 regulations of the Federal Communications Commission
5 pertaining to compatibility of alternative voice
6 services with medical monitoring devices; and

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

25 "If you do not believe that an alternative
26 voice service including reliable access to 9-1-1

1 is available to you, from either [name of Large
2 Electing Provider] or another provider of wired or
3 wireless voice service where you live, you have the
4 right to request the Illinois Commerce Commission
5 to investigate the availability of alternative
6 voice service including reliable access to 9-1-1.
7 To do so, you must submit such a request either in
8 writing or by signing and returning a copy of this
9 notice, no later than (insert date), 60 days after
10 the date of the notice to the following address:
11 Chief Clerk of the Illinois Commerce Commission
12 527 East Capitol Avenue
13 Springfield, Illinois 62706

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

17 Thirty days following the date of notice, the Large
18 Electing Provider shall provide each customer to which
19 the notice was sent a follow-up notice containing the
20 same information and reminding customers of the
21 deadline for requesting the Commission to investigate
22 alternative voice service with access to 9-1-1.

23 (2) After June 30, 2017, and only in a geographic area
24 for which a Large Electing Provider has provided notice of
25 proposed cessation of the requested service to existing
26 customers under paragraph (1) of this subsection (c), an

1 existing customer of that provider may, within 60 days
2 after issuance of such notice, request the Commission to
3 investigate the availability of alternative voice service
4 including reliable access to 9-1-1 to that customer. For
5 the purposes of this paragraph (2), existing customers who
6 make such a request are referred to as "requesting existing
7 customers". The Large Electing Provider may cease to offer
8 or provide the requested service to existing customers who
9 do not make a request for investigation beginning 30 days
10 after issuance of the notice required by paragraph (5) of
11 this subsection (c).

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

22 (i) If, as a result of the investigation, the
23 Commission finds that service from at least one
24 provider offering alternative voice service
25 including reliable access to 9-1-1 through any
26 technology or medium is available to one or more

1 requesting existing customers, the Commission
2 shall declare by order that, with respect to each
3 requesting existing customer for which such a
4 finding is made, the Large Electing Provider may
5 cease to offer or provide the requested service
6 beginning 30 days after the issuance of the notice
7 required by paragraph (5) of this subsection (c).

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

17 (B) If the Commission declares an emergency under
18 subdivision (ii) of subparagraph (A) of this paragraph
19 (2) with respect to one or more requesting existing
20 customers, the Commission shall conduct a request for
21 service process to identify a willing provider of
22 alternative voice service including reliable access to
23 9-1-1. A provider shall not be required to participate
24 in the request for service process. The willing
25 provider may utilize any form of technology that is
26 capable of providing alternative voice service

1 including reliable access to 9-1-1, including, without
2 limitation, Voice over Internet Protocol services and
3 wireless services. The Commission shall, within 45
4 days after the issuance of an order finding that an
5 emergency exists, make one of the determinations
6 described in subdivisions (i) and (ii) of this
7 subparagraph (B) for each requesting existing customer
8 for which an emergency has been declared.

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

21 (ii) If the Commission determines that for one
22 or more of the requesting existing customers for
23 which an emergency has been declared there is no
24 other provider willing and capable of providing
25 alternative voice service including reliable
26 access to 9-1-1, the Commission shall issue an

1 order requiring the Large Electing Provider to
2 provide alternative voice service including
3 reliable access to 9-1-1 to each requesting
4 existing customer utilizing any form of technology
5 capable of providing alternative voice service
6 including reliable access to 9-1-1, including,
7 without limitation, continuation of the requested
8 service, Voice over Internet Protocol services,
9 and wireless services, until another willing
10 provider is available. A Large Electing Provider
11 may fulfill the requirement through an affiliate
12 or another provider. The Large Electing Provider
13 may request that such an order be rescinded upon a
14 showing that an alternative voice service
15 including reliable access to 9-1-1 has become
16 available to the requesting existing customer from
17 another provider.

18 (3) If the Commission receives no requests for
19 investigation from any existing customer under paragraph
20 (2) of this subsection (c) within 60 days after issuance of
21 the notice under paragraph (1) of this subsection (c), the
22 Commission shall provide written notice to the Large
23 Electing Provider of that fact no later than 75 days after
24 receipt of notice under paragraph (1) of this subsection
25 (c). Notwithstanding any provision of this subsection (c)
26 to the contrary, if no existing customer requests an

1 investigation under paragraph (2) of this subsection (c),
2 the Large Electing Provider may immediately provide the
3 notice to the Federal Communications Commission as
4 described in paragraph (4) of this subsection (c).

5 (4) At the same time that it provides notice to the
6 Federal Communications Commission of its intent to
7 discontinue the interstate-access component of the
8 requested service, the Large Electing Provider shall:

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

11 (B) provide a notice of proposal to cease to offer
12 and provide the requested service to existing
13 customers and new customers receiving the service at
14 the time of the notice within each affected geographic
15 area, with the notice made by first-class mail or
16 within customer bills delivered by mail or equivalent
17 means of notice, including electronic means if the
18 customer has elected to receive electronic billing.
19 The notice provided under this subparagraph (B) shall
20 include a brief description of the requested service,
21 the date on which the Large Electing Provider intends
22 to cease offering or providing the telecommunications
23 service, and a statement as required by 47 CFR 63.71
24 that describes the process by which the customer may
25 submit comments to the Federal Communications
26 Commission.

1 (5) Upon approval by the Federal Communications
2 Commission of its request to discontinue the
3 interstate-access component of the requested service and
4 subject to the requirements of any order issued by the
5 Commission under subdivision (ii) of subparagraph (B) of
6 paragraph (2) of this subsection (c), the Large Electing
7 Provider may immediately cease to offer the requested
8 service to all customers not receiving the service on the
9 date of the Federal Communications Commission's approval
10 and may cease to offer and provide the requested service to
11 all customers receiving the service at the time of the
12 Federal Communications Commission's approval upon 30 days'
13 notice to the Commission and affected customers. Notice to
14 affected customers under this paragraph (5) shall be
15 provided by first-class mail separate from customer bills.
16 The notice provided under this paragraph (5) shall describe
17 the requested service, identify the date on which the Large
18 Electing Provider intends to cease offering or providing
19 the telecommunications service, and provide a telephone
20 number by which the existing customer may contact a service
21 representative of the Large Electing Provider.

22 (6) The notices provided for in paragraph (1) of this
23 subsection (c) are not required as a prerequisite for the
24 Large Electing Provider to cease to offer or provide a
25 telecommunications service in a geographic area where
26 there are no residential customers taking service from the

1 Large Electing Provider on the date that the Large Electing
2 Provider files notice to the Federal Communications
3 Commission of its intent to discontinue the
4 interstate-access component of the requested service in
5 that geographic area.

6 (7) For a period of 45 days following the date of a
7 notice issued under paragraph (5) of this Section, an
8 existing customer (i) who is located in the affected
9 geographic area subject to that notice; (ii) who was
10 receiving the requested service as of the date of the
11 Federal Communications Commission's approval of the Large
12 Electing Provider's request to discontinue the
13 interstate-access component of the requested service;
14 (iii) who did not make a timely request for investigation
15 under paragraph (2) of this subsection (c); and (iv) whose
16 service will be or has been discontinued under paragraph
17 (5), may request assistance from the Large Electing
18 Provider in identifying providers of alternative voice
19 service including reliable access to 9-1-1. Within 15 days
20 of the request, the Large Electing Provider shall provide
21 the customer with a list of alternative voice service
22 providers.

23 (8) Notwithstanding any other provision of this Act,
24 except as expressly authorized by this subsection (c), the
25 Commission may not, upon its own motion or upon complaint,
26 investigate, suspend, disapprove, condition, or otherwise

1 regulate the cessation of a telecommunications service to
2 an identifiable class or group of customers once initiated
3 by a Large Electing Provider under subsection (b) or (b-5)
4 of this Section or this subsection (c).

5 (Source: P.A. 100-20, eff. 7-1-17.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.