



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2380

Introduced 2/17/2021, by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

220 ILCS 5/13-1200
220 ILCS 5/21-401
220 ILCS 5/21-1601

Amends the Public Utilities Act. Extends the repeal dates of the Telecommunications Article and the Cable and Video Competition Article from December 31, 2021 to December 31, 2026. Provides that any cable service or video service authorization issued by the Illinois Commerce Commission will expire on December 31, 2029 (rather than December 31, 2024). Effective immediately.

LRB102 02861 SPS 12870 b

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 Sections 13-1200, 21-401, and 21-1601 as follows:

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on December 31, 2021)

8 Sec. 13-1200. Repealer. This Article is repealed December
9 31, 2026 ~~2021~~.

10 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

11 (220 ILCS 5/21-401)

12 (Section scheduled to be repealed on December 31, 2021)

13 Sec. 21-401. Applications.

14 (a) (1) A person or entity seeking to provide cable service
15 or video service pursuant to this Article shall not use the
16 public rights-of-way for the installation or construction of
17 facilities for the provision of cable service or video service
18 or offer cable service or video service until it has obtained a
19 State-issued authorization to offer or provide cable or video
20 service under this Section, except as provided for in item (2)
21 of this subsection (a). All cable or video providers offering
22 or providing service in this State shall have authorization

1 pursuant to either (i) the Cable and Video Competition Law of
2 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the
3 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section
4 5-1095 of the Counties Code (55 ILCS 5/5-1095).

5 (2) Nothing in this Section shall prohibit a local unit of
6 government from granting a permit to a person or entity for the
7 use of the public rights-of-way to install or construct
8 facilities to provide cable service or video service, at its
9 sole discretion. No unit of local government shall be liable
10 for denial or delay of a permit prior to the issuance of a
11 State-issued authorization.

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

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

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

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

24 (4) An exact description of the cable service or video
25 service area where the cable service or video service will
26 be offered during the term of the State-issued

1 authorization. The service area shall be identified in
2 terms of either (i) exchanges, as that term is defined in
3 Section 13-206 of this Act; (ii) a collection of United
4 States Census Bureau Block numbers (13 digit); (iii) if
5 the area is smaller than the areas identified in either
6 (i) or (ii), by geographic information system digital
7 boundaries meeting or exceeding national map accuracy
8 standards; or (iv) local unit of government. The
9 description shall include the number of low-income
10 households within the service area or footprint. If an
11 applicant is an incumbent cable operator, the incumbent
12 cable operator and any successor-in-interest shall be
13 obligated to provide access to cable services or video
14 services within any local units of government at the same
15 levels required by the local franchising authorities for
16 the local unit of government on June 30, 2007 (the
17 effective date of Public Act 95-9), and its application
18 shall provide a description of an area no smaller than the
19 service areas contained in its franchise or franchises
20 within the jurisdiction of the local unit of government in
21 which it seeks to offer cable or video service.

22 (5) The location and telephone number of the
23 applicant's principal place of business within this State
24 and the names of the applicant's principal executive
25 officers who are responsible for communications concerning
26 the application and the services to be offered pursuant to

1 the application, the applicant's legal name, and any name
2 or names under which the applicant does or will provide
3 cable services or video services in this State.

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

10 (7) The expected date that cable service or video
11 service will be initially offered in the area identified
12 in item (4) of this subsection (b). In the event that a
13 holder does not offer cable services or video services
14 within 3 months after the expected date, it shall amend
15 its application and update the expected date service will
16 be offered and explain the delay in offering cable
17 services or video services.

18 (8) For any entity that received State-issued
19 authorization prior to this amendatory Act of the 98th
20 General Assembly as a cable operator and that intends to
21 proceed as a cable operator under this Article, the entity
22 shall file a written affidavit with the Commission and
23 shall serve a copy of the affidavit with any local units of
24 government affected by the authorization within 30 days
25 after the effective date of this amendatory Act of the
26 98th General Assembly stating that the holder will be

1 providing cable service under the State-issued
2 authorization.

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

15 The application shall include the applicant's general
16 standards related to customer service required by Section
17 22-501 of this Act, which shall include, but not be limited to,
18 installation, disconnection, service and repair obligations;
19 appointment hours; employee ID requirements; customer service
20 telephone numbers and hours; procedures for billing, charges,
21 deposits, refunds, and credits; procedures for termination of
22 service; notice of deletion of programming service and changes
23 related to transmission of programming or changes or increases
24 in rates; use and availability of parental control or lock-out
25 devices; complaint procedures and procedures for bill dispute
26 resolution and a description of the rights and remedies

1 available to consumers if the holder does not materially meet
2 their customer service standards; and special services for
3 customers with visual, hearing, or mobility disabilities.

4 (c)(1) The applicant may designate information that it
5 submits in its application or subsequent reports as
6 confidential or proprietary, provided that the applicant
7 states the reasons the confidential designation is necessary.
8 The Commission shall provide adequate protection for such
9 information pursuant to Section 4-404 of this Act. If the
10 Commission, a local unit of government, or any other party
11 seeks public disclosure of information designated as
12 confidential, the Commission shall consider the confidential
13 designation in a proceeding under the Illinois Administrative
14 Procedure Act, and the burden of proof to demonstrate that the
15 designated information is confidential shall be upon the
16 applicant. Designated information shall remain confidential
17 pending the Commission's determination of whether the
18 information is entitled to confidential treatment. Information
19 designated as confidential shall be provided to local units of
20 government for purposes of assessing compliance with this
21 Article as permitted under a Protective Order issued by the
22 Commission pursuant to the Commission's rules and to the
23 Attorney General pursuant to Section 6.5 of the Attorney
24 General Act (15 ILCS 205/6.5). Information designated as
25 confidential under this Section or determined to be
26 confidential upon Commission review shall only be disclosed

1 pursuant to a valid and enforceable subpoena or court order or
2 as required by the Freedom of Information Act. Nothing herein
3 shall delay the application approval timeframes set forth in
4 this Article.

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

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

12 (2) The Commission shall notify an applicant for a cable
13 service or video service authorization whether the applicant's
14 application and affidavit are complete on or before the 15th
15 business day after the applicant submits the application. If
16 the application and affidavit are not complete, the Commission
17 shall state in its notice all of the reasons the application or
18 affidavit are incomplete, and the applicant shall resubmit a
19 complete application. The Commission shall have 30 days after
20 submission by the applicant of a complete application and
21 affidavit to issue the service authorization. If the
22 Commission does not notify the applicant regarding the
23 completeness of the application and affidavit or issue the
24 service authorization within the time periods required under
25 this subsection, the application and affidavit shall be
26 considered complete and the service authorization issued upon

1 the expiration of the 30th day.

2 (e) Any authorization issued by the Commission will expire
3 on December 31, 2029 ~~2024~~ and shall contain or include all of
4 the following:

5 (1) A grant of authority, including an authorization
6 issued prior to this amendatory Act of the 98th General
7 Assembly, to provide cable service or video service in the
8 service area footprint as requested in the application,
9 subject to the provisions of this Article in existence on
10 the date the grant of authority was issued, and any
11 modifications to this Article enacted at any time prior to
12 the date in Section 21-1601 of this Act, and to the laws of
13 the State and the ordinances, rules, and regulations of
14 the local units of government.

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

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

24 (e-5) The Commission shall notify a local unit of
25 government within 3 business days of the grant of any
26 authorization within a service area footprint if that

1 authorization includes any part of the local unit of
2 government's jurisdictional boundaries and state whether the
3 holder will be providing video service or cable service under
4 the authorization.

5 (f) The authorization issued pursuant to this Section by
6 the Commission may be transferred to any successor-in-interest
7 to the applicant to which it is initially granted without
8 further Commission action if the successor-in-interest (i)
9 submits an application and the information required by
10 subsection (b) of this Section for the successor-in-interest
11 and (ii) is not in violation of this Article or of any federal,
12 State, or local law, ordinance, rule, or regulation. A
13 successor-in-interest shall file its application and notice of
14 transfer with the Commission and the relevant local units of
15 government no less than 15 business days prior to the
16 completion of the transfer. The Commission is not required or
17 authorized to act upon the notice of transfer; however, the
18 transfer is not effective until the Commission approves the
19 successor-in-interest's application. A local unit of
20 government or the Attorney General may seek to bar a transfer
21 of ownership by filing suit in a court of competent
22 jurisdiction predicated on the existence of a material and
23 continuing breach of this Article by the holder, a pattern of
24 noncompliance with customer service standards by the potential
25 successor-in-interest, or the insolvency of the potential
26 successor-in-interest. If a transfer is made when there are

1 violations of this Article or of any federal, State, or local
2 law, ordinance, rule, or regulation, the successor-in-interest
3 shall be subject to 3 times the penalties provided for in this
4 Article.

5 (g) The authorization issued pursuant to this Section by
6 the Commission may be terminated, or its cable service or
7 video service area footprint may be modified, by the cable
8 service provider or video service provider by submitting
9 notice to the Commission and to the relevant local unit of
10 government containing a description of the change on the same
11 terms as the initial description pursuant to item (4) of
12 subsection (b) of this Section. The Commission is not required
13 or authorized to act upon that notice. It shall be a violation
14 of this Article for a holder to discriminate against potential
15 residential subscribers because of the race or income of the
16 residents in the local area in which the group resides by
17 terminating or modifying its cable service or video service
18 area footprint. It shall be a violation of this Article for a
19 holder to terminate or modify its cable service or video
20 service area footprint if it leaves an area with no cable
21 service or video service from any provider.

22 (h) The Commission's authority to administer this Article
23 is limited to the powers and duties explicitly provided under
24 this Article. Its authority under this Article does not
25 include or limit the powers and duties that the Commission has
26 under the other Articles of this Act, the Illinois

1 Administrative Procedure Act, or any other law or regulation
2 to conduct proceedings, other than as provided in subsection
3 (c), or has to promulgate rules or regulations. The Commission
4 shall not have the authority to limit or expand the
5 obligations and requirements provided in this Section or to
6 regulate or control a person or entity to the extent that
7 person or entity is providing cable service or video service,
8 except as provided in this Article.

9 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

10 (220 ILCS 5/21-1601)

11 Sec. 21-1601. Repealer. Sections 21-101 through 21-1501 of
12 this Article are repealed December 31, 2026 ~~2021~~.

13 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.