



Sen. Steven J. Rauschenberger

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09400SB0499sam001

LRB094 10827 MKM 41425 a

1 AMENDMENT TO SENATE BILL 499

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 499 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing  
5 Section 13-401 as follows:

6 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 13-401. Certificate of Service Authority.

9 (a) No telecommunications carrier not possessing a  
10 certificate of public convenience and necessity or certificate  
11 of authority from the Commission at the time this Article goes  
12 into effect shall transact any business in this State until it  
13 shall have obtained a certificate of service authority from the  
14 Commission pursuant to the provisions of this Article.

15 No telecommunications carrier offering or providing, or  
16 seeking to offer or provide, any interexchange  
17 telecommunications service shall do so until it has applied for  
18 and received a Certificate of Interexchange Service Authority  
19 pursuant to the provisions of Section 13-403. No  
20 telecommunications carrier offering or providing, or seeking  
21 to offer or provide, any local exchange telecommunications  
22 service shall do so until it has applied for and received a  
23 Certificate of Exchange Service Authority pursuant to the  
24 provisions of Section 13-405.

1           Notwithstanding Sections 13-403, 13-404, and 13-405, the  
2 Commission shall approve a cellular radio application for a  
3 Certificate of Service Authority without a hearing upon a  
4 showing by the cellular applicant that the Federal  
5 Communications Commission has issued to it a construction  
6 permit or an operating license to construct or operate a  
7 cellular radio system in the area as defined by the Federal  
8 Communications Commission, or portion of the area, for which  
9 the carrier seeks a Certificate of Service Authority.

10          No Certificate of Service Authority issued by the  
11 Commission shall be construed as granting a monopoly or  
12 exclusive privilege, immunity or franchise. The issuance of a  
13 Certificate of Service Authority to any telecommunications  
14 carrier shall not preclude the Commission from issuing  
15 additional Certificates of Service Authority to other  
16 telecommunications carriers providing the same or equivalent  
17 service or serving the same geographical area or customers as  
18 any previously certified carrier, except to the extent  
19 otherwise provided by Sections 13-403 and 13-405.

20          Any certificate of public convenience and necessity  
21 granted by the Commission to a telecommunications carrier prior  
22 to the effective date of this Article shall remain in full  
23 force and effect, and such carriers need not apply for a  
24 Certificate of Service Authority in order to continue offering  
25 or providing service to the extent authorized in such  
26 certificate of public convenience and necessity. Any such  
27 carrier, however, prior to substantially altering the nature or  
28 scope of services provided under a certificate of public  
29 convenience and necessity, or adding or expanding services  
30 beyond the authority contained in such certificate, must apply  
31 for a Certificate of Service Authority for such alterations or  
32 additions pursuant to the provisions of this Article.

33          The Commission shall review and modify the terms of any  
34 certificate of public convenience and necessity issued to a

1 telecommunications carrier prior to the effective date of this  
2 Article in order to ensure its conformity with the requirements  
3 and policies of this Article. Any Certificate of Service  
4 Authority may be altered or modified by the Commission, after  
5 notice and hearing, upon its own motion or upon application of  
6 the person or company affected. Unless exercised within a  
7 period of two years from the issuance thereof, authority  
8 conferred by a Certificate of Service Authority shall be null  
9 and void.

10 (b) The Commission may issue a temporary Certificate which  
11 shall remain in force not to exceed one year in cases of  
12 emergency, to assure maintenance of adequate service or to  
13 serve particular customers, without notice and hearing,  
14 pending the determination of an application for a Certificate,  
15 and may by regulation exempt from the requirements of this  
16 Section temporary acts or operations for which the issuance of  
17 a certificate is not necessary in the public interest and which  
18 will not be required therefor.

19 (c) No political subdivision of this State shall provide or  
20 offer for sale, either to the public or to a telecommunications  
21 provider, a telecommunications service or telecommunications  
22 facility used to provide a telecommunications service for which  
23 a Certificate of Service Authority is required pursuant to this  
24 Section.

25 (Source: P.A. 87-856.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law."