



Rep. Kevin A. McCarthy

**Filed: 4/30/2010**

09600SB0107ham002

LRB096 05740 AMC 40988 a

1 AMENDMENT TO SENATE BILL 107

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 107, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The High Speed Internet Services and  
6 Information Technology Act is amended by changing Sections 20  
7 and 25 as follows:

8 (20 ILCS 661/20)

9 Sec. 20. Duties of the enlisted nonprofit organization.

10 (a) The high speed Internet deployment strategy and demand  
11 creation initiative to be performed by the nonprofit  
12 organization shall include, but not be limited to, the  
13 following actions:

14 (1) Create a geographic statewide inventory of high  
15 speed Internet service and other relevant broadband and  
16 information technology services. The inventory shall:

1 (A) identify geographic gaps in high speed  
2 Internet service through a method of GIS mapping of  
3 service availability and GIS analysis at the census  
4 block level; ~~and~~

5 (B) provide a baseline assessment of statewide  
6 high speed Internet deployment in terms of percentage  
7 of Illinois households with high speed Internet  
8 availability; and ~~-~~

9 (C) collect from Facilities-based Providers of  
10 Broadband Connections to End User Locations the  
11 information provided pursuant to the agreements  
12 entered into with the non-profit organization as of the  
13 effective date of this amendatory Act of the 96th  
14 General Assembly or similar information from  
15 Facilities-based Providers of Broadband Connections to  
16 End User Locations that do not have the agreements on  
17 said date.

18 For the purposes of item (C), "Facilities-based  
19 Providers of Broadband Connections to End User  
20 Locations" shall have the same meaning as that term is  
21 defined in Section 13-407 of the Public Utilities Act.

22 (2) Track and identify, through customer interviews  
23 and surveys and other publicly available sources,  
24 statewide residential and business adoption of high speed  
25 Internet, computers, and related information technology  
26 and any barriers to adoption.

1           (3) Build and facilitate in each county or designated  
2 region a local technology planning team with members  
3 representing a cross section of the community, including,  
4 but not limited to, representatives of business, K-12  
5 education, health care, libraries, higher education,  
6 community-based organizations, local government, tourism,  
7 parks and recreation, and agriculture. Each team shall  
8 benchmark technology use across relevant community  
9 sectors, set goals for improved technology use within each  
10 sector, and develop a plan for achieving its goals, with  
11 specific recommendations for online application  
12 development and demand creation.

13           (4) Collaborate with high speed Internet providers and  
14 technology companies to encourage deployment and use,  
15 especially in underserved areas, by aggregating local  
16 demand, mapping analysis, and creating market intelligence  
17 to improve the business case for providers to deploy.

18           (5) Collaborate with the Department in developing a  
19 program to increase computer ownership and broadband  
20 access for disenfranchised populations across the State.  
21 The program may include grants to local community  
22 technology centers that provide technology training,  
23 promote computer ownership, and increase broadband access.

24           (6) Collaborate with the Department and the Illinois  
25 Commerce Commission regarding the collection of the  
26 information required by this Section to assist in

1       monitoring and analyzing the broadband markets and the  
2       status of competition and deployment of broadband services  
3       to consumers in the State, including the format of  
4       information requested, provided the Commission enters into  
5       the proprietary and confidentiality agreements governing  
6       such information.

7       (b) The nonprofit organization may apply for federal grants  
8 consistent with the objectives of this Act.

9       (c) The Department of Commerce and Economic Opportunity  
10 shall use the funds in the High Speed Internet Services and  
11 Information Technology Fund to (1) provide grants to the  
12 nonprofit organization enlisted under this Act and (2) for any  
13 costs incurred by the Department to administer this Act.

14       (d) The nonprofit organization shall have the power to  
15 obtain or to raise funds other than the grants received from  
16 the Department under this Act.

17       (e) The nonprofit organization and its Board of Directors  
18 shall exist separately and independently from the Department  
19 and any other governmental entity, but shall cooperate with  
20 other public or private entities it deems appropriate in  
21 carrying out its duties.

22       (f) Notwithstanding anything in this Act or any other Act  
23 to the contrary, any information that is designated  
24 confidential or proprietary by an entity providing the  
25 information to the nonprofit organization or any other entity  
26 to accomplish the objectives of this Act shall be deemed

1 confidential, proprietary, and a trade secret and treated by  
2 the nonprofit organization or anyone else possessing the  
3 information as such and shall not be disclosed.

4 (g) The nonprofit organization shall provide a report to  
5 the Commission on Government Forecasting and Accountability on  
6 an annual basis for the first 3 complete State fiscal years  
7 following its enlistment.

8 (Source: P.A. 95-684, eff. 10-19-07.)

9 (20 ILCS 661/25)

10 Sec. 25. Scope of authority. Nothing in this Act shall be  
11 construed as giving the Department of Commerce and Economic  
12 Opportunity, the nonprofit organization, or other entities any  
13 additional authority, regulatory or otherwise, over providers  
14 of telecommunications, broadband, and information technology.  
15 However, the Department shall have the authority to require  
16 Facilities-based Providers of Broadband Connections to End  
17 User Locations to provide information pursuant to subsection  
18 (c) of Section 20. Upon request, any and all information  
19 collected pursuant to subsection (c) of Section 20 that is  
20 provided to the enlisted nonprofit organization shall be  
21 provided to the Department, provided the Department enters into  
22 the proprietary and confidentiality agreements governing such  
23 information.

24 (Source: P.A. 95-684, eff. 10-19-07.)

1 Section 10. The Public Utilities Act is amended by changing  
2 Sections 13-101, 13-202, 13-301, 13-406, 13-407, 13-503,  
3 13-505, 13-509, 13-703, 13-704, 13-712, 13-1200, and 22-501 and  
4 by adding Sections 13-234, 13-235, 13-401.1, 13-506.2, 13-804,  
5 13-900.1, and 13-900.2 as follows:

6 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

7 (Section scheduled to be repealed on July 1, 2010)

8 Sec. 13-101. Application of Act to telecommunications  
9 rates and services. Except to the extent modified or  
10 supplemented by the specific provisions of this Article, the  
11 Sections of this Act pertaining to public utilities, public  
12 utility rates and services, and the regulation thereof, are  
13 fully and equally applicable to noncompetitive  
14 telecommunications rates and services, and the regulation  
15 thereof, except where the context clearly renders such  
16 provisions inapplicable. Except to the extent modified or  
17 supplemented by the specific provisions of this Article,  
18 Articles I through V, Sections 8-301, 8-305, 8-502, 8-503,  
19 8-505, 8-509, 8-509.5, 8-510, 9-221, 9-222, 9-222.1, 9-222.2,  
20 9-250, and 9-252.1, and Article ~~Articles X and XI~~ of this Act  
21 are fully and equally applicable to competitive  
22 telecommunications rates and services, and the regulation  
23 thereof except that Section 9-250 shall not apply to  
24 competitive retail telecommunications services; in addition,  
25 as to competitive telecommunications rates and services, and

1 the regulation thereof, and with the exception of competitive  
2 retail telecommunications service rates and services, all  
3 rules and regulations made by a telecommunications carrier  
4 affecting or pertaining to its charges or service ~~to the public~~  
5 shall be just and reasonable, ~~provided that nothing in this~~  
6 ~~Section shall be construed to prevent a telecommunications~~  
7 ~~carrier from accepting payment electronically or by the use of~~  
8 ~~a customer preferred financially accredited credit or debit~~  
9 ~~methodology.~~ As of the effective date of this amendatory Act of  
10 the 92nd General Assembly, Sections 4-202, 4-203, and 5-202 of  
11 this Act shall cease to apply to telecommunications rates and  
12 services.

13 (Source: P.A. 92-22, eff. 6-30-01.)

14 (220 ILCS 5/13-202) (from Ch. 111 2/3, par. 13-202)

15 (Section scheduled to be repealed on July 1, 2010)

16 Sec. 13-202. "Telecommunications carrier" means and  
17 includes every corporation, company, association, joint stock  
18 company or association, firm, partnership or individual, their  
19 lessees, trustees or receivers appointed by any court  
20 whatsoever that owns, controls, operates or manages, within  
21 this State, directly or indirectly, for public use, any plant,  
22 equipment or property used or to be used for or in connection  
23 with, or owns or controls any franchise, license, permit or  
24 right to engage in the provision of, telecommunications  
25 services between points within the State which are specified by

1 the user. "Telecommunications carrier" includes an Electing  
2 Provider, as defined in Section 13-506.2. Telecommunications  
3 carrier does not include, however:

4 (a) telecommunications carriers that are owned and  
5 operated by any political subdivision, public or private  
6 institution of higher education or municipal corporation of  
7 this State, for their own use, or telecommunications carriers  
8 that are owned by such political subdivision, public or private  
9 institution of higher education, or municipal corporation and  
10 operated by any of its lessees or operating agents, for their  
11 own use;

12 (b) telecommunications carriers which are purely mutual  
13 concerns, having no rates or charges for services, but paying  
14 the operating expenses by assessment upon the members of such a  
15 company and no other person but does include telephone or  
16 telecommunications cooperatives as defined in Section 13-212;

17 (c) a company or person which provides telecommunications  
18 services solely to itself and its affiliates or members or  
19 between points in the same building, or between closely located  
20 buildings, affiliated through substantial common ownership,  
21 control or development; or

22 (d) a company or person engaged in the delivery of  
23 community antenna television services as described in  
24 subdivision (c) of Section 13-203, except with respect to the  
25 provision of telecommunications services by that company or  
26 person.



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

2 (220 ILCS 5/13-234 new)

3 (Section scheduled to be repealed on July 1, 2010)

4 Sec. 13-234. Interconnected voice over Internet protocol  
5 service. "Interconnected voice over Internet protocol service"  
6 or "Interconnected VoIP service" has the meaning prescribed in  
7 47 CFR 9.3 as defined on the effective date of this amendatory  
8 Act of the 96th General Assembly or as the amended thereafter.

9 (220 ILCS 5/13-235 new)

10 (Section scheduled to be repealed on July 1, 2010)

11 Sec. 13-235. Interconnected voice over Internet protocol  
12 provider. "Interconnected voice over Internet protocol  
13 provider" or "Interconnected VoIP provider" means and includes  
14 every corporation, company, association, joint stock company  
15 or association, firm, partnership, or individual, their  
16 lessees, trustees, or receivers appointed by any court  
17 whatsoever that owns, controls, operates, manages, or provides  
18 within this State, directly or indirectly, Interconnected  
19 voice over Internet protocol service.

20 (220 ILCS 5/13-301) (from Ch. 111 2/3, par. 13-301)

21 (Section scheduled to be repealed on July 1, 2010)

22 Sec. 13-301. Duties of the Commission.

23 (1) Consistent with the findings and policy established in

1 paragraph (a) of Section 13-102 and paragraph (a) of Section  
2 13-103, and in order to ensure the attainment of such policies,  
3 the Commission shall:

4 (a) participate in all federal programs intended to  
5 preserve or extend universal telecommunications service,  
6 unless such programs would place cost burdens on Illinois  
7 customers of telecommunications services in excess of the  
8 benefits they would receive through participation,  
9 provided, however, the Commission shall not approve or  
10 permit the imposition of any surcharge or other fee  
11 designed to subsidize or provide a waiver for subscriber  
12 line charges; and shall report on such programs together  
13 with an assessment of their adequacy and the advisability  
14 of participating therein in its annual report to the  
15 General Assembly, or more often as necessary;

16 (b) (Blank) ~~establish a program to monitor the level of~~  
17 ~~telecommunications subscriber connection within each~~  
18 ~~exchange in Illinois, and shall report the results of such~~  
19 ~~monitoring and any actions it has taken or recommends be~~  
20 ~~taken to maintain and increase such levels in its annual~~  
21 ~~report to the General Assembly, or more often if necessary;~~

22 (c) order all telecommunications carriers offering or  
23 providing local exchange telecommunications service to  
24 propose low-cost or budget service tariffs and any other  
25 rate design or pricing mechanisms designed to facilitate  
26 customer access to such telecommunications service,

1 provided that services offered by any telecommunications  
2 carrier at the rates, terms, and conditions specified in  
3 Section 13-506.2 or Section 13-518 of this Article shall  
4 constitute compliance with this Section. A  
5 telecommunications carrier may seek Commission approval of  
6 other low-cost or budget service tariffs or rate design or  
7 pricing mechanisms to comply with this Section and shall  
8 ~~after notice and hearing, implement any such proposals~~  
9 ~~which it finds likely to achieve such purpose;~~

10 (d) investigate the necessity of and, if appropriate,  
11 establish a universal service support fund from which local  
12 exchange telecommunications carriers who pursuant to the  
13 Twenty-Seventh Interim Order of the Commission in Docket  
14 No. 83-0142 or the orders of the Commission in Docket No.  
15 97-0621 and Docket No. 98-0679 received funding and whose  
16 economic costs of providing services for which universal  
17 service support may be made available exceed the affordable  
18 rate established by the Commission for such services may be  
19 eligible to receive support, less any federal universal  
20 service support received for the same or similar costs of  
21 providing the supported services; provided, however, that  
22 if a universal service support fund is established, the  
23 Commission shall require that all costs of the fund be  
24 recovered from all local exchange and interexchange  
25 telecommunications carriers certificated in Illinois on a  
26 competitively neutral and nondiscriminatory basis. In

1 establishing any such universal service support fund, the  
2 Commission shall, in addition to the determination of costs  
3 for supported services, consider and make findings  
4 pursuant to subsection (2) paragraphs ~~(1), (2), and (4)~~ of  
5 ~~item (e)~~ of this Section. Proxy cost, as determined by the  
6 Commission, may be used for this purpose. In determining  
7 cost recovery for any universal service support fund, the  
8 Commission shall not permit recovery of such costs from  
9 another certificated carrier for any service purchased and  
10 used solely as an input to a service provided to such  
11 certificated carrier's retail customers.  ~~and~~

12 (2) ~~(e)~~ ~~investigate the necessity of and, if appropriate,~~  
13 ~~establish a universal service support fund in addition to any~~  
14 ~~fund that may be established pursuant to item (d) of this~~  
15 ~~Section; provided, however, that if a telecommunications~~  
16 ~~carrier receives universal service support pursuant to item (d)~~  
17 ~~of this Section, that telecommunications carrier shall not~~  
18 ~~receive universal service support pursuant to this item.~~  
19 ~~Recipients of any universal service support funding created by~~  
20 ~~this item shall be "eligible" telecommunications carriers, as~~  
21 ~~designated by the Commission in accordance with 47 U.S.C.~~  
22 ~~214(e)(2). Eligible telecommunications carriers providing~~  
23 ~~local exchange telecommunications service may be eligible to~~  
24 ~~receive support for such services, less any federal universal~~  
25 ~~service support received for the same or similar costs of~~  
26 ~~providing the supported services. If a fund is established, the~~

1 ~~Commission shall require that the costs of such fund be~~  
2 ~~recovered from all telecommunications carriers, with the~~  
3 ~~exception of wireless carriers who are providers of two-way~~  
4 ~~cellular telecommunications service and who have not been~~  
5 ~~designated as eligible telecommunications carriers, on a~~  
6 ~~competitively neutral and non discriminatory basis.~~ In any  
7 order creating a fund pursuant to paragraph (d) of subsection  
8 (1) this item, the Commission, after notice and hearing, shall:

9       (a) ~~(1)~~ Define the group of services to be declared  
10 "supported telecommunications services" that constitute  
11 "universal service". This group of services shall, at a  
12 minimum, include those services as defined by the Federal  
13 Communications Commission and as from time to time amended.  
14 In addition, the Commission shall consider the range of  
15 services currently offered by telecommunications carriers  
16 offering local exchange telecommunications service, the  
17 existing rate structures for the supported  
18 telecommunications services, and the telecommunications  
19 needs of Illinois consumers in determining the supported  
20 telecommunications services. The Commission shall, from  
21 time to time or upon request, review and, if appropriate,  
22 revise the group of Illinois supported telecommunications  
23 services and the terms of the fund to reflect changes or  
24 enhancements in telecommunications needs, technologies,  
25 and available services.

26       (b) ~~(2)~~ Identify all implicit subsidies contained in

1 rates or charges of incumbent local exchange carriers,  
2 including all subsidies in interexchange access charges,  
3 and determine how such subsidies can be made explicit by  
4 the creation of the fund.

5 ~~(3) Identify the incumbent local exchange carriers'~~  
6 ~~economic costs of providing the supported~~  
7 ~~telecommunications services.~~

8 (c) ~~(4)~~ Establish an affordable price for the supported  
9 telecommunications services for the respective incumbent  
10 local exchange carrier. The affordable price shall be no  
11 less than the rates in effect at the time the Commission  
12 creates a fund pursuant to this item. The Commission may  
13 establish and utilize indices or models for updating the  
14 affordable price for supported telecommunications  
15 services.

16 ~~(5) Identify the telecommunications carriers from whom~~  
17 ~~the costs of the fund shall be recovered and the mechanism~~  
18 ~~to be used to determine and establish a competitively~~  
19 ~~neutral and non-discriminatory funding basis. From time to~~  
20 ~~time, or upon request, the Commission shall consider~~  
21 ~~whether, based upon changes in technology or other factors,~~  
22 ~~additional telecommunications providers should contribute~~  
23 ~~to the fund. The Commission shall establish the basis upon~~  
24 ~~which telecommunications carriers contributing to the fund~~  
25 ~~shall recover contributions on a competitively neutral and~~  
26 ~~non-discriminatory basis. In determining cost recovery for~~

1       ~~any universal support fund, the Commission shall not permit~~  
2       ~~recovery of such costs from another certificated carrier~~  
3       ~~for any service purchased and used solely as an input to a~~  
4       ~~service provided to such certificated carriers' retail~~  
5       ~~customers.~~

6       ~~(6) Approve a plan for the administration and operation~~  
7       ~~of the fund by a neutral third party consistent with the~~  
8       ~~requirements of this item.~~

9       ~~No fund shall be created pursuant to this item until~~  
10      ~~existing implicit subsidies, including, but not limited to,~~  
11      ~~those subsidies contained in interexchange access charges,~~  
12      ~~have been identified and eliminated through revisions to rates~~  
13      ~~or charges. Prior to May 1, 2000, such revisions to rates or~~  
14      ~~charges to eliminate implicit subsidies shall occur~~  
15      ~~contemporaneously with any funding established pursuant to~~  
16      ~~this item. However, if the Commission does not establish a~~  
17      ~~universal service support fund by May 1, 2000, the Commission~~  
18      ~~shall not be prevented from entering an order or taking other~~  
19      ~~actions to reduce or eliminate existing subsidies as well as~~  
20      ~~considering the effect of such reduction or elimination on~~  
21      ~~local exchange carriers.~~

22      ~~Any telecommunications carrier providing local exchange~~  
23      ~~telecommunications service which offers to its local exchange~~  
24      ~~customers a choice of two or more local exchange~~  
25      ~~telecommunications service offerings shall provide, to any~~  
26      ~~such customer requesting it, once a year without charge, a~~

1 ~~report describing which local exchange telecommunications~~  
2 ~~service offering would result in the lowest bill for such~~  
3 ~~customer's local exchange service, based on such customer's~~  
4 ~~calling pattern and usage for the previous 6 months. At least~~  
5 ~~once a year, each such carrier shall provide a notice to each~~  
6 ~~of its local exchange telecommunications service customers~~  
7 ~~describing the availability of this report and the specific~~  
8 ~~procedures by which customers may receive it. Such report shall~~  
9 ~~only be available to current and future customers who have~~  
10 ~~received at least 6 months of continuous local exchange service~~  
11 ~~from such carrier.~~

12 (Source: P.A. 91-636, eff. 8-20-99.)

13 (220 ILCS 5/13-401.1 new)

14 (Section scheduled to be repealed on July 1, 2010)

15 Sec. 13-401.1. Interconnected voice over Internet protocol  
16 (VoIP) service provider registration.

17 (a) An Interconnected VoIP provider providing fixed or  
18 non-nomadic service in Illinois on December 1, 2010 shall  
19 register with the Commission no later than January 1, 2011. All  
20 other Interconnected VoIP providers providing fixed or  
21 non-nomadic service in Illinois shall register with the  
22 Commission at least 30 days before providing service in  
23 Illinois. The Commission shall prescribe a registration form no  
24 later than October 1, 2010. The registration form prescribed by  
25 the Commission shall only require the following information:



1           (1) the provider's legal name and any name under which  
2           the provider does or will do business in Illinois, as  
3           authorized by the Secretary of State;

4           (2) the provider's address and telephone number, along  
5           with contact information for the person responsible for  
6           ongoing communications with the Commission;

7           (3) a description of the provider's dispute resolution  
8           process and, if any, the telephone number to initiate the  
9           dispute resolution process; and

10           (4) a description of each exchange of a local exchange  
11           company, in whole or in part, or the cities, towns, or  
12           geographic areas, in whole or in part, in which the  
13           provider is offering or proposes to offer Interconnected  
14           VoIP service.

15           A provider must notify the Commission of any change in the  
16           information identified in paragraphs (1), (2), (3), or (4) of  
17           this subsection (a) within 5 business days after any such  
18           change.

19           (b) A provider shall charge and collect from its end-user  
20           customers, and remit to the appropriate authority, fees and  
21           surcharges in the same manner as are charged and collected upon  
22           end-user customers of local exchange telecommunications  
23           service and remitted by local exchange telecommunications  
24           companies for local enhanced 9-1-1 surcharges.

25           (c) A provider may designate information that it submits in  
26           its registration form or subsequent reports as confidential or

1 proprietary, provided that the provider states the reasons the  
2 confidential designation is necessary. The Commission shall  
3 provide adequate protection for such information pursuant to  
4 Section 4-404 of this Act. If the Commission or any other party  
5 seeks public disclosure of information designated as  
6 confidential, the Commission shall consider the confidential  
7 designation in a proceeding under the Illinois Administrative  
8 Procedure Act, and the burden of proof to demonstrate that the  
9 designated information is confidential shall be upon the  
10 provider. Designated information shall remain confidential  
11 pending the Commission's determination of whether the  
12 information is entitled to confidential treatment. Information  
13 designated as confidential shall be provided to local units of  
14 government for purposes of assessing compliance with this  
15 Article as permitted under a protective order issued by the  
16 Commission pursuant to the Commission's rules and to the  
17 Attorney General pursuant to Section 6.5 of the Attorney  
18 General Act. Information designated as confidential under this  
19 Section or determined to be confidential upon Commission review  
20 shall only be disclosed pursuant to a valid and enforceable  
21 subpoena or court order or as required by the Freedom of  
22 Information Act.

23 (d) Notwithstanding any other provision of law to the  
24 contrary, the Commission shall have the authority, after notice  
25 and hearing, to revoke or suspend the registration of any  
26 provider that fails to comply with the requirements of this

1 Section.

2 (e) The provisions of this Section are severable under  
3 Section 1.31 of the Statute on Statutes.

4 (220 ILCS 5/13-406) (from Ch. 111 2/3, par. 13-406)

5 (Section scheduled to be repealed on July 1, 2010)

6 Sec. 13-406. Abandonment of service. No telecommunications  
7 carrier offering or providing noncompetitive  
8 telecommunications service pursuant to a valid Certificate of  
9 Service Authority or certificate of public convenience and  
10 necessity shall discontinue or abandon such service once  
11 initiated until and unless it shall demonstrate, and the  
12 Commission finds, after notice and hearing, that such  
13 discontinuance or abandonment will not deprive customers of any  
14 necessary or essential telecommunications service or access  
15 thereto and is not otherwise contrary to the public interest.  
16 No telecommunications carrier offering or providing  
17 competitive telecommunications service shall completely  
18 discontinue or abandon such service to an identifiable class or  
19 group of customers once initiated except upon 60 ~~30~~ days notice  
20 to the Commission and affected customers. The Commission may,  
21 upon its own motion or upon complaint, investigate the proposed  
22 discontinuance or abandonment of a competitive  
23 telecommunications service and may, after notice and hearing,  
24 prohibit such proposed discontinuance or abandonment if the  
25 Commission finds that it would be contrary to the public

1 interest. If the Commission does not provide notice of a  
2 hearing within 60 calendar days after the notification or holds  
3 a hearing and fails to find that the proposed discontinuation  
4 or abandonment would be contrary to the public interest, the  
5 provider may discontinue or abandon such service after  
6 providing at least 30 days notice to affected customers.

7 (Source: P.A. 84-1063.)

8 (220 ILCS 5/13-407) (from Ch. 111 2/3, par. 13-407)

9 (Section scheduled to be repealed on July 1, 2010)

10 Sec. 13-407. Commission study and report. The Commission  
11 shall monitor and analyze patterns of entry and exit and  
12 changes in patterns of entry and exit for each relevant market  
13 for telecommunications services, including emerging high speed  
14 telecommunications markets and broadband services. The  
15 Commission, and shall include its findings together with  
16 appropriate recommendations for legislative action in its  
17 annual report to the General Assembly. The Commission shall  
18 provide an analysis of entry and exit, along with changes in  
19 patterns of entry and exit, for broadband services in its  
20 annual report to the General Assembly.

21 In preparing its annual report, the Commission may obtain  
22 any information on broadband services that has been collected  
23 or is in the possession of the Department of Commerce and  
24 Economic Opportunity pursuant to the High Speed Internet  
25 Services and Information Technology Act. The Commission shall

1 coordinate with the Department of Commerce and Economic  
2 Opportunity in collecting information to avoid a duplication of  
3 efforts.

4 The Commission shall also monitor and analyze the status of  
5 deployment of services to consumers, and any resulting "digital  
6 divisions" between consumers, including any changes or trends  
7 therein. The Commission shall include its findings together  
8 with appropriate recommendations for legislative action in its  
9 annual report to the General Assembly. In preparing this  
10 analysis the Commission shall evaluate information provided by  
11 certificated telecommunications carriers, registered  
12 Interconnected VoIP providers, and Facilities-based Providers  
13 of Broadband Connections to End User Locations that pertains to  
14 the state of competition in telecommunications markets  
15 including, but not limited to:

16 (1) the number and type of firms providing  
17 telecommunications services and ~~, including~~ broadband  
18 ~~telecommunications~~ services, within the State;

19 (2) the ~~telecommunications~~ services offered by these  
20 firms to both retail and wholesale customers;

21 (3) the extent to which customers and other providers  
22 are purchasing the firms' ~~telecommunications~~ services; and

23 (4) the technologies or methods by which these firms  
24 provide these services, including descriptions of  
25 technologies in place and under development, and the degree  
26 to which firms rely on other wholesale providers to provide

1 service to their own customers. ~~and~~

2 ~~(5) the tariffed retail and wholesale prices for~~  
3 ~~services provided by these firms.~~

4 The Commission shall at a minimum assess the variability in  
5 this information according to geography, examining variability  
6 by exchange, wirecenter, or zip code, and by customer class,  
7 examining, at a minimum, the variability between residential  
8 and small, medium, and large business customers. The Commission  
9 shall provide an analysis of market trends by collecting this  
10 information from certificated telecommunications carriers,  
11 registered Interconnected VoIP providers, and Facilities-based  
12 Providers of Broadband Connections to End User Locations ~~firms~~  
13 ~~providing telecommunications services~~ within the State. The  
14 Commission shall also collect all information, in a format  
15 determined by the Commission, that the Commission deems  
16 necessary to assist in monitoring and analyzing the  
17 telecommunications markets and broadband market, along with  
18 ~~and~~ the status of competition and deployment of  
19 telecommunications services and broadband services to  
20 consumers in the State.

21 Notwithstanding any other provision in this Act,  
22 certificated telecommunications carriers, registered  
23 Interconnected VoIP providers, and Facilities-based Providers  
24 of Broadband Connections to End User Locations shall report to  
25 the Commission any information requested by the Commission that  
26 the Commission deems necessary to perform its responsibilities

1 under this Section. The Commission may coordinate and work with  
2 the Department of Commerce and Economic Opportunity to avoid  
3 duplication of collection of information that is collected  
4 pursuant to the High Speed Internet Services and Information  
5 Technology Act.

6 For the purposes of this Section:

7 (1) "Broadband connections" include wired lines or  
8 wireless channels that enable the end user to receive  
9 information from or send information to the Internet at  
10 information transfer rates exceeding 200 kbps in at least  
11 one direction.

12 (2) "End user" includes a residential, business,  
13 institutional, or government entity who uses broadband  
14 services for its own purposes and who does not resell such  
15 services to other entities or incorporate such services  
16 into retail Internet-access services. For purposes of this  
17 Section, an Internet Service Provider (ISP) is not an end  
18 user of a broadband connection.

19 (3) "Facilities-based Provider of Broadband  
20 Connections to End User Locations" means an entity that  
21 meets any of the following conditions:

22 (1) It owns the portion of the physical facility  
23 that terminates at the end user location.

24 (2) It obtains unbundled network elements (UNEs),  
25 special access lines, or other leased facilities that  
26 terminate at the end user location and provisions or

1           equips them as broadband.

2           (3) It provisions or equips a broadband wireless  
3           channel to the end user location over licensed or  
4           unlicensed spectrum.

5           "Facilities-based Provider of Broadband Connections to  
6           End User Locations" does not include providers of  
7           terrestrial fixed wireless services (such as Wi-Fi and  
8           other wireless Ethernet, or wireless local area network,  
9           applications) that only enable local distribution and  
10           sharing of a premises broadband facility and does not  
11           include air-to-ground services.

12        (Source: P.A. 92-22, eff. 6-30-01.)

13           (220 ILCS 5/13-503) (from Ch. 111 2/3, par. 13-503)

14           (Section scheduled to be repealed on July 1, 2010)

15           Sec. 13-503. Information available to the public. With  
16           respect to rates or other charges made, demanded or received  
17           for any telecommunications service offered, provided or to be  
18           provided, whether such service is competitive or  
19           noncompetitive, telecommunications carriers shall comply with  
20           the publication and filing provisions of Sections 9-101, 9-102,  
21           and 9-103. Telecommunications carriers shall make all tariffs  
22           available electronically to the public without requiring a  
23           password or other means of registration. A telecommunications  
24           carrier's website shall, if applicable, provide in a  
25           conspicuous manner information on the rates, charges, terms,



1 and conditions of service available and a toll-free telephone  
2 number that may be used to contact an agent for assistance with  
3 obtaining rate or other charge information or the terms and  
4 conditions of service.

5 (Source: P.A. 84-1063.)

6 (220 ILCS 5/13-505) (from Ch. 111 2/3, par. 13-505)

7 (Section scheduled to be repealed on July 1, 2010)

8 Sec. 13-505. Rate changes; competitive services. ~~(a)~~ Any  
9 proposed increase or decrease in rates or charges, or proposed  
10 change in any classification or tariff resulting in an increase  
11 or decrease in rates or charges, for a competitive  
12 telecommunications service shall be permitted upon the filing  
13 of the proposed rate, charge, classification, or tariff. Notice  
14 ~~Prior notice~~ of an increase shall be given, no later than the  
15 prior billing cycle, to all potentially affected customers by  
16 mail, publication in a newspaper of general circulation, or  
17 equivalent means of notice, including electronic if the  
18 customer has elected electronic billing.

19 ~~(b) If a hearing is held pursuant to Section 9-250~~  
20 ~~regarding the reasonableness of an increase in the rates or~~  
21 ~~charges of a competitive local exchange service, then the~~  
22 ~~telecommunications carrier providing the service shall have~~  
23 ~~the burden of proof to establish the justness and~~  
24 ~~reasonableness of the proposed rate or charge.~~

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

1 (220 ILCS 5/13-506.2 new)

2 (Section scheduled to be repealed on July 1, 2010)

3 Sec. 13-506.2. Market regulation for competitive retail  
4 services.

5 (a) Definitions. As used in this Section:

6 (1) "Electing Provider" means a telecommunications  
7 carrier that is subject to either rate regulation pursuant  
8 to Section 13-504 or Section 13-505 or alternative  
9 regulation pursuant to Section 13-506.1 and that elects to  
10 have the rates, terms, and conditions of its competitive  
11 retail telecommunications services solely determined and  
12 regulated pursuant to the terms of this Article.

13 (2) "Basic local exchange service" means either a  
14 stand-alone residence network access line and per-call  
15 usage or, for any geographic area in which such stand-alone  
16 service is not offered, a stand-alone flat rate residence  
17 network access line for which local calls are not charged  
18 for frequency or duration. Extended Area Service shall be  
19 included in basic local exchange service.

20 (b) Election for market regulation. Notwithstanding any  
21 other provision of this Act, an Electing Provider may elect to  
22 have the rates, terms, and conditions of its competitive retail  
23 telecommunications services solely determined and regulated  
24 pursuant to the terms of this Section by filing written notice  
25 of its election for market regulation with the Commission. The

1 notice of election shall designate the geographic area of the  
2 Electing Provider's service territory where the market  
3 regulation shall apply, either on a state-wide basis or in one  
4 or more specified Market Service Areas ("MSA") or Exchange  
5 areas. An Electing Provider shall not make an election for  
6 market regulation under this Section unless it commits in its  
7 written notice of election for market regulation to fulfill the  
8 conditions and requirements in this Section in each geographic  
9 area in which market regulation is elected. Immediately upon  
10 filing the notice of election for market regulation, the  
11 Electing Provider shall be subject to the jurisdiction of the  
12 Commission to the extent expressly provided in this Section.

13 (c) Competitive classification. Market regulation shall  
14 only be available for competitive retail telecommunications  
15 services as provided in this subsection.

16 (1) For geographic areas in which telecommunications  
17 services provided by the Electing Provider were classified  
18 as competitive either through legislative action or a  
19 tariff filing pursuant to Section 13-502 prior to January  
20 1, 2010, and that are included in the Electing Provider's  
21 notice of election pursuant to subsection (b) of this  
22 Section, such services, and all recurring and nonrecurring  
23 charges associated with, related to or used in connection  
24 with such services, shall be classified as competitive  
25 without further Commission review. For services classified  
26 as competitive pursuant to this subsection, the

1 requirements or conditions in any order or decision  
2 rendered by the Commission pursuant to Section 13-502 prior  
3 to the effective date of this amendatory Act of the 96th  
4 General Assembly, except for the commitments made by the  
5 Electing Provider in such order or decision concerning the  
6 optional packages required in subsection (d) of this  
7 Section and basic local exchange service as defined in this  
8 Section, shall no longer be in effect and no Commission  
9 investigation, review, or proceeding under Section 13-502  
10 shall be continued, conducted, or maintained with respect  
11 to such services, charges, requirements, or conditions.

12 (2) For those geographic areas in which residential  
13 local exchange telecommunications services have not been  
14 classified as competitive as of the effective date of this  
15 amendatory Act of the 96th General Assembly, all  
16 telecommunications services provided to residential and  
17 business end users by an Electing Provider in the  
18 geographic area that is included in its notice of election  
19 pursuant to subsection (b) shall be classified as  
20 competitive for purposes of this Article without further  
21 Commission review.

22 (3) If an Electing Provider was previously subject to  
23 alternative regulation pursuant to Section 13-506.1 of  
24 this Article, the alternative regulation plan shall  
25 terminate in whole for all services subject to that plan  
26 and be of no force or effect, without further Commission

1 review or action, when the Electing Provider's residential  
2 local exchange telecommunications service in each MSA in  
3 its telecommunications service area in the State has been  
4 classified as competitive pursuant to either subdivision  
5 (c) (1) or (c) (2) of this Section.

6 (4) The service packages described in Section 13-518  
7 shall be classified as competitive for purposes of this  
8 Section if offered by an Electing Provider in a geographic  
9 area in which local exchange telecommunications service  
10 has been classified as competitive pursuant to either  
11 subdivision (c) (1) or (c) (2) of this Section.

12 (d) Consumer choice safe harbor options.

13 (1) An Electing Provider in each of the MSA or Exchange  
14 areas classified as competitive pursuant to subdivision  
15 (c) (1) or (c) (2) of this Section shall offer to all  
16 residential customers who choose to subscribe the  
17 following optional packages of services priced at the same  
18 rate levels in effect on January 1, 2010

19 (A) A basic package, which shall consist of a  
20 stand-alone residential network access line and 30  
21 local calls. If the Electing Provider offers a  
22 stand-alone residential access line and local usage on  
23 a per call basis, the price for the basic package shall  
24 be the Electing Provider's applicable price in effect  
25 on January 1, 2010 for the sum of a residential access  
26 line and 30 local calls, additional calls over 30 calls

1       shall be provided at the current per call rate.  
2       However, this basic package is not required if  
3       stand-alone residential network access lines or  
4       per-call local usage are not offered by the Electing  
5       Provider in the geographic area on January 1, 2010 or  
6       if the Electing Provider has not increased its  
7       stand-alone network access line and local usage rates,  
8       including Extended Area Service rates, since January  
9       1, 2010.

10       (B) An extra package, which shall consist of  
11       residential basic local exchange network access line  
12       and unlimited local calls. The price for the extra  
13       package shall be the Electing Provider's applicable  
14       price in effect on January 1, 2010 for a residential  
15       access line with unlimited local calls.

16       (C) A plus package, which shall consist of  
17       residential basic local exchange network access line,  
18       unlimited local calls, and the customer's choice of 2  
19       vertical services offered by the Electing Provider.  
20       The term "vertical services" as used in this  
21       subsection, includes, but is not limited to, call  
22       waiting, call forwarding, 3-way calling, caller ID,  
23       call tracing, automatic callback, repeat dialing, and  
24       voicemail. The price for the plus package shall be the  
25       Electing Provider's applicable price in effect on  
26       January 1, 2010 for the sum of a residential access

1           line with unlimited local calls and 2 times the average  
2           price for the vertical features included in the  
3           package.

4           (2) For those geographic areas in which local exchange  
5           telecommunications services were classified as competitive  
6           on the effective date of this amendatory Act of the 96th  
7           General Assembly an Electing Provider in each such MSA or  
8           Exchange area shall be subject to the same terms and  
9           conditions as provided in commitments made by the Electing  
10           Provider in connection with such previous competitive  
11           classifications, which shall apply with equal force under  
12           this Section, except as follows: (i) the limits on price  
13           increases on the optional packages required by this Section  
14           shall be extended consistent with subsection (d)(1) of this  
15           Section and (ii) the price for the extra package required  
16           by subsection (d)(1)(B) shall be reduced by one dollar from  
17           the price in effect on January 1, 2010. In addition, if an  
18           Electing Provider obtains a competitive classification  
19           pursuant to subsection (c)(1) and (c)(2), the price for the  
20           optional packages shall be determined in such area in  
21           compliance with subsection (d)(1), except the price for the  
22           plus package required by subsection (d)(1) C) shall be the  
23           lower of the price for such area or the price of the plus  
24           package in effect on January 1, 2010 for areas classified  
25           as competitive pursuant to subsection (c)(1).

26           (3) To the extent that the requirements in Section

1       13-518 applied to a telecommunications carrier prior to the  
2       effective date of this Section and that telecommunications  
3       carrier becomes an Electing Provider in accordance with the  
4       provisions of this Section, the requirements in Section  
5       13-518 shall cease to apply to that Electing Provider in  
6       those geographic areas included in the Electing Provider's  
7       notice of election pursuant to subsection (b) of this  
8       Section.

9       (4) An Electing Provider shall make the optional  
10       packages required by this subsection and stand-alone  
11       residential network access lines and local usage, where  
12       offered, readily available to the public by providing  
13       information, in a clear manner, to residential customers.  
14       Information shall be made available on a website, and an  
15       Electing Provider shall provide notification to its  
16       customers every 6 months, provided that notification may  
17       consist of a bill page message that provides an objective  
18       description of the safe harbor options that includes a  
19       telephone number and website address where the customer may  
20       obtain additional information about the packages from the  
21       Electing Provider. The optional packages shall be offered  
22       on a monthly basis with no term of service requirement. An  
23       Electing Provider shall allow online electronic ordering  
24       of the optional packages and stand alone residential  
25       network access lines and local usage, where offered, on its  
26       website in a manner similar to the online electronic



1 ordering of its other residential services.

2 (5) An Electing Provider shall comply with the  
3 Commission's existing rules, regulations, and notices in  
4 Title 83, Part 735 of the Illinois Administrative Code when  
5 offering or providing the optional packages required by  
6 this subsection (d) and stand-alone residential network  
7 access lines.

8 (6) An Electing Provider shall provide to the  
9 Commission semi-annual subscribership reports as of June  
10 30 and December 31 that contain the number of its customers  
11 subscribing to each of the consumer choice safe harbor  
12 packages required by subsection (d)(1) of this Section and  
13 the number of its customers subscribing to retail  
14 residential basic local exchange service as defined in  
15 subsection (a)(2) of this Section. The first semi-annual  
16 reports shall be made on April 1, 2011 for December 31,  
17 2010, and on September 1, 2011 for June 30, 2011, and  
18 semi-annually on April 1 and September 1 thereafter. Such  
19 subscribership information shall be accorded confidential  
20 and proprietary treatment upon request by the Electing  
21 Provider.

22 (7) The Commission shall have the power, after notice  
23 and hearing as provided in this Article, upon complaint or  
24 upon its own motion, to take corrective action if the  
25 requirements of this Section are not complied with by an  
26 Electing Provider.

1       (e) Service quality and customer credits for basic local  
2 exchange service.

3       (1) An Electing Provider shall meet the following  
4 service quality standards in providing basic local  
5 exchange service, which for purposes of this subsection  
6 (e), includes both basic local exchange service and the  
7 consumer choice safe harbor options required by subsection  
8 (d) of this Section.

9       (A) Install basic local exchange service within 5  
10 business days after receipt of an order from the  
11 customer unless the customer requests an installation  
12 date that is beyond 5 business days after placing the  
13 order for basic service and to inform the customer of  
14 the Electing Provider's duty to install service within  
15 this timeframe. If installation of service is  
16 requested on or by a date more than 5 business days in  
17 the future, the Electing Provider shall install  
18 service by the date requested.

19       (B) Restore basic local exchange service for the  
20 customer within 30 hours after receiving notice that  
21 the customer is out of service.

22       (C) Keep all repair and installation appointments  
23 for basic local exchange service if a customer premises  
24 visit requires a customer to be present. The  
25 appointment window shall be either a specific time or,  
26 at a maximum, a 4-hour time block during evening,

1 weekend, and normal business hours.

2 (D) Inform a customer when a repair or installation  
3 appointment requires the customer to be present.

4 (2) Customers shall be credited by the Electing  
5 Provider for violations of basic local exchange service  
6 quality standards described in subdivision (e)(1) of this  
7 Section. The credits shall be applied automatically on the  
8 statement issued to the customer for the next monthly  
9 billing cycle following the violation or following the  
10 discovery of the violation. The next monthly billing cycle  
11 following the violation or the discovery of the violation  
12 means the billing cycle immediately following the billing  
13 cycle in process at the time of the violation or discovery  
14 of the violation, provided the total time between the  
15 violation or discovery of the violation and the issuance of  
16 the credit shall not exceed 60 calendar days. The Electing  
17 Provider is responsible for providing the credits and the  
18 customer is under no obligation to request such credits.  
19 The following credits shall apply:

20 (A) If an Electing Provider fails to repair an  
21 out-of-service condition for basic local exchange  
22 service within 30 hours, the Electing Provider shall  
23 provide a credit to the customer. If the service  
24 disruption is for more than 30 hours, but not more than  
25 48 hours, the credit must be equal to a pro-rata  
26 portion of the monthly recurring charges for all basic

1           local exchange services disrupted. If the service  
2           disruption is for more than 48 hours, but not more than  
3           72 hours, the credit must be equal to at least 33% of  
4           one month's recurring charges for all local services  
5           disrupted. If the service disruption is for more than  
6           72 hours, but not more than 96 hours, the credit must  
7           be equal to at least 67% of one month's recurring  
8           charges for all basic local exchange services  
9           disrupted. If the service disruption is for more than  
10           96 hours, but not more than 120 hours, the credit must  
11           be equal to one month's recurring charges for all basic  
12           local exchange services disrupted. For each day or  
13           portion thereof that the service disruption continues  
14           beyond the initial 120-hour period, the Electing  
15           Provider shall also provide an additional credit of \$20  
16           per calendar day.

17           (B) If an Electing Provider fails to install basic  
18           local exchange service as required under subdivision  
19           (e)(1) of this Section, the Electing Provider shall  
20           waive 50% of any installation charges, or in the  
21           absence of an installation charge or where  
22           installation is pursuant to the Link Up program, the  
23           Electing Provider shall provide a credit of \$25. If an  
24           Electing Provider fails to install service within 10  
25           business days after the service application is placed,  
26           or fails to install service within 5 business days

1       after the customer's requested installation date, if  
2       the requested date was more than 5 business days after  
3       the date of the order, the Electing Provider shall  
4       waive 100% of the installation charge, or in the  
5       absence of an installation charge or where  
6       installation is provided pursuant to the Link Up  
7       program, the Electing Provider shall provide a credit  
8       of \$50. For each day that the failure to install  
9       service continues beyond the initial 10 business days,  
10       or beyond 5 business days after the customer's  
11       requested installation date, if the requested date was  
12       more than 5 business days after the date of the order,  
13       the Electing Provider shall also provide an additional  
14       credit of \$20 per calendar day until the basic local  
15       exchange service is installed.

16       (C) If an Electing Provider fails to keep a  
17       scheduled repair or installation appointment when a  
18       customer premises visit requires a customer to be  
19       present as required under subdivision (e)(1) of this  
20       Section, the Electing Provider shall credit the  
21       customer \$25 per missed appointment. A credit required  
22       by this subdivision does not apply when the Electing  
23       Provider provides the customer notice of its inability  
24       to keep the appointment no later than 8:00 pm of the  
25       day prior to the scheduled date of the appointment.

26       (D) Credits required by this subsection do not

1           apply if the violation of a service quality standard:

2                   (i) occurs as a result of a negligent or  
3                   willful act on the part of the customer;

4                   (ii) occurs as a result of a malfunction of  
5                   customer-owned telephone equipment or inside  
6                   wiring;

7                   (iii) occurs as a result of, or is extended by,  
8                   an emergency situation as defined in 83 Ill. Adm.  
9                   Code 732.10;

10                   (iv) is extended by the Electing Provider's  
11                   inability to gain access to the customer's  
12                   premises due to the customer missing an  
13                   appointment, provided that the violation is not  
14                   further extended by the Electing Provider;

15                   (v) occurs as a result of a customer request to  
16                   change the scheduled appointment, provided that  
17                   the violation is not further extended by the  
18                   Electing Provider;

19                   (vi) occurs as a result of an Electing  
20                   Provider's right to refuse service to a customer as  
21                   provided in Commission rules; or

22                   (vii) occurs as a result of a lack of  
23                   facilities where a customer requests service at a  
24                   geographically remote location, where a customer  
25                   requests service in a geographic area where the  
26                   Electing Provider is not currently offering

1           service, or where there are insufficient  
2           facilities to meet the customer's request for  
3           service, subject to an Electing Provider's  
4           obligation for reasonable facilities planning.

5           (3) Each Electing Provider shall provide to the  
6           Commission on a quarterly basis and in a form suitable for  
7           posting on the Commission's website in conformance with the  
8           rules adopted by the Commission and in effect on April 1,  
9           2010, a public report that includes the following data for  
10          basic local exchange service quality of service:

11           (A) With regard to credits due in accordance with  
12           subdivision (e) (2) (A) as a result of out-of-service  
13           conditions lasting more than 30 hours:

14                   (i) the total dollar amount of any customer  
15                   credits paid;

16                   (ii) the number of credits issued for repairs  
17                   between 30 and 48 hours;

18                   (iii) the number of credits issued for repairs  
19                   between 49 and 72 hours;

20                   (iv) the number of credits issued for repairs  
21                   between 73 and 96 hours;

22                   (v) the number of credits used for repairs  
23                   between 97 and 120 hours;

24                   (vi) the number of credits issued for repairs  
25                   greater than 120 hours; and

26                   (vii) the number of exemptions claimed for

1           each of the categories identified in subdivision  
2           (e) (2) (D).

3           (B) With regard to credits due in accordance with  
4           subdivision (e) (2) (B) as a result of failure to install  
5           basic local exchange service:

6           (i) the total dollar amount of any customer  
7           credits paid;

8           (ii) the number of installations after 5  
9           business days;

10           (iii) the number of installations after 10  
11           business days;

12           (iv) the number of installations after 11  
13           business days; and

14           (v) the number of exemptions claimed for each  
15           of the categories identified in subdivision  
16           (e) (2) (D).

17           (C) With regard to credits due in accordance with  
18           subdivision (e) (2) (C) as a result of missed  
19           appointments:

20           (i) the total dollar amount of any customer  
21           credits paid;

22           (ii) the number of any customers receiving  
23           credits; and

24           (iii) the number of exemptions claimed for  
25           each of the categories identified in subdivision  
26           (e) (2) (D).



1           (D) The Electing Provider's annual report required  
2           by this subsection shall also include, for  
3           informational reporting, the performance data  
4           described in subdivisions (e) (2) (A), (e) (2) (B), and  
5           (e) (2) (C), and trouble reports per 100 access lines  
6           calculated using the Commission's existing applicable  
7           rules and regulations for such measures, including the  
8           requirements for service standards established in this  
9           Section.

10          (4) It is the intent of the General Assembly that the  
11          service quality rules and customer credits in this  
12          subsection (e) of this Section and other enforcement  
13          mechanisms, including fines and penalties authorized by  
14          Section 13-305, shall apply on a nondiscriminatory basis to  
15          all Electing Providers. Accordingly, notwithstanding any  
16          provision of any service quality rules promulgated by the  
17          Commission, any alternative regulation plan adopted by the  
18          Commission, or any other order of the Commission, any  
19          Electing Provider that is subject to any other order of the  
20          Commission and that violates or fails to comply with the  
21          service quality standards promulgated pursuant to this  
22          subsection (e) or any other order of the Commission shall  
23          not be subject to any fines, penalties, customer credits,  
24          or enforcement mechanisms other than such fines or  
25          penalties or customer credits as may be imposed by the  
26          Commission in accordance with the provisions of this

1       subsection (e) and Section 13-305, which are to be  
2       generally applicable to all Electing Providers. The amount  
3       of any fines or penalties imposed by the Commission for  
4       failure to comply with the requirements of this subsection  
5       (e) shall be an appropriate amount, taking into account, at  
6       a minimum, the Electing Provider's gross annual intrastate  
7       revenue; the frequency, duration, and recurrence of the  
8       violation; and the relative harm caused to the affected  
9       customers or other users of the network. In imposing fines  
10       and penalties, the Commission shall take into account  
11       compensation or credits paid by the Electing Provider to  
12       its customers pursuant to this subsection (e) in  
13       compensation for any violation found pursuant to this  
14       subsection (e), and in any event the fine or penalty shall  
15       not exceed an amount equal to the maximum amount of a civil  
16       penalty that may be imposed under Section 13-305.

17       (f) Commission jurisdiction upon election for market  
18       regulation. Except as otherwise expressly stated in this  
19       Section, the Commission shall thereafter have no jurisdiction  
20       or authority over any aspect of competitive retail  
21       telecommunications service of an Electing Provider in those  
22       geographic areas included in the Electing Provider's notice of  
23       election pursuant to subsection (b) of this Section, heretofore  
24       subject to the jurisdiction of the Commission, including but  
25       not limited to, any requirements of this Article related to the  
26       terms, conditions, rates, quality of service, availability,

1 classification or any other aspect of any of the Electing  
2 Provider's competitive retail telecommunications services. No  
3 Electing Provider shall commit any unfair or deceptive act or  
4 practice in connection with any aspect of the offering or  
5 provision of any competitive retail telecommunications  
6 service. Nothing in this Article shall limit or affect any  
7 provisions in the Consumer Fraud and Deceptive Business  
8 Practices Act with respect to any unfair or deceptive act or  
9 practice by an Electing Provider.

10 (g) Commission authority over access services upon  
11 election for market regulation.

12 (1) As part of its Notice of Election for Market  
13 Regulation, the Electing Provider shall reduce its  
14 intrastate switched access rates to rates no higher than  
15 its interstate switched access rates in 4 installments. The  
16 first reduction must be made 30 days after submission of  
17 its complete application for Notice of Election for Market  
18 Regulation, and the Electing Provider must reduce its  
19 intrastate switched access rates by an amount equal to 33%  
20 of the difference between its current intrastate switched  
21 access rates and its current interstate switched access  
22 rates. The second reduction must be made no later than one  
23 year after the first reduction, and the Electing Provider  
24 must reduce its then current intrastate switched access  
25 rates by an amount equal to 41% of the difference between  
26 its then current intrastate switched access rates and its

1       then current interstate switched access rates. The third  
2       reduction must be made no later than one year after the  
3       second reduction, and the Electing Provider must reduce its  
4       then current intrastate switched access rates by an amount  
5       equal to 50% of the difference between its then current  
6       intrastate switched access rate and its then current  
7       interstate switched access rates. The fourth reduction  
8       must be made on or before June 30, 2013, and the Electing  
9       Provider must reduce its intrastate switched access rate to  
10       mirror its then current interstate switched access rates  
11       and rate structure. Following the fourth reduction, each  
12       Electing Provider must continue to set its intrastate  
13       switched access rates to mirror its interstate switched  
14       access rates and rate structure. For purposes of this  
15       subsection, the rate for intrastate switched access  
16       service means the composite, per-minute rate for that  
17       service, including all applicable fixed and  
18       traffic-sensitive charges, including, but not limited to,  
19       carrier common line charges.

20       (2) Nothing in paragraph (1) of this subsection (g)  
21       prohibits an Electing Provider from electing to offer  
22       intrastate switched access service at rates lower than its  
23       interstate switched access rates.

24       (3) The Commission shall have no authority to order an  
25       Electing Provider to set its rates for intrastate switched  
26       access at a level lower than its interstate switched access

1 rates.

2 (4) The Commission's authority under this subsection  
3 (g) shall only apply to Electing Providers under Market  
4 Regulation. The Commission's authority over switched  
5 access services for all other carriers is retained under  
6 Section 13-900.2 of this Act.

7 (h) Safety of service equipment and facilities.

8 (1) An Electing Provider shall furnish, provide, and  
9 maintain such service instrumentalities, equipment, and  
10 facilities as shall promote the safety, health, comfort,  
11 and convenience of its patrons, employees, and public and  
12 as shall be in all respects adequate, reliable, and  
13 efficient without discrimination or delay. Every Electing  
14 Provider shall provide service and facilities that are in  
15 all respects environmentally safe.

16 (2) The Commission is authorized to conduct an  
17 investigation of any Electing Provider or part thereof. The  
18 investigation may examine the reasonableness, prudence, or  
19 efficiency of any aspect of the Electing Provider's  
20 operations or functions that may affect the adequacy,  
21 safety, efficiency, or reliability of telecommunications  
22 service. The Commission may conduct or order an  
23 investigation only when it has reasonable grounds to  
24 believe that the investigation is necessary to assure that  
25 the Electing Provider is providing adequate, efficient,  
26 reliable, and safe service. The Commission shall, before

1 initiating any such investigation, issue an order  
2 describing the grounds for the investigation and the  
3 appropriate scope and nature of the investigation, which  
4 shall be reasonably related to the grounds relied upon by  
5 the Commission in its order.

6 (i) Tariffs. No Electing Provider shall offer or provide  
7 telecommunications service unless and until a tariff is filed  
8 with the Commission that describes the nature of the service,  
9 applicable rates and other charges, terms, and conditions of  
10 service and the exchange, exchanges, or other geographical area  
11 or areas in which the service shall be offered or provided. The  
12 Commission may prescribe the form of such tariff and any  
13 additional data or information that shall be included in the  
14 form. Revenue from retail competitive services received from an  
15 Electing Provider pursuant to such tariffs shall be gross  
16 revenue for purposes of Section 2-202 of this Act.

17 (j) Application of Article VII. The provisions of Sections  
18 7-101, 7-102, 7-103, 7-104, 7-204, 7-205, and 7-206 of this Act  
19 are applicable to an Electing Provider offering or providing  
20 retail telecommunications service, and the Commission's  
21 regulation thereof, except that (1) the approval of contracts  
22 and arrangements with affiliated interests required by  
23 paragraph (3) of Section 7-101 shall not apply to such  
24 telecommunications carriers provided that, except as provided  
25 in item (2), those contracts and arrangements shall be filed  
26 with the Commission; (2) affiliated interest contracts or

1 arrangements entered into by such telecommunications carriers  
2 where the increased obligation thereunder does not exceed the  
3 lesser of \$5,000,000 or 5% of such carrier's prior annual  
4 revenue from noncompetitive services are not required to be  
5 filed with the Commission; and (3) any consent and approval of  
6 the Commission required by Section 7-102 is not required for  
7 the sale, lease, assignment, or transfer by any Electing  
8 Provider of any real property that is not necessary or useful  
9 in the performance of its duties to the public.

10 (k) Notwithstanding other provisions of this Section, the  
11 Commission retains its existing authority to enforce the  
12 provisions, conditions, and requirements of the following  
13 Sections of this Article: 13-101, 13-103, 13-201, 13-301,  
14 13.301.1, 13-301.2, 13-301.3, 13-303, 13-303.5, 13-304,  
15 13-305, 13-401, 13-401.1, 13-402, 13-403, 13-404, 13-404.1,  
16 13-404.2, 13-405, 13-406, 13-501.5, 13-505, 13-509 13-510,  
17 13-512, 13-513, 13-514, 13-515, 13-516, 13-519, 13-702,  
18 13-703, 13-704, 13-705, 13-706, 13-707, 13-709, 13-713,  
19 13-801, 13-804, 13-900, 13-900.1, 13-900.2, 13-901, 13-902,  
20 and 13-903, which are fully and equally applicable to Electing  
21 Providers subject to the provisions of this Section. On the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly, the following Sections of this Article shall cease to  
24 apply to Electing Providers: 13-302, 13-405.1, 13-501, 13-502,  
25 13-502.5, 13-503, 13-504, 13-505.2, 13-505.3, 13-505.4,  
26 13-505.5, 13-505.6, 13-506.1, 13-507, 13-507.1, 13-508,

1 13-508.1, 13-517, 13-518, 13-601, 13-701, and 13-712.

2 (220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509)

3 (Section scheduled to be repealed on July 1, 2010)

4 Sec. 13-509. Agreements for provisions of competitive  
5 telecommunications services differing from tariffs. A  
6 telecommunications carrier may negotiate with customers or  
7 prospective customers to provide competitive  
8 telecommunications service, and in so doing, may offer or agree  
9 to provide such service on such terms and for such rates or  
10 charges as are reasonable, without regard to any tariffs it may  
11 have filed with the Commission with respect to such services.  
12 Upon request of the Commission ~~Within 30 days after executing~~  
13 ~~any such agreement,~~ the telecommunications carrier shall  
14 submit to the Commission written notice of a list of any such  
15 agreements (which list may be filed electronically) within the  
16 past year. The notice shall identify the general nature of all  
17 such agreements, ~~the parties to each agreement, and a general~~  
18 ~~description of differences between each agreement and the~~  
19 ~~related tariff.~~ A copy of each such agreement ~~and any cost~~  
20 ~~support required to be filed with the agreement by some other~~  
21 ~~Section of this Act~~ shall be provided to the Commission within  
22 10 business days after a request for review of the agreement is  
23 made by the Commission or is made to the Commission by another  
24 telecommunications carrier or by a party to such agreement.  
25 ~~Upon submitting notice to the Commission of any such agreement,~~



1 ~~the telecommunications carrier shall thereafter provide~~  
2 ~~service according to the terms thereof, unless the Commission~~  
3 ~~finds, after notice and hearing, that the continued provision~~  
4 ~~of service pursuant to such agreement would substantially and~~  
5 ~~adversely affect the financial integrity of the~~  
6 ~~telecommunications carrier or would violate any other~~  
7 ~~provision of this Act.~~

8 Any agreement or notice entered into or submitted pursuant  
9 to the provisions of this Section may, in the Commission's  
10 discretion, be accorded proprietary treatment.

11 (Source: P.A. 92-22, eff. 6-30-01; 93-245, eff. 7-22-03.)

12 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

13 (Section scheduled to be repealed on July 1, 2010)

14 Sec. 13-703. (a) The Commission shall design and implement  
15 a program whereby each telecommunications carrier providing  
16 local exchange service shall provide a telecommunications  
17 device capable of servicing the needs of those persons with a  
18 hearing or speech disability together with a single party line,  
19 at no charge additional to the basic exchange rate, to any  
20 subscriber who is certified as having a hearing or speech  
21 disability by a licensed physician, speech-language  
22 pathologist, audiologist or a qualified State agency and to any  
23 subscriber which is an organization serving the needs of those  
24 persons with a hearing or speech disability as determined and  
25 specified by the Commission pursuant to subsection (d).

1           (b) The Commission shall design and implement a program,  
2 whereby each telecommunications carrier providing local  
3 exchange service shall provide a telecommunications relay  
4 system, using third party intervention to connect those persons  
5 having a hearing or speech disability with persons of normal  
6 hearing by way of intercommunications devices and the telephone  
7 system, making available reasonable access to all phases of  
8 public telephone service to persons who have a hearing or  
9 speech disability. In order to design a telecommunications  
10 relay system which will meet the requirements of those persons  
11 with a hearing or speech disability available at a reasonable  
12 cost, the Commission shall initiate an investigation and  
13 conduct public hearings to determine the most cost-effective  
14 method of providing telecommunications relay service to those  
15 persons who have a hearing or speech disability when using  
16 telecommunications devices and therein solicit the advice,  
17 counsel, and physical assistance of Statewide nonprofit  
18 consumer organizations that serve persons with hearing or  
19 speech disabilities in such hearings and during the development  
20 and implementation of the system. The Commission shall phase in  
21 this program, on a geographical basis, as soon as is  
22 practicable, but no later than June 30, 1990.

23           (c) The Commission shall establish a rate recovery  
24 mechanism, authorizing charges in an amount to be determined by  
25 the Commission for each line of a subscriber to allow  
26 telecommunications carriers providing local exchange service

1 to recover costs as they are incurred under this Section.

2 (d) The Commission shall determine and specify those  
3 organizations serving the needs of those persons having a  
4 hearing or speech disability that shall receive a  
5 telecommunications device and in which offices the equipment  
6 shall be installed in the case of an organization having more  
7 than one office. For the purposes of this Section,  
8 "organizations serving the needs of those persons with hearing  
9 or speech disabilities" means centers for independent living as  
10 described in Section 12a of the Disabled Persons Rehabilitation  
11 Act and not-for-profit organizations whose primary purpose is  
12 serving the needs of those persons with hearing or speech  
13 disabilities. The Commission shall direct the  
14 telecommunications carriers subject to its jurisdiction and  
15 this Section to comply with its determinations and  
16 specifications in this regard.

17 (e) As used in this Section, the phrase "telecommunications  
18 carrier providing local exchange service" includes, without  
19 otherwise limiting the meaning of the term, telecommunications  
20 carriers which are purely mutual concerns, having no rates or  
21 charges for services, but paying the operating expenses by  
22 assessment upon the members of such a company and no other  
23 person.

24 (f) Interconnected VoIP service providers in Illinois  
25 shall collect and remit assessments determined in accordance  
26 with this Section in a competitively neutral manner in the same

1 manner as a telecommunications carrier providing local  
2 exchange service. Interconnected VoIP services shall not be  
3 considered an intrastate telecommunications service for the  
4 purposes of this Section in a manner inconsistent with federal  
5 law or Federal Communications Commission regulation.

6 (g) The provisions of this Section are severable under  
7 Section 1.31 of the Statute on Statutes.

8 (Source: P.A. 88-497.)

9 (220 ILCS 5/13-704) (from Ch. 111 2/3, par. 13-704)

10 (Section scheduled to be repealed on July 1, 2010)

11 Sec. 13-704. Each page of a billing statement which sets  
12 forth charges assessed against a customer by a  
13 telecommunications carrier for telecommunications service  
14 shall reflect the telephone number or customer account number  
15 to which the charges are being billed. If a telecommunications  
16 carrier offers electronic billing, customers may elect to have  
17 their bills sent electronically. Such bills shall be  
18 transmitted with instructions for payment. Information sent  
19 electronically shall be deemed to satisfy any requirement in  
20 this Section that such information be printed or written on a  
21 customer bill. Bills may be paid electronically or by the use  
22 of a customer-preferred financially accredited credit or debit  
23 methodology. ~~The billing statement shall also contain a~~  
24 ~~separate bill identifying the amount charged as an~~  
25 ~~infrastructure maintenance fee.~~

1 (Source: P.A. 90-154, eff. 1-1-98.)

2 (220 ILCS 5/13-712)

3 (Section scheduled to be repealed on July 1, 2010)

4 Sec. 13-712. Basic local exchange service quality;  
5 customer credits.

6 (a) It is the intent of the General Assembly that every  
7 telecommunications carrier meet minimum service quality  
8 standards in providing basic local exchange service on a  
9 non-discriminatory basis to all classes of customers.

10 (b) Definitions:

11 (1) (Blank) ~~"Alternative telephone service" means,~~  
12 ~~except where technically impracticable, a wireless~~  
13 ~~telephone capable of making local calls, and may also~~  
14 ~~include, but is not limited to, call forwarding, voice~~  
15 ~~mail, or paging services.~~

16 (2) "Basic local exchange service" means residential  
17 and business lines used for local exchange  
18 telecommunications service as defined in Section 13-204 of  
19 this Act, excluding:

20 (A) services that employ advanced  
21 telecommunications capability as defined in Section  
22 706(c)(1) of the federal Telecommunications Act of  
23 1996;

24 (B) vertical services;

25 (C) company official lines; and

1 (D) records work only.

2 (3) "Link Up" refers to the Link Up Assistance program  
3 defined and established at 47 C.F.R. Section 54.411 et seq.  
4 as amended.

5 (c) The Commission shall promulgate service quality rules  
6 for basic local exchange service, which may include fines,  
7 penalties, customer credits, and other enforcement mechanisms.  
8 In developing such service quality rules, the Commission shall  
9 consider, at a minimum, the carrier's gross annual intrastate  
10 revenue; the frequency, duration, and recurrence of the  
11 violation; and the relative harm caused to the affected  
12 customer or other users of the network. In imposing fines, the  
13 Commission shall take into account compensation or credits paid  
14 by the telecommunications carrier to its customers pursuant to  
15 this Section in compensation for the violation found pursuant  
16 to this Section. These rules shall become effective within one  
17 year after the effective date of this amendatory Act of the  
18 92nd General Assembly.

19 (d) The rules shall, at a minimum, require each  
20 telecommunications carrier to do all of the following:

21 (1) Install basic local exchange service within 5  
22 business days after receipt of an order from the customer  
23 unless the customer requests an installation date that is  
24 beyond 5 business days after placing the order for basic  
25 service and to inform the customer of its duty to install  
26 service within this timeframe. If installation of service

1 is requested on or by a date more than 5 business days in  
2 the future, the telecommunications carrier shall install  
3 service by the date requested. A telecommunications  
4 carrier offering basic local exchange service utilizing  
5 the network or network elements of another carrier shall  
6 install new lines for basic local exchange service within 3  
7 business days after provisioning of the line or lines by  
8 the carrier whose network or network elements are being  
9 utilized is complete. This subdivision (d)(1) does not  
10 apply to the migration of a customer between  
11 telecommunications carriers, so long as the customer  
12 maintains dial tone.

13 (2) Restore basic local exchange service for a customer  
14 within 30 ~~24~~ hours of receiving notice that a customer is  
15 out of service. This provision applies to service  
16 disruptions that occur when a customer switches existing  
17 basic local exchange service from one carrier to another.

18 (3) Keep all repair and installation appointments for  
19 basic local exchange service, when a customer premises  
20 visit requires a customer to be present.

21 (4) Inform a customer when a repair or installation  
22 appointment requires the customer to be present.

23 (e) The rules shall include provisions for customers to be  
24 credited by the telecommunications carrier for violations of  
25 basic local exchange service quality standards as described in  
26 subsection (d). The credits shall be applied on the statement

1 issued to the customer for the next monthly billing cycle  
2 following the violation or following the discovery of the  
3 violation. The performance levels established in subsection  
4 (c) are solely for the purposes of consumer credits and shall  
5 not be used as performance levels for the purposes of assessing  
6 penalties under Section 13-305. At a minimum, the rules shall  
7 include the following:

8 (1) If a carrier fails to repair an out-of-service  
9 condition for basic local exchange service within 30 ~~24~~  
10 hours, the carrier shall provide a credit to the customer.  
11 If the service disruption is for over 30 hours but less  
12 than 48 hours ~~or less~~, the credit must be equal to a  
13 pro-rata portion of the monthly recurring charges for all  
14 local services disrupted. If the service disruption is for  
15 more than 48 hours, but not more than 72 hours, the credit  
16 must be equal to at least 33% of one month's recurring  
17 charges for all local services disrupted. If the service  
18 disruption is for more than 72 hours, but not more than 96  
19 hours, the credit must be equal to at least 67% of one  
20 month's recurring charges for all local services  
21 disrupted. If the service disruption is for more than 96  
22 hours, but not more than 120 hours, the credit must be  
23 equal to one month's recurring charges for all local  
24 services disrupted. For each day or portion thereof that  
25 the service disruption continues beyond the initial  
26 120-hour period, the carrier shall also provide ~~either~~



1 ~~alternative telephone service or~~ an additional credit of  
2 \$20 per day, ~~at the customers option.~~

3 (2) If a carrier fails to install basic local exchange  
4 service as required under subdivision (d)(1), the carrier  
5 shall waive 50% of any installation charges, or in the  
6 absence of an installation charge or where installation is  
7 pursuant to the Link Up program, the carrier shall provide  
8 a credit of \$25. If a carrier fails to install service  
9 within 10 business days after the service application is  
10 placed, or fails to install service within 5 business days  
11 after the customer's requested installation date, if the  
12 requested date was more than 5 business days after the date  
13 of the order, the carrier shall waive 100% of the  
14 installation charge, or in the absence of an installation  
15 charge or where installation is provided pursuant to the  
16 Link Up program, the carrier shall provide a credit of \$50.  
17 For each day that the failure to install service continues  
18 beyond the initial 10 business days, or beyond 5 business  
19 days after the customer's requested installation date, if  
20 the requested date was more than 5 business days after the  
21 date of the order, the carrier shall also provide ~~either~~  
22 ~~alternative telephone service or~~ an additional credit of  
23 \$20 per day, ~~at the customer's option~~ until service is  
24 installed.

25 (3) If a carrier fails to keep a scheduled repair or  
26 installation appointment when a customer premises visit

1 requires a customer to be present, the carrier shall credit  
2 the customer \$25 ~~\$50~~ per missed appointment. A credit  
3 required by this subsection does not apply when the carrier  
4 provides the customer ~~with 24-hour~~ notice of its inability  
5 to keep the appointment no later than 8 p.m. of the day  
6 prior to the scheduled date of the appointment.

7 (4) If the violation of a basic local exchange service  
8 quality standard is caused by a carrier other than the  
9 carrier providing retail service to the customer, the  
10 carrier providing retail service to the customer shall  
11 credit the customer as provided in this Section. The  
12 carrier causing the violation shall reimburse the carrier  
13 providing retail service the amount credited the customer.  
14 When applicable, an interconnection agreement shall govern  
15 compensation between the carrier causing the violation, in  
16 whole or in part, and the retail carrier providing the  
17 credit to the customer.

18 (5) (Blank) ~~When alternative telephone service is~~  
19 ~~appropriate, the customer may select one of the alternative~~  
20 ~~telephone services offered by the carrier. The alternative~~  
21 ~~telephone service shall be provided at no cost to the~~  
22 ~~customer for the provision of local service.~~

23 (6) Credits required by this subsection do not apply if  
24 the violation of a service quality standard:

25 (i) occurs as a result of a negligent or willful  
26 act on the part of the customer;

1           (ii) occurs as a result of a malfunction of  
2 customer-owned telephone equipment or inside wiring;

3           (iii) occurs as a result of, or is extended by, an  
4 emergency situation as defined in Commission rules;

5           (iv) is extended by the carrier's inability to gain  
6 access to the customer's premises due to the customer  
7 missing an appointment, provided that the violation is  
8 not further extended by the carrier;

9           (v) occurs as a result of a customer request to  
10 change the scheduled appointment, provided that the  
11 violation is not further extended by the carrier;

12           (vi) occurs as a result of a carrier's right to  
13 refuse service to a customer as provided in Commission  
14 rules; or

15           (vii) occurs as a result of a lack of facilities  
16 where a customer requests service at a geographically  
17 remote location, a customer requests service in a  
18 geographic area where the carrier is not currently  
19 offering service, or there are insufficient facilities  
20 to meet the customer's request for service, subject to  
21 a carrier's obligation for reasonable facilities  
22 planning.

23           (7) The provisions of this subsection are cumulative  
24 and shall not in any way diminish or replace other civil or  
25 administrative remedies available to a customer or a class  
26 of customers.

1 (f) The rules shall require each telecommunications  
2 carrier to provide to the Commission, on a quarterly basis and  
3 in a form suitable for posting on the Commission's website, a  
4 public report that includes performance data for basic local  
5 exchange service quality of service. The performance data shall  
6 be disaggregated for each geographic area and each customer  
7 class of the State for which the telecommunications carrier  
8 internally monitored performance data as of a date 120 days  
9 preceding the effective date of this amendatory Act of the 92nd  
10 General Assembly. The report shall include, at a minimum,  
11 performance data on basic local exchange service  
12 installations, lines out of service for more than 30 ~~24~~ hours,  
13 carrier response to customer calls, trouble reports, and missed  
14 repair and installation commitments.

15 (g) The Commission shall establish and implement carrier to  
16 carrier wholesale service quality rules and establish remedies  
17 to ensure enforcement of the rules.

18 (Source: P.A. 92-22, eff. 6-30-01.)

19 (220 ILCS 5/13-804 new)

20 (Section scheduled to be repealed on July 1, 2010)

21 Sec. 13-804. Broadband investment. Increased investment  
22 into broadband infrastructure is critical to the economic  
23 development of this State and a key component to the retention  
24 of existing jobs and the creation of new jobs. The removal of  
25 regulatory uncertainty will attract greater private-sector

1 investment in broadband infrastructure. Notwithstanding other  
2 provisions of this Article:

3 (A) the Commission shall have the authority to certify  
4 providers of wireless services, including, but not limited  
5 to, private radio service, public mobile service, or  
6 commercial mobile service, as those terms are defined in 47  
7 U.S.C. 332 on the effective date of this amendatory Act of  
8 the 96th General Assembly or as amended thereafter, to  
9 provide telecommunications services in Illinois;

10 (B) the Commission shall have the authority to certify  
11 providers of wireless services, including, but not limited  
12 to, private radio service, public mobile service, or  
13 commercial mobile service, as those terms are defined in 47  
14 U.S.C. 332 on the effective date of this amendatory Act of  
15 the 96th General Assembly or as amended thereafter, as  
16 eligible telecommunications carriers in Illinois, as that  
17 term has the meaning prescribed in 47 U.S.C. 214 on the  
18 effective date of this amendatory Act of the 96th General  
19 Assembly or as amended thereafter;

20 (C) the Commission shall have the authority to register  
21 providers of fixed or non-nomadic Interconnected VoIP  
22 service as Interconnected VoIP service providers in  
23 Illinois in accordance with Section 401.1 of this Article;

24 (D) the Commission shall have the authority to require  
25 providers of Interconnected VoIP service to participate in  
26 hearing and speech disability programs; and

1           (E) the Commission shall have the authority to access  
2           information provided to the non-profit organization under  
3           Section 20 of the High Speed Internet Services and  
4           Information Technology Act, provided the Commission enters  
5           into a proprietary and confidentiality agreement governing  
6           such information.

7           Except to the extent expressly permitted by and consistent  
8           with federal law, the regulations of the Federal Communications  
9           Commission, this Article, or Article XXI or XXII of this Act,  
10          the Commission shall not regulate the rates, terms, conditions,  
11          quality of service, availability, classification, or any other  
12          aspect of service regarding (i) broadband services, (ii)  
13          Interconnected VoIP services, (iii) information services, as  
14          defined in 47 U.S.C. 153(20) on the effective date of this  
15          amendatory Act of the 96th General Assembly or as amended  
16          thereafter, or (iv) wireless services, including, but not  
17          limited to, private radio service, public mobile service, or  
18          commercial mobile service, as those terms are defined in 47  
19          U.S.C. 332 on the effective date of this amendatory Act of the  
20          96th General Assembly or as amended thereafter.

21           (220 ILCS 5/13-900.1 new)

22           (Section scheduled to be repealed on July 1, 2010)

23           Sec. 13-900.1. Authority over 9-1-1 rates and terms of  
24           service. Notwithstanding any other provision of this Article,  
25           the Commission retains its full authority over the rates and

1 service quality as they apply to 9-1-1 system providers,  
2 including the Commission's existing authority over  
3 interconnection with 9-1-1 system providers and 9-1-1 systems.  
4 The rates, terms, and conditions for 9-1-1 service shall be  
5 tariffed and shall be provided in the manner prescribed by this  
6 Act and shall be subject to the applicable laws, including  
7 rules or regulations adopted and orders issued by the  
8 Commission or the Federal Communications Commission. The  
9 Commission retains this full authority regardless of the  
10 technologies utilized or deployed by 9-1-1 system providers.

11 (220 ILCS 5/13-900.2 new)

12 (Section scheduled to be repealed on July 1, 2010)

13 Sec. 13-900.2. Access services.

14 (a) This Section shall apply to switched access rates  
15 charged by all carriers other than Electing Providers as  
16 provided in subsection (b) of Section 13-506.2 of this Act.

17 (b) Except as otherwise provided in subsection (c) of this  
18 Section, the rates of any telecommunications carrier,  
19 including, but not limited to, competitive local exchange  
20 carriers, providing intrastate switched access service shall  
21 be reduced to rates no higher than the carrier's rates for  
22 interstate switched access service as follows:

23 (1) by January 1, 2011, each telecommunications  
24 carrier must reduce its intrastate switched access rates by  
25 an amount equal to 50% of the difference between its

1 current intrastate switched access rates and its current  
2 interstate switched access rates;

3 (2) by January 1, 2012, each telecommunications  
4 carrier must reduce its intrastate switched access rates by  
5 an amount equal to 75% of the difference between its  
6 current intrastate switched access rates and its current  
7 interstate switched access rates;

8 (3) by July 1, 2012, each telecommunications carrier  
9 must reduce its intrastate switched access rates to mirror  
10 its then current interstate switched access rates and rate  
11 structure.

12 Following 24 months after the effective date of this  
13 amendatory Act of the 96th General Assembly, each  
14 telecommunications carrier must continue to set its intrastate  
15 switched access rates to mirror its interstate switched access  
16 rates and rate structure. For purposes of this Section, the  
17 rate for intrastate switched access service means the  
18 composite, per-minute rate for that service, including all  
19 applicable fixed and traffic-sensitive charges, including, but  
20 not limited to, carrier common line charges.

21 (c) Subsection (b) of this Section shall not apply to  
22 incumbent local exchange carriers serving 35,000 or fewer  
23 access lines.

24 (d) Nothing in subsection (b) of this Section prohibits a  
25 telecommunications carrier from electing to offer intrastate  
26 switched access service at rates lower than its interstate



1 rates.

2 (e) The Commission shall have no authority to order a  
3 telecommunications carrier to set its rates for intrastate  
4 switched access at a level lower than its interstate switched  
5 access rates.

6 (220 ILCS 5/13-1200)

7 (Section scheduled to be repealed on July 1, 2010)

8 Sec. 13-1200. Repealer. This Article is repealed July 1,  
9 2013 ~~2010~~.

10 (Source: P.A. 95-9, eff. 6-30-07; 96-24, eff. 6-30-09.)

11 (220 ILCS 5/22-501)

12 Sec. 22-501. Customer service and privacy protection. All  
13 cable or video providers in this State shall comply with the  
14 following customer service requirements and privacy  
15 protections. The provisions of this Act shall not apply to an  
16 incumbent cable operator prior to January 1, 2008. For purposes  
17 of this paragraph, an incumbent cable operator means a person  
18 or entity that provided cable services in a particular area  
19 under a franchise agreement with a local unit of government  
20 pursuant to Section 11-42-11 of the Illinois Municipal Code or  
21 Section 5-1095 of the Counties Code on January 1, 2007. A  
22 master antenna television, satellite master antenna  
23 television, direct broadcast satellite, multipoint  
24 distribution service, and other provider of video programming

1 shall only be subject to the provisions of this Article to the  
2 extent permitted by federal law.

3 The following definitions apply to the terms used in this  
4 Article:

5 "Basic cable or video service" means any service offering  
6 or tier that includes the retransmission of local television  
7 broadcast signals.

8 "Cable or video provider" means any person or entity  
9 providing cable service or video service pursuant to  
10 authorization under (i) the Cable and Video Competition Law of  
11 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;  
12 (iii) Section 5-1095 of the Counties Code; or (iv) a master  
13 antenna television, satellite master antenna television,  
14 direct broadcast satellite, multipoint distribution services,  
15 and other providers of video programming, whatever their  
16 technology. A cable or video provider shall not include a  
17 landlord providing only broadcast video programming to a  
18 single-family home or other residential dwelling consisting of  
19 4 units or less.

20 "Franchise" has the same meaning as found in 47 U.S.C.  
21 522(9).

22 "Local unit of government" means a city, village,  
23 incorporated town, or a county.

24 "Normal business hours" means those hours during which most  
25 similar businesses in the geographic area of the local unit of  
26 government are open to serve customers. In all cases, "normal

1 business hours" must include some evening hours at least one  
2 night per week or some weekend hours.

3 "Normal operating conditions" means those service  
4 conditions that are within the control of cable or video  
5 providers. Those conditions that are not within the control of  
6 cable or video providers include, but are not limited to,  
7 natural disasters, civil disturbances, power outages,  
8 telephone network outages, and severe or unusual weather  
9 conditions. Those conditions that are ordinarily within the  
10 control of cable or video providers include, but are not  
11 limited to, special promotions, pay-per-view events, rate  
12 increases, regular peak or seasonal demand periods, and  
13 maintenance or upgrade of the cable service or video service  
14 network.

15 "Service interruption" means the loss of picture or sound  
16 on one or more cable service or video service on one or more  
17 cable or video channels.

18 "Service line drop" means the point of connection between a  
19 premises and the cable or video network that enables the  
20 premises to receive cable service or video service.

21 (a) General customer service standards:

22 (1) Cable or video providers shall establish general  
23 standards related to customer service, which shall  
24 include, but not be limited to, installation,  
25 disconnection, service and repair obligations; appointment  
26 hours and employee ID requirements; customer service

1 telephone numbers and hours; procedures for billing,  
2 charges, deposits, refunds, and credits; procedures for  
3 termination of service; notice of deletion of programming  
4 service; changes related to transmission of programming;  
5 changes or increases in rates; the use and availability of  
6 parental control or lock-out devices; the use and  
7 availability of an A/B switch if applicable; complaint  
8 procedures and procedures for bill dispute resolution; a  
9 description of the rights and remedies available to  
10 consumers if the cable or video provider does not  
11 materially meet its customer service standards; and  
12 special services for customers with visual, hearing, or  
13 mobility disabilities.

14 (2) Cable or video providers' rates for each level of  
15 service, rules, regulations, and policies related to its  
16 cable service or video service described in paragraph (1)  
17 of this subsection (a) must be made available to the public  
18 and displayed clearly and conspicuously on the cable or  
19 video provider's site on the Internet. If a promotional  
20 price or a price for a specified period of time is offered,  
21 the cable or video provider shall display the price at the  
22 end of the promotional period or specified period of time  
23 clearly and conspicuously with the display of the  
24 promotional price or price for a specified period of time.  
25 The cable or video provider shall provide this information  
26 upon request.

1           (3) Cable or video providers shall provide notice  
2 concerning their general customer service standards to all  
3 customers. This notice shall be offered when service is  
4 first activated and annually thereafter. The information  
5 in the notice shall include all of the information  
6 specified in paragraph (1) of this subsection (a), as well  
7 as the following: a listing of services offered by the  
8 cable or video providers, which shall clearly describe  
9 programming for all services and all levels of service; the  
10 rates for all services and levels of service; a telephone  
11 number through which customers may subscribe to, change, or  
12 terminate service, request customer service, or seek  
13 general or billing information; instructions on the use of  
14 the cable or video services; and a description of rights  
15 and remedies that the cable or video providers shall make  
16 available to their customers if they do not materially meet  
17 the general customer service standards described in this  
18 Act.

19           (b) General customer service obligations:

20           (1) Cable or video providers shall render reasonably  
21 efficient service, promptly make repairs, and interrupt  
22 service only as necessary and for good cause, during  
23 periods of minimum use of the system and for no more than  
24 24 hours.

25           (2) All service representatives or any other person who  
26 contacts customers or potential customers on behalf of the

1 cable or video provider shall have a visible identification  
2 card with their name and photograph and shall orally  
3 identify themselves upon first contact with the customer.  
4 Customer service representatives shall orally identify  
5 themselves to callers immediately following the greeting  
6 during each telephone contact with the public.

7 (3) The cable or video providers shall: (i) maintain a  
8 customer service facility within the boundaries of a local  
9 unit of government staffed by customer service  
10 representatives that have the capacity to accept payment,  
11 adjust bills, and respond to repair, installation,  
12 reconnection, disconnection, or other service calls and  
13 distribute or receive converter boxes, remote control  
14 units, digital stereo units, or other equipment related to  
15 the provision of cable or video service; (ii) provide  
16 customers with bill payment facilities through retail,  
17 financial, or other commercial institutions located within  
18 the boundaries of a local unit of government; (iii) provide  
19 an address, toll-free telephone number or electronic  
20 address to accept bill payments and correspondence and  
21 provide secure collection boxes for the receipt of bill  
22 payments and the return of equipment, provided that if a  
23 cable or video provider provides secure collection boxes,  
24 it shall provide a printed receipt when items are  
25 deposited; or (iv) provide an address, toll-free telephone  
26 number, or electronic address to accept bill payments and

1 correspondence and provide a method for customers to return  
2 equipment to the cable or video provider at no cost to the  
3 customer.

4 (4) In each contact with a customer, the service  
5 representatives or any other person who contacts customers  
6 or potential customers on behalf of the cable or video  
7 provider shall state the estimated cost of the service,  
8 repair, or installation orally prior to delivery of the  
9 service or before any work is performed, shall provide the  
10 customer with an oral statement of the total charges before  
11 terminating the telephone call or other contact in which a  
12 service is ordered, whether in-person or over the Internet,  
13 and shall provide a written statement of the total charges  
14 before leaving the location at which the work was  
15 performed. In the event that the cost of service is a  
16 promotional price or is for a limited period of time, the  
17 cost of service at the end of the promotion or limited  
18 period of time shall be disclosed.

19 (5) Cable or video providers shall provide customers a  
20 minimum of 30 days' written notice before increasing rates  
21 or eliminating transmission of programming and shall  
22 submit the notice to the local unit of government in  
23 advance of distribution to customers, provided that the  
24 cable or video provider is not in violation of this  
25 provision if the elimination of transmission of  
26 programming was outside the control of the provider, in

1           which case the provider shall use reasonable efforts to  
2           provide as much notice as possible, and any rate decrease  
3           related to the elimination of transmission of programming  
4           shall be applied to the date of the change.

5           (6) Cable or video providers shall provide clear visual  
6           and audio reception that meets or exceeds applicable  
7           Federal Communications Commission technical standards. If  
8           a customer experiences poor video or audio reception due to  
9           the equipment of the cable or video provider, the cable or  
10          video provider shall promptly repair the problem at its own  
11          expense.

12          (c) Bills, payment, and termination:

13           (1) Cable or video providers shall render monthly bills  
14           that are clear, accurate, and understandable.

15           (2) Every residential customer who pays bills directly  
16           to the cable or video provider shall have at least 28 days  
17           from the date of the bill to pay the listed charges.

18           (3) Customer payments shall be posted promptly. When  
19           the payment is sent by United States mail, payment is  
20           considered paid on the date it is postmarked.

21           (4) Cable or video providers may not terminate  
22           residential service for nonpayment of a bill unless the  
23           cable or video provider furnishes notice of the delinquency  
24           and impending termination at least 21 days prior to the  
25           proposed termination. Notice of proposed termination shall  
26           be mailed, postage prepaid, to the customer to whom service



1 is billed. Notice of proposed termination shall not be  
2 mailed until the 29th day after the date of the bill for  
3 services. Notice of delinquency and impending termination  
4 may be part of a billing statement only if the notice is  
5 presented in a different color than the bill and is  
6 designed to be conspicuous. The cable or video providers  
7 may not assess a late fee prior to the 29th day after the  
8 date of the bill for service.

9 (5) Every notice of impending termination shall  
10 include all of the following: the name and address of  
11 customer; the amount of the delinquency; the date on which  
12 payment is required to avoid termination; and the telephone  
13 number of the cable or video provider's service  
14 representative to make payment arrangements and to provide  
15 additional information about the charges for failure to  
16 return equipment and for reconnection, if any. No customer  
17 may be charged a fee for termination or disconnection of  
18 service, irrespective of whether the customer initiated  
19 termination or disconnection or the cable or video provider  
20 initiated termination or disconnection.

21 (6) Service may only be terminated on days when the  
22 customer is able to reach a service representative of the  
23 cable or video providers, either in person or by telephone.

24 (7) Any service terminated by a cable or video provider  
25 without good cause shall be restored without any  
26 reconnection fee, charge, or penalty; good cause for

1 termination includes, but is not limited to, failure to pay  
2 a bill by the date specified in the notice of impending  
3 termination, payment by check for which there are  
4 insufficient funds, theft of service, abuse of equipment or  
5 personnel, or other similar subscriber actions.

6 (8) Cable or video providers shall cease charging a  
7 customer for any or all services within one business day  
8 after it receives a request to immediately terminate  
9 service or on the day requested by the customer if such a  
10 date is at least 5 days from the date requested by the  
11 customer. Nothing in this subsection (c) shall prohibit the  
12 provider from billing for charges that the customer incurs  
13 prior to the date of termination. Cable or video providers  
14 shall issue a credit or a refund or return a deposit within  
15 10 business days after the close of the customer's billing  
16 cycle following the request for termination or the return  
17 of equipment, if any, whichever is later.

18 (9) The customers or subscribers of a cable or video  
19 provider shall be allowed to disconnect their service at  
20 any time within the first 60 days after subscribing to or  
21 upgrading the service. Within this 60-day period, cable or  
22 video providers shall not charge or impose any fees or  
23 penalties on the customer for disconnecting service,  
24 including, but not limited to, any installation charge or  
25 the imposition of an early termination charge, except the  
26 cable or video provider may impose a charge or fee to

1 offset any rebates or credits received by the customer and  
2 may impose monthly service or maintenance charges,  
3 including pay-per-view and premium services charges,  
4 during such 60-day period.

5 (10) Cable and video providers shall guarantee  
6 customer satisfaction for new or upgraded service and the  
7 customer shall receive a pro-rata credit in an amount equal  
8 to the pro-rata charge for the remaining days of service  
9 being disconnected or replaced upon the customers request  
10 if the customer is dissatisfied with the service and  
11 requests to discontinue the service within the first 60  
12 days after subscribing to the upgraded service.

13 (d) Response to customer inquiries:

14 (1) Cable or video providers will maintain a toll-free  
15 telephone access line that is available to customers 24  
16 hours a day, 7 days a week to accept calls regarding  
17 installation, termination, service, and complaints.  
18 Trained, knowledgeable, qualified service representatives  
19 of the cable or video providers will be available to  
20 respond to customer telephone inquiries during normal  
21 business hours. Customer service representatives shall be  
22 able to provide credit, waive fees, schedule appointments,  
23 and change billing cycles. Any difficulties that cannot be  
24 resolved by the customer service representatives shall be  
25 referred to a supervisor who shall make his or her best  
26 efforts to resolve the issue immediately. If the supervisor

1 does not resolve the issue to the customer's satisfaction,  
2 the customer shall be informed of the cable or video  
3 provider's complaint procedures and procedures for billing  
4 dispute resolution and given a description of the rights  
5 and remedies available to customers to enforce the terms of  
6 this Article, including the customer's rights to have the  
7 complaint reviewed by the local unit of government, to  
8 request mediation, and to review in a court of competent  
9 jurisdiction.

10 (2) After normal business hours, the access line may be  
11 answered by a service or an automated response system,  
12 including an answering machine. Inquiries received by  
13 telephone or e-mail after normal business hours shall be  
14 responded to by a trained service representative on the  
15 next business day. The cable or video provider shall  
16 respond to a written billing inquiry within 10 days of  
17 receipt of the inquiry.

18 (3) Cable or video providers shall provide customers  
19 seeking non-standard installations with a total  
20 installation cost estimate and an estimated date of  
21 completion. The actual charge to the customer shall not  
22 exceed 10% of the estimated cost without the written  
23 consent of the customer.

24 (4) If the cable or video provider receives notice that  
25 an unsafe condition exists with respect to its equipment,  
26 it shall investigate such condition immediately and shall

1 take such measures as are necessary to remove or eliminate  
2 the unsafe condition. The cable or video provider shall  
3 inform the local unit of government promptly, but no later  
4 than 2 hours after it receives notification of an unsafe  
5 condition that it has not remedied.

6 (5) Under normal operating conditions, telephone  
7 answer time by the cable or video provider's customer  
8 representative, including wait time, shall not exceed 30  
9 seconds when the connection is made. If the call needs to  
10 be transferred, transfer time shall not exceed 30 seconds.  
11 These standards shall be met no less than 90% of the time  
12 under normal operating conditions, measured on a quarterly  
13 basis.

14 (6) Under normal operating conditions, the cable or  
15 video provider's customers will receive a busy signal less  
16 than 3% of the time.

17 (e) Under normal operating conditions, each of the  
18 following standards related to installations, outages, and  
19 service calls will be met no less than 95% of the time measured  
20 on a quarterly basis:

21 (1) Standard installations will be performed within 7  
22 business days after an order has been placed. "Standard"  
23 installations are those that are located up to 125 feet  
24 from the existing distribution system.

25 (2) Excluding conditions beyond the control of the  
26 cable or video providers, the cable or video providers will

1 begin working on "service interruptions" promptly and in no  
2 event later than 24 hours after the interruption is  
3 reported by the customer or otherwise becomes known to the  
4 cable or video providers. Cable or video providers must  
5 begin actions to correct other service problems the next  
6 business day after notification of the service problem and  
7 correct the problem within 48 hours after the interruption  
8 is reported by the customer 95% of the time, measured on a  
9 quarterly basis.

10 (3) The "appointment window" alternatives for  
11 installations, service calls, and other installation  
12 activities will be either a specific time or, at a maximum,  
13 a 4-hour time block during evening, weekend, and normal  
14 business hours. The cable or video provider may schedule  
15 service calls and other installation activities outside of  
16 these hours for the express convenience of the customer.

17 (4) Cable or video providers may not cancel an  
18 appointment with a customer after 5:00 p.m. on the business  
19 day prior to the scheduled appointment. If the cable or  
20 video provider's representative is running late for an  
21 appointment with a customer and will not be able to keep  
22 the appointment as scheduled, the customer will be  
23 contacted. The appointment will be rescheduled, as  
24 necessary, at a time that is convenient for the customer,  
25 even if the rescheduled appointment is not within normal  
26 business hours.

1 (f) Public benefit obligation:

2 (1) All cable or video providers offering service  
3 pursuant to the Cable and Video Competition Law of 2007,  
4 the Illinois Municipal Code, or the Counties Code shall  
5 provide a free service line drop and free basic service to  
6 all current and future public buildings within their  
7 footprint, including, but not limited to, all local unit of  
8 government buildings, public libraries, and public primary  
9 and secondary schools, whether owned or leased by that  
10 local unit of government ("eligible buildings"). Such  
11 service shall be used in a manner consistent with the  
12 government purpose for the eligible building and shall not  
13 be resold.

14 (2) This obligation only applies to those cable or  
15 video service providers whose cable service or video  
16 service systems pass eligible buildings and its cable or  
17 video service is generally available to residential  
18 subscribers in the same local unit of government in which  
19 the eligible building is located. The burden of providing  
20 such service at each eligible building shall be shared by  
21 all cable and video providers whose systems pass the  
22 eligible buildings in an equitable and competitively  
23 neutral manner, and nothing herein shall require  
24 duplicative installations by more than one cable or video  
25 provider at each eligible building. Cable or video  
26 providers operating in a local unit of government shall

1 meet as necessary and determine who will provide service to  
2 eligible buildings under this subsection (f). If the cable  
3 or video providers are unable to reach an agreement, they  
4 shall meet with the local unit of government, which shall  
5 determine which cable or video providers will serve each  
6 eligible building. The local unit of government shall bear  
7 the costs of any inside wiring or video equipment costs not  
8 ordinarily provided as part of the cable or video  
9 provider's basic offering.

10 (g) After the cable or video providers have offered service  
11 for one year, the cable or video providers shall make an annual  
12 report to the Commission, to the local unit of government, and  
13 to the Attorney General that it is meeting the standards  
14 specified in this Article, identifying the number of complaints  
15 it received over the prior year in the State and specifying the  
16 number of complaints related to each of the following: (1)  
17 billing, charges, refunds, and credits; (2) installation or  
18 termination of service; (3) quality of service and repair; (4)  
19 programming; and (5) miscellaneous complaints that do not fall  
20 within these categories. Thereafter, the cable or video  
21 providers shall also provide, upon request by the local unit of  
22 government where service is offered and to the Attorney  
23 General, an annual public report that includes performance data  
24 described in subdivisions (5) and (6) of subsection (d) and  
25 subdivisions (1) and (2) of subsection (e) of this Section for  
26 cable services or video services. The performance data shall be



1 disaggregated for each requesting local unit of government or  
2 local exchange, as that term is defined in Section 13-206 of  
3 this Act, in which the cable or video providers have customers.

4 (h) To the extent consistent with federal law, cable or  
5 video providers shall offer the lowest-cost basic cable or  
6 video service as a stand-alone service to residential customers  
7 at reasonable rates. Cable or video providers shall not require  
8 the subscription to any service other than the lowest-cost  
9 basic service or to any telecommunications or information  
10 service, as a condition of access to cable or video service,  
11 including programming offered on a per channel or per program  
12 basis. Cable or video providers shall not discriminate between  
13 subscribers to the lowest-cost basic service, subscribers to  
14 other cable services or video services, and other subscribers  
15 with regard to the rates charged for cable or video programming  
16 offered on a per channel or per program basis.

17 (i) To the extent consistent with federal law, cable or  
18 video providers shall ensure that charges for changes in the  
19 subscriber's selection of services or equipment shall be based  
20 on the cost of such change and shall not exceed nominal amounts  
21 when the system's configuration permits changes in service tier  
22 selection to be effected solely by coded entry on a computer  
23 terminal or by other similarly simple method.

24 (j) To the extent consistent with federal law, cable or  
25 video providers shall have a rate structure for the provision  
26 of cable or video service that is uniform throughout the area

1 within the boundaries of the local unit of government. This  
2 subsection (j) is not intended to prohibit bulk discounts to  
3 multiple dwelling units or to prohibit reasonable discounts to  
4 senior citizens or other economically disadvantaged groups.

5 (k) To the extent consistent with federal law, cable or  
6 video providers shall not charge a subscriber for any service  
7 or equipment that the subscriber has not affirmatively  
8 requested by name. For purposes of this subsection (k), a  
9 subscriber's failure to refuse a cable or video provider's  
10 proposal to provide service or equipment shall not be deemed to  
11 be an affirmative request for such service or equipment.

12 (l) No contract or service agreement containing an early  
13 termination clause offering residential cable ~~services~~ or  
14 video services or any bundle including such services shall be  
15 for a term longer than 2 years ~~one year~~. Any contract or  
16 service offering with a term of service that contains an early  
17 termination fee shall limit the early termination fee to not  
18 more than the value of any additional goods or services  
19 provided with the cable or video services, the amount of the  
20 discount reflected in the price for cable services or video  
21 services for the period during which the consumer benefited  
22 from the discount, or a declining fee based on the remainder of  
23 the contract term.

24 (m) Cable or video providers shall not discriminate in the  
25 provision of services for the hearing and visually impaired,  
26 and shall comply with the accessibility requirements of 47

1 U.S.C. 613. Cable or video providers shall deliver and pick-up  
2 or provide customers with pre-paid shipping and packaging for  
3 the return of converters and other necessary equipment at the  
4 home of customers with disabilities. Cable or video providers  
5 shall provide free use of a converter or remote control unit to  
6 mobility impaired customers.

7 (n) (1) To the extent consistent with federal law, cable or  
8 video providers shall comply with the provisions of 47 U.S.C.  
9 532(h) and (j). The cable or video providers shall not exercise  
10 any editorial control over any video programming provided  
11 pursuant to this Section, or in any other way consider the  
12 content of such programming, except that a cable or video  
13 provider may refuse to transmit any leased access program or  
14 portion of a leased access program that contains obscenity,  
15 indecency, or nudity and may consider such content to the  
16 minimum extent necessary to establish a reasonable price for  
17 the commercial use of designated channel capacity by an  
18 unaffiliated person. This subsection (n) shall permit cable or  
19 video providers to enforce prospectively a written and  
20 published policy of prohibiting programming that the cable or  
21 video provider reasonably believes describes or depicts sexual  
22 or excretory activities or organs in a patently offensive  
23 manner as measured by contemporary community standards.

24 (2) Upon customer request, the cable or video provider  
25 shall, without charge, fully scramble or otherwise fully  
26 block the audio and video programming of each channel

1 carrying such programming so that a person who is not a  
2 subscriber does not receive the channel or programming.

3 (3) In providing sexually explicit adult programming  
4 or other programming that is indecent on any channel of its  
5 service primarily dedicated to sexually oriented  
6 programming, the cable or video provider shall fully  
7 scramble or otherwise fully block the video and audio  
8 portion of such channel so that a person who is not a  
9 subscriber to such channel or programming does not receive  
10 it.

11 (4) Scramble means to rearrange the content of the  
12 signal of the programming so that the programming cannot be  
13 viewed or heard in an understandable manner.

14 (o) Cable or video providers will maintain a listing,  
15 specific to the level of street address, of the areas where its  
16 cable or video services are available. Customers who inquire  
17 about purchasing cable or video service shall be informed about  
18 whether the cable or video provider's cable or video services  
19 are currently available to them at their specific location.

20 (p) Cable or video providers shall not disclose the name,  
21 address, telephone number or other personally identifying  
22 information of a cable service or video service customer to be  
23 used in mailing lists or to be used for other commercial  
24 purposes not reasonably related to the conduct of its business  
25 unless the cable or video provider has provided to the customer  
26 a notice, separately or included in any other customer service

1 notice, that clearly and conspicuously describes the  
2 customer's ability to prohibit the disclosure. Cable or video  
3 providers shall provide an address and telephone number for a  
4 customer to use without a toll charge to prevent disclosure of  
5 the customer's name and address in mailing lists or for other  
6 commercial purposes not reasonably related to the conduct of  
7 its business to other businesses or affiliates of the cable or  
8 video provider. Cable or video providers shall comply with the  
9 consumer privacy requirements of the Communications Consumer  
10 Privacy Act, the Restricted Call Registry Act, and 47 U.S.C.  
11 551 that are in effect as of June 30, 2007 (the effective date  
12 of Public Act 95-9) and as amended thereafter.

13 (q) Cable or video providers shall implement an informal  
14 process for handling inquiries from local units of government  
15 and customers concerning billing issues, service issues,  
16 privacy concerns, and other consumer complaints. In the event  
17 that an issue is not resolved through this informal process, a  
18 local unit of government or the customer may request nonbinding  
19 mediation with the cable or video provider, with each party to  
20 bear its own costs of such mediation. Selection of the mediator  
21 will be by mutual agreement, and preference will be given to  
22 mediation services that do not charge the consumer for their  
23 services. In the event that the informal process does not  
24 produce a satisfactory result to the customer or the local unit  
25 of government, enforcement may be pursued as provided in  
26 subdivision (4) of subsection (r) of this Section.

1           (r) The Attorney General and the local unit of government  
2 may enforce all of the customer service and privacy protection  
3 standards of this Section with respect to complaints received  
4 from residents within the local unit of government's  
5 jurisdiction, but it may not adopt or seek to enforce any  
6 additional or different customer service or performance  
7 standards under any other authority or provision of law.

8           (1) The local unit of government may, by ordinance,  
9 provide a schedule of penalties for any material breach of  
10 this Section by cable or video providers in addition to the  
11 penalties provided herein. No monetary penalties shall be  
12 assessed for a material breach if it is out of the  
13 reasonable control of the cable or video providers or its  
14 affiliate. Monetary penalties adopted in an ordinance  
15 pursuant to this Section shall apply on a competitively  
16 neutral basis to all providers of cable service or video  
17 service within the local unit of government's  
18 jurisdiction. In no event shall the penalties imposed under  
19 this subsection (r) exceed \$750 for each day of the  
20 material breach, and these penalties shall not exceed  
21 \$25,000 for each occurrence of a material breach per  
22 customer.

23           (2) For purposes of this Section, "material breach"  
24 means any substantial failure of a cable or video service  
25 provider to comply with service quality and other standards  
26 specified in any provision of this Act. The Attorney

1 General or the local unit of government shall give the  
2 cable or video provider written notice of any alleged  
3 material breaches of this Act and allow such provider at  
4 least 30 days from receipt of the notice to remedy the  
5 specified material breach.

6 (3) A material breach, for the purposes of assessing  
7 penalties, shall be deemed to have occurred for each day  
8 that a material breach has not been remedied by the cable  
9 service or video service provider after the expiration of  
10 the period specified in subdivision (2) of this subsection  
11 (r) in each local unit of government's jurisdiction,  
12 irrespective of the number of customers affected.

13 (4) Any customer, the Attorney General, or a local unit  
14 of government may pursue alleged violations of this Act by  
15 the cable or video provider in a court of competent  
16 jurisdiction. A cable or video provider may seek judicial  
17 review of a decision of a local unit of government imposing  
18 penalties in a court of competent jurisdiction. No local  
19 unit of government shall be subject to suit for damages or  
20 other relief based upon its action in connection with its  
21 enforcement or review of any of the terms, conditions, and  
22 rights contained in this Act except a court may require the  
23 return of any penalty it finds was not properly assessed or  
24 imposed.

25 (s) Cable or video providers shall credit customers for  
26 violations in the amounts stated herein. The credits shall be

1 applied on the statement issued to the customer for the next  
2 monthly billing cycle following the violation or following the  
3 discovery of the violation. Cable or video providers are  
4 responsible for providing the credits described herein and the  
5 customer is under no obligation to request the credit. If the  
6 customer is no longer taking service from the cable or video  
7 provider, the credit amount will be refunded to the customer by  
8 check within 30 days of the termination of service. A local  
9 unit of government may, by ordinance, adopt a schedule of  
10 credits payable directly to customers for breach of the  
11 customer service standards and obligations contained in this  
12 Article, provided the schedule of customer credits applies on a  
13 competitively neutral basis to all providers of cable service  
14 or video service in the local unit of government's jurisdiction  
15 and the credits are not greater than the credits provided in  
16 this Section.

17 (1) Failure to provide notice of customer service  
18 standards upon initiation of service: \$25.00.

19 (2) Failure to install service within 7 days: Waiver of  
20 50% of the installation fee or the monthly fee for the  
21 lowest-cost basic service, whichever is greater. Failure  
22 to install service within 14 days: Waiver of 100% of the  
23 installation fee or the monthly fee for the lowest-cost  
24 basic service, whichever is greater.

25 (3) Failure to remedy service interruptions or poor  
26 video or audio service quality within 48 hours: Pro-rata



1 credit of total regular monthly charges equal to the number  
2 of days of the service interruption.

3 (4) Failure to keep an appointment or to notify the  
4 customer prior to the close of business on the business day  
5 prior to the scheduled appointment: \$25.00.

6 (5) Violation of privacy protections: \$150.00.

7 (6) Failure to comply with scrambling requirements:  
8 \$50.00 per month.

9 (7) Violation of customer service and billing  
10 standards in subsections (c) and (d) of this Section:  
11 \$25.00 per occurrence.

12 (8) Violation of the bundling rules in subsection (h)  
13 of this Section: \$25.00 per month.

14 (t) The enforcement powers granted to the Attorney General  
15 in Article XXI of this Act shall apply to this Article, except  
16 that the Attorney General may not seek penalties for violation  
17 of this Article other than in the amounts specified herein.  
18 Nothing in this Section shall limit or affect the powers of the  
19 Attorney General to enforce the provisions of Article XXI of  
20 this Act or the Consumer Fraud and Deceptive Business Practices  
21 Act.

22 (u) This Article applies to all cable and video providers  
23 in the State, including but not limited to those operating  
24 under a local franchise as that term is used in 47 U.S.C.  
25 522(9), those operating under authorization pursuant to  
26 Section 11-42-11 of the Illinois Municipal Code, those

1 operating under authorization pursuant to Section 5-1095 of the  
2 Counties Code, and those operating under a State-issued  
3 authorization pursuant to Article XXI of this Act.

4 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

5 (220 ILCS 5/13-402.1 rep.)

6 (220 ILCS 5/13-408 rep.)

7 (220 ILCS 5/13-409 rep.)

8 (220 ILCS 5/13-505.1 rep.)

9 (220 ILCS 5/13-505.7 rep.)

10 (220 ILCS 5/13-506 rep.)

11 (220 ILCS 5/13-511 rep.)

12 (220 ILCS 5/13-802 rep.)

13 Section 15. The Public Utilities Act is amended by  
14 repealing Sections 13-402.1, 13-408, 13-409, 13-505.1,  
15 13-505.7, 13-506, 13-511, and 13-802.

16 Section 90. Nothing in this amendatory Act of the 96th  
17 General Assembly shall be construed or interpreted to abate,  
18 suspend, alter, or otherwise affect (i) any decision or (ii)  
19 any condition that is rendered by the Illinois Commerce  
20 Commission pursuant to Section 7-204 of the Illinois Public  
21 Utilities Act between April 1, 2010 and July 1, 2010.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."