

1 AMENDMENT TO HOUSE BILL 4168

2 AMENDMENT NO. _____. Amend House Bill 4168 by replacing
3 the title with the following:

4 "AN ACT relating to telecommunications."; and

5 by replacing everything after the enacting clause with the
6 following:

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

9 (220 ILCS 5/13-401) (from Ch. 111 2/3, par. 13-401)

10 (Section scheduled to be repealed on July 1, 2005)

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

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

19 No telecommunications carrier offering or providing, or
20 seeking to offer or provide, any interexchange
21 telecommunications service shall do so until it has applied

1 for and received a Certificate of Interexchange Service
2 Authority pursuant to the provisions of Section 13-403. No
3 telecommunications carrier offering or providing, or seeking
4 to offer or provide, any local exchange telecommunications
5 service shall do so until it has applied for and received a
6 Certificate of Exchange Service Authority pursuant to the
7 provisions of Section 13-405.

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

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

27 Any certificate of public convenience and necessity
28 granted by the Commission to a telecommunications carrier
29 prior to the effective date of this Article shall remain in
30 full force and effect, and such carriers need not apply for a
31 Certificate of Service Authority in order to continue
32 offering or providing service to the extent authorized in
33 such certificate of public convenience and necessity. Any
34 such carrier, however, prior to substantially altering the

1 nature or scope of services provided under a certificate of
2 public convenience and necessity, or adding or expanding
3 services beyond the authority contained in such certificate,
4 must apply for a Certificate of Service Authority for such
5 alterations or additions pursuant to the provisions of this
6 Article.

7 The Commission shall review and modify the terms of any
8 certificate of public convenience and necessity issued to a
9 telecommunications carrier prior to the effective date of
10 this Article in order to ensure its conformity with the
11 requirements and policies of this Article. Any Certificate of
12 Service Authority may be altered or modified by the
13 Commission, after notice and hearing, upon its own motion or
14 upon application of the person or company affected. Unless
15 exercised within a period of two years from the issuance
16 thereof, authority conferred by a Certificate of Service
17 Authority shall be null and void.

18 (b) The Commission may issue a temporary Certificate
19 which shall remain in force not to exceed one year in cases
20 of emergency, to assure maintenance of adequate service or to
21 serve particular customers, without notice and hearing,
22 pending the determination of an application for a
23 Certificate, and may by regulation exempt from the
24 requirements of this Section temporary acts or operations for
25 which the issuance of a certificate is not necessary in the
26 public interest and which will not be required therefor.

27 (Source: P.A. 87-856.)".