

1 AN ACT relating to telecommunications.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Telephone Company Act is amended by
5 changing Section 4 as follows:

6 (220 ILCS 65/4) (from Ch. 134, par. 20)

7 Sec. 4. Right of condemnation. Every telecommunications
8 ~~telecommuniations~~ carrier as defined in the
9 Telecommunications Municipal Infrastructure Maintenance Fee
10 Act may, when it shall be necessary for the construction,
11 maintenance, alteration or extension of its
12 telecommunications system, or any part thereof, enter upon,
13 take or damage private property in the manner provided for
14 in, and the compensation therefor shall be ascertained and
15 made in conformity to the provisions of the Telegraph Act and
16 every telecommunications carrier is authorized to construct,
17 maintain, alter and extend its poles, wires, and other
18 appliances as a proper use of highways, along, upon, under
19 and across any highway, street, alley, public right-of-way
20 dedicated or commonly used for utility purposes, or water in
21 this State, but so as not to incommode the public in the use
22 thereof: Provided, that nothing in this act shall interfere
23 with the control now vested in cities, incorporated towns and
24 villages in relation to the regulation of the poles, wires,
25 cables and other appliances, and provided, that before any
26 such lines shall be constructed along any such highway,
27 street, alley, public right-of-way dedicated or commonly used
28 for utility purposes, or water it shall be the duty of the
29 telecommunications carrier proposing to construct any such
30 line, to give (in the case of cities, villages, and
31 incorporated towns) to the corporate authorities of the

1 municipality or their designees (hereinafter, municipal
2 corporate authorities) or (in other cases) to the highway
3 commissioners having jurisdiction and control over the road
4 or part thereof along and over which such line is proposed to
5 be constructed, notice in writing in the form of plans,
6 specifications, and documentation of the purpose and
7 intention of the company to construct such line over and
8 along the highway, street, alley, public right-of-way
9 dedicated or commonly used for utility purposes, or water,
10 which notice shall be served at least 10 days before the line
11 shall be placed or constructed over and along the highway,
12 street, alley, public right-of-way dedicated or commonly used
13 for utility purposes, or water (30 days in the case of any
14 notice providing for excavation relating to new construction
15 in a public highway, street, alley, public right-of-way
16 dedicated or commonly used for utility purposes, or water);
17 and upon the giving of the notice it shall be the duty of the
18 municipal corporate authorities or the highway commissioners
19 to specify the portion of such highway, street, alley, public
20 right-of-way dedicated or commonly used for utility purposes,
21 or water upon which the line may be placed, used, and
22 constructed, and it shall thereupon be the duty of the
23 telecommunications retailer to provide the municipal
24 authorities or highway commissioners with any and all plans,
25 specifications, and documentation available and to construct
26 its line in accordance with such specifications; but in the
27 event that the municipal corporate authorities or the highway
28 commissioners fail to provide such specification within 10
29 days after the service of such notice, (25 days in the case
30 of excavation relating to new construction) then the
31 telecommunications retailer, without such specification
32 having been made, may proceed to place and erect its line
33 along the highway, street, alley, public right-of-way
34 dedicated or commonly used for utility purposes, or water by

1 placing its posts, poles and abutments so as not to interfere
2 with other proper uses of the highway, street, alley, public
3 right-of-way dedicated or commonly used for utility purposes,
4 or water. The telecommunications carrier proposing to
5 construct any such line shall comply with the provisions of
6 Section 9--113 of the Illinois Highway Code. Provided, that
7 the telecommunications carrier shall not have the right to
8 condemn any portion of the right-of-way of any railroad
9 company except as much thereof as is necessary to cross the
10 same.

11 The Illinois Commerce Commission may adopt reasonable
12 rules governing the negotiation procedures that are used by a
13 telecommunications carrier during precondemnation
14 negotiations for the purchase of land rights-of-way and
15 easements, including procedures for providing information to
16 the public and affected landowners concerning the project and
17 the right-of-way easements sought in connection therewith.

18 Such rules may be made applicable to interstate,
19 competitive intrastate and noncompetitive intrastate
20 facilities, without regard to whether such facilities or the
21 telecommunications carrier proposing to construct and operate
22 them would otherwise be subject to the Illinois Commerce
23 Commission's jurisdiction under the Public Utilities Act, as
24 now or hereafter amended. However, as to facilities used to
25 provide exclusively interstate services or competitive
26 intrastate services or both, nothing in this Section confers
27 any power upon the Commission (i) to require the disclosure
28 of proprietary, competitively sensitive, or cost information
29 or information not known to the telecommunications carrier,
30 (ii) to determine whether, or conduct hearings regarding
31 whether, any proposed fiber optic or other facilities should
32 or should not be constructed and operated, or (iii) to
33 determine or specify, or conduct hearings concerning, the
34 price or other terms or conditions of the purchase of the

1 right-of-way easements sought. With respect to facilities
 2 used to provide any intrastate services classified in the
 3 condemnor's tariff as noncompetitive under Section 13-502--of
 4 the Public Utilities Act, the rulemaking powers conferred
 5 upon the Commission under this Section are in addition to any
 6 rulemaking powers arising under the Public Utilities Act.

7 No telecommunications carrier shall exercise the power to
 8 condemn private property until it has first substantially
 9 complied with such rules with respect to the property sought
 10 to be condemned. If such rules call for providing notice or
 11 information before or during negotiations, a failure to
 12 provide such notice or information shall not constitute a
 13 waiver of the rights granted in this Section, but the
 14 telecommunications carrier shall be liable for all reasonable
 15 attorney's fees of that landowner resulting from such
 16 failure.

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

18 Section 10. The Public Utilities Act is amended by
 19 changing Sections 4-402, 5-104, 5-109, 8-406, 8-509, 9-201,
 20 10-101, 10-103, 10-108, 13-100, 13-101, 13-102, 13-103,
 21 13-203, 13-204, 13-301, 13-301.1, 13-302, 13-401, 13-402,
 22 13-404, 13-406, 13-501, 13-504, 13-505.2, 13-505.3, 13-505.4,
 23 13-505.6, 13-505.7, 13-506.1, 13-508, 13-512, 13-703, 13-803,
 24 and 13-901, and adding Sections 10-101.5, 10-103.5, 10-114,
 25 13-203.5, 13-300, 13-303, and 13-304 as follows:

26 (220 ILCS 5/4-402) (from Ch. 111 2/3, par. 4-402)

27 Sec. 4-402. Pending action; effect of amendatory Act.
 28 ~~This amendatory Act of 1985 shall not affect pending actions~~
 29 ~~or proceedings, civil or criminal, in any court or other~~
 30 ~~tribunal brought by or against the People of the State of~~
 31 ~~Illinois or the Illinois Commerce Commission or by any other~~
 32 ~~person, firm or corporation under the provisions of this Act~~

1 or--any--other--Act--establishing--or--conferring--power--on--the
 2 Commission,--nor--abate--any---causes---of---action---arising
 3 thereunder,--but--the--same--may--be--instituted,--prosecuted--and
 4 defended--with--the--same--effect--as--though--this--amendatory--Act
 5 had---not---been---passed.---Any--investigation,--hearing--or
 6 proceeding,--instituted--or--conducted--by--the--Commission--prior
 7 to--the--taking--effect--of--this--amendatory--Act--shall--be
 8 conducted--and--continued--to--a--final--determination--by--the
 9 Commission--with--the--same--effect--as--if--this--amendatory--Act--had
 10 not--been--passed.

11 All findings, orders, decisions, rules, and regulations
 12 issued or promulgated by the Commission in pending
 13 proceedings or in proceedings in which a final order has been
 14 issued under this Act or any other Act establishing--or
 15 conferring--power--on--the--Commission, shall continue in force
 16 only to the extent consistent with this amendatory Act of the
 17 92nd General Assembly.--and--the--Commission--hereby--created
 18 shall--have--all--powers--with--respect--to--said--findings,--orders,
 19 decisions,--rules--and--regulations--as--though--said--findings,
 20 orders,--decisions,--rules--and--regulations--had--been--made,
 21 issued--or--promulgated--by--the--Commission--under--this--amendatory
 22 Act. Notwithstanding the provisions of--this--Section,--where
 23 applicable, The Commission shall amend its findings, orders,
 24 decisions, rules, and regulations in pending proceedings or
 25 in proceedings in which a final order has been issued to
 26 conform to the provisions of this amendatory Act of the 92nd
 27 General Assembly as soon as practicable after the effective
 28 date of this amendatory Act.

29 (Source: P.A. 84-617.)

30 (220 ILCS 5/5-104) (from Ch. 111 2/3, par. 5-104)
 31 Sec. 5-104. Depreciation accounts.

32 (a) The Commission shall have power, after hearing, to
 33 require any or all public utilities and telecommunications

1 carriers as defined by Section 13-202, except electric public
2 utilities, to keep such accounts as will adequately reflect
3 depreciation, obsolescence and the progress of the arts. The
4 Commission may, from time to time, ascertain and determine
5 and by order fix the proper and adequate rate of depreciation
6 of the several classes of property for each public utility;
7 and each public utility shall conform its depreciation
8 accounts to the rates so ascertained, determined and fixed.

9 (b) The Commission shall have the power, after hearing,
10 to require any or all electric public utilities to keep such
11 accounts as will adequately reflect depreciation,
12 obsolescence, and the progress of the arts. The Commission
13 may, from time to time, ascertain and determine and by order
14 fix the proper and adequate rate of depreciation of the
15 several classes of property for each electric public utility;
16 and each electric public utility shall thereafter, absent
17 further order of the Commission, conform its depreciation
18 accounts to the rates so ascertained, determined and fixed
19 until at least the end of the first full calendar year
20 following the date of such determination.

21 (c) A telecommunications carrier and an electric public
22 utility may from time to time alter the annual rates of
23 depreciation, which for purposes of this subsection (c) and
24 subsection (d) shall include amortization, that it applies to
25 its several classes of assets so long as the rates are
26 consistent with generally accepted accounting principles. A
27 telecommunications carrier and an The electric public utility
28 shall file a statement with the Commission which shall set
29 forth the new rates of depreciation and which shall contain a
30 certification by an independent certified public accountant
31 that the new rates of depreciation are consistent with
32 generally accepted accounting principles. Upon the filing of
33 such statement, the new rates of depreciation shall be deemed
34 to be approved by the Commission as the rates of depreciation

1 to be applied thereafter by the public utility as though an
2 order had been entered pursuant to subsection (b).

3 (d) In any proceeding conducted pursuant to Section
4 9-201 or 9-202 to set an electric public utility's rates for
5 service, the Commission may determine not to use, in
6 determining the depreciation expense component of the public
7 utility's rates for service, the rates of depreciation
8 established pursuant to subsection (c), if the Commission in
9 that proceeding finds based on the record that different
10 rates of depreciation are required to adequately reflect
11 depreciation, obsolescence and the progress of the arts, and
12 fixes by order and uses for purposes of that proceeding new
13 rates of depreciation to be thereafter employed by the
14 electric public utility until the end of the first full
15 calendar year following the date of the determination and
16 thereafter until altered in accordance with subsection (b) or
17 (c) of this Section.

18 (Source: P.A. 90-561, eff. 12-16-97.)

19 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

20 Sec. 5-109. Reports by public utilities. Except for
21 telecommunication carriers as defined by Section 13-202, a
22 Each public utility in the State shall each year furnish to
23 the Commission, in such form as the Commission shall require,
24 annual reports as to all the items mentioned in the preceding
25 sections of this article, and in addition such other items,
26 whether of a nature similar to those therein enumerated or
27 otherwise, as the Commission may prescribe. Such annual
28 reports shall contain all the required information for the
29 period to twelve months ending on the thirtieth day of June
30 in each year, or ending on the thirty-first day of December
31 in each year, as the Commission may by order prescribe for
32 each class of public utilities, and shall be filed with the
33 Commission at its office in Springfield within three months

1 after the close of the year for which the report is made. The
2 Commission shall have authority to require any public utility
3 to file monthly reports of earnings and expenses of such
4 utility, and to file other periodical or special, or both
5 periodical and special reports concerning any matter about
6 which the Commission is authorized by law to keep itself
7 informed. All reports shall be under oath.

8 When any report is erroneous or defective or appears to
9 the Commission to be erroneous or defective, the Commission
10 may notify the public utility to amend such report within
11 thirty days, and before or after the termination of such
12 period the Commission may examine the officers, agents, or
13 employees, and books, records, accounts, vouchers, plant,
14 equipment and property of such public utility, and correct
15 such items in the report as upon such examination the
16 Commission may find defective or erroneous.

17 All reports made to the Commission by any public utility
18 and the contents thereof shall be open to public inspection,
19 unless otherwise ordered by the Commission. Such reports
20 shall be preserved in the office of the Commission.

21 Any public utility which fails to make and file any
22 report called for by the Commission within the time
23 specified; or to make specific answer to any question
24 propounded by the Commission within thirty days from the time
25 it is lawfully required to do so, or within such further
26 time, not to exceed ninety days, as may in its discretion be
27 allowed by the Commission, shall forfeit up to \$100 for each
28 and every day it may so be in default if the utility collects
29 less than \$100,000 annually in gross revenue; and if the
30 utility collects \$100,000 or more annually in gross revenue,
31 it shall forfeit \$100 per day for each and every day it is in
32 default.

33 Any person who wilfully makes any false return or report
34 to the Commission, or to any member, officer or employee

1 thereof, and any person who aids or abets such person shall
2 be guilty of a Class A misdemeanor.

3 (Source: P.A. 84-617.)

4 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

5 Sec. 8-406. Certificate of public convenience and
6 necessity.

7 (a) No public utility not owning any city or village
8 franchise nor engaged in performing any public service or in
9 furnishing any product or commodity within this State as of
10 July 1, 1921 and not possessing a certificate of public
11 convenience and necessity from the Illinois Commerce
12 Commission, the State Public Utilities Commission or the
13 Public Utilities Commission, at the time this amendatory Act
14 of 1985 goes into effect, shall transact any business in this
15 State until it shall have obtained a certificate from the
16 Commission that public convenience and necessity require the
17 transaction of such business. Article XIII shall govern the
18 issuance of certificates in this State for telecommunications
19 carriers to provide telecommunications services.

20 (b) No public utility shall begin the construction of
21 any new plant, equipment, property or facility which is not
22 in substitution of any existing plant, equipment, property or
23 facility or any extension or alteration thereof or in
24 addition thereto, unless and until it shall have obtained
25 from the Commission a certificate that public convenience and
26 necessity require such construction. Whenever after a hearing
27 the Commission determines that any new construction or the
28 transaction of any business by a public utility will promote
29 the public convenience and is necessary thereto, it shall
30 have the power to issue certificates of public convenience
31 and necessity. The Commission shall determine that proposed
32 construction will promote the public convenience and
33 necessity only if the utility demonstrates: (1) that the

1 proposed construction is necessary to provide adequate,
2 reliable, and efficient service to its customers and is the
3 least-cost means of satisfying the service needs of its
4 customers; (2) that the utility is capable of efficiently
5 managing and supervising the construction process and has
6 taken sufficient action to ensure adequate and efficient
7 construction and supervision thereof; and (3) that the
8 utility is capable of financing the proposed construction
9 without significant adverse financial consequences for the
10 utility or its customers.

11 (c) After the effective date of this amendatory Act of
12 1987, no construction shall commence on any new nuclear power
13 plant to be located within this State, and no certificate of
14 public convenience and necessity or other authorization shall
15 be issued therefor by the Commission, until the Director of
16 the Illinois Environmental Protection Agency finds that the
17 United States Government, through its authorized agency, has
18 identified and approved a demonstrable technology or means
19 for the disposal of high level nuclear waste, or until such
20 construction has been specifically approved by a statute
21 enacted by the General Assembly.

22 As used in this Section, "high level nuclear waste" means
23 those aqueous wastes resulting from the operation of the
24 first cycle of the solvent extraction system or equivalent
25 and the concentrated wastes of the subsequent extraction
26 cycles or equivalent in a facility for reprocessing
27 irradiated reactor fuel and shall include spent fuel
28 assemblies prior to fuel reprocessing.

29 (d) In making its determination, the Commission shall
30 attach primary weight to the cost or cost savings to the
31 customers of the utility. The Commission may consider any or
32 all factors which will or may affect such cost or cost
33 savings.

34 (e) The Commission may issue a temporary certificate

1 which shall remain in force not to exceed one year in cases
2 of emergency, to assure maintenance of adequate service or to
3 serve particular customers, without notice or hearing,
4 pending the determination of an application for a
5 certificate, and may by regulation exempt from the
6 requirements of this Section temporary acts or operations for
7 which the issuance of a certificate will not be required in
8 the public interest.

9 A public utility shall not be required to obtain but may
10 apply for and obtain a certificate of public convenience and
11 necessity pursuant to this Section with respect to any matter
12 as to which it has received the authorization or order of the
13 Commission under the Electric Supplier Act, and any such
14 authorization or order granted a public utility by the
15 Commission under that Act shall as between public utilities
16 be deemed to be, and shall have except as provided in that
17 Act the same force and effect as, a certificate of public
18 convenience and necessity issued pursuant to this Section.

19 No electric cooperative shall be made or shall become a
20 party to or shall be entitled to be heard or to otherwise
21 appear or participate in any proceeding initiated under this
22 Section for authorization of power plant construction and as
23 to matters as to which a remedy is available under The
24 Electric Supplier Act.

25 (f) Such certificates may be altered or modified by the
26 Commission, upon its own motion or upon application by the
27 person or corporation affected. Unless exercised within a
28 period of 2 years from the grant thereof authority conferred
29 by a certificate of convenience and necessity issued by the
30 Commission shall be null and void.

31 No certificate of public convenience and necessity shall
32 be construed as granting a monopoly or an exclusive
33 privilege, immunity or franchise.

34 (Source: P.A. 90-561, eff. 12-16-97.)

1 (220 ILCS 5/8-509) (from Ch. 111 2/3, par. 8-509)

2 Sec. 8-509. When necessary for the construction of any
3 alterations, additions, extensions, or improvements ordered
4 or authorized under Section 8-503 ~~or 12-218~~ of this Act, any
5 public utility may enter upon, take or damage private
6 property in the manner provided for by the law of eminent
7 domain.

8 This Section applies to the exercise of eminent domain
9 powers by telephone companies or telecommunications carriers
10 only when the facilities to be constructed are intended to be
11 used in whole or in part for providing one or more intrastate
12 noncompetitive telecommunications services ~~classified--as~~
13 ~~"noncompetitive"--under--Section--13-502-in-a-tariff--filed~~ by
14 the condemnor. The exercise of eminent domain powers by
15 telephone companies or telecommunications carriers in all
16 other cases shall be governed solely by "An Act relating to
17 the powers, duties and property of telephone companies",
18 approved May 16, 1903, as now or hereafter amended.

19 (Source: P.A. 86-221.)

20 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

21 Sec. 9-201. Rate changes.

22 (a) Unless the Commission otherwise orders, and except
23 as otherwise provided in this Section, no change shall be
24 made by any public utility in any rate or other charge or
25 classification, or in any rule, regulation, practice or
26 contract relating to or affecting any rate or other charge,
27 classification or service, or in any privilege or facility,
28 except after 30 45 days' notice to the Commission and to the
29 public as herein provided. Such notice shall be given by
30 filing with the Commission and keeping open for public
31 inspection new schedules or supplements stating plainly the
32 change or changes to be made in the schedule or schedules
33 then in force, and the time when the change or changes will

1 go into effect, and by publication in a newspaper of general
2 circulation or such other notice to persons affected by such
3 change as may be prescribed by rule of the Commission. The
4 Commission, for good cause shown, may allow changes without
5 requiring the 30 45 days' notice herein provided for, by an
6 order specifying the changes so to be made and the time when
7 they shall take effect and the manner in which they shall be
8 filed and published.

9 When any change is proposed in any rate or other charge,
10 or classification, or in any rule, regulation, practice, or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 such proposed change shall be plainly indicated on the new
14 schedule filed with the Commission, by some character to be
15 designated by the Commission, immediately preceding or
16 following the item.

17 When any public utility providing water or sewer service
18 proposes any change in any rate or other charge, or
19 classification, or in any rule, regulation, practice, or
20 contract relating to or affecting any rate or other charge,
21 classification or service, or in any privilege or facility,
22 such utility shall, in addition to the other notice
23 requirements of this Act, provide notice of such change to
24 all customers potentially affected by including a notice and
25 description of such change, and of Commission procedures for
26 intervention, in the first bill sent to each such customer
27 after the filing of the proposed change.

28 (b) Whenever there shall be filed with the Commission
29 any schedule stating an individual or joint rate or other
30 charge, classification, contract, practice, rule or
31 regulation, the Commission shall have power, and it is hereby
32 given authority, either upon complaint or upon its own
33 initiative without complaint, at once, and if it so orders,
34 without answer or other formal pleadings by the interested

1 public utility or utilities, but upon reasonable notice, to
2 enter upon a hearing concerning the propriety of such rate or
3 other charge, classification, contract, practice, rule or
4 regulation, and pending the hearing and decision thereon,
5 such rate or other charge, classification, contract,
6 practice, rule or regulation shall not go into effect. The
7 period of suspension of such rate or other charge,
8 classification, contract, practice, rule or regulation shall
9 not extend more than 105 days beyond the time when such rate
10 or other charge, classification, contract, practice, rule or
11 regulation would otherwise go into effect unless the
12 Commission, in its discretion, extends the period of
13 suspension for a further period not exceeding 6 months.

14 All rates or other charges, classifications, contracts,
15 practices, rules or regulations not so suspended shall, on
16 the expiration of 30 45 days from the time of filing the same
17 with the Commission, or of such lesser time as the Commission
18 may grant, go into effect and be the established and
19 effective rates or other charges, classifications, contracts,
20 practices, rules and regulations, subject to the power of the
21 Commission, after a hearing had on its own motion or upon
22 complaint, as herein provided, to alter or modify the same.

23 Within 30 days after such changes have been authorized by
24 the Commission, copies of the new or revised schedules shall
25 be posted or filed in accordance with the terms of Section
26 9-103 of this Act, in such a manner that all changes shall be
27 plainly indicated.

28 (c) If the Commission enters upon a hearing concerning
29 the propriety of any proposed rate or other charge,
30 classification, contract, practice, rule or regulation, the
31 Commission shall establish the rates or other charges,
32 classifications, contracts, practices, rules or regulations
33 proposed, in whole or in part, or others in lieu thereof,
34 which it shall find to be just and reasonable. In such

1 hearing, the burden of proof to establish the justness and
2 reasonableness of the proposed rates or other charges,
3 classifications, contracts, practices, rules or regulations,
4 in whole and in part, shall be upon the utility. No rate or
5 other charge, classification, contract, practice, rule or
6 regulation shall be found just and reasonable unless it is
7 consistent with Sections of this Article.

8 (Source: P.A. 84-617.)

9 (220 ILCS 5/10-101) (from Ch. 111 2/3, par. 10-101)

10 Sec. 10-101. Investigations and hearings. The
11 Commission, or any commissioner or hearing examiner
12 designated by the Commission, shall have power to hold
13 investigations, inquiries and hearings concerning any matters
14 covered by the provisions of this Act, or by any other Acts
15 relating to public utilities subject to such rules and
16 regulations as the Commission may establish. In the conduct
17 of any investigation, inquiry or hearing the provisions of
18 the Illinois Administrative Procedure Act, including but not
19 limited to Sections 10-25 and 10-35 of that Act, shall be
20 applicable and the Commission's rules shall be consistent
21 therewith. Complaint cases initiated pursuant to any Section
22 of this Act, investigative proceedings and ratemaking cases
23 shall be considered "contested cases" as defined in Section
24 1-30 of the Illinois Administrative Procedure Act, any
25 contrary provision therein notwithstanding. Any proceeding
26 intended to lead to the establishment of policies, practices,
27 rules or programs applicable to more than one utility may, in
28 the Commission's discretion, be conducted pursuant to either
29 rulemaking or contested case provisions, provided such choice
30 is clearly indicated at the beginning of such proceeding and
31 subsequently adhered to. No violation of this Section or the
32 Illinois Administrative Procedure Act and no informality in
33 any proceeding or in the manner of taking testimony before

1 the Commission, any commissioner or hearing examiner of the
2 Commission shall invalidate any order, decision, rule or
3 regulation made, approved, or confirmed by the Commission in
4 the absence of prejudice. All hearings conducted by the
5 Commission shall be open to the public.

6 Each commissioner and every hearing examiner of the
7 Commission designated by it to hold any inquiry,
8 investigation or hearing, shall have the power to administer
9 oaths and affirmations, certify to all official acts, issue
10 subpoenas, compel the attendance and testimony of witnesses,
11 and the production of papers, books, accounts and documents.

12 When hearings are required under this Act, hearings shall
13 be held either by the Commission or by one or more
14 commissioners or hearing examiners.

15 When any counselor or attorney at law, licensed in any
16 other state or territory, may desire to appear before the
17 Commission, such counselor or attorney shall be allowed to
18 appear before the Commission upon the same terms and in the
19 same manner that counselors and attorneys at law licensed in
20 this State now are or hereafter may be admitted to appear in
21 such other state or territory before its Commission or
22 equivalent body.

23 All evidence presented at hearings held by the Commission
24 or under its authority shall become a part of the records of
25 the Commission. In all cases in which the Commission bases
26 any action on reports of investigation or inquiries not
27 conducted as hearings, such reports shall be made a part of
28 the records of the Commission. All proceedings of the
29 Commission and all documents and records in its possession
30 shall be public records, except as in this Act otherwise
31 provided.

32 To the extent consistent with this Section and the
33 Illinois Administrative Procedure Act, the Commission may
34 adopt reasonable and proper rules and regulations relative to

1 the exercise of its powers, and proper rules to govern its
2 proceedings, and regulate the mode and manner of all
3 investigations and hearings, and alter and amend the same.

4 (Source: P.A. 88-45.)

5 (220 ILCS 5/10-101.5 new)

6 Sec. 10-101.5. Settlements. All parties to contested
7 proceedings before the Commission are encouraged to enter
8 into settlements when possible. The Commission may adopt a
9 settlement reached between some, but not all, parties in any
10 contested matter without reaching a decision on the merits of
11 the contested issues when:

12 (1) non-agreeing parties are provided a reasonable
13 opportunity to state their objections to the proposed
14 settlement on the record of the proceeding; and

15 (2) the Commission, after reviewing the objections,
16 finds that the settlement as a whole represents a
17 reasonable resolution of the proceeding or some portion
18 thereof.

19 (220 ILCS 5/10-103) (from Ch. 111 2/3, par. 10-103)

20 Sec. 10-103. Proceedings before Commission.

21 (a) In all proceedings, investigations, or hearings
22 conducted by the Commission, except in the disposition of
23 matters that the Commission is authorized to entertain or
24 dispose of on an ex parte basis, any finding, decision, or
25 order made by the Commission shall be based exclusively on
26 the record for decision in the case, which shall include all
27 pleadings (including all notices and responses to those
28 pleadings), motions, rulings, evidence received, statements
29 of matters officially noticed, offers of proof and objections
30 to and rulings on those offers of proof, proposed findings
31 and exceptions, decisions, opinions, or reports by the
32 hearing examiner, the transcript of all oral proceedings and

1 testimony, and exhibits together with all papers and requests
2 filed in the proceeding. In contested cases, the documents
3 and information described in subsections (b),(c), (d), and
4 (e) of this Section, as well as the documents and
5 information described in Section 10-103.5, shall not form
6 the basis of any findings of fact in a proceeding,
7 investigation, or hearing conducted by the Commission, except
8 upon notice and an opportunity for all parties to
9 participate.

10 (b) A communication between a commissioner, his or her
11 assistant, or other person who is or may be expected to be
12 involved in the decisional process of a contested case with
13 any party or representative of a party to a proceeding for
14 any telecommunications carrier or any representative of the
15 carrier concerning any matter of fact, law, or policy at
16 issue in the case that occurs after the initial notice of
17 hearing, but before the close of the evidentiary or
18 fact-finding portion of the proceedings, shall be reported
19 in accordance with Section 10-103.5.

20 (c) A commissioner, his or her assistant, and any other
21 person who is or reasonably may be expected to be involved in
22 the decisional process of a contested proceeding may not,
23 after the close of the evidentiary or fact-finding portion of
24 a contested proceeding and before a final order of the
25 Commission or any order on rehearing, whichever is later,
26 communicate, directly or indirectly, in connection with any
27 matter of fact, law, or policy at issue in the proceeding,
28 with any party or representative of a party to the proceeding
29 for any telecommunications carrier or any representative of
30 the carrier, except upon notice and opportunity for all
31 parties to participate. From the time a hearing examiner is
32 assigned to the proceeding until a final order of the
33 Commission or any order on rehearing, whichever is later, a
34 hearing examiner may not communicate, directly or indirectly,

1 in connection with any matter of fact, law, or policy at
2 issue in the proceeding with any person who is not involved
3 in the decisional process, except upon notice and opportunity
4 for all parties to participate. Except as otherwise provided
5 by law, from the time a hearing examiner is assigned to the
6 proceeding until the hearing examiner submits a proposed
7 order to the Commission, a hearing examiner may not
8 communicate, directly or indirectly, in connection with any
9 matter of fact, law, or policy at issue in the proceeding
10 with any person who is involved in the decisional process,
11 except upon notice and opportunity for all parties to
12 participate. Nothing in this Section shall prohibit a
13 commissioner from communicating with another commissioner or
14 having the aid or advice of one or more assistants. However,
15 the provisions of Section 10-60 of the Illinois
16 Administrative Procedure Act apply in full to, and the
17 provisions of subsections (b) and (c) of this Section do not
18 apply to, proceedings initiated by individual customers, not
19 including customers certified as providers under this Act.

20 (d) The provisions of subsections (b) and (c) of this
21 Section and Section 10-60 of the Illinois Administrative
22 Procedure Act shall not apply to communications with persons
23 who are not parties or representatives of parties to a
24 proceeding (non-parties) unless the non-parties are
25 telecommunications carriers or representatives of those
26 carriers and to communications between Commission employees
27 who are engaged in investigatory, prosecutorial, or advocacy
28 functions and other parties to the proceeding, however, the
29 Commission employees are governed by Section 10-60 of the
30 Illinois Administrative Procedure Act as modified by
31 subsections (b) and (c) of this Section with respect to
32 communicating, directly or indirectly, with members of the
33 Commission or their assistants, any hearing examiner in the
34 proceeding, or any Commission employee who is or may

1 reasonably be expected to be involved in the decisional
2 process of the proceeding.

3 (e) A commissioner, commissioner's assistant, hearing
4 examiner, or other Commission employee who is or may
5 reasonably be expected to be involved in the decisional
6 process of a proceeding, who receives, or who makes or
7 knowingly causes to be made, a communication prohibited by
8 Section 10-60 of the Illinois Administrative Procedure Act as
9 modified by this Section, must place on the public record of
10 the proceeding: (1) any and all such written communications;
11 (2) memoranda stating the substance of any and all such oral
12 communications; and (3) any and all written responses and
13 memoranda stating the substance of any and all oral responses
14 to the materials described in clauses (1) and (2).

15 (f) The Commission, or any commissioner or hearing
16 examiner presiding over the proceeding, shall in the event of
17 a violation of this Section, take whatever action is
18 necessary to ensure that the violation does not prejudice any
19 party or adversely affect the fairness of the proceedings.

20 ~~In all proceedings, investigations or hearings conducted~~
21 ~~by the Commission, except in the disposition of matters which~~
22 ~~the Commission is authorized to entertain or dispose of on an~~
23 ~~ex parte basis, any finding, decision or order made by the~~
24 ~~Commission shall be based exclusively on the record for~~
25 ~~decision in the case, which shall include only the transcript~~
26 ~~of testimony and exhibits together with all papers and~~
27 ~~requests filed in the proceeding, including in contested~~
28 ~~cases, the documents and information described in Section~~
29 ~~10-35 of the Illinois Administrative Procedure Act.~~

30 ~~The provisions of Section 10-60 of the Illinois~~
31 ~~Administrative Procedure Act shall apply in full to~~
32 ~~Commission proceedings, including ratemaking cases, any~~
33 ~~provision of the Illinois Administrative Procedure Act to the~~
34 ~~contrary notwithstanding. The provisions of Section 10-60~~

1 shall not apply, however, to communications between
 2 Commission employees who are engaged in investigatory,
 3 prosecutorial or advocacy functions and other parties to the
 4 proceeding, provided that such Commission employees are still
 5 prohibited from communicating on an ex parte basis, as
 6 designated in Section 10-60, directly or indirectly, with
 7 members of the Commission, any hearing examiner in the
 8 proceeding, or any Commission employee who is or may
 9 reasonably be expected to be involved in the decisional
 10 process of the proceeding.

11 Any commissioner, hearing examiner, or other Commission
 12 employee who is or may reasonably be expected to be involved
 13 in the decisional process of a proceeding, who receives, or
 14 who makes or knowingly causes to be made, a communication
 15 prohibited by Section 10-60 of the Illinois Administrative
 16 Procedure Act as modified by this Section, shall place on the
 17 public record of the proceeding (1) any and all such written
 18 communications; (2) memoranda stating the substance of any
 19 and all such oral communications; and (3) any and all written
 20 responses and memoranda stating the substance of any and all
 21 oral responses to the materials described in clauses (1) and
 22 (2).

23 The Commission, or any commissioner or hearing examiner
 24 presiding over the proceeding, shall in the event of a
 25 violation of this Section, take whatever action is necessary
 26 to ensure that such violation does not prejudice any party or
 27 adversely affect the fairness of the proceedings.

28 (Source: P.A. 88-45.)

29 (220 ILCS 5/10-103.5 new)

30 Sec. 10-103.5. Reporting communications with Commission.
 31 A communication required to be reported under subsection
 32 (b) of Section 10-103 shall be reported by the commissioner,
 33 his or her assistant, or any person who is or may be expected

1 to be involved in the decisional process who makes or
2 receives that communication on the date the communication is
3 made by filing and serving a notice of communication in a
4 contested case with the Commission. This notice shall be
5 served on the hearing examiner and all parties of record by
6 mail within 7 days of the communication. The notice shall
7 include the following information:

8 (1) the date, time, and location of the
9 communication and whether it was oral, written, or a
10 combination;

11 (2) the identity of the recipients and the persons
12 initiating the communication, as well as the identity of
13 the persons present during the communication; and

14 (3) a description of the communication and its
15 content, including a copy of any written material or text
16 provided during the communication.

17 (220 ILCS 5/10-108) (from Ch. 111 2/3, par. 10-108)

18 Sec. 10-108. Complaints; notice; parties. Complaint may
19 be made by the Commission, of its own motion or by any person
20 or corporation, chamber of commerce, board of trade, or any
21 industrial, commercial, mercantile, agricultural or
22 manufacturing society, or any body politic or municipal
23 corporation by petition or complaint in writing, setting
24 forth any act or things done or omitted to be done in
25 violation, or claimed to be in violation, of any provision of
26 this Act, or of any order or rule of the Commission. In the
27 discretion of the Commission, matters presented by one
28 complaint may be ordered separated, and matters upon which
29 complaint may be founded may be joined. No objection shall be
30 sustained to a separation merely because the matters
31 separated are under the ownership, control or management of
32 the same persons or corporation. No complaint shall be
33 dismissed because of the absence of direct damage to the

1 complainant.

2 Upon the filing of a complaint the Commission shall cause
3 a copy thereof to be served upon the person or corporation
4 complained of which shall be accompanied by a notice
5 requiring that the complaint be satisfied and answered within
6 a reasonable time to be specified by the Commission or within
7 the discretion of the Commission, by a notice fixing a time
8 when and place where a hearing will be had upon such
9 complaint. Notice of the time and place shall also be given
10 to the complainant and to such other persons as the
11 Commission shall deem necessary. The Commission shall have
12 authority to hear and investigate any complaint
13 notwithstanding the fact that the person or corporation
14 complained of may have satisfied the complaint.

15 The time fixed for such hearing shall not be less than
16 ten days after the date of the service of such notice and
17 complaint except as herein provided. Service in all hearings,
18 investigations, and proceedings before the Commission may be
19 made upon any person upon whom a summons may be served in
20 accordance with the provisions of the Civil Practice Law and
21 all existing and future amendments thereto and modifications
22 thereof and the Supreme Court Rules now or hereafter adopted
23 in relation to that Law, and may be made personally, by
24 electronic means, or by mailing same in the United States
25 mail in a sealed envelope with postage prepaid. The
26 provisions of this section as to notice shall apply to all
27 hearings held by the Commission or under its authority.

28 Any public utility shall have a right to complain on any
29 of the grounds upon which complaints are allowed to be filed
30 by other parties, and the same procedure shall be adopted and
31 followed as in other cases.

32 All cities shall have power to appear as complainants or
33 to make application before the Illinois Commerce Commission
34 for an inquiry, investigation or hearing relating to the

1 rates or other charges or services of public utilities within
2 such city, except for telecommunications carriers electing an
3 alternative form of regulation under Sec. 13-506.1; and in
4 case of any inquiry, investigation or hearing by or before
5 the Illinois Commerce Commission on any matter relating to
6 the rates or other charges or services within any city, the
7 city shall receive written notice not less than ten days
8 before such inquiry, investigation or hearing, and shall be
9 entitled to appear and present evidence relating to the
10 subject matter of such inquiry, investigation or hearing.
11 Such notice shall be served upon the city clerk.

12 Whenever there shall be filed a complaint under Article
13 IX of this Act regarding the rates, charges, classifications
14 or services of a public utility, the Commission shall make
15 and render findings concerning the subject matter and facts
16 complained of and enter its order based thereon not later
17 than one year after the filing of such complaint unless all
18 parties to the complaint proceeding under Article IX agree to
19 a period of greater than one year, provided that any
20 agreement to extend the one year period must be in writing
21 and must be for a specified period of time not exceeding 60
22 days. The parties may enter into more than one agreement to
23 extend time. This paragraph does not apply to
24 telecommunications carriers electing an alternative form of
25 regulation under Sec. 13-506.1.

26 In the event that the Commission fails to enter its order
27 within one year after the filing of the complaint or upon the
28 expiration of the last agreement to extend time, any party
29 may file a complaint in the circuit court for an emergency
30 order of mandamus to direct and compel the Commission to
31 enter its order within 60 days of the expiration of the one
32 year period or within 60 days of the expiration of the last
33 agreement to extend time, and the court shall set a schedule
34 to enable the Commission to complete the case and enter an

1 order within the time frame specified herein. Summons upon
2 the complaint shall be returnable within 5 days. The
3 complaint for an order of mandamus shall be brought in the
4 circuit in which the subject matter of the complaint is
5 situated or, if the subject matter of the hearing is situated
6 in more than one circuit, then in any one of those circuits.

7 In order to speed the resolution of retail customer
8 complaints, the Commission's Consumers Affairs Staff shall
9 offer a mandatory dispute resolution process for the benefit
10 of retail customers when the matter in dispute is less than
11 \$5,000. Within 30 days after receiving a statement of the
12 matter in dispute from a retail customer, the Consumers
13 Affairs staff shall recommend a settlement. Within 7 days
14 after the date of the recommended settlement, a party shall
15 file with the Staff a written acceptance or rejection of the
16 recommended settlement. If the parties accept the
17 recommendation, then the recommendation shall become the
18 final order in a contested case. If a party rejects the
19 recommended settlement, then the retail customer may proceed
20 to a contested case hearing under this Article. The party
21 that rejects the recommended settlement shall pay the
22 opposing party's actual costs of proceeding to a contested
23 case hearing, including attorney fees, unless the final order
24 of the Commission is more favorable to the rejecting party
25 than the recommended settlement under this Section. A final
26 order is considered more favorable if it differs by 10% or
27 more from the recommended settlement in favor of the
28 rejecting party. If the settlement recommendation is not
29 accepted, the individual commissioners and hearing examiners
30 shall not be informed of the recommended settlement until
31 they have issued their final order in order to avoid
32 prejudicing the interests of retail customers and other
33 parties. This Section shall not extend or toll the time
34 within which the Commission is required to issue its final

1 order under Section 10-108.

2 (Source: P.A. 91-341, eff. 7-29-99.)

3 (220 ILCS 5/10-114 new)

4 Sec. 10-114. Resolution on pleading. Notwithstanding
5 any other provision of this Act, the Commission shall resolve
6 all proceedings on the basis of written pleadings and
7 submissions that are verified or supported by affidavit with
8 the exception of proceedings arising under Section 13-515.
9 Nothing in this Section precludes the Commission from hearing
10 oral argument in any proceeding.

11 (220 ILCS 5/13-100) (from Ch. 111 2/3, par. 13-100)

12 (Section scheduled to be repealed on July 1, 2001)

13 Sec. 13-100. Short title. This Article shall be known
14 and may be cited as the Telecommunications Universal
15 Telephone-Service-Protection Law of 2001 1985.

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

17 (220 ILCS 5/13-101) (from Ch. 111 2/3, par. 13-101)

18 (Section scheduled to be repealed on July 1, 2001)

19 Sec. 13-101. Application of Act to telecommunications
20 rates and services. Except--to--the--extent--modified--or
21 supplemented--by--the--specific--provisions--of--this--Article,
22 Sections--of--this--Act--pertaining--to--public--utilities,
23 public utility--rates--and--services,
24 and--the--regulation--thereof,
25 are fully---and---equally---applicable---to---noncompetitive
26 telecommunications--rates--and--services,
27 and--the--regulation thereof,
28 except--where--the--context--clearly--renders--such
29 provisions--inapplicable. Except to the extent modified or
30 supplemented by the specific provisions of this Article or
31 any other Article, Articles II through V, Sections 7-204,
8-101, 8-301, 8-406, 8-505, 9-221, 9-222, 9-222.1, 9-222.2,
9-250, and 9-252.1, and Article Articles X and XI of this Act

1 are fully and equally applicable to ~~competitive~~
2 telecommunications carriers and ~~rates-and~~ services, and the
3 regulation thereof.

4 (Source: P.A. 90-38, eff. 6-27-97.)

5 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

6 (Section scheduled to be repealed on July 1, 2001)

7 Sec. 13-102. Findings. With respect to
8 telecommunications services, as herein defined, the General
9 Assembly finds that:

10 (a) reliable, universally available, and widely
11 affordable facilities-based and resold telecommunications
12 services for residential customers are essential to the
13 health, welfare, and prosperity of all Illinois citizens;

14 (b) federal regulatory and judicial rulings in the 1980s
15 caused a restructuring of the telecommunications industry and
16 have helped open ~~opened--some--aspects--of~~ the industry to
17 competitive entry by facilities-based carriers and resellers,
18 thereby necessitating revision of State telecommunications
19 regulatory policies and practices;

20 (c) revisions in telecommunications regulatory policies
21 and practices in Illinois beginning in the mid-1980s have
22 also brought the benefits of competition to consumers, but
23 rapid market changes now necessitate further changes in
24 Illinois telecommunications policy in-many-telecommunications
25 ~~markets,-but-not-in-local-exchange-telecommunications-service~~
26 ~~markets;~~

27 (d) the federal Telecommunications Act of 1996
28 established the goal of opening all telecommunications
29 service markets to competition and accords to the states the
30 responsibility to establish and enforce policies pursuant to
31 that Act that are necessary to attain that goal;

32 (e) it is in the immediate interest of the People of the
33 State of Illinois for the State to exercise its rights within

1 the new framework of federal telecommunications policy to
2 ensure that the economic benefits of competition in all
3 telecommunications service markets are realized as
4 effectively as possible;

5 (f) the deregulation of certain retail services
6 ~~competitive-offering-of-all-telecommunications-services~~ will
7 increase innovation and efficiency in the provision of
8 telecommunications services and will lead to market-based may
9 ~~lead-to-reduced~~ prices for consumers, increased investment in
10 communications infrastructure, the creation of new jobs, and
11 the attraction of new businesses to Illinois; and

12 (g) protection of the public interest requires changes
13 in the regulation of telecommunications carriers and services
14 and the deregulation of certain retail telecommunications
15 services to ensure, to the maximum feasible extent, the
16 reasonable and timely further development of effective
17 competition in all telecommunications service markets.

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

19 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

20 (Section scheduled to be repealed on July 1, 2001)

21 Sec. 13-103. Policy.

22 (a) The purpose of this Article is to promote the
23 economic development and quality of life of the State of
24 Illinois, to stimulate capital investment and competitive
25 choice for residential customers, and to ensure adequate and
26 effective representation of all citizens' rights and
27 interests in facilities-based and resold telecommunications
28 services before the Illinois Commerce Commission, the Federal
29 Communications Commission, State and federal courts, and any
30 other organizations, agencies and public bodies involved in
31 the development and consideration of telecommunications
32 policy and regulation.

33 (b) The General Assembly finds that the expanding effect

1 of all telecommunications services on the economy and general
2 quality of life in the State requires a regulatory focus by
3 the Commission on service quality, safety, and network
4 reliability.

5 (c) The General Assembly finds that the provision of
6 adequate, reliable, telecommunications service on a
7 facilities and resold basis critical to the health,
8 well-being, and prosperity of all Illinois citizens. It also
9 is essential that the State adopt laws and regulations that
10 provide incentives to the private sector to innovate, invest
11 capital, and expand competitive choice for all
12 telecommunications services in order to promote and advance
13 economic development, education, health care, and the overall
14 quality of life.

15 (d) The General Assembly recognizes that the transition
16 to a fully competitive industry requires a legislative focus
17 on establishing just and reasonable rates through alternative
18 regulation for basic residential services, while permitting
19 competitive marketplace forces to govern optional residential
20 services and all business services.

21 (e) The General Assembly recognizes that in a robust and
22 expanding competitive environment, consumers face complex new
23 issues and choices, requiring an increased regulatory focus
24 on resolving residential customer complaints in an
25 expeditious and administratively fair manner and on
26 expeditiously resolving disputes between competing carriers
27 who enter into network interconnection and resale agreements
28 in order to increase competitive choices.

29 (f) The General Assembly recognizes that new
30 technologies, new competitive entrants, and ongoing
31 consolidation within the telecommunications industry require
32 equal application of all regulations to all service
33 providers. Consistent-with-its-findings, the General Assembly
34 declares that it is the policy of the State of Illinois that:

1 (a) telecommunications services should be available to
2 all Illinois citizens at just, reasonable, and affordable
3 rates and that such services should be provided as widely and
4 economically as possible in sufficient variety, quality,
5 quantity and reliability to satisfy the public interest;

6 (b) consistent with the protection of consumers of
7 telecommunications services and the furtherance of other
8 public interest goals, competition in all telecommunications
9 service markets should be pursued as a substitute for
10 regulation in determining the variety, quality and price of
11 telecommunications services and that the economic burdens of
12 regulation should be reduced to the extent possible
13 consistent with the furtherance of market competition and
14 protection of the public interest;

15 (c) all necessary and appropriate modifications to State
16 regulation of telecommunications carriers and services should
17 be implemented without unnecessary disruption to the
18 telecommunications infrastructure system or to consumers of
19 telecommunications services and that it is necessary and
20 appropriate to establish rules to encourage and ensure
21 orderly transitions in the development of markets for all
22 telecommunications services;

23 (d) the consumers of telecommunications services and
24 facilities provided by persons or companies subject to
25 regulation pursuant to this Act and Article should be
26 required to pay only reasonable and non-discriminatory rates
27 or charges and that in no case should rates or charges for
28 non-competitive telecommunications services include any
29 portion of the cost of providing competitive
30 telecommunications services, as defined in Section 13-209, or
31 the cost of any nonregulated activities;

32 (e) the regulatory policies and procedures provided in
33 this Article are established in recognition of the changing
34 nature of the telecommunications industry and therefore

1 should--be-subject-to-systematic-legislative-review-to-ensure
2 that--the--public--benefits--intended--to--result--from--such
3 policies-and-procedures-are-fully-realized;-and

4 (f)--development-of-and-prudent--investment--in--advanced
5 telecommunications-services-and-networks-that-foster-economic
6 development--of--the--State--should-be-encouraged-through-the
7 implementation--and--enforcement--of--policies--that--promote
8 effective-and-sustained-competition-in-all-telecommunications
9 service-markets-

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

11 (220 ILCS 5/13-203) (from Ch. 111 2/3, par. 13-203)

12 (Section scheduled to be repealed on July 1, 2001)

13 Sec. 13-203. Telecommunications service.

14 "Telecommunications service" means local exchange
15 telecommunications service, the provision of service for the
16 origination or termination of switched telecommunications
17 services, residential operator services, services for the
18 speech and hearing impaired as described in Section 13-703,
19 access to 911 service, and supported telecommunications
20 services as defined by the Commission in accordance with
21 Section 13-301(e)(1). the--provision--or-offering-for-rent,
22 sale-or-lease,-or-in-exchange-for-other--value--received,-of
23 the--transmittal-of-information,-by-means-of-electromagnetic,
24 including-light,-transmission-with-or-without-benefit-of--any
25 closed--transmission-medium,-including-all-instrumentalities,
26 facilities,-apparatus,-and--services---(including--the
27 collection,-storage,-forwarding,-switching,-and-delivery-of
28 such-information)-used-to-provide-such-transmission-and--also
29 includes--access--and--interconnection--arrangements--and
30 services-

31 "Telecommunications service" does not include,-however:

32 (a) the rent, sale, or lease, or exchange for other
33 value received, of customer premises equipment except for

1 customer premises equipment owned or provided by a
2 telecommunications carrier and used for answering 911
3 calls, and except for customer premises equipment
4 provided under Section 13-703;

5 (b) telephone or telecommunications answering
6 services, paging services, and physical pickup and
7 delivery incidental to the provision of information
8 transmitted through electromagnetic, including light,
9 transmission;

10 (c) community antenna television service which is
11 operated to perform for hire the service of receiving and
12 distributing video and audio program signals by wire,
13 cable or other means to members of the public who
14 subscribe to such service, to the extent that such
15 service is utilized solely for the one-way distribution
16 of such entertainment services with no more than
17 incidental subscriber interaction required for the
18 selection of such entertainment service;

19 (d) private line services;

20 (e) advanced telecommunications service having the
21 capability of supporting 2 way broadband communications at a
22 bandwidth of 200 kilobits per second or greater except to the
23 extent that service is used to provide voice telephony
24 service;

25 (f) the provision of white or yellow page directories
26 and listings in a manner that no revenues from those services
27 are attributed to any telecommunications service for any
28 purpose whatsoever; and

29 (g) cellular radio service, public mobile services, and
30 private radio services.

31 ~~The Commission may, by rulemaking, exclude--(1)--private~~
32 ~~line service which is not directly or indirectly used for the~~
33 ~~origination or termination of switched telecommunications~~
34 ~~service,--(2)--cellular radio service,--(3)--high speed~~

1 point-to-point data transmission at or above 9.6 kilobits, or
 2 (4) the provision of telecommunications service by a company
 3 or person otherwise subject to Section 13-202 (e) to a
 4 telecommunications carrier, which is incidental to the
 5 provision of service subject to Section 13-202 (e), from
 6 active regulatory oversight to the extent it finds, after
 7 notice, hearing and comment that such exclusion is consistent
 8 with the public interest and the purposes and policies of
 9 this Article. To the extent that the Commission has excluded
 10 cellular radio service from active regulatory oversight for
 11 any provider of cellular radio service in this State pursuant
 12 to this Section, the Commission shall exclude all other
 13 providers of cellular radio service in the State from active
 14 regulatory oversight without an additional rulemaking
 15 proceeding where there are 2 or more certified providers of
 16 cellular radio service in a geographic area.

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

18 (220 ILCS 5/13-203.5 new)

19 Sec. 13-203.5 Local calling area. "Local calling area"
 20 means a geographic area encompassing one or more local
 21 communities as determined by a telecommunications carrier
 22 and as described in maps, tariffs, or rate schedules filed
 23 with the Commission. The determination of a local calling
 24 area made by an incumbent local exchange carrier, as defined
 25 in Section 251(h) of the federal Telecommunications Act of
 26 1996, shall be used to determine any payments made between
 27 that incumbent carrier and another telecommunications carrier
 28 as part of any intercarrier compensation arrangement under
 29 applicable law. Internet service provider traffic is not
 30 eligible for intercarrier compensation.

31 (220 ILCS 5/13-204) (from Ch. 111 2/3, par. 13-204)

32 (Section scheduled to be repealed on July 1, 2001)

1 Sec. 13-204. Local exchange telecommunications service.
2 "Local exchange telecommunications service" means
3 telecommunications service including, but not limited to,
4 cable telephony services and fixed wireless services, between
5 points within an exchange, as defined in Section 13-206,
6 provided pursuant to one primary access line or its
7 equivalent to a residential customer and any usage that is
8 not subject to presubscription provided over that line,
9 within or between exchanges but exclusive of any optional
10 calling features provided pursuant to that line or--the
11 provision--of--telecommunications-service-for-the-origination
12 or-termination-of-switched-telecommunications-services.

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

14 (220 ILCS 5/13-300 new)

15 Sec. 13-300. Scope of authority. Pursuant to this
16 Article, the Commission shall have jurisdiction over
17 telecommunications service.

18 The Commission may issue orders and promulgate rules to
19 implement the requirements of the Communications Act of 1934,
20 as amended by the federal Telecommunications Act of 1996, and
21 the orders and regulations of the Federal Communications
22 Commission issued under those Acts, including, but not
23 limited to, orders and rules to implement the prices, terms,
24 and conditions for resold telecommunications services and
25 unbundled network elements. Unless expressly provided in
26 this Act to the contrary, the Commission shall not have
27 authority or jurisdiction to adopt or impose requirements
28 that exceed or differ from the requirements of the
29 Communications Act of 1934, as amended by the federal
30 Telecommunications Act of 1996, and the orders and
31 regulations of the Federal Communications Commission issued
32 under those Acts. Notwithstanding anything in this Act to
33 the contrary, nothing in this Amendatory Act of the 92nd

1 General Assembly shall impair the authority of the Commission
 2 to implement and enforce conditions related to mergers
 3 approved by the Commission before January 1, 2000 and
 4 pursuant to Section 7-204 of this Act.

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

6 (Section scheduled to be repealed on July 1, 2001)

7 Sec. 13-301. Duties of the Commission. Consistent with
 8 the findings and policy established in paragraph (a) of
 9 Section 13-102 and ~~paragraph-(a)-of~~ Section 13-103, and in
 10 order to ensure the attainment of such policies, the
 11 Commission shall:

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

24 (b) establish a program to monitor the level of
 25 telecommunications subscriber connection within each exchange
 26 in Illinois, and shall report the results of such monitoring
 27 and any actions it has taken or recommends be taken to
 28 maintain and increase such levels in its annual report to the
 29 General Assembly, or more often if necessary;

30 (c) order all telecommunications carriers offering or
 31 providing local exchange telecommunications service to
 32 propose low-cost or budget service tariffs and any other rate
 33 design or pricing mechanisms designed to facilitate customer

1 access to such telecommunications service, and shall after
2 notice and hearing, implement any such proposals which it
3 finds likely to achieve such purpose;

4 (d) investigate the necessity of and, if appropriate,
5 establish a universal service support fund from which ~~local~~
6 ~~exchange~~ telecommunications carriers who pursuant to the
7 Twenty-Seventh Interim Order of the Commission in Docket No.
8 83-0142 or the orders of the Commission in Docket No. 97-0621
9 and Docket No. 98-0679 received funding and whose economic
10 costs of providing services for which universal service
11 support may be made available exceed the affordable rate
12 established by the Commission for such services may be
13 eligible to receive support, less any federal universal
14 service support received for the same or similar costs of
15 providing the supported services; provided, however, that if
16 a universal service support fund is established, the
17 Commission shall require that all costs of the fund be
18 recovered from all ~~local---exchange---and---interexchange~~
19 telecommunications carriers certificated in Illinois on a
20 competitively neutral and nondiscriminatory basis. In
21 establishing any such universal service support fund, the
22 Commission shall, in addition to the determination of costs
23 for supported services, consider and make findings pursuant
24 to paragraphs (1), (2), and (4) of item (e) of this Section.
25 Proxy cost, as determined by the Commission, may be used for
26 this purpose. In determining cost recovery for any universal
27 service support fund, the Commission shall not permit
28 recovery of such costs from another certificated carrier for
29 any service purchased and used solely as an input to a
30 service provided to such certificated carrier's retail
31 customers; and

32 (e) investigate the necessity of and, if appropriate,
33 establish a universal service support fund in addition to any
34 fund that may be established pursuant to item (d) of this

1 Section; provided, however, that if a telecommunications
2 carrier receives universal service support pursuant to item
3 (d) of this Section, that telecommunications carrier shall
4 not receive universal service support pursuant to this item.
5 Recipients of any universal service support funding created
6 by this item shall be "eligible" telecommunications carriers,
7 as designated by the Commission in accordance with 47 U.S.C.
8 214(e)(2). Eligible telecommunications carriers providing
9 local exchange telecommunications service may be eligible to
10 receive support for such services, less any federal universal
11 service support received for the same or similar costs of
12 providing the supported services. If a fund is established,
13 the Commission shall require that the costs of such fund be
14 recovered from all telecommunications carriers, with the
15 exception of wireless carriers who are providers of two-way
16 cellular telecommunications service and who have not been
17 designated as eligible telecommunications carriers, on a
18 competitively neutral and non-discriminatory basis. In any
19 order creating a fund pursuant to this item, the Commission,
20 after notice and hearing, shall:

21 (1) Define the group of services to be declared
22 "supported telecommunications services" that constitute
23 "universal service". This group of services shall, at a
24 minimum, include those services as defined by the Federal
25 Communications Commission and as from time to time
26 amended. In addition, the Commission shall consider the
27 range of services currently offered by telecommunications
28 carriers offering local exchange telecommunications
29 service, the existing rate structures for the supported
30 telecommunications services, and the telecommunications
31 needs of Illinois consumers in determining the supported
32 telecommunications services. The Commission shall, from
33 time to time or upon request, review and, if appropriate,
34 revise the group of Illinois supported telecommunications

1 services and the terms of the fund to reflect changes or
2 enhancements in telecommunications needs, technologies,
3 and available services.

4 (2) Identify all implicit subsidies contained in
5 rates or charges of incumbent local exchange carriers,
6 including all subsidies in interexchange access charges,
7 and determine how such subsidies can be made explicit by
8 the creation of the fund.

9 (3) Identify the incumbent telecommunications local
10 exchange carriers' economic costs of providing the
11 supported telecommunications services.

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

20 (5) Identify the telecommunications carriers from
21 whom the costs of the fund shall be recovered and the
22 mechanism to be used to determine and establish a
23 competitively neutral and non-discriminatory funding
24 basis. From time to time, or upon request, the
25 Commission shall consider whether, based upon changes in
26 technology or other factors, additional
27 telecommunications providers should contribute to the
28 fund. The Commission shall establish the basis upon
29 which telecommunications carriers contributing to the
30 fund shall recover contributions on a competitively
31 neutral and non-discriminatory basis. In determining
32 cost recovery for any universal support fund, the
33 Commission shall not permit recovery of such costs from
34 another certificated carrier for any service purchased

1 and used solely as an input to a service provided to such
2 certificated carriers' retail customers.

3 (6) Approve a plan for the administration and
4 operation of the fund by a neutral third party consistent
5 with the requirements of this item.

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

19 ~~Any telecommunications carrier providing local exchange~~
20 ~~telecommunications service which offers to its local exchange~~
21 ~~customers a choice of two or more local exchange~~
22 ~~telecommunications service offerings shall provide to any~~
23 ~~such customer requesting it, once a year without charge, a~~
24 ~~report describing which local exchange telecommunications~~
25 ~~service offering would result in the lowest bill for such~~
26 ~~customer's local exchange service, based on such customer's~~
27 ~~calling pattern and usage for the previous 6 months. At~~
28 ~~least once a year, each such carrier shall provide a notice~~
29 ~~to each of its local exchange telecommunications service~~
30 ~~customers describing the availability of this report and the~~
31 ~~specific procedures by which customers may receive it. Such~~
32 ~~report shall only be available to current and future~~
33 ~~customers who have received at least 6 months of continuous~~
34 ~~local exchange service from such carrier.~~

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

2 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)
3 Sec. 13-301.1. Universal Telephone Service Assistance
4 Program.

5 (a) The Commission shall by rule or regulation establish
6 a Universal Telephone Service Assistance Program for low
7 income residential customers. The program shall provide for a
8 reduction of access line charges, a reduction of connection
9 charges, or any other alternative to increase accessibility
10 to telephone service that the Commission deems advisable
11 subject to the availability of funds for the program as
12 provided in subsection (b). The Commission shall establish
13 eligibility requirements for benefits under the program.

14 (b) The Commission shall require by rule or regulation
15 that each telecommunications carrier ~~providing-local-exchange~~
16 ~~telecommunications-services~~ notify its customers that if the
17 customer wishes to participate in the funding of the
18 Universal Telephone Service Assistance Program he may do so
19 by electing to contribute, on a monthly basis, a fixed amount
20 that will be included in the customer's monthly bill. The
21 customer may cease contributing at any time upon providing
22 notice to the telecommunications carrier providing local
23 exchange telecommunications services. The notice shall state
24 that any contribution made will not reduce the customer's
25 bill for telecommunications services. Failure to remit the
26 amount of increased payment will reduce the contribution
27 accordingly. The Commission shall specify the monthly fixed
28 amount or amounts that customers wishing to contribute to the
29 funding of the Universal Telephone Service Assistance Program
30 may choose from in making their contributions. Every
31 telecommunications carrier ~~providing----local----exehange~~
32 ~~telecommunications---services~~ shall remit the amounts
33 contributed in accordance with the terms of the Universal

1 Telephone Service Assistance Program.

2 (Source: P.A. 87-750; 90-372, eff. 7-1-98.)

3 (220 ILCS 5/13-302) (from Ch. 111 2/3, par. 13-302)

4 (Section scheduled to be repealed on July 1, 2001)

5 Sec. 13-302. Local measured service calling plans.

6 (a) No telecommunications carrier shall implement a
7 local measured service calling plan which does not include
8 one of the following elements:

9 (1) the residential customer has the option of a
10 flat rate local calling service under which local calls
11 are not charged for frequency or duration; or

12 (2) residential calls to points within an untimed
13 calling zone approved by the Commission are not charged
14 for duration; or

15 (3) a low income residential Universal Service
16 Assistance Program, which meets criteria set forth by the
17 Commission, is available.

18 (b) In formulating the criteria for the low income
19 residential Universal Service Assistance Program referred to
20 in paragraph (3) of Subsection (a), the Commission shall
21 consider the desirability of various alternatives, including
22 a reduction of the access line charge or connection charge
23 for eligible customers.

24 (c) (Blank) ~~For local-measured-service-plans-implemented~~
25 ~~prior-to-the-effective-date-of-this-amendatory--Act--of--1987~~
26 ~~which--do--not--contain--one--of--the--elements--specified-in~~
27 ~~paragraph-(1)-or-(2)-of-subsection-(a)-of-this--Section,--the~~
28 ~~Commission--shall-order-the-telecommunications-carrier-having~~
29 ~~such-a-plan-to-include--one--of--the--elements--specified--in~~
30 ~~paragraph--(1)--or--(2)--of-subsection-(a)-of-this-Section-by~~
31 ~~January-17-1989.~~

32 (Source: P.A. 85-1286.)

(220 ILCS 5/13-303 new)

Sec. 13-303. Service for the origination or termination of switched telecommunications service.

(a) Except as provided by this Act, the Commission shall not review or set the rates for the origination or termination of switched telecommunications service.

(b) A provider of terminating or originating switched telecommunications service shall set the rates for that service. Rates for that service provided by an incumbent local exchange carrier as defined in Section 251(h) of the Communications Act of 1934, as amended by the federal Telecommunications Act of 1996, that equal the rates in effect on July 1, 2000 are just and reasonable. In an exchange, rates for that service provided by a competing local exchange carrier shall not exceed the rates of the incumbent local exchange carrier for that service.

(c) A provider of the origination or termination of switched telecommunications service shall offer the service under the same rates, terms, and conditions, without unreasonable discrimination, to all providers.

(220 ILCS 5/13-304 new)

Sec. 13-304. Service quality. The Commission has the authority to establish operating support system and service quality and reliability standards and penalties. The standards and penalties shall equally apply to all telecommunications carriers.

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

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-401. Certificate of Service Authority.

(a) No telecommunications carrier not possessing a certificate of public convenience and necessity or certificate of authority from the Commission at the time this

1 Article goes into effect shall transact any business in this
2 State until it shall have obtained a certificate of service
3 authority from the Commission pursuant to the provisions of
4 this Article.

5 ~~No telecommunications carrier offering or providing, or~~
6 ~~seeking to offer or provide, any interexchange~~
7 ~~telecommunications service shall do so until it has applied~~
8 ~~for and received a Certificate of Interexchange Service~~
9 ~~Authority pursuant to the provisions of Section 13-403. No~~
10 telecommunications carrier offering or providing, or seeking
11 to offer or provide, any local exchange telecommunications
12 service shall do so until it has applied for and received a
13 Certificate of Exchange Service Authority pursuant to the
14 provisions of Section 13-404 or 13-405.

15 ~~Notwithstanding Sections 13-403, 13-404, and 13-405, the~~
16 ~~Commission shall approve a cellular radio application for a~~
17 ~~Certificate of Service Authority without a hearing upon a~~
18 ~~showing by the cellular applicant that the Federal~~
19 ~~Communications Commission has issued to it a construction~~
20 ~~permit or an operating license to construct or operate a~~
21 ~~cellular radio system in the area as defined by the Federal~~
22 ~~Communications Commission, or portion of the area, for which~~
23 ~~the carrier seeks a Certificate of Service Authority.~~

24 No Certificate of Service Authority issued by the
25 Commission shall be construed as granting a monopoly or
26 exclusive privilege, immunity or franchise. The issuance of a
27 Certificate of Service Authority to any telecommunications
28 carrier shall not preclude the Commission from issuing
29 additional Certificates of Service Authority to other
30 telecommunications carriers providing the same or equivalent
31 service or serving the same geographical area or customers as
32 any previously certified carrier, except to the extent
33 otherwise provided by Section ~~Sections 13-403 and 13-405.~~

34 Any certificate of public convenience and necessity

1 granted by the Commission to a telecommunications carrier
2 prior to the effective date of this Article shall remain in
3 full force and effect, and such carriers need not apply for a
4 Certificate of Service Authority in order to continue
5 offering or providing service to the extent authorized in
6 such certificate of public convenience and necessity. Any
7 such carrier, however, prior to substantially altering the
8 nature or scope of services provided under a certificate of
9 public convenience and necessity, or adding or expanding
10 services beyond the authority contained in such certificate,
11 must apply for a Certificate of Service Authority for such
12 alterations or additions pursuant to the provisions of this
13 Article.

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

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

34 (c) All proceedings conducted pursuant to Sections

1 13-401, 13-404, and 13-405 shall be completed with 90 days
2 after the initiation of the proceeding.

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

4 (220 ILCS 5/13-402) (from Ch. 111 2/3, par. 13-402)

5 (Section scheduled to be repealed on July 1, 2001)

6 Sec. 13-402. Waiver of rules and procedures. The
7 Commission is authorized, in connection with the issuance or
8 modification of a Certificate of Interexchange Service
9 Authority or the modification of a certificate of public
10 convenience and necessity for interexchange
11 telecommunications service, to waive or modify the
12 application of its rules, general orders, procedures or
13 notice requirements when such action will reduce the economic
14 burdens of regulation and such waiver or modification is not
15 inconsistent with the law or the purposes and policies of
16 this Article.

17 Any such waiver or modification that is or previously has
18 been granted to any interexchange telecommunications carrier
19 which has, or any group of such carriers any one of which
20 has, annual revenues exceeding \$10,000,000 shall be
21 automatically applied fully and equally to all such carriers
22 providing telecommunications services with--annual--revenues
23 exceeding--\$10,000,000--unless--the--Commission--specifically
24 finds,--after-notice-to-all-such-carriers-and-a-hearing,--that
25 restricting-the-application-of-such-waiver-or-modification-to
26 only-one-such-carrier-or--some--group--of--such--carriers--is
27 consistent--with--and-would-promote-the-purposes-and-policies
28 of-this-Article--and--the--protection--of--telecommunications
29 customers.

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

31 (220 ILCS 5/13-404) (from Ch. 111 2/3, par. 13-404)

32 (Section scheduled to be repealed on July 1, 2001)

1 Sec. 13-404. Resale of local exchange services. Any
2 telecommunications carrier offering or providing the resale
3 of either local exchange or-interexchange telecommunications
4 service must first obtain a Certificate of Service Authority.
5 The Commission shall approve an application for a Certificate
6 for the resale of local exchange or---interexchange
7 telecommunications service upon a showing by the applicant,
8 and a finding by the Commission, after notice and hearing,
9 that the applicant possesses sufficient technical, financial
10 and managerial resources and abilities to provide the resale
11 of telecommunications service.

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

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

14 (Section scheduled to be repealed on July 1, 2001)

15 Sec. 13-406. Discontinuation of service. No
16 telecommunications-----carrier-----offering-----or-----providing
17 noncompetitive-telecommunications-service-pursuant-to-a-valid
18 Certificate-of-Service-Authority--or--certificate--of--public
19 convenience--and--necessity-shall-discontinue-or-abandon-such
20 service-once-initiated-until-and-unless-it-shall-demonstrate,
21 and-the-Commission-finds,⁷-after-notice-and-hearing,⁷-that-such
22 discontinuance-or-abandonment-will-not-deprive--customers--of
23 any--necessary--or--essential--telecommunications--service-or
24 access-thereto-and-is-not-otherwise-contrary--to--the--public
25 interest. No telecommunications carrier offering or
26 providing competitive telecommunications service shall
27 discontinue or abandon such service once initiated except
28 upon 15 30 days notice to the Commission and affected
29 customers. The--Commission-may,⁷-upon-its-own-motion-or-upon
30 complaint,⁷--investigate--the---proposed---discontinuance---or
31 abandonment--of--a-competitive-telecommunications-service-and
32 may,⁷--after--notice--and--hearing,⁷--prohibit--such---proposed
33 discontinuance-or-abandonment-if-the-Commission-finds-that-it

1 ~~would-be-contrary-to-the-public-interest.~~

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

3 (220 ILCS 5/13-501) (from Ch. 111 2/3, par. 13-501)

4 (Section scheduled to be repealed on July 1, 2001)

5 Sec. 13-501. Tariffs. No telecommunications carrier
6 shall offer or provide telecommunications service unless and
7 until a tariff is filed with the Commission which describes
8 the nature of the service, applicable rates and other
9 charges, terms and conditions of service, and the exchange,
10 exchanges, or other geographical area or areas in which the
11 service shall be offered or provided in accordance with
12 Section 9-201 and any other applicable provision of this Act.

13 ~~The-Commission-may-prescribe-the-form-of-such-tariff-and-any~~
14 ~~additional--data--or--information--which--shall--be--included~~
15 ~~therein.~~

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

17 (220 ILCS 5/13-504) (from Ch. 111 2/3, par. 13-504)

18 (Section scheduled to be repealed on July 1, 2001)

19 Sec. 13-504. Application of ratemaking provisions of
20 Article IX.

21 (a) Except to the extent where the context clearly
22 renders such provisions applicable ~~inapplicable~~, the
23 ratemaking provisions of Article IX of this Act relating to
24 public utilities are not ~~fully-and-equally~~ applicable to the
25 rates, charges, tariffs and classifications for the offer or
26 provision of ~~noncompetitive~~ telecommunications services.
27 Further ~~However~~, the ratemaking provisions do not apply to
28 any proposed change in rates or charges, any proposed change
29 in any ~~classification-or~~ tariff resulting in a change in
30 rates or charges, or the establishment of new services and
31 rates therefor for a ~~noncompetitive~~ local exchange
32 telecommunications service offered or provided by an

1 incumbent a local exchange telecommunications carrier, as
2 defined in Section 251(h) of the federal Telecommunications
3 Act of 1996, with no more than 35,000 subscriber access
4 lines. Proposed changes in rates, charges, ~~classifications,~~
5 or tariffs meeting these criteria shall be permitted upon the
6 filing of the proposed tariff and 30 days notice to the
7 Commission and all potentially affected customers. The
8 proposed changes shall not be subject to suspension. The
9 Commission shall investigate whether any proposed change is
10 just and reasonable only if a telecommunications carrier that
11 is a customer of the incumbent local exchange
12 telecommunications carrier or 10% of the potentially affected
13 access line subscribers of the incumbent local exchange
14 telecommunications carrier shall file a petition or complaint
15 requesting an investigation of the proposed changes. When
16 the telecommunications carrier or 10% of the potentially
17 affected access line subscribers of an incumbent a local
18 exchange telecommunications carrier file a complaint, the
19 Commission shall, after notice and hearing, have the power
20 and duty to establish the rates, charges, ~~classifications,~~ or
21 tariffs it finds to be just and reasonable.

22 (b) ~~Subsection (e) of Section 13-502 and Sections~~
23 ~~13-505.1, 13-505.4, and 13-505.6, and 13-507~~ of this Article
24 do not apply to rates or charges or proposed changes in rates
25 or charges for applicable telecommunications ~~competitive or~~
26 ~~interexchange~~ services when offered or provided by an
27 incumbent a local exchange telecommunications carrier, as
28 defined in Section 251(h) of the federal Telecommunications
29 Act of 1996, with no more than 35,000 subscriber access
30 lines. In addition, Sections 13-514, 13-515, and 13-516 do
31 not apply to incumbent local exchange telecommunications
32 carriers, as defined herein, with no more than 35,000
33 subscriber access lines. ~~The Commission may require~~
34 ~~telecommunications carriers with no more than 35,000~~

1 subscriber--access--lines--to--furnish--information--that--the
2 Commission--deems--necessary--for--a--determination--that--rates--and
3 charges--for--any--competitive--telecommunications--service--are
4 just--and--reasonable.

5 (c) (Blank) For--a--local--exchange--telecommunications
6 carrier--with--no--more--than--35,000--access--lines,--the--Commission
7 shall--consider--and--adjust,--as--appropriate,--a--local--exchange
8 telecommunications--carrier's--depreciation--rates--only---in
9 ratemaking--proceedings.

10 (d) (Blank) Article--VI--and--Sections--7-101--and--7-102--of
11 Article--VII--of--this--Act--pertaining--to--public--utilities,
12 public-utility-rates--and--services,--and--the--regulation--thereof
13 are---not---applicable--to--local--exchange--telecommunication
14 carriers--with--no--more--than--35,000--subscriber--access--lines.

15 (Source: P.A. 89-139, eff. 1-1-96; 90-185, eff. 7-23-97.)

16 (220 ILCS 5/13-505.2) (from Ch. 111 2/3, par. 13-505.2)

17 (Section scheduled to be repealed on July 1, 2001)

18 Sec. 13-505.2. Nondiscrimination in the provision of
19 telecommunications nonecompetitive services. A
20 telecommunications carrier that--offers--both--nonecompetitive
21 and--competitive--services shall offer telecommunications the
22 nonecompetitive services under the same rates, terms, and
23 conditions without unreasonable discrimination to all
24 similarly situated persons, including all telecommunications
25 carriers and competitors. Unreasonable discrimination shall
26 not be deemed to include differing terms and conditions that
27 are in response to competition in the telecommunications
28 marketplace. A--telecommunications--carrier--that--offers--a
29 noncompetitive--service--together--with--any--optional--feature--or
30 functionality--shall--offer--the--noncompetitive--service--together
31 with--each--optional--feature--or--functionality--under--the--same
32 rates,---terms,---and---conditions---without---unreasonable
33 discrimination---to---all---persons,-----including-----all

1 telecommunications-carriers-and-competitors.

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

3 (220 ILCS 5/13-505.3) (from Ch. 111 2/3, par. 13-505.3)

4 (Section scheduled to be repealed on July 1, 2001)

5 Sec. 13-505.3. Services for resale. A

6 telecommunications carrier that--offers--both--noncompetitive

7 and--competitive--services shall offer all telecommunications

8 noncompetitive services,--together--with---each---applicable

9 optional-feature-or-functionality, subject to resale pursuant

10 to the same terms and conditions that incumbent local

11 exchange carriers are required to offer services for resale;

12 however, the Commission may determine under--Article--IX--of

13 this---Act that certain telecommunications noncompetitive

14 services,--together-with-each-applicable-optional--feature--or

15 functionality, that are offered to residence customers under

16 different rates, charges, terms, or conditions than to other

17 customers should not be subject to resale under the rates,

18 charges, terms, or conditions available only to residence

19 customers.

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

21 (220 ILCS 5/13-505.4) (from Ch. 111 2/3, par. 13-505.4)

22 (Section scheduled to be repealed on July 1, 2001)

23 Sec. 13-505.4. Provision of telecommunications

24 noncompetitive services. (a) A telecommunications carrier

25 that offers or provides a telecommunications noncompetitive

26 service, service element, feature, or functionality ("covered

27 service") on a separate, stand-alone basis to any customer

28 shall provide that covered service,--service-element,--feature,

29 or-functionality pursuant to tariff to all persons, including

30 all telecommunications carriers and competitors, in

31 accordance with the provisions of this Article, except that

32 when the covered service is requested by or on behalf of a

1 carrier or competitor, the covered service must be
 2 necessary, and its failure to be provided must substantially
 3 impair the ability of the requestor to provide a
 4 telecommunications service.

5 (b)--A-telecommunications-carrier-that-offers-or-provides
 6 a--noncompetitive--service,--service--element,--feature,--or
 7 functionality--to--any--customer--as--part--of--an--offering--of
 8 competitive-services-pursuant-to--tariff--or--contract--shall
 9 publicly--disclose--the--offering--or--provisioning--of--the
 10 noncompetitive--service,--service--element,--feature,--or
 11 functionality--by-filing-with-the-Commission-information-that
 12 generally-describes-the-offering--or--provisioning--and--that
 13 shows--the-rates,--terms,--and-conditions-of-the-noncompetitive
 14 service,--service-element,--feature,--or--functionality.---The
 15 information--shall--be-filed-with-the-Commission-concurrently
 16 with-the-filing-of-the--tariff--or--not--more--than--10--days
 17 following--the--customer's--acceptance--of--the-offering-in-a
 18 contract.

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

20 (220 ILCS 5/13-505.6) (from Ch. 111 2/3, par. 13-505.6)
 21 (Section scheduled to be repealed on July 1, 2001)
 22 Sec. 13-505.6. Unbundling of noncompetitive services. A
 23 telecommunications carrier that provides both--noncompetitive
 24 and-competitive telecommunications services shall provide all
 25 noncompetitive telecommunications services on an unbundled
 26 basis to the same extent the Federal Communications
 27 Commission requires any that carrier to unbundle the same
 28 services provided under its jurisdiction. In an exchange,
 29 rates for elements of the unbundled services shall not exceed
 30 the rates of the incumbent local exchange carrier, as defined
 31 in Section 251(h) of the Telecommunications Act of 1996, for
 32 those elements. The-Illinois-Commerce-Commission-may--require
 33 additional--unbundling--of--noncompetitive-telecommunications

1 services--over--which--it--has--jurisdiction---based---on---a
2 determination,~~---after--notice--and--hearing,~~---that-additional
3 unbundling-is-in-the-public-interest-and-is--consistent--with
4 the-policy-goals-and-other-provisions-of-this-Act.

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

6 (220 ILCS 5/13-505.7)

7 (Section scheduled to be repealed on July 1, 2001)

8 Sec. 13-505.7. Interactive video learning tariffs. The
9 Commission shall permit telecommunications carriers to offer
10 special interactive video learning tariffs for the exclusive
11 use of qualified educational institutions. Except for
12 carriers subject to Section 13-504, the rates in such tariffs
13 shall not be less than the long run service incremental costs
14 of providing interactive video learning services. Qualified
15 educational institutions shall be limited to school
16 districts; public or private not-for-profit schools enrolling
17 more than 20 pupils for kindergarten grade or over up through
18 grade 12; public or private degree granting, not-for-profit
19 colleges or universities; public libraries organized under
20 the Public Library District Act of 1991 or the Illinois Local
21 Library Act; and regional library systems organized under the
22 Illinois Library System Act. Interactive video learning
23 consists of video, data, voice, and electronic information
24 used by a qualified educational institution for instruction,
25 learning, and training. These special telecommunications
26 carrier interactive video learning tariffs shall be exempt
27 from the provisions of Section ~~Sections-9-241, 9-250, 13-502,~~
28 ~~13-505.1,~~ and 13-505.2 of this Act. Provided, however,
29 telecommunications carriers may also file such special
30 tariffs pursuant to this Section and in accordance with
31 Section 13-502.

32 (Source: P.A. 89-141, eff. 7-14-95; 90-279, eff. 7-31-97;
33 90-655, eff. 7-30-98.)

(220 ILCS 5/13-506.1) (from Ch. 111 2/3, par. 13-506.1)

(Section scheduled to be repealed on July 1, 2001)

Sec. 13-506.1. Alternative forms of regulation for noncompetitive-services. Notwithstanding any other provision of this Act, a carrier may elect for its local exchange telecommunications service rates and charges to be governed by an alternative form of regulation. Under this form of regulation, the carrier must agree that its rates and charges for local exchange telecommunications services will not exceed those in effect on the date of this amendatory Act of the 92nd General Assembly for a period of 2 years. At the end of the 2-year period and at the end of each subsequent annual period, prices for services subject to the plan may be altered by an amount that does not exceed 75% of the percentage change in Gross Domestic Product Index (GDPPI) from the prior one year period. The GDPPI measure shall be that determined and published by the United States Department of Commerce.

To elect to be governed under an alternative form of regulation, the carrier need only notify the Commission of its intent and attach relevant tariff pages demonstrating that the rates and charges that are subject to the cap were those in effect on the date of this amendatory Act of the 92nd General Assembly.

A carrier not electing an alternative form of regulation for its local exchange telecommunications service shall be subject to the rate-making provisions of Article IX or the small carrier provision set forth in Section 13-504 of this Act, as applicable.

~~(a)--Notwithstanding--any--of--the--ratemaking--provisions--of--this--Article--or--Article--IX--that--are--deemed--to--require--rate--of--return--regulation,--the--Commission--may--implement--alternative--forms--of--regulation--in--order--to--establish--just--and--reasonable--rates----for--noncompetitive---telecommunications---services~~

1 including, but not limited to, price regulation, earnings
 2 sharing, rate moratoria, or a network modernization plan.
 3 The Commission is authorized to adopt different forms of
 4 regulation to fit the particular characteristics of different
 5 telecommunications carriers and their service areas.

6 In addition to the public policy goals declared in
 7 Section 13-103, the Commission shall consider, in determining
 8 the appropriateness of any alternative form of regulation,
 9 whether it will:

- 10 (1) reduce regulatory delay and costs over time;
- 11 (2) encourage innovation in services;
- 12 (3) promote efficiency;
- 13 (4) facilitate the broad dissemination of technical
 14 improvements to all classes of ratepayers;
- 15 (5) enhance economic development of the State; and
- 16 (6) provide for fair, just, and reasonable rates.

17 (b) A telecommunications carrier providing
 18 noncompetitive telecommunications services may petition the
 19 Commission to regulate the rates or charges of its
 20 noncompetitive services under an alternative form of
 21 regulation. The telecommunications carrier shall submit with
 22 its petition its plan for an alternative form of regulation.
 23 The Commission shall review and may modify or reject the
 24 carrier's proposed plan. The Commission also may initiate
 25 consideration of alternative forms of regulation for a
 26 telecommunications carrier on its own motion. The Commission
 27 may approve the plan or modified plan and authorize its
 28 implementation only if it finds, after notice and hearing,
 29 that the plan or modified plan at a minimum:

- 30 (1) is in the public interest;
- 31 (2) will produce fair, just, and reasonable rates
 32 for telecommunications services;
- 33 (3) responds to changes in technology and the
 34 structure of the telecommunications industry that are, in

1 fact, occurring;

2 (4) constitutes a more appropriate form of
3 regulation based on the Commission's overall
4 consideration of the policy goals set forth in Section
5 13-103 and this Section;

6 (5) specifically identifies how ratepayers will
7 benefit from any efficiency gains, cost savings arising
8 out of the regulatory change, and improvements in
9 productivity due to technological change;

10 (6) will maintain the quality and availability of
11 telecommunications services; and

12 (7) will not unduly or unreasonably prejudice or
13 disadvantage any particular customer class, including
14 telecommunications carriers.

15 (c) An alternative regulation plan approved under this
16 Section shall provide, as a condition for Commission approval
17 of the plan, that for the first 3 years the plan is in
18 effect, basic residence service rates shall be no higher than
19 those rates in effect 180 days before the filing of the plan.
20 This provision shall not be used as a justification or
21 rationale for an increase in basic service rates for any
22 other customer class. For purposes of this Section, "basic
23 residence service rates" shall mean monthly recurring charges
24 for the telecommunications carrier's lowest-priced primary
25 residence network access lines, along with any associated
26 untimed or flat rate local usage charges. Nothing in this
27 subsection (c) shall preclude the Commission from approving
28 an alternative regulation plan that results in rate
29 reductions provided all the requirements of subsection (b)
30 are satisfied by the plan.

31 (d) Any alternative form of regulation granted for a
32 multi-year period under this Section shall provide for annual
33 or more frequent reporting to the Commission to document that
34 the requirements of the plan are being properly implemented.

1 (e) Upon petition by the telecommunications carrier or
 2 any other person or upon its own motion, the Commission may
 3 rescind its approval of an alternative form of regulation if,
 4 after notice and hearing, it finds that the conditions set
 5 forth in subsection (b) of this Section can no longer be
 6 satisfied. Any person may file a complaint alleging that the
 7 rates charged by a telecommunications carrier under an
 8 alternative form of regulation are unfair, unjust,
 9 unreasonable, unduly discriminatory, or are otherwise not
 10 consistent with the requirements of this Article; provided,
 11 that the complainant shall bear the burden of proving the
 12 allegations in the complaint.

13 (f) Nothing in this Section shall be construed to
 14 authorize the Commission to render Sections 9-241, 9-250, and
 15 13-505.2 inapplicable to noncompetitive services.

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

17 (220 ILCS 5/13-508) (from Ch. 111 2/3, par. 13-508)

18 (Section scheduled to be repealed on July 1, 2001)

19 Sec. 13-508. Joint marketing by affiliated interests.
 20 No provision of this Act or any Commission order shall
 21 prohibit the joint marketing of telecommunications services
 22 by "affiliated interests" as that term is defined in items
 23 (a) through (h) of subparagraph (ii) of subsection (2) of
 24 Section 7-101 of this Act. The Commission is authorized,
 25 after notice and hearing, to order a telecommunications
 26 carrier which offers or provides both competitive and
 27 noncompetitive telecommunications service to establish a
 28 fully separated subsidiary to provide all or part of such
 29 competitive service where:

30 (a) no less costly means is available and effective in
 31 fully and properly identifying and allocating costs between
 32 such carrier's competitive and noncompetitive
 33 telecommunications services; and

1 ~~(b) the incremental cost of establishing and maintaining~~
 2 ~~such subsidiary would not require increases in rates or~~
 3 ~~charges to levels which would effectively preclude the offer~~
 4 ~~or provision of the affected competitive telecommunications~~
 5 ~~service.~~

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

7 (220 ILCS 5/13-512)

8 (Section scheduled to be repealed on July 1, 2001)

9 Sec. 13-512. Rules; review. The Commission shall have
 10 general rulemaking authority to make rules necessary to
 11 enforce this Article. However, not later than 270 days after
 12 the effective date of this amendatory Act of 1997, and every
 13 2 years thereafter, the Commission shall review all rules
 14 issued under this Article that apply to the operations or
 15 activities of any telecommunications carriers carrier. The
 16 Commission shall, after notice and hearing, repeal or modify
 17 any rule it determines to be no longer in the public interest
 18 as the result of ~~the reasonable availability~~ of competition
 19 ~~competitive telecommunications services.~~ As part of the
 20 review, the Commission shall ensure that all rules not
 21 repealed, including but not limited to rules addressing
 22 service quality, are equally applicable to all
 23 telecommunications carriers and that any waiver of a rule as
 24 to any carrier shall apply equally to all other carriers.
 25 The Commission shall provide a report to the Legislature
 26 after each 2-year review period summarizing the review
 27 process undertaken and certifying the equal application of
 28 its rules to telecommunications carriers.

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

30 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

31 (Section scheduled to be repealed on July 1, 2001)

32 Sec. 13-703. Devices for persons with speech or hearing

1 disabilities.

2 (a) The Commission shall design and implement a program
3 whereby each telecommunications carrier ~~providing--local~~
4 ~~exchange-service~~ shall provide a telecommunications device
5 capable of servicing the needs of those persons with a
6 hearing or speech disability together with a single party
7 line, at no charge additional to the basic exchange rate, to
8 any subscriber who is certified as having a hearing or speech
9 disability by a licensed physician, speech-language
10 pathologist, audiologist or a qualified State agency and to
11 any subscriber which is an organization serving the needs of
12 those persons with a hearing or speech disability as
13 determined and specified by the Commission pursuant to
14 subsection (d).

15 (b) The Commission shall design and implement a program,
16 whereby each telecommunications carrier ~~providing--local~~
17 ~~exchange-service~~ shall provide a telecommunications relay
18 system, using third party intervention to connect those
19 persons having a hearing or speech disability with persons of
20 normal hearing by way of intercommunications devices and the
21 telephone system, making available reasonable access to all
22 phases of public telephone service to persons who have a
23 hearing or speech disability. In order to design a
24 telecommunications relay system which will meet the
25 requirements of those persons with a hearing or speech
26 disability available at a reasonable cost, the Commission
27 shall initiate an investigation and conduct public hearings
28 to determine the most cost-effective method of providing
29 telecommunications relay service to those persons who have a
30 hearing or speech disability when using telecommunications
31 devices and therein solicit the advice, counsel, and physical
32 assistance of Statewide nonprofit consumer organizations that
33 serve persons with hearing or speech disabilities in such
34 hearings and during the development and implementation of the

1 system. The Commission shall phase in this program, on a
2 geographical basis, as soon as is practicable, but no later
3 than June 30, 1990.

4 (c) The Commission shall establish a rate recovery
5 mechanism, authorizing charges in an amount to be determined
6 by the Commission for each line of a subscriber to allow
7 telecommunications carriers ~~providing-local-exchange--service~~
8 to recover costs as they are incurred under this Section.

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

24 (e) As used in this Section, the phrase
25 "telecommunications carrier ~~providing-local-exchange-service~~"
26 includes, without otherwise limiting the meaning of the term,
27 telecommunications carriers which are purely mutual concerns,
28 having no rates or charges for services, but paying the
29 operating expenses by assessment upon the members of such a
30 company and no other person.

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

32 (220 ILCS 5/13-803) (from Ch. 111 2/3, par. 13-803)

33 (Section scheduled to be repealed on July 1, 2001)

1 Sec. 13-803. Repealer. The provisions of this Article
2 XIII are repealed effective July 1, 2006 ~~2001~~.

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

4 (220 ILCS 5/13-901) (from Ch. 111 2/3, par. 13-901)

5 (Section scheduled to be repealed on July 1, 2001)

6 Sec. 13-901. Operator Service Provider.

7 (a) For the purposes of this Section:

8 (1) "Operator service provider" means every
9 telecommunications carrier that provides operator
10 services or any other person or entity that the
11 Commission determines is providing operator services.

12 (2) "Aggregator" means any person or entity that is
13 not an operator service provider and that in the ordinary
14 course of its operations makes telephones available to
15 the public or to transient users of its premises
16 including, but not limited to, a hotel, motel, hospital,
17 or university for telephone calls between points within
18 this State that are specified by the user using an
19 operator service provider.

20 (3) "Operator services" means any
21 telecommunications service that includes, as a component,
22 any automatic or live assistance to a consumer to arrange
23 for billing or completion, or both, of a telephone call
24 between points within this State that are specified by
25 the user through a method other than:

26 (A) automatic completion with billing to the
27 telephone from which the call originated;

28 (B) completion through an access code or a
29 proprietary account number used by the consumer,
30 with billing to an account previously established
31 with the carrier by the consumer; or

32 (C) completion in association with directory
33 assistance services.

1 (b) Notwithstanding any other provision of this Act,
2 this Section applies to operator services providers. The
3 Commission shall, by rule or order, adopt and enforce
4 operating requirements for the provision of operator-assisted
5 services. The rules shall apply to operator service providers
6 and to aggregators. The rules shall be compatible with the
7 rules adopted by the Federal Communications Commission under
8 the federal Telephone Operator Consumer Services Improvement
9 Act of 1990. These requirements shall address, but not
10 necessarily be limited to, the following:

11 (1) oral and written notification of the identity
12 of the operator service provider and the availability of
13 information regarding operator service provider rates,
14 collection methods, and complaint resolution methods;

15 (2) restrictions on billing and charges for
16 operator services;

17 (3) restrictions on "call splashing" as that term
18 is defined in 47 C.F.R. Section 64.708;

19 (4) access to other telecommunications carriers by
20 the use of access codes including, but not limited to
21 800, 888, 950, and 10XXX numbers;

22 (5) the appropriate routing and handling of
23 emergency calls;

24 (6) the enforcement of these rules through tariffs
25 for operator services and by a requirement that operator
26 service providers withhold payment of compensation to
27 aggregators that have been found to be noncomplying by
28 the Commission.

29 (c) The Commission shall adopt any rule necessary to
30 make rules previously adopted under this Section compatible
31 with the rules of the Federal Communications Commission no
32 later than one year after the effective date of this
33 amendatory Act of 1993.

34 (d) A violation of any rule adopted by the Commission

1 under subsection (b) is a business offense subject to a fine
 2 of not less than \$1,000 nor more than \$5,000. In addition,
 3 the Commission may, after notice and hearing, order any
 4 telecommunications carrier to terminate service to any
 5 aggregator found to have violated any rule.

6 (Source: P.A. 90-38, eff. 6-27-97; 91-49, eff. 6-30-99.)

7 (220 ILCS 5/9-222.3 rep.)

8 (220 ILCS 5/13-205 rep.)

9 (220 ILCS 5/13-209 rep.)

10 (220 ILCS 5/13-210 rep.)

11 (220 ILCS 5/13-402.1 rep.)

12 (220 ILCS 5/13-403 rep.)

13 (220 ILCS 5/13-405.1 rep.)

14 (220 ILCS 5/13-407 rep.)

15 (220 ILCS 5/13-502 rep.)

16 (220 ILCS 5/13-503 rep.)

17 (220 ILCS 5/13-505 rep.)

18 (220 ILCS 5/13-505.1 rep.)

19 (220 ILCS 5/13-505.5 rep.)

20 (220 ILCS 5/13-506 rep.)

21 (220 ILCS 5/13-507 rep.)

22 (220 ILCS 5/13-508.1 rep.)

23 (220 ILCS 5/13-509 rep.)

24 (220 ILCS 5/13-601 rep.)

25 (220 ILCS 5/13-802 rep.)

26 Section 90. The Public Utilities Act is amended by
 27 repealing Sections 9-222.3, 13-205, 13-209, 13-210, 13-402.1,
 28 13-403, 13-405.1, 13-407, 13-502, 13-503, 13-505, 13-505.1,
 29 13-505.5, 13-506, 13-507, 13-508.1, 13-509, 13-601, and
 30 13-802.

31 Section 99. Effective date. This Act takes effect upon
 32 becoming law.

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