

1 AN ACT to amend the Public Utilities Act by changing  
 2 Sections 13-506.1, 13-508, 13-515, 13-516, and 13-803 and  
 3 adding Sections 13-202.1 and 13-408.

4 Be it enacted by the People of the State of Illinois,  
 5 represented in the General Assembly:

6 Section 5. The Public Utilities Act is amended by  
 7 changing Sections 13-506.1, 13-508, 13-515, 13-516, and  
 8 13-803 and adding Sections 13-202.1 and 13-408 as follows:

9 (220 ILCS 5/13-202.1 new)

10 Sec. 13-202.1. Incumbent local exchange carrier.  
 11 "Incumbent local exchange carrier" means, with respect to an  
 12 area, the local exchange carrier, including its successors or  
 13 assigns, that provided telephone exchange service in that  
 14 area on February 8, 1996 and on that date was deemed to be a  
 15 member of the exchange carrier association pursuant to 47  
 16 C.F.R. 69.601(b).

17 (220 ILCS 5/13-408 new)

18 Sec. 13-408. Duties of telecommunications carriers.  
 19 (a) A telecommunications carrier shall comply with  
 20 applicable federal laws and federal regulations, orders of  
 21 the Federal Communications Commission, and orders of the  
 22 Illinois Commerce Commission. The duty to comply with any  
 23 federal regulation or order shall not obviate the duty to  
 24 comply with a rule or order of the Commission.

25 A telecommunications carrier has the duty to interconnect  
 26 directly or indirectly with the facilities and equipment of  
 27 other telecommunications carriers and the duty not to install  
 28 network features, functions, or capabilities that do not  
 29 comply with the guidelines and standards established pursuant  
 30 to 47 U.S.C. 255 and 256.

1 (b) A local exchange carrier has the following duties:

2 (1) the duty not to prohibit, and not to impose  
3 unreasonable or discriminatory conditions or limitations  
4 on, the resale of its telecommunications services;

5 (2) the duty to provide, to the extent technically  
6 feasible, number portability in accordance with  
7 requirements prescribed by the Federal Communications  
8 Commission;

9 (3) the duty to provide dialing parity to competing  
10 providers of telecommunications services and the duty to  
11 permit all of those providers to have nondiscriminatory  
12 access to telephone numbers, operator services, directory  
13 assistance, and directory listing, with no unreasonable  
14 dialing delays;

15 (4) the duty to afford access to the poles, ducts,  
16 conduits, and rights-of-way of the carrier to competing  
17 providers of telecommunications services on rates, terms,  
18 and conditions that are consistent with 47 U.S.C. 224;

19 (5) the duty to establish reciprocal compensation  
20 arrangements for the transport and termination of  
21 telecommunications.

22 (c) An incumbent local exchange carrier also has the  
23 following additional duties:

24 (1) The duty to negotiate in good faith, in  
25 accordance with 47 U.S.C. 252, the particular terms and  
26 conditions of agreements to fulfill the duties described  
27 in paragraphs (1) through (5) of subsection (b) of this  
28 Section and in this subsection. The requesting  
29 telecommunications carrier also has the duty to negotiate  
30 in good faith the terms and conditions of those  
31 agreements.

32 (2) The duty to provide, for the facilities and  
33 equipment of any requesting telecommunications carrier,  
34 interconnection with the local exchange carrier's

1 network:

2 (A) for the transmission and routing of  
3 telephone exchange service and exchange access;

4 (B) at any technically feasible point within  
5 the carrier's network;

6 (C) that is at least equal in quality to that  
7 provided by the local exchange carrier to itself or  
8 to any subsidiary, affiliate, or other party to  
9 which the carrier provides interconnection; and

10 (D) on rates, terms, and conditions that are  
11 just, reasonable, and nondiscriminatory, in  
12 accordance with the terms and conditions of the  
13 agreement and the requirements of this Section and  
14 47 U.S.C. 252.

15 (i) An incumbent local exchange carrier  
16 shall develop and implement performance  
17 measurements designed to (1) measure the  
18 quality of service it provides to competing  
19 local exchange carriers and (2) to ensure that  
20 the quality of service it provides to those  
21 carriers is at least equal to the service it  
22 provides to itself, its subsidiaries, and its  
23 affiliates. The Commission shall establish and  
24 publish a list of performance measurements,  
25 which shall include all of the performance  
26 measurements required to be used by the  
27 Commission pursuant to I.C.C. Docket No.  
28 98-0555, issued on September 23, 1999. An  
29 incumbent local exchange carrier's failure to  
30 implement one or more performance measurements  
31 or its failure to meet the benchmark level of  
32 service prescribed in one or more performance  
33 measurements shall result in payment of  
34 liquidated damages not to exceed \$90,000,000.

1           The Commission shall determine the distribution  
2           of any fines and the calculation and  
3           distribution of any liquidated damages.

4           (ii) An incumbent local exchange carrier  
5           shall make available to any requesting carrier  
6           in Illinois interconnection arrangements that  
7           the incumbent local exchange carrier or any of  
8           its subsidiaries or affiliates offer or provide  
9           in other states. Incumbent local exchange  
10           carriers shall also make available to  
11           requesting carriers in Illinois interconnection  
12           arrangements that any of its subsidiaries or  
13           affiliates has obtained in another state.

14           (3) The duty to provide, to any requesting  
15           telecommunications carrier for the provision of a  
16           telecommunications service, nondiscriminatory access to  
17           network elements on an unbundled basis at any technically  
18           feasible point on rates, terms, and conditions that are  
19           just, reasonable, and nondiscriminatory in accordance  
20           with the terms and conditions of the agreement and the  
21           requirements of this Section and 47 U.S.C. 252. An  
22           incumbent local exchange carrier shall provide those  
23           unbundled network elements in a manner that allows  
24           requesting carriers to combine those elements in order to  
25           provide telecommunications service.

26           (i) An incumbent local exchange carrier  
27           shall provide a carrier purchasing access to  
28           unbundled network elements with the  
29           pre-ordering, ordering, provisioning,  
30           maintenance and repair, and billing functions  
31           of the incumbent local exchange carrier's  
32           operations support systems. The incumbent  
33           local exchange carrier shall provide access to  
34           its operations support systems at parity with

1           the incumbent local exchange carrier's own  
2           access to its operations support systems.  
3           Parity access to incumbent local exchange  
4           carrier operations support systems must be made  
5           available to any requesting carrier no later  
6           than January 1, 2002.

7           (4) The duty (A) to offer for resale at wholesale  
8           rates any telecommunications service that the carrier  
9           provides at retail to subscribers who are not  
10           telecommunications carriers and (B) not to prohibit, and  
11           not to impose unreasonable or discriminatory conditions  
12           or limitations on, the resale of that telecommunications  
13           service, except that the Illinois Commerce Commission  
14           may, consistent with regulations prescribed by the  
15           Federal Communications Commission, prohibit a reseller  
16           that obtains at wholesale rates a telecommunications  
17           service that is available at retail only to a category of  
18           subscribers from offering that service to a different  
19           category of subscribers.

20           (5) The duty to provide reasonable public notice of  
21           changes in the information necessary for the transmission  
22           and routing of services using that local exchange  
23           carrier's facilities or networks, as well as of any other  
24           changes that would affect the inter-operability of those  
25           facilities and networks.

26           (6) The duty to provide, on rates, terms, and  
27           conditions that are just, reasonable, and  
28           nondiscriminatory, for physical collocation of equipment  
29           necessary for interconnection or access to unbundled  
30           network elements at the premises of the local exchange  
31           carrier, except that the carrier may provide for virtual  
32           collocation if the local exchange carrier demonstrates to  
33           the Illinois Commerce Commission that physical  
34           collocation is not practical for technical reasons or

1 because of space limitations.

2 (d) The exemption for certain rural telephone companies  
3 as described in 47 U.S.C. 251(f) is adopted and incorporated  
4 by reference.

5 (e) The Commission may approve a deadline, other than  
6 the deadline provided in this Section, for compliance with a  
7 requirement of this Section by a telecommunications carrier  
8 with fewer than 35,000 access lines in Illinois if the  
9 Commission finds, after notice and hearing, that compliance  
10 with a deadline provided in this Section would impair the  
11 ability of the petitioning carrier to meet its service  
12 obligations, however, the Commission may not approve a  
13 deadline for compliance with any requirement of this Section  
14 that is later than January 1, 2003.

15 (f) The Commission shall submit a report to the General  
16 Assembly no later than 180 days after the effective date of  
17 this amendatory Act of the 91st General Assembly, and each  
18 180 days thereafter through the end of calendar year 2003,  
19 describing the extent to which each telecommunications  
20 carrier certificated to provide service in this State is in  
21 compliance with each of the requirements of this Section.  
22 The report shall also describe the nature, status, and  
23 disposition of any complaints filed with the Commission  
24 concerning both failure to comply with this Section or  
25 violations of Section 13-514.

26 (220 ILCS 5/13-506.1) (from Ch. 111 2/3, par. 13-506.1)

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

28 Sec. 13-506.1. Alternative forms of regulation for  
29 noncompetitive services.

30 (a) Notwithstanding any of the ratemaking provisions of  
31 this Article or Article IX that are deemed to require rate of  
32 return regulation, the Commission may implement alternative  
33 forms of regulation in order to establish just and reasonable

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

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

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

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

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

1 structure of the telecommunications industry that are, in  
2 fact, occurring;

3 (4) constitutes a more appropriate form of  
4 regulation based on the Commission's overall  
5 consideration of the policy goals set forth in Section  
6 13-103 and this Section;

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

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

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

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

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



1 the requirements of the plan are being properly implemented.

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

14 (f) Nothing in this Section shall be construed to  
15 authorize the Commission to render Sections 9-241, 9-250, and  
16 13-505.2 inapplicable to noncompetitive services.

17 (g) If an incumbent local exchange carrier fails to  
18 comply with any of the effective requirements of Section  
19 13-408, that carrier may not be regulated under an  
20 alternative form of regulation. The Commission may not  
21 approve an alternative regulation plan for an incumbent local  
22 exchange carrier not in compliance with Section 13-408. For  
23 an incumbent local exchange carrier in violation of Section  
24 13-408 and operating under an already-approved alternative  
25 regulation plan, the Commission shall immediately impose rate  
26 of return regulation and commence a rate proceeding pursuant  
27 to Section 9-201 to determine just and reasonable rates.

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

29 (220 ILCS 5/13-508) (from Ch. 111 2/3, par. 13-508)

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

31 Sec. 13-508. (a) The Commission is authorized, after  
32 notice and hearing, to order a telecommunications carrier  
33 which offers or provides both competitive and noncompetitive

1 telecommunications service to establish a fully separated  
2 subsidiary to provide all or part of such competitive service  
3 where:

4 (1)(a) no less costly means is available and  
5 effective in fully and properly identifying and  
6 allocating costs between such carrier's competitive and  
7 noncompetitive telecommunications services; and

8 (2)(b) the incremental cost of establishing and  
9 maintaining such subsidiary would not require increases  
10 in rates or charges to levels which would effectively  
11 preclude the offer or provision of the affected  
12 competitive telecommunications service.

13 (b) The Commission shall, after notice and hearing, order  
14 structural separation of an incumbent local exchange carrier  
15 if, after January 1, 2002, the carrier is not in compliance  
16 with Section 13-408. Structural separation means the  
17 separation of an incumbent local exchange carrier's network  
18 element facilities, services, and business into an  
19 independent, publicly-owned company separate and apart from  
20 the incumbent local exchange carrier's retail services.

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

22 (220 ILCS 5/13-515)

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

24 Sec. 13-515. Enforcement.

25 (a) The following expedited procedures shall be used to  
26 enforce the provisions of Sections Section 13-408 and 13-514  
27 of this Act except-as-provided-in-subsection-(b). However,  
28 the Commission, the complainant, and the respondent may  
29 mutually agree to adjust the procedures established in this  
30 Section. If--the---Commission---determines,---pursuant---to  
31 subsection--(b),---that--the--procedural--provisions--of--this  
32 Section--do--not--apply,---the-complaint-shall-continue-pursuant  
33 to-the-general-complaint-provisions-of-Article-X.

1           (b) (Blank). The provisions of this Section shall not  
2 apply to an allegation of a violation of item (8) of Section  
3 13-514 by a Bell operating company, as defined in Section 3  
4 of the federal Telecommunications Act of 1996, unless and  
5 until such company or its affiliate is authorized to provide  
6 inter-LATA services under Section 271(d) of the federal  
7 Telecommunications Act of 1996; provided, however, that a  
8 complaint setting forth a separate independent basis for a  
9 violation of Section 13-514 may proceed under this Section  
10 notwithstanding that the alleged acts or omissions may also  
11 constitute a violation of item (8) of Section 13-514.

12           (c) No complaint may be filed under this Section until  
13 the complainant has first notified the respondent of the  
14 alleged violation and offered the respondent 48 hours to  
15 correct the situation. Provision of notice and the  
16 opportunity to correct the situation creates a rebuttable  
17 presumption of knowledge under Section 13-514.

18           (d) A telecommunications carrier may file a complaint  
19 with the Commission alleging a violation of Section 13-514 in  
20 accordance with this subsection:

21                 (1) The complaint shall be filed with the Chief  
22 Clerk of the Commission and shall be served in hand upon  
23 the respondent, the executive director, and the general  
24 counsel of the Commission at the time of the filing.

25                 (2) A complaint filed under this subsection shall  
26 include a statement that the requirements of subsection  
27 (c) have been fulfilled and that the respondent did not  
28 correct the situation as requested.

29                 (3) Reasonable discovery specific to the issue of  
30 the complaint may commence upon filing of the complaint.  
31 Requests for discovery must be served in hand and  
32 responses to discovery must be provided in hand to the  
33 requester within 14 days after a request for discovery is  
34 made.

1           (4) An answer and any other responsive pleading to  
2 the complaint shall be filed with the Commission and  
3 served in hand at the same time upon the complainant, the  
4 executive director, and the general counsel of the  
5 Commission within 7 days after the date on which the  
6 complaint is filed.

7           (5) If the answer or responsive pleading raises the  
8 issue that the complaint violates subsection (i) of this  
9 Section, the complainant may file a reply to such  
10 allegation within 3 days after actual service of such  
11 answer or responsive pleading. Within 4 days after the  
12 time for filing a reply has expired, the hearing officer  
13 or arbitrator shall either issue a written decision  
14 dismissing the complaint as frivolous in violation of  
15 subsection (i) of this Section including the reasons for  
16 such disposition or shall issue an order directing that  
17 the complaint shall proceed.

18           (6) A pre-hearing conference shall be held within  
19 14 days after the date on which the complaint is filed.

20           (7) The hearing shall commence within 30 days of  
21 the date on which the complaint is filed. The hearing  
22 may be conducted by a hearing examiner or by an  
23 arbitrator. Parties and the Commission staff shall be  
24 entitled to present evidence and legal argument in oral  
25 or written form as deemed appropriate by the hearing  
26 examiner or arbitrator. The hearing examiner or  
27 arbitrator shall issue a written decision within 60 days  
28 after the date on which the complaint is filed. The  
29 decision shall include reasons for the disposition of the  
30 complaint and, if a violation of Section 13-514 is found,  
31 directions and a deadline for correction of the  
32 violation.

33           (8) Any party may file a petition requesting the  
34 Commission to review the decision of the hearing examiner

1 or arbitrator within 5 days of such decision. Any party  
2 may file a response to a petition for review within 3  
3 business days after actual service of the petition.  
4 After the time for filing of the petition for review, but  
5 no later than 15 days after the decision of the hearing  
6 examiner or arbitrator, the Commission shall decide to  
7 adopt the decision of the hearing examiner or arbitrator  
8 or shall issue its own final order.

9 (e) If the alleged violation has a substantial adverse  
10 effect on the ability of the complainant to provide service  
11 to customers, the complainant may include in its complaint a  
12 request for an order for emergency relief. The Commission,  
13 acting through its designated hearing examiner or arbitrator,  
14 shall act upon such a request within 2 business days of the  
15 filing of the complaint. An order for emergency relief may  
16 be granted, without an evidentiary hearing, upon a verified  
17 factual showing that the party seeking relief will likely  
18 succeed on the merits, that the party will suffer irreparable  
19 harm in its ability to serve customers if emergency relief is  
20 not granted, and that the order is in the public interest.  
21 An order for emergency relief shall include a finding that  
22 the requirements of this subsection have been fulfilled and  
23 shall specify the directives that must be fulfilled by the  
24 respondent and deadlines for meeting those directives. The  
25 decision of the hearing examiner or arbitrator to grant or  
26 deny emergency relief shall be considered an order of the  
27 Commission unless the Commission enters its own order within  
28 2 calendar days of the decision of the hearing examiner or  
29 arbitrator. The order for emergency relief may require the  
30 responding party to act or refrain from acting so as to  
31 protect the provision of competitive service offerings to  
32 customers. Any action required by an emergency relief order  
33 must be technically feasible and economically reasonable and  
34 the respondent must be given a reasonable period of time to

1 comply with the order.

2 (f) The Commission is authorized to obtain outside  
3 resources including, but not limited to, arbitrators and  
4 consultants for the purposes of the hearings authorized by  
5 this Section. Any arbitrator or consultant obtained by the  
6 Commission shall be approved by both parties to the hearing.  
7 The cost of such outside resources including, but not limited  
8 to, arbitrators and consultants shall be borne by the  
9 parties. The Commission shall review the bill for  
10 reasonableness and assess the parties for reasonable costs  
11 dividing the costs according to the resolution of the  
12 complaint brought under this Section. Such costs shall be  
13 paid by the parties directly to the arbitrators, consultants,  
14 and other providers of outside resources within 60 days after  
15 receiving notice of the assessments from the Commission.  
16 Interest at the statutory rate shall accrue after expiration  
17 of the 60-day period. The Commission, arbitrators,  
18 consultants, or other providers of outside resources may  
19 apply to a court of competent jurisdiction for an order  
20 requiring payment.

21 (g) The Commission shall assess the parties under this  
22 subsection for all of the Commission's costs of investigation  
23 and conduct of the proceedings brought under this Section  
24 including, but not limited to, the prorated salaries of  
25 staff, attorneys, hearing examiners, and support personnel  
26 and including any travel and per diem, directly attributable  
27 to the complaint brought pursuant to this Section, but  
28 excluding those costs provided for in subsection (f),  
29 dividing the costs according to the resolution of the  
30 complaint brought under this Section. All assessments made  
31 under this subsection shall be paid into the Public Utility  
32 Fund within 60 days after receiving notice of the assessments  
33 from the Commission. Interest at the statutory rate shall  
34 accrue after the expiration of the 60 day period. The

1 Commission is authorized to apply to a court of competent  
2 jurisdiction for an order requiring payment.

3 (h) If the Commission determines that there is an  
4 imminent threat to competition or to the public interest, the  
5 Commission may, notwithstanding any other provision of this  
6 Act, seek temporary, preliminary, or permanent injunctive  
7 relief from a court of competent jurisdiction either prior to  
8 or after the hearing.

9 (i) A party shall not bring or defend a proceeding  
10 brought under this Section or assert or controvert an issue  
11 in a proceeding brought under this Section, unless there is a  
12 non-frivolous basis for doing so. By presenting a pleading,  
13 written motion, or other paper in complaint or defense of the  
14 actions or inaction of a party under this Section, a party is  
15 certifying to the Commission that to the best of that party's  
16 knowledge, information, and belief, formed after a reasonable  
17 inquiry of the subject matter of the complaint or defense,  
18 that the complaint or defense is well grounded in law and  
19 fact, and under the circumstances:

20 (1) it is not being presented to harass the other  
21 party, cause unnecessary delay in the provision of  
22 competitive telecommunications services to consumers, or  
23 create needless increases in the cost of litigation; and

24 (2) the allegations and other factual contentions  
25 have evidentiary support or, if specifically so  
26 identified, are likely to have evidentiary support after  
27 reasonable opportunity for further investigation or  
28 discovery as defined herein.

29 (j) If, after notice and a reasonable opportunity to  
30 respond, the Commission determines that subsection (i) has  
31 been violated, the Commission shall impose appropriate  
32 sanctions upon the party or parties that have violated  
33 subsection (i) or are responsible for the violation. The  
34 sanctions shall be not more than \$7,500, plus the amount of

1 expenses accrued by the Commission for conducting the  
2 hearing. Payment of sanctions imposed under this subsection  
3 shall be made to the Common School Fund within 30 days of  
4 imposition of such sanctions.

5 (k) An appeal of a Commission Order made pursuant to  
6 this Section shall not effectuate a stay of the Order unless  
7 a court of competent jurisdiction specifically finds that the  
8 party seeking the stay will likely succeed on the merits,  
9 that the party will suffer irreparable harm without the stay,  
10 and that the stay is in the public interest.

11 (Source: P.A. 90-185, eff. 7-23-97; 90-574, eff. 3-20-98.)

12 (220 ILCS 5/13-516)

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

14 Sec. 13-516. Penalties for violation of a Commission  
15 order relating to prohibited actions of telecommunications  
16 carriers.

17 (a) Notwithstanding any other provision of this Act,  
18 upon a finding of a violation of Section 13-515, the  
19 Commission may impose penalties of up to \$30,000 per  
20 violation and upon a finding of a violation of Section  
21 13-408, the Commission may impose penalties of up to  
22 \$1,000,000 per violation ~~of a final order or emergency relief~~  
23 ~~order--issued--pursuant--to--Section--13-515--of--this--Act.~~ Each  
24 day of a continuing offense shall be treated as a separate  
25 violation for purposes of levying any penalty under this  
26 Section. The period for which the fine shall be levied shall  
27 commence on the day the Commission order requires compliance  
28 with the order and shall continue until the party is in  
29 compliance with the Commission order.

30 (b) The Commission may waive penalties imposed under  
31 subsection (a) if it makes a written finding as to its  
32 reasons for waiving the fine. Reasons for waiving a fine  
33 shall include, but not be limited to, technological



1 infeasibility and acts of God.

2 (c) The Commission shall establish by rule procedures  
3 for the imposition of penalties under subsection (a) that, at  
4 a minimum, provide for notice, hearing and a written order  
5 relating to the imposition of penalties.

6 (d) The Commission is authorized to apply to a court of  
7 competent jurisdiction for an order requiring payment of  
8 penalties imposed under subsection (a).

9 (e) Payment of penalties imposed under subsection (a)  
10 shall be made to the Common School Fund within 30 days of  
11 issuance of the Commission order imposing the penalties.

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

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

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

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

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.