

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 758
PROGRAM TO FOSTER THE ELIMINATION OF THE DIGITAL DIVIDE

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AUTHORITY: Implementing and authorized by Sections 5-105 and 13-301.2 of the Public Utilities Act [220 ILCS 5/5-105 and 13-301.2].

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Section 758.10 Definitions

When used in this Part, the listed terms will have the definitions given in this Section.

“Act” means the Public Utilities Act [220 ILCS 5].

“Commission” means the Illinois Commerce Commission.

“Customer” means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services as defined in Section 13-204 of the Act [220 ILCS 5/13-204]. “Customer” may also be referred to as “end-user”.

“Department” means the Department of Commerce and Community Affairs (DCCA).

“Program” means the Program to foster the elimination of the digital divide established pursuant to Section 13-301.2 of the Act [220 ILCS 5/13-301.2].

“Telecommunications carrier” or “carrier” means a telecommunications carrier as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act.

Section 758.20 Dispute Procedures

Disputes arising under this Part shall be governed by 83 Ill. Adm. Code 735.190 and 735.200.

Section 758.30 Service Requirement

- a) Each telecommunications carrier shall participate in the notification, collection, and remittance of the monthly voluntary contributions to support the Program.
- b) By August 14, 2002, each telecommunications carrier shall file with the Commission a tariff pursuant to Section 13-301.2 of the Act for the provision of the Program.
- c) All voluntary contributions received by a telecommunications carrier under Section 758.50 shall be forwarded to the Department for deposit into the Digital Divide Elimination Fund.

Section 758.40 Contribution Solicitation and Program Publicity

All telecommunications carriers shall publicize the Program to encourage contributions.

- a) Annually, each telecommunications carrier shall notify its customers that they may elect to participate in the funding of the Program by electing to contribute, on a monthly basis, a fixed amount to be included in the monthly bills until cancelled by the customers.
- b) The customer notification specified in subsection (a) of this Section shall be in the form of a paper or electronic insert or message in the customers bill. The document, as proposed by the Department, shall specify fixed monthly amounts from which customers wishing to contribute may choose. In addition, the document shall contain a telephone number, postcard, mailing address, or e-mail address, if available, that the customer may use to contact the telecommunications carrier in order to initiate monthly contribution billing.
- c) On an ongoing basis, the Department shall advertise the program.
- d) Telecommunication carrier's directories may include an explanation of the Program as proposed by the Department.
- e) The telecommunications carrier shall inform customers verbally or in written format that they may contribute to the Program with all orders for new service installation.

Section 758.50 Contributions

- a) Customers wishing to participate in the funding of the Program may do so by electing to contribute, on a monthly basis, a fixed amount to be included by the telecommunications carrier on the customer's monthly bill. This contribution shall not reduce the customer's total amount due for telecommunications services or other charges appearing on the bill.
- b) This contribution will be a line item on the bill and identified as the "Digital Divide Fund."
- c) Customers may elect to contribute \$.50, \$1, \$2, \$5, \$10, \$15, or \$25 per month per line.
- d) Contributions shall be collected on a recurring basis each month from the customer's bill and remittance shall be reported and transferred to the Department or its designee as required by Section 758.60.
- e) Customers may elect to discontinue or change the amount of the monthly contribution on their bill at any time upon providing at least 30 days notice by telephone, mail, or e-mail, if available, to the telecommunications carrier.
- f) Contributions other than those provided for in subsection (c) of this Section above shall be made directly to the Department or its designee.
- g) By September 30, 2002, telecommunications carriers shall provide customers the ability and the opportunity to make the elections referred to in subsections (c) and (f) of this Section on the bill inserts required by Section 758.40.
- h) Failure by the customer in any month to remit the entire billed amount may reduce the contribution accordingly.
- i) There are no other funding requirements on any party or individual for the Program beyond those in this Section.

Section 758.60 Telecommunications Carrier Remittance

- a) Each telecommunications carrier shall report and remit all donations received during the quarter within 30 days after the end of each calendar quarter to the Department or its designee. All donations collected through the end of the quarter shall be remitted to the Department or its designee through a check or other means as agreed to by the Department or its designee made out to the Department of Commerce and Community Affairs or

its designee, as directed by the Department. In the event that no donations are collected during a quarter, a quarterly report shall be submitted to the Department or its designee certifying that zero voluntary donations were received.

- b) The quarterly telecommunications carrier reports to the Department shall include, at a minimum, the following information:
 - 1) Name, address, telephone number, contact person and Federal Employee Identification Number (FEIN) for the reporting telecommunications carrier.
 - 2) The quarter amount collected, remittance check number or identification of another means of deposit, an assurance certifying that the payment includes all voluntary contributions for the quarter and that the information on the report is accurate and has been properly recorded, and a signature from an authorized employee of the telecommunications carrier.
 - 3) The total number of customers making a contribution.

Section 758.70 Monitoring of Telecommunications Carriers

- a) Telecommunications carriers shall exercise reasonable internal control to ensure compliance with and monitoring of this Part.
- b) The Commission may, upon complaint, its own motion, or a petition from the Department or its designee, require Commission staff to review, examine, and evaluate telecommunications carriers' books and records to determine compliance with the requirements specified in Section 758.60 of this Part.
- c) At a minimum, telecommunications carriers shall maintain records sufficient to substantiate the data contained in the quarterly reports submitted to the Department or its designee pursuant to Section 758.60 of this Part.
- d) Each telecommunication carrier's internal auditors and/or chief financial officer and/or responsible in-state officer shall annually certify to the Commission that the amount of voluntary contributions reported and remitted are correct.