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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2012 to January 2, 2013.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Records of Committed Persons
- 2) Code Citation: 20 Ill. Adm. Code 107
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
107.10	Amend
107.17	Amend
107.20	Amend
107.100	Amend
107.107	Amend
107.110	Amend
107.120	Amend
107.130	Amend
107.140	Amend
107.142	New
107.145	Amend
107.150	Amend
107.160	Amend
107.180	Repeal
107.200	Amend
107.207	Amend
107.210	Amend
107.220	New
107.230	New
107.300	Amend
107.307	Amend
107.310	Amend
107.330	Amend
107.340	Amend
107.400	Amend
107.410	Amend
107.420	Amend
107.430	Amend
107.440	Amend
107.500	Amend
107.510	Amend
107.520	Amend
107.525	New
107.530	Amend

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

107.540	Amend
107.550	Amend
107.560	Amend
107.570	New

- 4) Statutory Authority: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100, and 5-8-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100, and 5-8-6] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1]. Subparts B and F are also implementing two Supreme Court rulings (Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980) and Section 8-802 of the Code of Civil Procedure [735 ILCS 5/8-802]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking provides for award, revocation and restoration (as applicable) for statutory sentence credit, supplemental sentence credit, program sentence credit including pre-trial program credit and GED program sentence credit in accordance with PA 97-0697. Additional amendments account for changes in the truth in sentencing laws and update the requirements for releasing records of deceased offenders.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Echo Beekman, Acting Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
PO Box 19277
Springfield IL 62794-9277

Phone: 217/558-2200, extension 6507
echo.beekman@doc.illinois.gov

All written comments received after 45 days from the date of this publication will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Annual report to be submitted by DOC to the Governor and General Assembly beginning January 1, 2014 summarizing the annual awards and revocations of supplemental sentence credit.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2012

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
 CHAPTER I: DEPARTMENT OF CORRECTIONS
 SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107

RECORDS OF ~~OFFENDERS COMMITTED PERSONS~~

SUBPART A: ADMISSION DOCUMENTS

Section

107.10	Applicability
107.15	Responsibilities
107.17	Definitions
107.20	Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section

107.100	Applicability
107.105	Responsibilities
107.107	Definitions
107.110	Diminution of Felony Sentences
107.120	Good Time Schedules and Sentence Credit Applicable to Felony Sentences
107.130	Consecutive Sentences
107.140	Concurrent Sentences
<u>107.142</u>	<u>Supplemental Sentence Credit</u>
107.145	<u>Program Sentence Credit</u> Earned Good Conduct Credits
107.150	Revocation of <u>Time and Credit</u> Statutory Good Time and Good Conduct Credits
107.160	Restoration of Statutory Good Time <u>and Credit</u> and Good Conduct Credits
107.170	Institution Credits (Repealed)
107.180	Misdemeanant Good Time Allowance (<u>Repealed</u>)

SUBPART C: MERITORIOUS GOOD TIME AND SUPPLEMENTAL SENTENCE CREDIT

Section

107.200	Applicability
107.205	Responsibilities
107.207	Definitions
107.210	Awarding of <u>Supplemental Sentence Credit</u> Meritorious Good Time

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 107.220 Reporting of Supplemental Sentence Credit
107.230 Revocation and Restoration of Supplemental Sentence Credit

SUBPART D: MAINTENANCE OF RECORDS

- Section
107.300 Applicability
107.305 Responsibilities
107.307 Definitions
107.310 Access to Records
107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile
Division – Court Agreement
107.330 Release of Clinical Records to Offenders~~Committed Persons~~ and Authorized
Attorneys (Adult Facilities Excluding Transition Centers~~Division~~) – Court
Agreement
107.340 Release of Clinical Records to Offenders~~Committed Persons~~ and Authorized
Attorneys (Transition Centers~~Community Services Division~~)

SUBPART E: ACCESS AND REVIEW OF
CRIMINAL HISTORY RECORD INFORMATION

- Section
107.400 Applicability
107.405 Responsibilities
107.410 Definitions
107.420 Right to Access and Review
107.430 Requests for Access and Review
107.440 Challenge of Record

SUBPART F: GENERAL EDUCATION DEVELOPMENT AND PROGRAM SENTENCE
CREDIT~~EARNED GOOD CONDUCT CREDITS~~

- Section
107.500 Applicability
107.505 Responsibilities
107.510 Definitions
107.520 Eligibility for Program Sentence Credit
107.525 General Education Development Program Sentence Credit
107.530 Goal Statements

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

107.540	Program Goals
107.550	Goal Periods
107.560	Award of <u>GED Program Sentence Credit and Program Sentence Credit Earned Good Conduct Credits</u>
<u>107.570</u>	<u>Revocation and Restoration of Program Sentence Credit</u>

AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-1]. Subparts B and F are also implementing two Supreme Court rulings (Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980) and Section 8-802 of the Code of Civil Procedure [735 ILCS 5/8-802].

SOURCE: Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendment at 17 Ill. Reg. 16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 20 Ill. Reg. 6745, effective May 5, 1996; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: ADMISSION DOCUMENTS

Section 107.10 Applicability

This Subpart applies to all correctional facilities within the Department the Adult and Juvenile Divisions and to the Community Services Division when sentences of periodic imprisonment are imposed.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.17 Definitions

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Pre-Trial Program Sentence Credit" means the award of time to offset the length of sentence for an offender who has successfully completed a full-time, 60 day or longer substance abuse program, educational program, behavior modification program, life skills course, or re-entry planning provided by the county department of corrections or county jail during the pre-trial detention prior to his or her current commitment to the Department, and as calculated at sentencing and included in the sentencing order.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.20 Required Admission Documents

a) When ~~an offender~~ ~~a committed person~~ is delivered to the custody of the Department, the following information must be included with the items delivered:

1) ~~Pursuant~~ ~~pursuant~~ to Sections 3-8-1, ~~3-10-1~~ and 5-4-1 of the Unified Code of Corrections [730 ILCS 5/3-8-1, ~~3-10-1~~, and 5-4-1] ~~and Section 5-33 of the Juvenile Court Act of 1987 [705 ILCS 405/5-33]:~~

~~A)1)~~ The sentence imposed. ~~The mittimus or judgment order which must include the indictment or petition number, sentence or disposition, offense, judge's name, date of sentence, dates for time served and, where applicable, whether the sentences are to be served concurrently or consecutively. In the case of a youth committed as a delinquent, a certified copy of the court order appointing the Juvenile Division legal custodian is also required.~~

B) Any finding of great bodily harm made by the court.

C)2) Any statement by the court of the basis for imposing the sentence.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~D)3)~~ Any pre-sentence reports.

~~E)~~ Any sex offender evaluations.

~~F)~~ Any substance abuse treatment eligibility screening and assessment of the offender by an agent designated by the State to provide assessments for Illinois courts.

~~G)4)~~ The number of days, if any, ~~that~~which the ~~offendereommitted~~ ~~person~~ has been in custody and for which he or she is entitled to credit against the sentence. ~~Certifications~~Certification of jail credit time shall include any time served in the custody of the Illinois Department of ~~Human Services-Division of~~ Mental Health or Division of ~~and~~ Developmental Disabilities, time served in another state or federal jurisdiction, and any time served while on probation or periodic imprisonment.

~~5)~~ ~~A record of the committed person's time and his or her behavior and conduct while in the custody of the county. Any action on the part of the committed person, including but not limited to an escape attempt, participation in a riot, or suicide attempt, which might affect security status, and a record of medical treatment, if any, should be included in the record.~~

~~H)6)~~ State's Attorney's Statement

i) The State's Attorney's Statement of Facts, including:

- the facts and circumstances of the offenses for which the offender was committed;
- any other factual information in regard to the offender accessible to the State's Attorney prior to the commitment to the Department relative to the offender's habits, associates, disposition and reputation; or
- other information that may aid the Department during the custody of the offender.

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- b) If the required items listed in this Section are not received at the time of delivery of ~~an offender~~~~a committed person~~, admission to the Department's facilities may be denied.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART B: DIMINUTION OF SENTENCE

Section 107.100 Applicability

This Subpart applies to ~~all correctional facilities within the Department~~~~the Adult, Juvenile, and Community Services Divisions~~. However, none of the provisions contained in this Subpart apply to:

- a) ~~Persons who are committed to the Juvenile Division as delinquents;~~
- a)b) Persons who are committed to the Department as a result of a finding of contempt; or
- b)e) Persons who are serving sentences of periodic ~~imprisonment~~~~imprisonment in community correctional centers~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.107 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Code" means the Unified Code of Corrections [730 ILCS 5].

"Compensatory Good Time" means the award of time used to offset the length of an indeterminate sentence, as calculated under the Statutory Good Time Calculations tables (see Section 107.120(c)) awarded at the rate of 7.5 days for each month in custody or on a prorated basis in accordance with the table.

"Day for Day Credit" means the award of time used to offset the length of an indeterminate sentence based upon the date the offender was sentenced, the date

DEPARTMENT OF CORRECTIONS

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the offense was committed, and the remaining portion of the sentence to be served on or after February 1, 1978, as provided in Section 107.120.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Program Sentence Credit" means the award of time to offset the length of a determinate sentence for offenders who have successfully participated in substance abuse programming, Correctional Industries assignments, vocational or academic educational programs, behavior modification programs, life skills courses, or re-entry planning.

"Statutory Good Time" means the award of time to offset the length of a minimum and maximum indeterminate sentence for an offense committed prior to February 1, 1978, as calculated in accordance with the Statutory Good Time Calculations table (see Section 107.120(a) and (b)).

"Statutory Sentence Credit" means the award of time to offset the length of a determinate sentence for an offense committed on or after February 1, 1978, pursuant to Sections 3-6-3(a)(2), (a)(2.1), (a)(2.3), (a)(2.4), (a)(2.5) and (a)(2.6) of the Code.

"Supplemental Sentence Credit" means the award of additional sentence credit made on or after June 22, 2012 to offset the length of sentence based on the offender's good conduct as determined at the sole discretion of the Director, or his or her designee, as set forth in Section 3-6-3(a)(3) of the Code.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.110 Diminution of Felony Sentences

- a) Offenders~~Committed persons~~ serving indeterminate sentences shall appear before the Prisoner Review Board prior to their parole eligibility date after having served their minimum sentence or 20 years (whichever is less), less applicable statutory good time, compensatory good time, and day for day credit~~good conduct credits~~.
- b) In the event an offender~~a committed person~~ must serve the maximum indeterminate sentence, he or she shall be released after serving the maximum of

DEPARTMENT OF CORRECTIONS

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the sentence, less applicable statutory good time, compensatory good time, and good conduct credits.

- c) ~~An offender~~~~A committed person~~ serving a determinate sentence shall be released after serving his or her determinate sentence, less any applicable credit in accordance with this Part~~good conduct credits~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.120 Good Time Schedules and Sentence Credit Applicable to Felony Sentences

- a) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for ~~offenders persons~~ sentenced prior to June 1, 1977, if the schedule contained in the table would be more beneficial to the offender than awarding day for day ~~credit~~~~good conduct credits~~ as of February 1, 1978.

Statutory Good Time Calculations for Those Sentenced Prior to June 1, 1977*

SENTENCE	TIME TO BE SERVED
1 st year	11 months
2 nd year	1 year and 9 months
3 rd year	2 years and 6 months
4 th year	3 years and 2 months
5 th year	3 years and 9 months
6 th year	4 years and 3 months
7 th year	4 years and 9 months
8 th year	5 years and 3 months
9 th year	5 years and 9 months
10 th year	6 years and 3 months
11 th year	6 years and 9 months
12 th year	7 years and 3 months
13 th year	7 years and 9 months
14 th year	8 years and 3 months
15 th year	8 years and 9 months
16 th year	9 years and 3 months
17 th year	9 years and 9 months
18 th year	10 years and 3 months

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19 th year	10 years and 9 months
20 th year	11 years and 3 months

*AGENCY NOTE~~Agency Note~~: On the maximum sentence, six months of statutory good time is earned for each additional sentence year.

- b) Statutory good time on indeterminate sentences, with reference to the minimum and maximum sentences, shall be calculated in accordance with the following table for all persons sentenced to the Department ~~of Corrections~~ on or after June 1, 1977, but prior to February 1, 1978, for establishing the time credit for that portion of the sentence ~~that~~which was served prior to February 1, 1978.

Statutory Good Time Calculations for Those
Sentenced On or After June 1, 1997*

SENTENCE	TIME TO BE SERVED
1 st year	9 months
2 nd year	1 year and 6 months
3 rd year	2 years and 3 months
4 th year	3 years
5 th year	3 years and 9 months

*AGENCY NOTE~~Agency Note~~: Three months statutory good time shall be earned for each additional sentence year.

- 1) For those ~~offenders~~persons whose sentences are calculated under the table in subsection (b) ~~of this Section~~, the remaining portion of the sentence served on or after February 1, 1978, shall be credited with day for day ~~good conduct~~ credits.
 - 2) For ~~an offender~~a person who is sentenced on or after June 1, 1977, but prior to February 1, 1978, for an offense committed prior to June 1, 1977, the table in subsection (a) ~~of this Section~~ shall be used if it would be more beneficial to the offender in calculating the minimum or maximum sentence or both.
- c) Compensatory good time shall be earned on those indeterminate sentences or portions ~~of a sentence that~~thereof which are calculated under the statutory good time tables. Compensatory good time shall normally be awarded at the rate of

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

~~seven and one half (7.57½)~~ days for each month in custody. ~~Offenders Committed persons~~ shall receive compensatory good time on a prorated basis during the month placed in and released from custody in accordance with the following table.

Prorated Compensatory Good Time

<u>INCOMING FELONS</u>		<u>RELEASED FELONS</u>		
Day of Month Received	Days Credit	Scheduled Date of Release	Days Credit	New Release Date
2 - 4	6	1 - 4	0	1 - 4
5 - 9	5	5 - 9	1	4 - 8
10 - 15	4	10 - 14	2	8 - 12
15 - 19	3	15 - 19	3	12 - 16
20 - 24	2	20 - 24	4	16 - 20
25 - 28	1	25 - 28	5	20 - 23
29 plus	0	29 plus	6	23

d) ~~Offenders Committed persons~~ shall not be eligible to receive compensatory good time against that portion of their sentence ~~that which~~ is calculated under day for day ~~credit good conduct~~ provisions.

1) ~~An offender A committed person~~ shall not be awarded compensatory good time for any month during which he or she is reported by his or her work or program supervisor for carelessness, negligence, or refusal to work, providing ~~that not awarding compensatory good time such action~~ is recommended by the facility's Adjustment Committee and approved by the Chief Administrative Officer. No ~~offendereommitted person~~ shall lose any compensatory good time ~~credits~~ because he or she was unable to work or participate in a facility program through no fault of his or her own.

2) Any ~~offendereommitted person~~ placed in segregation or confinement for a period of ~~3~~ three days or more during a given month pursuant to a hearing before an Adjustment Committee shall not be awarded compensatory good time for that month. However, no person shall lose compensatory good time for more than one month pursuant to such a hearing unless he or she is placed in segregation or confinement for at least 10 additional days during the second and subsequent months.

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- 3) Any ~~offender~~~~committed person~~ placed on investigative status shall receive compensatory good time for that month if the investigation findings indicate that the ~~offender~~~~committed person~~ did not commit a violation.
- 4) Every ~~offender~~~~committed person~~ assigned to a ~~transition center~~~~community correctional center~~ shall be credited with compensatory good time unless an Adjustment Committee finds that he or she has violated disciplinary rules.
- 5) ~~Awarded~~~~Any awarded~~ compensatory good time may not be revoked.
- e) ~~Day for day credit~~~~Good conduct credits~~, with reference to the minimum and maximum sentences, shall be calculated by awarding one day of ~~good conduct~~ credit for each day served for all ~~offender~~~~committed persons~~ sentenced on or after February 1, 1978, if ~~the such~~ credit would be more beneficial ~~to the offender~~ than statutory ~~good time~~ and compensatory good time ~~credit~~~~credits~~.
- f) ~~Statutory sentence credit~~~~Good conduct credits~~, with reference to determinate sentences entered on or after February 1, 1978, for offenses ~~which were~~ committed prior to ~~June 19, 1998~~~~August 20, 1995~~, shall be calculated by awarding one day of ~~statutory sentence credit~~~~good conduct credit~~ for each day served.
- g) ~~Statutory sentence credit~~~~Good conduct credits~~, with reference to determinate sentences for offenses committed on or after ~~June 19, 1998, August 20, 1995~~, shall ~~be awarded in accordance with the Truth in Sentencing provisions of Section 3-6-3 of the Code.:~~
- h) ~~Any offender convicted of a sex offense, as defined in the Sex Offender Registration Act [730 ILCS 150], that was committed on or after June 1, 2008, shall receive no statutory sentence credit unless he or she successfully completes or is participating in sex offender treatment. However, if the offender is on a waiting list for treatment but is unable to participate due solely to lack of Department resources, he or she may be awarded statutory sentence credit at the discretion of the Director.~~
- 1) ~~Not be awarded to any person for a term of imprisonment for first degree murder.~~

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- 2) ~~Be calculated by awarding 4.5 days per month for each month of imprisonment for persons serving a sentence for:~~
- A) ~~Attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or~~
 - B) ~~Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim.~~
- 3) ~~Be calculated by awarding one day of good conduct credit for each day served on the period of imprisonment or recommitment as a parole or mandatory supervised release violator for all offenses not listed in subsections (1) or (2) of this subsection (g).~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.130 Consecutive Sentences

- a) Consecutive sentences shall be aggregated and treated as though they are a single term.
- b) ~~Offenders~~Committed persons serving consecutive sentences, one or more of which is indeterminate, shall receive statutory good time under the most beneficial table in effect on or after the commission of the crime. Compensatory good time shall also be credited to consecutive sentences. As of February 1, 1978, the remaining portion of the minimum or maximum sentence shall be calculated under day for day ~~credit~~good conduct provisions unless the statutory and compensatory good time provisions would be more beneficial to the offender.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.140 Concurrent Sentences

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When ~~an offender~~ ~~a committed person~~ already subject to a sentence receives one or more concurrent sentences, he or she shall receive credit on the subsequently imposed sentences from the date of sentencing.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.142 Supplemental Sentence Credit

Offenders committed to the Department may be eligible to receive supplemental sentence credit for good conduct in addition to other credit awarded in accordance with this Part. The award of supplemental sentence credit shall be at the sole discretion of the Director, or his or her designee, and shall be awarded in accordance with the provisions of Subpart C.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 107.145 Program Sentence Credit~~Earned Good Conduct Credits~~

~~Offenders~~~~Committed persons~~ who are enrolled in full-time substance abuse programs, correctional industry assignments, ~~or~~ vocational or academic educational programs, behavior modification programs, life skills courses, or re-entry planning approved by the Department may be eligible to receive program sentence credit~~earned good conduct credits~~ in addition to other credit~~good conduct credits~~ awarded in accordance with this Part. Program sentence credit~~Earned good conduct credits~~ shall be awarded at the applicable rate for each day during which program goals have been achieved in accordance with Subpart F ~~of this Part~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.150 Revocation of Time and Credit~~Statutory Good Time and Good Conduct Credits~~

- a) Any ~~offendere~~~~ommitted person~~ who is found guilty of misconduct or violating departmental rules or the terms of parole or mandatory supervised release may lose statutory good time, day for day credit, statutory sentence credit, supplemental sentence credit, or program sentence credit awarded in accordance with this Part ~~or good conduct credits~~.
- b) Statutory good time may be revoked at the discretion of the Director, or his or her designee, upon the recommendation of the Adjustment Committee and the Chief

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Administrative Officer, or the respective Deputy Director ~~of the Community Services Division~~.

- c) Day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit may be revoked at the discretion of the Director, or his or her designee, provided the cumulative revocation does not exceed 30 days during any 12 month period. ~~A maximum of 30 days of good conduct credits may be revoked from any committed person at the discretion of the Director during any 12 month period.~~ If the amount of credit at issue exceeds 30 days, or, when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days, the Department shall submit its recommendation for revocation ~~to revoke good conduct credits~~ to the Prisoner Review Board for approval.
- d) When an infraction is committed or discovered within 60 days prior to an offender's ~~a committed person's~~ scheduled release, the Department may revoke up to 30 cumulative days of day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit ~~good conduct credits~~ without approval of the Prisoner Review Board. If the Department seeks to revoke more than 30 days, its recommendation for revocation of the additional credit ~~good conduct credits~~ shall be submitted to the Prisoner Review Board for its ~~its~~ approval.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.160 Restoration of Time and Credit ~~Statutory Good Time and Good Conduct Credits~~

- a) Statutory good time, day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit ~~or good conduct credits~~ may be restored by the Director, or his or her designee, either by his or her own action or upon the recommendation of:
- 1) The Administrative Review Board;
 - 2) The Adjustment Committee and the Chief Administrative Officer; or
 - 3) The respective Deputy Director ~~of the Community Services Division~~.
- b) In determining the restoration ~~whether or not to restore good conduct credits or statutory good time~~, the Director, or his or her designee, may consider, among

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other matters:

- 1) The nature of the incident ~~that~~which served as the basis for the ~~revocation~~loss of good time;
 - 2) The disciplinary proceedings ~~that~~which led to the ~~revocation~~of good time;
 - 3) The complete master record file of the ~~offender~~committed person;
 - 4) Any specific report or recommendation made concerning the ~~offender~~committed person;
 - 5) The ~~offender's~~committed person's entire disciplinary record;
 - 6) The ~~assignment~~job performance of the ~~offender~~committed person while in the custody of the Department;
 - 7) The educational program or achievements of the ~~offender~~committed person while in the custody of the Department; and
 - 8) The action of the ~~offender~~committed person in:
 - A) Saving the life of an employee or other ~~offender~~committed person;
 - B) Performing heroic service during a flood, tornado, or act of God;
 - C) Volunteering for an exceptionally hazardous or dangerous assignment; or
 - D) Assisting in maintaining control during a general disturbance.
- c) Day for day credit, statutory sentence credit, supplemental sentence credit, and program sentence credit may be restored at the discretion of the Director, or his or her designee, provided the cumulative restoration does not exceed 30 days during any 12 month period.~~A maximum of 30 days of good conduct credits may be restored to a committed person at the discretion of the Director during any 12 month period.~~ If the cumulative amount of credit recommended for restoration exceeds 30 days, the Director, or his or her designee, shall submit the~~such~~ request for restoration ~~shall be submitted by the Director~~ to the Prisoner Review Board.

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The Board may not restore more ~~credit~~~~good conduct credits~~ to ~~an offender a~~ ~~committed person~~ than is recommended. Notification of the decision of the Director, or his or her designee, or the Prisoner Review Board shall be provided to the ~~offender~~~~committed person~~.

- d) The ~~offender~~~~committed person~~ may petition not more frequently than every three months through the Adjustment Committee for restoration of ~~revoked time or~~ ~~credit~~~~statutory good time or good conduct credits~~, stating the rationale for restoration. If the Adjustment Committee recommends the restoration ~~of good time~~, ~~that said~~ recommendation shall be forwarded through designated channels to the attention of the Director, or his or her designee. Notification of the Director's, or his or her designee's, Director's decision shall be given to the ~~offender~~~~committed person~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.180 Misdemeanant Good Time Allowance (Repealed)

- a) ~~Misdemeanant good time behavior allowance shall be awarded for each month or 30 day unit as follows:~~
- 1) ~~Four days for the first month.~~
 - 2) ~~Six days for each of the second, third, fourth, fifth, and sixth months or units of sentence.~~
 - 3) ~~Eight days for each of the second six months or units of sentence.~~
- b) ~~Misdemeanant good time may be revoked or withheld as a result of a disciplinary infraction.~~
- e) ~~Misdemeanants are not eligible to receive compensatory good time credit on their sentences.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

SUBPART C: MERITORIOUS GOOD TIME AND SUPPLEMENTAL SENTENCE CREDIT**Section 107.200 Applicability**

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This Subpart applies to all correctional facilities within the Department~~the Adult, Juvenile, and Community Services Divisions.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.207 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department~~of Corrections.~~

"Meritorious Good Time" means the award of additional good conduct credit prior to June 22, 2012 to offset the length of sentence for offenders based upon meritorious service in specific instances deemed appropriate by the Director or his or her designee.

"Supplemental Sentence Credit" means the award of additional sentence credit made on or after June 22, 2012 (effective date of PA 97-697) to offset the length of sentence based on an offender's good conduct as determined at the sole discretion of the Director or his or her designee.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.210 Awarding of Supplemental Sentence Credit~~Meritorious Good Time~~

a) The Director, or his or her designee, may award eligible offenders additional credit up to a maximum of 90 or 180 days, in accordance with Section 3-6-3(a)(3) of the Code, for good conduct. However, offenders shall not be eligible to receive supplemental sentence credit, meritorious good time, or an aggregation of these credits greater than the statutory maximum during one term of incarceration.

b)a) In determining whether or not to award supplemental sentence credit~~good conduct credits for meritorious service~~, the Director, or his or her designee:

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- 1) Shall make a determination, either in written or electronic form, that the offender:
 - A) Is eligible, based on his or her holding offenses, to receive supplemental sentence credit;
 - B) Has served a minimum of 60 days of his or her sentence in the custody of the Department; and
 - C) Has met the eligibility criteria established in this Section.
- 2) May examine or consider, among other matters:
 - A) ~~4)~~ The complete master record file of the offender, including, but not limited to, sentencing material including the facts and circumstances of the holding offense, disciplinary records, and committed person. 2) reports Reports or recommendations made concerning the offender ~~committed person~~.
 - B) Available risk assessment analysis.
 - C) History of conviction for violent crimes as defined by the Rights of Crime Victims and Witnesses Act [725 ILCS 120].
- 3) ~~The fact that the committed person has not violated any rule of the Department over a period of time.~~
 - D) ~~4)~~ The assignment ~~job~~ performance of the offender ~~committed person~~ while in the custody of the Department.
 - E) ~~5)~~ Educational or program performance and ~~The educational program~~ or achievements of the offender ~~committed person~~ while in the custody of the Department.
 - F) Service to the Department, community or State.
 - G) Heroic action of the offender such as ~~6) — The action of the committed person in: saving~~ A) Saving the life of an employee or other offender ~~committed person~~;

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- ~~B) Performing heroic service during a flood, tornado, or act of God;~~
 - ~~C) Volunteering for an exceptionally hazardous or dangerous assignment; or~~
 - ~~D) Assisting in maintaining control during a general disturbance.~~
 - ~~H) The offender's potential for rehabilitation.~~
- ~~c)b) The decision to award supplemental sentence credit shall be at the sole discretion of grant meritorious good time may be initiated unilaterally by the Director or his or her designee.~~
- ~~e) In addition, petitions for granting meritorious good time may be submitted by any committed person or by any person or persons in the employ of the Department of Corrections on behalf of any committed person.~~
- ~~d) No committed person shall be granted more than 180 days of meritorious good time during a term of incarceration.~~
- ~~d) No offender shall be eligible to receive supplemental sentence credit if he or she:~~
- ~~1) Is serving a sentence for an offense excluded pursuant to Section 3-6-3(a)(3) of the Code;~~
 - ~~2) Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504;~~
 - ~~3) Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration;~~
 - ~~4) Has been returned to the Department for a violation of his or her parole or mandatory supervised release; or~~
 - ~~5) Has been returned to a facility from an impact incarceration program for voluntary termination or termination for disciplinary reasons.~~

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- e) No offender whose court sentencing order recommends substance abuse treatment for offenses committed on or after September 1, 2003 shall be awarded supplemental sentence credit unless:
- 1) He or she participates in and completes a substance abuse treatment program; or
 - 2) The Director waives the requirement to participate in or complete the treatment program in specific instances in which the offender is not a good candidate for the program due to medical, programming or operations reasons. When substance abuse treatment is not available, offenders shall be placed on a waiting list for treatment. Offenders on a waiting list who are not placed in a substance abuse treatment program prior to release may be eligible for a waiver and receive supplemental sentence credit as determined by the Director or his or her designee.
- f) No offender who has been convicted of a sex offense, as defined in the Sex Offender Registration Act, committed on or after June 1, 2008 shall be awarded supplemental sentence credit unless he or she:
- 1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board (see 20 Ill. Adm. Code 1905); or
 - 2) Receives a waiver due solely to lack of Department resources.
- e) ~~No persons who are committed for the following offenses shall be awarded more than 90 days of meritorious good time during a term of incarceration: first degree murder, reckless homicide while under the influence of alcohol or any other drug, aggravated kidnapping, kidnapping, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering.~~
- f) ~~No persons who are serving a sentence for a conviction for any of the following offenses committed on or after August 20, 1995, shall be awarded any meritorious~~

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~~good time:~~

- ~~1) First degree murder, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravating battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or~~
 - ~~2) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim.~~
- ~~g) Habitual juvenile offenders or violent juvenile offenders shall not be eligible for meritorious good time.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.220 Reporting of Supplemental Sentence Credit

- a) The Department shall prepare an annual written report that identifies:
 - 1) The number of offenders who have been awarded supplemental sentence credit;
 - 2) The holding offenses of the offenders who have received an award of supplemental sentence credit;
 - 3) The average number of supplemental sentence credit days awarded; and
 - 4) The number of revocations of supplemental sentence credit.
- b) The report shall be submitted to the Governor and General Assembly beginning January 1, 2014 and annually thereafter.
- c) Within 48 hours after submission to the Governor and the General Assembly, the Department shall make the report available on the Department's website.

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(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 107.230 Revocation and Restoration of Supplemental Sentence Credit

Supplemental Sentence Credit may be revoked and restored in accordance with Subpart B.

(Source: Added at 37 Ill. Reg. _____, effective _____)

SUBPART D: MAINTENANCE OF RECORDS

Section 107.300 Applicability

This Subpart applies to all correctional facilities within divisions of the Department.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.307 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.310 Access to Records

- a) The master record files of ~~offenderseommitted persons~~ shall be confidential and access shall be limited to authorized persons. ~~OffendersCommitted persons~~ shall not be permitted access to their master record files except as expressly permitted by law, ~~including or~~ this Subpart.
- b) Medical records shall be disclosed to ~~an offendera-committed person~~ or to his or her authorized ~~agentattorney~~ upon receipt of a written request for the information and a release signed by the ~~offendereommitted person~~.

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- c) The medical records of a deceased ~~offender~~~~committed person~~ shall be released upon presentation of a certified copy of the death certificate and:
- 1) Tender of letter~~tender of letters~~ of office and a signed release from the Executor or the Administrator of the person's estate; or;
 - 2) A Durable Power of Attorney for Health Care authorizing the release of the medical records to the agent and a signed release from the authorized agent; or
 - 3) If no executor, administrator or agent exists; or if no estate is required by law to be opened,
 - A) An authorized relative certification and release signed by the authorized relative; or then upon receipt of an affidavit of heirship
 - B) A notarized affidavit of heirship and a release signed by the next of kin.
- d)e) Personnel of other correctional, welfare, educational; or law enforcement agencies may have access to an offender's~~sa committed person's~~ files, as approved by the Chief Administrative Officer. The use and redisclosure of ~~these~~~~such~~ files shall be consistent with applicable State and federal laws.
- e)d) Access to the master record file of a person no longer in custody of the Department shall be provided in accordance with procedures applicable to ~~offender~~~~committed persons~~.
- f)e) The Department may require payment of copying costs for any records produced.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.330 Release of Clinical Records to ~~Offenders~~~~Committed Persons~~ and Authorized Attorneys (Adult Facilities Excluding Transition Centers~~Adult Division~~) – Court Agreement

- a) Definitions
- 1) ~~Offender~~~~Committed Person~~ – A person who is or has been in the custody

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of the ~~Illinois Department of Corrections, Adult Division.~~

- 2) Authorized Attorney – Any attorney authorized in writing by the ~~offendereommitted person~~ to inspect and copy his ~~or her~~ clinical records.
 - 3) Clinical ~~Record~~Records – Any mental health record, ~~maintained by the Department,~~ prepared by a therapist in the course of providing mental health services to ~~an offendera committed person, which is maintained by the Department of Corrections.~~ Clinical record does not include the therapist's personal notes, if ~~thosesueh~~ notes are kept in the therapist's sole possession for his or her own personal use and are not disclosed to any other person, except the therapist's supervisor, consulting therapist, or attorney. If, at any time, ~~thesueh~~ notes are otherwise disclosed, they shall be considered part of the ~~offender's committed person's~~ record for purposes of this Section. Clinical record does not include testing material used in the course of providing services if the disclosure of ~~thesueh~~ material would compromise the objectivity or fairness of the testing process.
 - 4) Information not subject to inspection and copying by a ~~an offendereommitted person~~ – Information contained in clinical records, the disclosure of which a therapist certifies in writing is likely to result in physical harm to the ~~offendereommitted person,~~ other ~~offenderseommitted persons~~ or Department employees, contractors, or volunteers.
 - 5) Therapist – A psychiatrist, physician, psychologist, counselor, social worker, or nurse providing mental health services.
 - 6) Mental Health Services – Psychiatric or psychological evaluation or treatment, or pharmaceuticals, or developmental disabilities programming.
- b) Rights of and Limitations on Record Access
- 1) ~~An offenderA committed person~~ or authorized attorney may have access to and copy all clinical records contained in any file maintained by the Department ~~of Corrections,~~ provided:
 - A) The ~~offendereommitted person~~ consents in writing to the access to and copying of ~~thesueh~~ records by an authorized attorney; and

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- B) Information not subject to access and copying by ~~an offender~~ ~~committed person~~ may be deleted from records otherwise available to ~~an offender~~ ~~committed person~~ in accordance with procedures established in this Section. Information not subject to access and copying by ~~an offender~~ ~~committed person~~ shall be made available to an authorized attorney provided the attorney agrees in writing not to disclose that information to the ~~offender~~ ~~committed person~~ or any other person who may redisclose it to the ~~offender~~ ~~committed person~~.
- 2) All requests by the ~~offender~~ ~~committed person~~ and authorized attorneys to inspect or copy clinical records must be made in writing and must contain a release of the Department ~~of Corrections~~ and its employees from any liability to the ~~offender~~ ~~committed person~~ as a result of disclosure or dissemination of the records or the information contained in the records therein, resulting from the access permitted to the authorized attorney or ~~offender~~ ~~committed person~~.
- 3) The ~~Department~~ ~~Adult Division~~ shall comply with all written requests for records:
- A) By promptly producing copies of records after either payment of copying costs by the ~~offender~~ ~~committed person~~ or authorized attorney or a waiver of costs by the Department. Costs shall be waived upon a showing of the ~~offender's~~ ~~committed person's~~ indigency. The determination of indigency shall be made promptly by the officers to whom the written request is sent, in accordance with subsection (c)(1) of this Section; or
- B) By promptly making the requested records available for inspection.
- c) Processing of Requests for Record Access
- 1) All written requests:
- A) With regard to the clinical records of ~~offender~~ ~~committed persons~~ currently committed to ~~a Department~~ ~~an Adult Division~~ facility should be directed to the Chief Administrative Officer of the institution in which the person resides;

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- B) With regard to the clinical records of ~~offenderseommitted persons~~ on authorized absence from ~~aan Adult Division~~ facility or transferred to an Illinois Department of ~~Human Services-MH/DD Mental Health and Developmental Disabilities~~ facility should be directed to the Chief Administrative Officer of the institution in which the person last resided;
- C) With regard to the clinical records of ~~offenderseommitted persons~~ currently on parole ~~or mandatory supervised release~~ should be directed to the Chief Administrative Officer of the institution from which the ~~offender was~~~~person is~~ paroled ~~or released~~; and
- D) With regard to the clinical records of persons formerly committed to the ~~DepartmentAdult Division~~ should be directed to the supervisor of the ~~Department's~~ microfilm center in Springfield.
- 2) Upon receipt of the request for records, the records office supervisor, supervisor of the microfilm center, or a designee, shall either:
- A) Promptly make the records available for inspection by the ~~offendereommitted person~~ or authorized attorney; or
- B) Promptly forward copies of the records to the ~~offendereommitted person~~ or authorized attorney after payment or waiver of the costs.
- 3) The author of the reports or, if the original author is unavailable, a qualified therapist, may examine all records requested.
- A) If the author or another therapist certifies in writing that the disclosure of information to ~~the offendera committed person~~ is likely to result in physical harm to ~~the offendereommitted persons~~ or other persons:
- i) The information may be deleted from the records disclosed to the ~~offendereommitted person~~; and
- ii) The author's or therapist's certificate shall be attached to ~~thesueh~~ records inspected and copied by all persons.

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- B) If a document contains information certified to be likely to result in physical harm to the ~~offender~~~~committed person~~ or others, only the information so certified may be deleted from the records disclosed to the ~~offender~~~~committed person~~.
- 4) The ~~Department~~~~Adult Division~~ shall maintain a record in each ~~offender's~~~~committed person's~~ file ~~that~~~~which~~ indicates:
- A) The parties who have requested to inspect or copy clinical records; and
- B) The clinical records inspected or copied.
- d) Before this Section ~~of the Subpart~~ is modified, Department legal staff must be consulted. This Section was promulgated pursuant to settlement of litigation by order of the court. It may not be modified without approval of the court.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.340 Release of Clinical Records to ~~Offenders~~~~Committed Persons~~ and Authorized Attorneys (~~Transition Centers~~~~Community Services Division~~)

All written requests for release of clinical records of ~~offender~~~~committed persons~~ transferred to a ~~transition center~~~~community correctional center~~ should be directed to the Chief Administrative Officer of the ~~adult~~ correctional facility in which the ~~offender~~~~person~~ last resided. All other provisions of Section 107.330 regarding release of clinical records shall also apply ~~to the~~ ~~Community Services Division~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART E: ACCESS AND REVIEW OF
CRIMINAL HISTORY RECORD INFORMATION

Section 107.400 Applicability

This Subpart applies to correctional facilities within the ~~Department~~~~Adult, Juvenile, and~~ ~~Community Services Divisions~~.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.410 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Criminal History Record Information" means information collected by criminal justice agencies on individuals, consisting of identifiable descriptions, which include name, ~~gender~~sex, race, date of birth, Social Security Number, State Identification Number, Federal Bureau of Investigation (FBI) Number, and any other information used to determine the subject of the ~~transcript~~transcript; notations of arrests, detentions, indictments, ~~information~~informations, or other formal criminal charges and any disposition arising ~~from these actions~~therefrom; sentencing; and correctional supervision and release; but does not include juvenile history information, unless the juvenile was tried as an adult.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.420 Right to Access and Review

All persons, including ~~offender~~committed persons, have the right to review copies of their Criminal History Record Information from local criminal justice agencies, any state and the Federal Bureau of Investigation, and to challenge the content of these records (see 42 USCU.S.C. 3789(f) and (g) and 28 CFR 20).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.430 Requests for Access and Review

- a) A request to obtain access to and review Criminal History Record Information, local, state, or federal, shall be made in writing to the office designated by the Chief Administrative Officer.
- b) A staff member shall inform the ~~offender~~committed person of any applicable fees

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and assist the ~~offendereommitted person~~ in completing and processing all applicable forms.

- c) Upon receipt by the facility of the transcript of the Criminal History Record Information, the ~~offendereommitted person~~ shall be allowed to review the transcript while in the presence of a staff member.
- d) The ~~offendereommitted person~~ shall, upon request, be provided with a copy of the transcript ~~thatwhich~~ has been stripped of all personal identifiers, including, but not limited to, the names and addresses of the ~~offendereommitted person~~, victims, or witnesses.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.440 Challenge of Record

- a) If ~~an offendera-ommitted person~~ is not satisfied that his or her Criminal History Record Information is accurate, he or she may submit a written request to challenge the record.
- b) A staff member shall advise the ~~offendereommitted person~~ of the challenge, appeal and complaint process and shall assist him or her in preparing the appropriate forms for submission.
- c) If the criminal history record is corrected, the ~~offendereommitted person~~ may submit a written request for a listing of all non-criminal justice agencies that have received a copy of his or her criminal history record.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: ~~GENERAL EDUCATION DEVELOPMENT AND PROGRAM SENTENCE CREDIT~~~~EARNED GOOD CONDUCT CREDITS~~**Section 107.500 Applicability**

This Part applies to ~~all correctional facilities within the Department~~~~the Adult, Juvenile, and Community Services Divisions~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 107.510 Definitions

"Behavior Modification Program" means a program, approved by the Department, designed to provide offenders with the means to identify and alter undesired behavioral patterns.

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Correctional Industry ~~Assignments~~ assignments" means work assignments in or job training conducted by Correctional Industries.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Earned Good Conduct Credit" means the award of time to offset the length of sentence for an offender who successfully completed an assigned substance abuse program, Correctional Industries assignment, or educational program prior to June 22, 2012.

"Educational ~~Programs~~ programs" means courses of academic and vocational instruction offered to persons committed to the ~~Department Adult and Juvenile Divisions as approved by School District #428;~~ or courses of academic and vocational instruction approved by the Department.

"GED Program Sentence Credit" means the award of 60 days credit to offset the length of sentence for an offender who passes the high school level test of General Educational Development (GED) while committed to the Department or while held in pretrial detention prior to the offender's current commitment to the Department.

"Instructional ~~Day~~ day" means a day in which instruction is provided.

"Life Skills Course" means a program approved by the Department to promote personal skills to better ~~prepare~~ the offender for a productive return to society.

~~"Mental health unit" means the Menard Psychiatric Center or the Dwight Mental~~

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~~Health Unit.~~

"Program ~~Administrator~~~~administrator~~" means the Education Facility Administrator or other Department persons designated by the Chief Administrative Officer to be responsible for determining satisfactory participation in programs subject to program sentence credit~~earned good conduct credits~~.

"Program Sentence Credit" means the award of time to offset the length of sentence for offenders who successfully complete a substance abuse program, Correctional Industries assignment, educational program, behavior modification program, life skills course, or re-entry planning program on or after June 22, 2012.

"Re-entry Planning Program" means a program approved by the Department that provides offenders with information on release procedures and the tools to assist them in a positive re-entry into society.

"Sentence of Imprisonment~~imprisonment~~ for a Felony~~felony~~" means one continuous period or term of incarceration for commission of one or more felonies, provided that each felony was committed prior to the offender's commitment to the Department.

"Substance Abuse Program~~abuse program~~" means a program, approved by the Department, consisting of counseling, education, or treatment for drug or alcohol abuse.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.520 Eligibility for Program Sentence Credit

- a) ~~Offenders~~~~Committed persons~~ who, on or after ~~June 22, 2012~~~~August 11, 1993~~, are engaged full-time in substance abuse programs, Correctional Industries~~correctional industry~~ assignments, ~~or~~ academic or vocational education programs, behavior modification programs, life skills courses, or re-entry planning provided or approved by the Department shall be eligible to receive program sentence credit~~earned good conduct~~ at the rate of 0.5-50 per a day provided:
- 1) They are eligible to receive one day of statutory sentence credit for each

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day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator~~good time~~ in accordance with 20 Ill. Adm. Code 107.Subpart B; and

2) They achieve the goals established by the Department within a specified time period.

~~2) They are not committed as habitual juvenile offenders or violent juvenile offenders;~~

b)3) Offenders shall not be eligible to receive program sentence credit at the rate of 0.5 per day if:

1) They are ~~not~~ assigned to a boot camp or electronic detention program, ~~or a mental health unit;~~

2) They are serving a sentence for an excluded offense under the provisions of Section 3-6-3(a)(4) of the Code.

~~4) They are not serving a sentence for a conviction for first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or attempt, solicitation, or conspiracy to commit any of the foregoing offenses;~~

~~5) They are not serving a sentence for a conviction for any of the following offenses committed on or after August 20, 1995:~~

~~A) First degree murder, attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child; or~~

~~B) Home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has~~

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~~entered a finding that the conduct leading to conviction for the offense resulted in great bodily harm to a victim;~~

~~3)6)~~ They have ~~not~~ been convicted of a felony committed after they have received a previous award of ~~educational or~~ earned good conduct ~~credits or program sentence credit.~~;

~~4)7)~~ They have ~~not~~ previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.;

~~8)~~ ~~They achieve the goals established by the Department within a specified time period; and~~

~~5)9)~~ They are ~~not~~ removed from the program for failure to comply with program requirements or for disciplinary reasons.

~~c)b)~~ ~~Offenders~~ ~~Committed persons~~ who are not eligible under subsection (a) ~~of this Section~~ and who enroll full-time in an ~~educational~~ ~~academic or vocational~~ ~~education~~ program approved by the Department shall be eligible to receive ~~program sentence credit~~ ~~earned good conduct credits~~ at the rate of 0.25 provided:

1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator ~~good time~~ in accordance with 20 Ill. Adm. Code 107. Subpart B;

2) The offense for which they were convicted was committed ~~on or after~~ September 10, 1990 ~~through, up to and including~~ August 10, 1993;

3) They have not been convicted of first degree murder, second degree murder, or a Class X felony;

4) They have not been convicted of a felony ~~that~~ ~~which~~ was committed after a previous award of ~~educational or~~ earned good conduct credits or program sentence credit;

5) They achieve the educational goals established by the Department within a specified time period; and

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- 6) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.

~~d)~~e) Full-time assignment to a program for which ~~an offender~~~~a committed person~~ may be eligible to receive program sentence credit~~earned good conduct credits~~ shall mean:

- 1) The ~~offender~~~~committed person~~ is housed at a residential substance abuse program facility or unit or is normally scheduled to participate in substance abuse programming at least 15 hours per week;
- 2) The ~~offender~~~~committed person~~ is normally scheduled to work with or receive job training from correctional industries at least ~~4~~four hours per day, ~~5~~five days per week; ~~or~~
- 3) The ~~offender~~~~committed person~~ is a student enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours per week; ~~;~~ or the ~~offender~~~~committed person~~ is enrolled in college academics for a minimum of ~~6~~six credit hours per module or 12 credit hours per semester; ~~;~~
- 4) The offender is enrolled in a behavior modification program for which a minimum of 15 hours of participation is required for completion;
- 5) The offender is enrolled in a life skills course for which a minimum of 70 hours of participation is required for completion; or
- 6) The offender is enrolled in a re-entry planning program for which a minimum of 6 hours of participation is required for completion.

~~e)~~d) ~~Offenders~~~~Committed persons~~ shall only be eligible to receive program sentence credit~~earned good conduct credits~~ for participation in one full-time program or assignment at a time.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.525 General Education Development Program Sentence Credit

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Offenders who are eligible for program sentence credit in accordance with Section 107.520 and who have not graduated from high school or passed the test of General Educational Development (GED) shall be awarded 60 days of GED program sentence credit if he or she passes the GED test while committed to the Department or while held in pre-trial detention prior to his or her current incarceration in the Department. The award of GED program sentence credit shall be in addition to other awards of sentence credit.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 107.530 Goal Statements

- a) Program goals (see Section 107.540) shall be established in writing by the program administrator for ~~offendereommitted persons~~ who are eligible to receive ~~program sentence credit or GED program sentence credit~~~~earned good conduct credits~~ and shall be signed by the ~~offendereommitted person~~.
- b) The goal statement shall include the goal period and the goals the ~~offendereommitted person~~ is expected to achieve.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.540 Program Goals

- a) Program goals may include, but are not ~~be~~-limited to, one or more of the following:
- 1) Active participation in the program as demonstrated by being attentive, responsive ~~and~~, cooperative, and by maintaining ~~institutional~~ behavioral standards;
 - 2) Adherence to attendance requirements;
 - 3) Achievement of a specified grade level;
 - 4) Attainment of a GED certificate; ~~or~~
 - 5) Attainment of a specific number of ~~high school or~~ college credits;
 - 6)5) Maintaining a certain grade;

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- ~~7)6)~~ Achievement of specified skills;
- ~~8)7)~~ Achievement of a specified production level;
- ~~9)8)~~ Attendance at individual, group, or family ~~substance abuse~~ counseling;
- ~~10)9)~~ ~~Passing Pass~~-a substance abuse education program final; ~~or~~
- ~~11)10)~~ ~~PassingPass~~ a substance abuse test, such as a urinalysis, for the detection of the presence of drugs or alcohol;
- 12) Completion of a specified number of programming hours; or
- 13) Completion of pre- and post-release program questionnaires.

- b) Goals may, with the approval of the program administrator or the Chief Administrative Officer, be revised in writing and signed by the ~~offendereommitted person~~ if it is determined that the original goals need to be revised based, among other matters, on a reassessment of the ~~offender's eommitted person's~~ level of competency or ability or program changes. However, the goal period may not be changed except as provided in Section 107.550.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.550 Goal Periods

- a) The goal period for ~~offenderspersons committed in the Adult and Juvenile Divisions~~ who are enrolled in an educational program, except college academic programs, shall be 45 instructional days of attendance or the number of instructional days of attendance required to complete the program if less than 45 instructional days, unless otherwise modified by the Director or his or her designee.
- b) The goal period for ~~offenderspersons committed in the Adult and Juvenile Divisions~~ who are enrolled in college academic programs and for ~~offenderspersons committed in the transition centersCommunity Services Division~~ who are enrolled in any educational program approved by the Department shall be the period of time during which the classes are scheduled,

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unless otherwise modified by the Director or his or her designee.

- c) The goal period for substance abuse programs shall be the length of the program or 90 days, whichever is shorter, unless otherwise modified by the Director or his or her designee.
- d) The goal period for behavior modification programs shall be 15 hours of attendance or the actual time required to complete the program if less than 15 hours, unless otherwise modified by the Director or his or her designee.
- e) The goal period for life skills courses shall be a minimum of 70 hours of attendance or the actual time required to complete the course if less than 70 hours, unless otherwise modified by the Director or his or her designee.
- f) The goal period for re-entry planning programs shall be six hours of attendance or the actual time required to complete the program if less than six hours, unless otherwise modified by the Director or his or her designee.
- g)d) The goal period for Correctional Industries~~correctional industry~~ assignments shall normally be 90 days, unless otherwise modified by the Director or his or her designee.
- h)e) When an offender~~a committed person~~ completes the educational, substance abuse, or job training program early, the goal period shall be revised to the date of completion and the offender~~committed person~~ shall be eligible to receive program sentence credit~~earned good conduct credits~~ for the revised goal period.
- i)f) If the offender~~committed person~~ is removed from the program or assignment due to placement in protective custody, non-voluntary transfers for other than disciplinary reasons, termination or suspension of the program by the Department, release on parole or mandatory supervised release, transfer to work release, placement on electronic detention, or other reasons approved by the Chief Administrative Officer, the goal period may be revised to the date removed from the program. In determining whether to revise a goal period, the Department shall consider, among other factors, the offender's~~committed person's~~ medical and mental health status, protection needs, projected release date, and time in the program. The offender~~committed person~~ may be eligible to receive program sentence credit~~earned good conduct credits~~ for the revised goal period provided satisfactory progress has been made towards achieving stated goals.

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~~d)g)~~ If the ~~offendereommitted-person~~ is removed from the program or assignment prior to completion of the goal period due to reasons other than those stated in subsection ~~(if)~~ of this Section, the ~~offendereommitted-person~~ shall not receive any ~~program sentence credit~~~~earned good conduct credit~~ for the goal period.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.560 Award of GED Program Sentence Credit and Program Sentence Credit~~Earned Good Conduct Credits~~

Within 15 working days, whenever feasible, after completion of the goal period or removal from the program, the program administrator or Chief Administrative Officer shall:

- a) Determine whether the ~~offendereommitted-person~~ achieved the required goals or was making satisfactory progress toward achieving ~~thesueh~~ goals in accordance with Section 107.550~~(i)(f)~~.
- b) Document the determination of ineligibility or the award of the GED certificate. Awarded GED program sentence credit shall only be subject to revocation if it is subsequently determined that the offender was not eligible for the award. Partial GED program sentence credit shall not be awarded.
- ~~c)b)~~ Document the determination of ineligibility or the number of calendar days during the goal period for which the ~~offendereommitted-person~~ is eligible to receive ~~program sentence credit~~~~earned good conduct credits~~. The days eligible for the award shall be the number of calendar days during the goal period, less the total number of days of lockdowns, days the ~~offendereommitted-person~~ was absent, and days in which class or the program assignment was cancelled.
- ~~d)e)~~ Ensure ~~program sentence credit is~~~~good conduct credits earned are~~ computed at the appropriate rate, ~~0.25~~ or ~~0.50~~, in accordance with Section 107.520(a) or ~~(cb)~~.
- ~~e)d)~~ The award of ~~GED program sentence credit or program sentence credit~~~~earned good conduct credits~~ shall be subject to the review and approval of the Director ~~or his or her designee~~. A copy of the award of ~~GED program sentence credit or program sentence credit~~~~earned good conduct credits~~ shall be filed in the ~~offender's~~~~ommitted-person's~~ master record file.

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- f)e) ~~Offenders Committed persons~~ shall be advised in writing of the award of GED program sentence credit or program sentence credit~~earned good conduct credits~~ or the determination of ineligibility of the award.
- g)f) ~~Offenders Committed persons~~ may grieve the decision not to award GED program sentence credit or program sentence credit~~earned good conduct credits~~ under 20 Ill. Adm. Code 504.Subpart F.
- h)g) New goal periods and goals shall be established upon continued placement or re-enrollment in educational programs or continued placement in substance abuse programs, behaviorial modification programs, life skills courses, re-entry planning or Correctional Industries~~correctional industry~~ assignments in accordance with this Subpart.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 107.570 Revocation and Restoration of Program Sentence Credit

Program sentence credit may be revoked and restored in accordance with Subpart B.

(Source: Added at 37 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Rules
- 2) Code Citation: 35 Ill. Adm. Code 101
- 3) Section Number: 101.108 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 of the Environmental Protection Act (Act) and authorized by Section 27 of the Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22, and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of September 20, 2012 in docket R13-09. In brief, the proposal rule conforms the Board's procedural rules to a statutory change.

35 Ill. Adm. Code 101.108(d), effective January 1, 2000, currently provides that 4 affirmative votes are required to adopt a Board decision. This was consistent with Section 5 of the Act, which provided for a 7 member Board. See PA 83-770, eff. Sept. 24, 1983. The Board's membership was reduced to 5 in PA 93-509, eff. Aug. 11, 2003, amending Section 5(a) of the Act to read in pertinent part:

If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board. The Board shall keep a complete and accurate record of all its meetings. [415 ILCS 105/5(a)] (emphasis added)

The Board had not previously amended Section 101.108(d) of the procedural rules, as it has viewed the simple 3 member majority requirement of amended Section 5 of the Act as "trumping" the outdated 4 member majority requirement contained in the pre-existing, unamended rules. As a recent vacancy on the Board has created potential for public confusion, the Board believes it is now prudent to proceed with a proposal.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3]
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R13-09 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R13-09 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312/814-3629.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda in which this amendment was summarized: None

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section	
101.100	Applicability
101.102	Severability
101.104	Repeals
101.106	Board Authority
101.108	Board Proceedings
101.110	Public Participation
101.112	Bias and Conflict of Interest
101.114	Ex Parte Communications

SUBPART B: DEFINITIONS

Section	
101.200	Definitions Contained in the Act
101.202	Definitions for Board's Procedural Rules

SUBPART C: COMPUTATION OF TIME, FILING, SERVICE
OF DOCUMENTS, AND STATUTORY DECISION DEADLINES

Section	
101.300	Computation of Time
101.302	Filing of Documents
101.304	Service of Documents
101.306	Incorporation of Documents by Reference
101.308	Statutory Decision Deadlines and Waiver of Deadlines

SUBPART D: PARTIES, JOINDER, AND CONSOLIDATION

Section	
101.400	Appearances, Withdrawals, and Substitutions of Attorneys in Adjudicatory

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Proceedings

- 101.402 Intervention of Parties
- 101.403 Joinder of Parties
- 101.404 Agency as a Party in Interest
- 101.406 Consolidation of Claims
- 101.408 Severance of Claims

SUBPART E: MOTIONS

Section

- 101.500 Filing of Motions and Responses
- 101.502 Motions Directed to the Hearing Officer
- 101.504 Contents of Motions and Responses
- 101.506 Motions Attacking the Sufficiency of the Petition, Complaint, or Other Pleading
- 101.508 Motions to Board Preliminary to Hearing
- 101.510 Motions to Cancel Hearing
- 101.512 Motions for Expedited Review
- 101.514 Motions to Stay Proceedings
- 101.516 Motions for Summary Judgment
- 101.518 Motions for Interlocutory Appeal from Hearing Officer Orders
- 101.520 Motions for Reconsideration
- 101.522 Motions for Extension of Time

SUBPART F: HEARINGS, EVIDENCE, AND DISCOVERY

Section

- 101.600 Hearings
- 101.602 Notice of Board Hearings
- 101.604 Formal Board Transcript
- 101.606 Informal Recordings of the Proceedings
- 101.608 Default
- 101.610 Duties and Authority of the Hearing Officer
- 101.612 Schedule to Complete the Record
- 101.614 Production of Information
- 101.616 Discovery
- 101.618 Admissions
- 101.620 Interrogatories
- 101.622 Subpoenas and Depositions
- 101.624 Examination of Adverse, Hostile or Unwilling Witnesses

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- 101.626 Information Produced at Hearing
- 101.628 Statements from Participants
- 101.630 Official Notice
- 101.632 Viewing of Premises

SUBPART G: ORAL ARGUMENT

- Section
- 101.700 Oral Argument

SUBPART H: SANCTIONS

- Section
- 101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders
- 101.802 Abuse of Discovery Procedures

SUBPART I: REVIEW OF FINAL BOARD OPINIONS AND ORDERS

- Section
- 101.902 Motions for Reconsideration
- 101.904 Relief from and Review of Final Opinions and Orders
- 101.906 Judicial Review of Board Orders
- 101.908 Interlocutory Appeal

- 101.APPENDIX A Captions
 - 101.ILLUSTRATION A Enforcement Case
 - 101.ILLUSTRATION B Citizen's Enforcement Case
 - 101.ILLUSTRATION C Variance
 - 101.ILLUSTRATION D Adjusted Standard Petition
 - 101.ILLUSTRATION E Joint Petition for an Adjusted Standard
 - 101.ILLUSTRATION F Permit Appeal
 - 101.ILLUSTRATION G Underground Storage Tank Appeal
 - 101.ILLUSTRATION H Pollution Control Facility Siting Appeal
 - 101.ILLUSTRATION I Administrative Citation
 - 101.ILLUSTRATION J General Rulemaking
 - 101.ILLUSTRATION K Site-specific Rulemaking
- 101.APPENDIX B Appearance Form
- 101.APPENDIX C Withdrawal of Appearance Form

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- 101.APPENDIX D Notice of Filing
- 101.APPENDIX E Certificate of Service
 - 101.ILLUSTRATION A Service by Non-Attorney
 - 101.ILLUSTRATION B Service by Attorney
- 101.APPENDIX F Notice of Withdrawal (Repealed)
- 101.APPENDIX G Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7 of the Environmental Protection Act (Act) [415 ILCS 5/5, 7.1, 7.2, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, 40.1, 40.2, 41, and 58.7] and authorized by Sections 26 and 27 of the Act [415 ILCS 5/26 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; codified 6 Ill. Reg. 8357; Part repealed, new Part adopted in R88-5A at 13 Ill. Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill. Reg. 18677, effective December 12, 1991; amended in R92-7 at 16 Ill. Reg. 18078, effective November 17, 1992; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 446, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8743, effective June 8, 2005; amended in R06-9 at 29 Ill. Reg. 19666, effective November 21, 2005; amended in R07-17 at 31 Ill. Reg. 16110, effective November 21, 2007; amended in R10-22 at 34 Ill. Reg. 19566, effective December 3, 2010; amended in R12-22 at 36 Ill. Reg. 9211, effective June 7, 2012; amended in R13-9 at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 101.108 Board Proceedings

- a) Board proceedings can generally be divided into two categories: rulemaking proceedings and adjudicatory proceedings.
- b) The following are examples of Board rulemaking proceedings: Identical-in-Substance, Clean Air Act/Fast Track, Federally Required Rulemaking, General Rulemaking, and Site-Specific Rulemaking. Procedural rules for these types of proceedings can be found at 35 Ill. Adm. Code 102.
- c) The following are examples of Board adjudicatory proceedings: Enforcement Proceedings (35 Ill. Adm. Code 103), Variance Petitions (35 Ill. Adm. Code 104), Adjusted Standard Petitions (35 Ill. Adm. Code 104), Permit Appeals (35 Ill. Adm. Code 105), Leaking Underground Storage Tank Appeals (35 Ill. Adm. Code 105), Pollution Control Facility Siting Appeals (35 Ill. Adm. Code 107), and

POLLUTION CONTROL BOARD

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Administrative Citations (35 Ill. Adm. Code 108).

- d) Board decisions will be made at meetings open to the public. Except as provided in subsection (e) of this Section, 4 members of the Board constitute a quorum, and 34 affirmative votes are required to adopt a Board decision.
- e) At a hearing pursuant to Section 34(d) of the Act to determine whether a seal should be removed, *at least one Board Member shall be present, and those Board Members present may render a final decision without regard to the requirements of Section 5(a) of the Act* [415 ILCS 5/34(d)].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Administrative Wage Garnishment
- 2) Code Citation: 23 Ill. Adm. Code 2722
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2722.10	New Section
2722.15	New Section
2722.20	New Section
- 4) Statutory Authority: Section 80(1-5) of the Higher Education Student Assistance Act [110 ILCS 947/80(1-5)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures for implementing amendments to the Higher Education Student Assistance Act. The statute allows ISAC to issue administrative wage garnishment orders (AWG orders) to collect funds owed to the State as a result of a borrower's default on loans owned, held or issued by ISAC. Before ISAC may issue an AWG order, it must, by law, provide a borrower notice of the demand and an opportunity to request a hearing concerning the amount or existence of the loan. A borrower may also object to the garnishment as imposing an extreme financial hardship on the borrower. In addition to having the opportunity to request a hearing, a borrower may also enter into a repayment agreement with ISAC to avoid issuance of the AWG order.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 97-950, effective August 13, 2012
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 2305
email: lynn.hynes@isac.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules will minimally impact all employers by requiring their compliance with administrative orders issued under this Part.
 - B) Reporting, bookkeeping or other procedures required for compliance: In order to comply with garnishment orders issued as a result of the proposed rulemaking, employers will be required to follow procedures similar to those used when employers receive wage deduction or garnishment orders under State and federal law. Impact on small businesses, small municipalities and not for profit corporations will not be greater than the impact resulting from compliance with such orders.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

The full text of the proposed rulemaking begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2722
ADMINISTRATIVE WAGE GARNISHMENT

Section

2722.10	Summary and Purpose
2722.15	Definitions
2722.20	Administrative Wage Garnishment Procedures

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947/80(1-5)].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 2722.10 Summary and Purpose

This Part establishes the rules that govern ISAC's administrative wage garnishment procedures, as permitted by the Illinois Higher Education Student Assistance Act.

Section 2722.15 Definitions

For purposes of this Section, the following terms have the meanings ascribed in this Section:

"Act" means the Higher Education Student Assistance Act [110 ILCS 947].

"AWG Order" – An administrative wage garnishment order issued by ISAC to a borrower's employer or employers to withhold the borrower's compensation and remit the withheld compensation to ISAC pursuant to Section 80(1-5) of the Act.

"Borrower" – Includes all original borrowers, cosigners, endorsers or co-makers on a loan or loans.

"Compensation" – Any salary, wages, commissions and bonuses due to the borrower.

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"Date of First Delinquency" – The day following the borrower's first failure to make a scheduled monthly payment in accordance with the terms of the promissory note governing a loan or loans to which this Section applies.

"Default" – The status of a borrower's loans as a result of the borrower's failure to make a total of three cumulative, regularly-scheduled payments after the date of first delinquency.

"Loan" or "Loans" – All loans owned, serviced or held by ISAC unless otherwise excluded. This Part shall not apply to any loans owned, serviced or held as a result of ISAC's participation in programs administered by the U.S. Department of Education under Title IV of the Higher Education Act of 1965, as amended (20 USC 1070).

Section 2722.20 Administrative Wage Garnishment Procedures

- a) If a borrower is in default on a loan to which this Part applies, ISAC shall be entitled to issue an AWG order for purposes of satisfying the borrower's debt on the defaulted loans. The AWG order shall be a lien upon the borrower's compensation.
- b) At least 30 days before issuing an AWG order, ISAC shall mail to the borrower's last known address a written notice of the nature and amount of the debt, the intention of ISAC to initiate proceedings to collect the debt through an AWG order, and an explanation of the borrower's rights. ISAC shall send the notice by first-class mail. The notice must inform the borrower that:
 - 1) ISAC will permit the borrower to inspect and copy agency records related to the debt;
 - 2) The borrower may request an opportunity to enter into a written repayment agreement to avoid the AWG order. ISAC shall grant the borrower's request only if the terms of the repayment agreement amortize the debt within the original period permitted for repayment of the loans; and
 - 3) Upon request, the borrower is entitled to a hearing described in subsection (c). All requests for a hearing shall be made in writing. The date of ISAC's

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receipt of the request in writing shall be used to determine the borrower's right to a hearing before issuance of the AWG order.

- c) After receiving a written request for a hearing, ISAC shall provide the borrower a hearing either in-person, by telephone or in writing at the borrower's election. At the hearing, the borrower may raise any legal or equitable defense, including objecting to the existence or the amount of the debt, the terms of the repayment schedule, or the imposition of the AWG order on the basis that it would result in extreme financial hardship to the borrower. The time of the hearing shall be established by ISAC. All in-person hearings shall be held at ISAC's legal offices in Chicago, Illinois. If the borrower requests an in-person hearing, the borrower is responsible for all transportation costs incurred in traveling to or from the hearing.
- 1) If ISAC receives the borrower's request on or before the 30th day following the date that the notice described in subsection (b) was mailed, it will not issue an AWG order until the hearing is concluded. ISAC will provide a hearing to the borrower in sufficient time to permit a decision to be made within 60 days unless otherwise impractical.
 - 2) If ISAC receives the borrower's request after the 30th day following the date that the notice was mailed, it will provide a hearing to the borrower in sufficient time that a decision may be made within 60 days unless impractical. However, ISAC is not required to delay the issuance of the AWG order.
 - 3) Notice of the entry of the decision and final AWG order by ISAC shall be mailed by first-class mail promptly to the borrower at the borrower's last known address.
- d) A borrower who enters into a written repayment agreement shall not receive additional notice that ISAC may issue an AWG order if the borrower fails to comply with the written repayment agreement.
- e) Thirty-one days after ISAC has mailed the notice to the borrower, or any time thereafter, ISAC shall send an AWG order to the borrower's employers if:
- 1) the borrower fails to exercise the right to prevent the AWG order by requesting a hearing or entering into a written repayment agreement within the 31 days;

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- 2) the borrower fails to comply with the terms of a written repayment agreement; or
 - 3) a hearing officer enters a final decision that an AWG order should be issued or had been previously issued properly.
- f) An employer who receives an AWG order must comply with the terms of the AWG order as set out in this Part.
 - g) ISAC may initiate litigation against any employer to compel compliance with an AWG order or to recover any amount that the employer fails to withhold from the borrower's compensation under the employer's normal pay and disbursement cycle.
 - h) ISAC may not issue an AWG order against a borrower who it knows has been involuntarily separated from employment until the borrower has been reemployed continuously for 12 months.
 - i) An AWG order sent to an employer under this Section must contain only the information necessary for the employer to comply with the order.
 - j) The provisions of Section 12-803 of the Code of Civil Procedure [735 ILCS 5/12-803] relating to minimum compensation subject to collection under wage deduction orders shall apply to AWG orders issued under this Section.
 - k) The AWG order issued by ISAC is a lien on the borrower's compensation. The lien shall continue as to subsequent earnings until the total amount due upon the defaulted loans, plus any accrued interest, collection costs, attorney's fees or other charges, is paid. The employer shall be released from ISAC's AWG order in the event of the borrower's permanent termination.

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- 1) Heading of the Part: Public Availability of Inspection Information
- 2) Code Citation: 83 Ill. Adm. Code 596
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
596.10	New Section
596.20	New Section
596.30	New Section
596.40	New Section
596.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section Sections 6 and 8 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6 and 8] and Sections 4-404 and 5-108 of the Public Utilities Act [220 ILCS 5/4-404 and 5-108]
- 5) Effective date of rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection
- 9) Notice of Proposal published in *Illinois Register*: October 28, 2011; 35 Ill. Reg. 17168
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 596.10: "(49 USC 60101 et seq.)" added to definition of "Transportation of gas".

Add Sections 596.40 and 596.50. The addition of these Sections is the result of public comment on the originally proposed rules. The Commission addressed concerns over confidentiality of materials.

Other nonsubstantive technical or grammatical changes suggested by JCAR were made.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Commission regulates the transmission of natural gas pursuant to the Illinois Gas Pipeline Safety Act. The federal Department of Transportation has an initiative to prevent potentially catastrophic gas-related incidents. Transportation Secretary Ray LaHood announced a Department pipeline safety initiative that intends to address immediate concerns in pipeline safety and which, among other things, will make information about pipelines and the safety record of pipeline operators easily accessible to the public.

Section 6(a)(3) of the Act requires jurisdictional entities to permit inspection of books, records, and facilities. Under the Commission's current certification agreement with the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration, the Commission's Gas Pipeline Safety Program conducts a number of different types of inspections regarding these jurisdictional entities. Consistent with Section 6(a)(3) of the Act, information is provided by jurisdictional entities in connection with these inspections.

In accordance with Section 4-404 of the Public Utilities Act (PUA) [220 ILCS 5/4-404], the Commission must provide adequate protection for any confidential and proprietary information furnished, delivered or filed in connection with these inspections. In addition, Section 5-108 of the PUA [220 ILCS 5/5-108] prohibits any officer or employee of the Commission from divulging any fact or information coming to their knowledge in connection with these inspections – except as may be authorized either by the Commission or a circuit court. In order to respond to Secretary LaHood's initiative, the Commission will make available to the public, by posting on the Commission's website, information obtained in connection with Gas Pipeline Safety Program inspections of jurisdictional entities. This will be a step towards providing the public with access to information that will help keep the public safe and reduce the potential for serious accidents.

- 16) Information and questions regarding this rulemaking shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission

ILLINOIS COMMERCE COMMISSION

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527 East Capitol Avenue
Springfield IL 62701

217/785-3922

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 596
PUBLIC AVAILABILITY OF INSPECTION INFORMATION

Section

596.10	Definitions
596.20	Public Availability of Inspection Information
596.30	Confidential or Proprietary Information
596.40	Pre-Existing Inspection Information
596.50	Inspection Information Posted on Commission Website

AUTHORITY: Implementing and authorized by Sections 6 and 8 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/6 and 8] and Sections 4-404 and 5-108 of the Public Utilities Act [220 ILCS 5/4-404 and 5-108].

SOURCE: Adopted at 36 Ill. Reg. 14984, effective October 1, 2012.

Section 596.10 Definitions

"Commission" shall mean the Illinois Commerce Commission.

"Gas" shall mean natural gas, flammable gas or gas that is toxic or corrosive.

"Inspection information" shall include all information that has come to the Commission in the course of any inspection or other activity performed by any agent or employee of the Commission under the jurisdiction of the Illinois Gas Pipeline Safety Act [220 ILCS 20] (Act), including, without limitation, any account, record, memorandum, book, paper, document, plan, report, plant, facility, equipment or other property of any person subject to Commission jurisdiction under the Act, including any evaluation and associated evaluation documentation of such inspections or other activity by any agent or employee of the Commission irrespective of the medium in which the information exists.

"Person" shall mean any individual, firm, joint venture, partnership, corporation, association, municipality, or cooperative association and includes any trustee, receiver, assignee or personal representative.

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"Pipeline facilities" shall include new and existing pipe, rights-of-way and any equipment, facility or building used in the transportation of gas or the treatment of gas during the course of that transportation.

"Transportation of gas" shall mean the gathering, transmission or distribution of gas by pipeline or its storage within this State and not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Pipeline Act (49 USC 60101 et seq.).

Section 596.20 Public Availability of Inspection Information

Any inspection information regarding any person who either engages in the transportation of gas or who owns or operates pipeline facilities within this State under the jurisdiction of the Commission under the Illinois Gas Pipeline Safety Act, except to the extent that information is confidential or proprietary, shall be made available to the public by the Commission and may be posted on the Commission's website.

Section 596.30 Confidential or Proprietary Information

Any person, as set forth in Section 596.20, who believes that any inspection information is confidential or proprietary shall request that the Commission enter an order to protect the confidential or proprietary information pursuant to 83 Ill. Adm. Code 200.430. For purposes of this Section, a "proceeding" shall mean the docketed proceeding established by the Commission to consider the request of any person that the Commission enter an order to protect confidential or proprietary information. Any party granted the right to intervene in the proceeding shall be given an opportunity to respond to any person requesting an order protect confidential or proprietary information. The petitioning party shall be given an opportunity to reply to such response. All response and replies shall be filed and served as provided in 83 Ill. Adm. Code 200.190(e).

Section 596.40 Pre-Existing Inspection Information

To the extent that the Commission seeks to make inspection information gathered previous to October 1, 2012 available to the public or post that inspection information to the Commission's website, it shall make available copies of all inspection information to be posted or otherwise made available to the public to the affected person to review for a period of at least 60 days. The person shall be permitted to request that the Commission enter an order to protect the

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confidential or proprietary information prior to the information being posted to the Commission's website or any other public dissemination pursuant to Section 596.30.

Section 596.50 Inspection Information Posted on Commission Website

In all cases other than those addressed in Section 596.40, any affected person shall be given 14 days to review all inspection information attributed to the person, prepared based on information provided by the person, or otherwise gathered from the person prior to it being posted to the Commission's website for review, or otherwise being made available to the public.

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- 1) Heading of the Part: Standards of Service for Local Exchange Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 730
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
730.100	Amendment
730.105	Amendment
730.115	Amendment
730.535	Amendment
730.540	Amendment
730.545	Amendment
- 4) Statutory Authority: Implementing Section 8-301, 8-505 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-505, 13-712 and 10-101]
- 5) Effective Date of Rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 7, 2011; 35 Ill. Reg. 15695
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No

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- 15) Summary and Purpose of Amendments: Public Act 96-927 contained amendments to the Public Utilities Act affecting telecommunications services. The statutory amendments impacted Part 730's metric for percent of lines out of service for more than 24 hours, removed the option for alternative telephone service, and modified the timeframes for customer notification of a carrier's inability to keep an appointment. The amendments implement these statutory changes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

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

PART 730
STANDARDS OF SERVICE FOR LOCAL EXCHANGE
TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section	
730.100	Application of Part
730.105	Definitions
730.110	Waiver
730.115	Reporting
730.120	Penalties

SUBPART B: RECORDS AND REPORTS

Section	
730.200	Preservation of Records

SUBPART C: ENGINEERING

Section	
730.300	Construction
730.305	Maintenance of Plant and Equipment
730.310	Grade of Service
730.315	Interoffice Trunks (Repealed)
730.320	Network Service
730.325	Emergency Operation
730.330	Construction Work Near Utility Facilities
730.335	Network Interface
730.340	Incorporation of National Codes and Standards

SUBPART D: CALL DATA, INSPECTIONS, AND TESTS

Section	
730.400	Provisions for Testing

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730.405	Call Data Records
730.410	Call Data Reading Interval
730.415	Call Data Recording Equipment and Test Facilities
730.420	Call Data Recording Equipment Requirements
730.425	Initial Test
730.430	As-Found Tests
730.435	Routine Tests
730.440	Request Tests
730.445	Referee Tests
730.450	Test Records

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section	
730.500	Adequacy of Service
730.505	Operator Handled Calls
730.510	Answering Time
730.515	Central Office Administrative Requirements
730.520	Interoffice Trunks
730.525	Transmission Requirements
730.530	Coin Telephone Service (Repealed)
730.535	Interruptions of Service
730.540	Installation Requests
730.545	Trouble Reports
730.550	Network Outages and Notification

SUBPART F: SAFETY

Section	
730.600	Safety Program
730.605	Accident Reports (Repealed)

SUBPART G: BOUNDARIES

Section	
730.700	Map Requirements
730.705	Map Specifications
730.710	Application for Certificate (Repealed)
730.711	Changes to Existing Boundaries

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730.715	Service Outside Exchange Boundaries
730.720	Map Maintenance
730.725	District Boundaries (Repealed)

AUTHORITY: Implementing Sections 8-301, 8-505 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-505, 13-712 and 10-101].

SOURCE: Filed November 6, 1970; amended at 7 Ill. Reg. 2147, effective February 4, 1983; codified at 8 Ill. Reg. 12191; Part repealed and new Part adopted at 15 Ill. Reg. 16060, effective November 1, 1991; amended at 24 Ill. Reg. 13861, effective September 1, 2000; amended at 27 Ill. Reg. 17997, effective December 1, 2003; amended at 35 Ill. Reg. 8808, effective June 1, 2011; amended at 36 Ill. Reg. 14990, effective October 1, 2012.

SUBPART A: GENERAL

Section 730.100 Application of Part

- a) This Part shall apply to all local exchange carriers offering or providing either competitive or noncompetitive telecommunications services as defined in Sections 13-209 and 13-210 of the Universal Telephone Service Protection Law of 1985 ("Law") [220 ILCS 5], except this Part does not apply to Electing Providers as defined in Section 13-506.2(a)(1) of the Public Utilities Act [220 ILCS 5/13-506.2(a)(1)], and except that Sections 730.115(b), 730.535(c), 730.540(d) and (e), and 730.545(h) and (i) are not applicable to telephone cooperatives as defined in Section 13-212 of the Law pursuant to Section 13-701 of the Law. This Part shall only apply to the relationship between a serving local exchange carrier and its end user. This Part shall not apply to the relationship between a serving local exchange carrier that provides wholesale facilities or services to another serving local exchange carrier for provisioning of services to its retail end user customers.
- b) This Part does not supersede the authority of, nor prohibit, the Commission from imposing different, additional, or more stringent service quality standards, reporting requirements or penalties upon a carrier pursuant to Section 13-506.1 of the Public Utilities Act (Alternative forms of regulation for noncompetitive services).

(Source: Amended at 36 Ill. Reg. 14990, effective October 1, 2012)

Section 730.105 Definitions

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As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

"Act" means the Public Utilities Act [220 ILCS 5].

"Analog" means a continuous electrical signal that carries information by means of variations in its amplitude or frequency. The electrical signal being transmitted varies in direct relation to the signal generated by the source.

"Answer time" means a measurement in seconds from the point the carrier's telephone system receives the call until the call is answered by the carrier's representative or voice response unit and ready to accept information. In the case when the carrier uses a menu-driven system, the measurement begins once the menu-based system has transferred the customer into the carrier's telephone system until the call is answered by the carrier's representative.

"Application" means a verbal or written request for a telecommunications service.

"Appointment" means an arrangement made by a telecommunications carrier to meet a customer within an agreed 4 hour window to address an installation or repair situation, or, until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide service to the customer, at the customer's premises, to perform work on the network.

"Assistance calls" means calls in which the operator provides assistance or instructions to the customer. Examples: rate quotes, credit requests, trouble reports, dial assistance and dialing instructions.

"Basic local exchange service" means *residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Public Utilities Act, excluding: services that employ advanced telecommunications*

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capability as defined in section 706(c)(1) of the federal Telecommunications Act of 1996 (P.L. 104-104); vertical services; company official lines; and records work only. [220 ILCS 5/13-712(b)(2)].

"Basic local exchange service installation" means the installation of basic local exchange service whereby the physical connecting and diagnostic testing of a local loop results in the provisioning of dial tone to the requesting customer's network interface device. It includes move orders and orders for additional lines.

"Business office" means those offices of the company where calls are answered and made. A business office typically employs company representatives to assist customers for order entry and lookup on customers' orders and account records through the use of a computerized system.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled.

"Busy tone" means an audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call data" means the recorded information necessary to measure and bill each call.

"Calls" means customers' messages attempted.

"Central office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office. Each central office serves local loops in an exclusive geographic area.

"Certificate of service authority" means the authorization by the Commission granting a local exchange carrier the right to provide telecommunications services within a specified geographical area.

"Channel" means a single path between two or more points provided for transport

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of user information and/or signaling for a communications service.

"Commission" means the Illinois Commerce Commission.

"Connecting company" means a corporation, association, partnership or individual (other than a company affiliated interest) that owns or operates central offices or similar switching facilities and interchanges traffic directly or indirectly with the local exchange carriers.

"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. Customer may also be referred to as "end user".

"Customer premises equipment" or "CPE" means equipment employed on the premises of a person (other than a carrier) to originate, route or terminate telecommunications. Customer premises equipment includes customer premises wire.

"Customer premises wire" means any wire, including interface equipment, on the customer side of the network interface or equivalent.

"Customer trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"dBrnc" means a measure of the interfering effect of noise.

"Decibel" or "dB" means a standard unit used for expressing a transmission signal gain or loss.

"Dial tone" means an audible tone sent from an automatic switching system to a customer to indicate the equipment is ready to receive dial signals.

"Dial tone first" means coin telephone service that allows a customer to obtain a dial tone before money is deposited into the coin telephone.

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"Digital" means a signal that carries information by discrete changes in its parameters. For digital transmission of analog information, the incoming voice, data or video signals are sampled periodically and digitally coded for transport through the network.

"Direct distance dialing" or "DDD" means the automatic establishment of toll calls in response to signals from the dialing device of the originating customer.

"Distributing system" means that part of the outside cable plant connecting the central office to the customer network interface at the customer's premises.

"Emergency situation" means a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event, and shall end with the restoration or installation of the service of all affected end users.

The term single event shall include:

a declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term emergency situation shall not include:

a single event caused by high temperature conditions alone; or

a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors

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or by the condition of facilities, equipment or premises owned or operated by the local exchange carrier; or

any service interruption that occur during a single event listed in this definition, but are not caused by those single events; or

a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

This Part shall be construed as being content neutral as to whether a strike or other work stoppage is an emergency situation. In the event of a strike or other work stoppage, the local exchange carrier's obligations to provide remedies for failure to comply with this Part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of emergency situation above, the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the local exchange carrier.

"End user" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services for consumption, not for resale, as defined in Section 13-204 of the Act. End user may also be referred to as "customer".

"Exchange area" means a unit established by a local exchange carrier and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchange areas are identified on exchange boundary maps on file with the Commission.

"Foreign exchange service" means a classification of exchange services whereby customers may be provided a telecommunications service from a local exchange other than the one from which they would normally be served.

"Information call" means a call in which a customer will be connected to directory

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assistance by dialing the proper service code or number and will be given the directory number of the customer whom he or she desires to call, provided that the customer's number to be called is or will be published or listed in the information records. An information call is also referred to as directory assistance.

"Inside wire" means the same as "customer premises wire" defined above.

"Installation trouble report" means any network trouble report filed within seven days after the completion of a basic local exchange service installation on the same line.

"Intercept service" means a service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party given such information as the called telephone number has been disconnected, discontinued or changed to another number, or that calls are being received by another telecommunications line.

"InterMSA" means those calls originating in one Market Service Area (MSA) but terminating in another MSA. InterMSA calls are also referred to as "InterLATA calls". See Section 13-208 of the Act.

"Interoffice trunk" means a communication path between two central offices.

"Line" means the conductor or conductors, supporting circuit equipment, and structures extending between customer network interfaces and central offices, or between central offices, whether they be in the same or different communities.

"Local exchange carrier" or "LEC" means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same MSA.

"Local exchange service" means the same as "local exchange telecommunications service" as defined in Section 13-204 of the Act.

"Local exchange service area" means the area where telecommunications service is furnished to customers under a specific schedule of rates and without toll charges. A local exchange service area may include one or more exchange areas or portions of exchange areas.

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"Local message" means a completed call between customers served by the same central office or between customers served by two different central offices as defined by and in accordance with tariffs.

"Local loop" means a channel between a customer's network interface and its serving central office.

"Local usage charge" means the charge that applies to a call defined as a "local message".

"Map" means a drawing showing a geographical area in which a local exchange carrier furnishes telecommunications services.

"Message" means a completed customer call.

"Network" means the aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks and associated switching facilities.

"Network interface" means the point of termination on the customer premises at which the local exchange carrier's responsibility for the provision and maintenance of network channel or line service ends. The network interface is part of the network and the order of appearance of central office lines on it is determined solely by the local exchange carrier

"Network service" means a telecommunications service that links two or more discrete channels for the purpose of creating a point-to-point connection.

"Noise to Ground" or "Ng" means the noise measured between ground and the tip and ring conductors. The customer does not hear the noise to ground, but the amount of noise to ground affects the amount of noise metallic that a customer hears.

"Noise Metallic" or "Nm" means the noise measured across the tip and ring of a circuit and is the noise that the customer hears.

"Out of Service > 3024 Hours" means that 3024 hours after reporting an out of service condition to the local exchange carrier the customer still:

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has no dial tone; or

cannot be called; or

cannot call out.

This defined term excludes call blocking or any other intentional alteration to an end user's calling or call receiving ability.

"Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways or on private rights-of-way between the central office and customer locations or between central offices.

"Party line service" is a service offering where two or more unaffiliated customers share the same line and telephone number.

"Premises" means the space occupied in a single local exchange area by a customer in a building or in adjoining buildings not separated by a public thoroughfare or in a public office building where the customer's office space is all contiguous.

"Public telephone service" means one-party access line service equipped with a coin collecting and/or calling-card only telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

"Repair office" means an office to handle customers' reported telephone facility problems. Customers may call to request trouble verification tests, initiate trouble reports and obtain information on the status of open trouble reports.

"Repeat trouble report" means any network trouble report filed within 30 days after the closing of a previous network trouble report filed by the same customer for the same working line.

"Reporting entity" means a unit established by the local exchange carrier for the purpose of administering the customer service operations established by this Part.

"Staff" means the Staff of the Illinois Commerce Commission.

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"Telecommunications service" means any regulated communication service provided by local exchange carriers.

"Toll call" means a completed message between customers in different exchanges for which message toll rates are applicable.

"Traffic" means call volume based on number and duration of messages.

"Transmission" means the process of sending information from one point to another.

"Trouble report" means any customer complaint to the local exchange carrier regarding the operation of the network affecting their basic local exchange service, including both service-affecting conditions or out of service conditions.

"Trunk" means a transmission path between switching units, switching centers and/or toll centers.

"Vertical services" means optional telecommunication services, including, without limitation, Caller ID or Call Waiting, that a customer may choose to have added to its basic access line.

"Working line" means an active access line or channel.

(Source: Amended at 36 Ill. Reg. 14990, effective October 1, 2012)

Section 730.115 Reporting

- a) All reports required to be submitted to either the Staff or to the Illinois Commerce Commission under this Part 730 shall be certified by an authorized agent of the reporting carrier. All such reports will be public records available for inspection, copying and posting to the Commission's website.
- b) Disaggregation
 - 1) Each telecommunications carrier shall provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a public report that includes monthly performance data for basic

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local exchange service quality of service as required to be collected and reported pursuant to this Part. The performance data shall be disaggregated for each geographic area and each customer class of the State for which the telecommunications carrier internally monitored performance data as of March 2, 2001. The report shall include, at a minimum, operator answer time – toll and assistance, Section 730.510(a)(1)(A); operator answer time – information, Section 730.510(a)(1)(B); repair office answer time, Section 730.510(b)(1); business or customer service answer time, Section 730.510(b)(1); percent of service installations, Section 730.540(a); percent of lines out of service for more than 3024 hours, including monthly itemization of the "w" variable via attachment, Section 730.535(a); trouble reports per 100 access lines, Section 730.545(a); percent of repeat trouble reports, Section 730.545(c); percent of installation trouble reports, Section 730.545(f); missed repair appointments, Section 730.545(h); and missed installation appointments, Section 730.540(d).

- 2) Carriers shall disaggregate their performance data at least to the extent required pursuant to this Section and Section 13-712(f) of the Act and, by January 1, 2004, shall provide to the Commission a certification by an authorized officer of the carrier specifying the disaggregation that is required as well as supporting documentation sufficient to demonstrate the required disaggregation (specifically identifying the geographic and customer class disaggregation). The carriers shall bear the burden of proof with respect to the required disaggregation. The certification and supporting documentation shall be delivered in a form that can be made publicly available and posted upon the Commission's website.

(Source: Amended at 36 Ill. Reg. 14990, effective October 1, 2012)

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section 730.535 Interruptions of Service

- a) On a monthly basis, each local exchange carrier shall clear 95% of all out of service troubles up to the customer network interface within 3024 hours after the troubles are reported by the customer.

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b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated as follows:

1) Each occurrence shall be measured from the "create date and time" to the "cleared date and time".

2) The requirement set forth in subsection (a) shall be calculated as follows:

(a) - $(c+d+e+f+g+h+i) = o$ or the "adjusted number of out of service conditions not repaired within 3024 hours"

(b) - $(c+d+e+f+g+h+i) = p$ or the "adjusted number of out-of-service calls"

$$\frac{o}{p + w} \text{Times } 100 = x$$

$(100 - x) =$ percent repaired within 3024 hours

Variables used in the above formulas are defined as follows:

a = Total number of out of service conditions not repaired within 3024 hours

b = Total number of out of service calls received by the company

c = Subsequent reports for the same out of service condition

d = Condition caused by payphone equipment

e = Condition caused by customer premises equipment (CPE) or inside wire

f = Exclusion due to no access to the property (when access is required)

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- g = Exclusion due to customer requested later appointment
- h = Exclusion due to emergency situations
- i = Exclusion due to negligent or Willful Act on part of customer
- o = Adjusted number of out of service conditions not repaired within ~~30~~24 hours
- p = Adjusted number of out of service calls received by the company
- w = Out of service conditions due to a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials. This variable "w" shall be itemized monthly, via attachment, in the reporting LECs quarterly report as provided in Section 730.115(b).
- 3) Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunication Division, with a statement of the reasons for the failure, within 15 business days after the end of each month in which the failure occurred.
- 4) The information to be reported pursuant to this Section shall include out of service troubles occurring on holidays or weekends.
- c) If a carrier knows entry to the dwelling is required in order to clear an out of service trouble report, the local exchange carrier shall provide reasonable notice to the affected customer of the premises visit and shall schedule an appointment to perform any such visit on a mutually agreed date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon

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or evening shift, or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide services to the customer). When the repair appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for the delay no later than 8 P.M. of the day prior to the scheduled date of the appointment of 24 hours prior to its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled, by a carrier that uses the resold services, network or network elements of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day. Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

- d) Required toll-free numbers
- 1) Each local exchange carrier shall provide to its customers the telephone number to call for repair service. Calls to repair service shall be available without charge. When trouble is apparently located in a connecting company, this trouble report shall be immediately referred to the connecting company.
 - 2) Each local exchange carrier shall provide its business office telephone number to its customers. Calls to the business office shall be available without charge.
- e) Repair service shall be available at all times for reporting service out of order. Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear out of service trouble at all hours for customers who express an emergency need for service as long as clearing the trouble is consistent with the personal safety of local exchange carrier personnel. For purposes of this subsection (e) only, an emergency need for service shall mean that without service there exists an immediate threat to life, limb or property.

(Source: Amended at 36 Ill. Reg. 14990, effective October 1, 2012)

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Section 730.540 Installation Requests

- a) Each local exchange carrier shall complete 90% of its "basic local exchange service installations" within five business days after the customer requests installation or by such later date as requested by applicant, as subject to the exclusions set forth in subsection (f).

This subsection (a) does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.

A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines, by the carrier whose network or network elements are being utilized, is complete.

- b) Each local exchange carrier shall maintain records and submit reports with respect to this Section as follows: Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report identifying the installation performance relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunications Division, as well as a statement of the reasons for such failure, within 15 days after the end of the month in which the failure occurred.
- c) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by measuring customer applications or requests for basic local exchange service installation from the date the customer makes such application or request to the date the installation order is signed off by the carrier as completed.
- d) If a local exchange carrier knows a premises visit (which includes entry into a dwelling) is required in connection with any basic local exchange service installation, the local exchange carrier shall advise the affected customer of such premises visit and shall schedule an appointment to perform any such visit at a mutually agreed upon date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon or evening shift or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network, or network elements of another carrier to provide

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services to the customer). When the installation appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for such delay no later than 8 P.M. of the day prior to the scheduled date of the appointment of ~~24 hours prior to~~ its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. ~~The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment, or until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled by a carrier that uses the resold services, network, or network element of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day.~~ Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

- e) Each local exchange carrier shall maintain a record of installation requests as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the installation request, the action taken, the date and time of installations or other disposition, and whether the ~~appointments~~ appointment(s) were kept, cancelled no later than 8 P.M. of the day prior to the scheduled date of the appointment ~~with at least 24 hours notice to the customer~~, or missed without ~~at least 24 hours~~ notice to the customer no later than 8 P.M. of the day prior to the scheduled date of the appointment.
- f) Authorized Delays
- 1) An installation that is not performed within the intervals referred to in subsections (a) and (d) will not be considered a violation of subsection (a) and (d) for the period of delay if the installation is delayed due to the following:
- A)1) as a result of a negligent or willful act on the part of the customer;
- B)2) as a result of a malfunction of customer-owned telephone equipment or inside wire;
- C)3) as a result of, or extended by, an emergency situation;

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- D)4) as a result of the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;
- E)5) as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
- F)6) as a result of a carrier's right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or
- G)7) as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to carrier's obligation for reasonable facilities planning.
- 2) Notwithstanding anything in this subsection (f) to the contrary, in those situations where an installation cannot be completed at all as a result of the occurrence of any of the causes identified in this subsection (f), the failure to complete such installation shall not be deemed to be a violation of subsection (a).

(Source: Amended at 36 Ill. Reg. 14990, effective October 1, 2012)

Section 730.545 Trouble Reports

- a) Each local exchange carrier shall maintain basic local exchange service so that the average rate of all customer network trouble reports is no greater than 6 reports per 100 access lines per month.
- b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by dividing the number of customer initiated network trouble reports in any given month that are cleared to network dispositions, less customer premises equipment (CPE), inside wire, or emergency situations, by the total number of access lines in service. The rate shall be reported on a per 100 access line basis.

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- c) The local exchange carrier shall maintain service so that the percentage of repeat trouble reports for a month does not exceed 20% of the total customer trouble reports.
- d) For purposes of maintaining records or reporting information relating to the objective in subsection (c), the information required to be so maintained or reported shall be calculated by dividing the total number of repeat trouble reports by the total number of customer trouble reports, in said month, and shall exclude troubles related to CPE, inside wire, or emergency situations.
- e) Each local exchange carrier shall maintain a record of repeat trouble reports as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the repeat trouble report, the action taken, and the date and time of trouble clearance or other disposition.
- f) The local exchange carrier shall maintain service so that the percentage of installation trouble reports for a month does not exceed 20% of the total installations.
- g) Each local exchange carrier shall maintain a record of installation trouble reports as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken, and the date and time of installation trouble clearance or other disposition.
- h) Each local exchange carrier shall keep scheduled repair appointments when a customer premises visit requires a customer to be present. If the local exchange carrier is unable to keep a scheduled repair appointment, it shall notify the customer of the delay and the reason for the delay no later than 8 P.M. of the day prior to the scheduled date of the appointment~~provide 24 hour notice~~ of its inability to keep the repair appointment. ~~The 24 hour notice period shall be construed to mean notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled by a carrier that uses resold services, network or network elements of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day.~~
- i) Each local exchange carrier shall maintain a record of repair appointments as reported by its customers. This record shall include appropriate identification of the

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customer or service affected, the time, date and nature of the repair appointment, the action taken, the date and time of repair appointments, and whether the appointments were kept, cancelled no later than 8 P.M. of the day prior to the scheduled date of the appointment~~with at least 24 hours notice to the customer~~, or missed without at least 24 hours notice to the customer no later than 8 P.M. of the day prior to the scheduled date of the appointment.

(Source: Amended at 36 Ill. Reg. 14990, effective October 1, 2012)

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- 1) Heading of the Part: Customer Credits
- 2) Code Citation: 83 Ill. Adm. Code 732
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
732.5	Amendment
732.20	Amendment
732.30	Amendment
732.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712]
- 5) Effective date of rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: October 7, 2011; 35 Ill. Reg. 15718
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: When this rulemaking was originally published, Section 732.30(b) should have struck "*either alternative the telephone service or*" to reflect the statutory deletion of the phrase. JCAR inadvertently omitted striking this phrase. The adopted text includes this phrase as stricken.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No

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15) Summary and Purpose of Rulemaking: Pursuant to statutory changes in PA 96-927, Part 732 is not applicable to Electing Providers as defined in Section 13-506.2(a)(1) of the Act. In addition, the legislation directed that credits for out of service conditions apply after 30 hours instead of 24 hours, eliminated the option of alternative telephone service, reduced the credit for missed appointment from \$50 to \$25 per occurrence, and changed the 24-hour notice period requirement for missed appointment to 8 p.m. of the day prior to the scheduled date of the appointment. The amendments implement these statutory changes.

16) Information and questions regarding this rulemaking shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

The full text of the Adopted Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 732
CUSTOMER CREDITS

Section

732.5	Application of Part
732.10	Definitions
732.20	Local Exchange Service Obligations
732.30	Customer Credits
732.35	ILEC-CLEC Reimbursement Mechanism
732.40	Filing of Tariffs
732.50	Customer Education
732.60	Reporting

AUTHORITY: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

SOURCE: Emergency rule adopted at 25 Ill. Reg. 10219, effective August 1, 2001, for a maximum of 150 days; adopted at 26 Ill. Reg. 334, effective December 28, 2001; amended at 26 Ill. Reg. 10465, effective July 1, 2002; amended at 27 Ill. Reg. 18405, effective December 1, 2003; amended at 35 Ill. Reg. 6334, effective April 1, 2011; amended at 36 Ill. Reg. 15013, effective October 1, 2012.

Section 732.5 Application of Part

This Part shall apply to all telecommunications carriers providing basic local exchange service as defined in Section 13-712 of the Public Utilities Act, except that this Part is not applicable to telephone cooperatives as defined in Section 13-212 of the Act, pursuant to Section 13-701 of the Act and is not applicable to Electing Providers as defined in Section 13-506.2(a)(1) of the Act.

(Source: Amended at 36 Ill. Reg. 15013, effective October 1, 2012)

Section 732.20 Local Exchange Service Obligations

Each telecommunications carrier must do all of the following:

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- a) *Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service. If installation of service is requested on or by a date more than 5 business days in the future, the telecommunications carrier shall install service by the date requested. A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines by the carrier whose network or network elements are being utilized is complete. This subsection does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.*
- b) *Restore basic local exchange service for a customer within ~~30~~24 hours after receiving notice that a customer is out of service, including those service disruptions that occur when a customer switches existing basic local exchange service from one carrier to another.*
- c) *Keep all repair and installation appointments for basic local exchange service, when a customer premises visit requires a customer to be present.*
- d) *Inform a customer when a repair or installation appointment requires the customer to be present. [220 ILCS 5/13-712(d)]*
- e) *At the time installation, repair or an appointment is requested, inform the customer of its duty to install, repair, and meet appointments within the specific timeframes set forth in this Part, as relevant to the customer's request. Additionally, the telecommunications carrier shall inform the customer at the time a request for installation, repair and/or an appointment is made, whether or not the telecommunications carrier has the requisite information to complete the request. If the telecommunications carrier requires additional information or is waiting for the customer to provide information before the installation, repair, and appointment can be completed, the customer shall be informed at the time the request is made that the order is incomplete and what information is needed from the customer to complete the order. Telecommunications carriers that install service through multiple platforms and that need additional information at the time of a customer request for installation shall inform the customer by telephone not later than 2 business days after the receipt of the installation request of its duty to install service by a specific date.*

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(Source: Amended at 36 Ill. Reg. 15013, effective October 1, 2012)

Section 732.30 Customer Credits

A telecommunications carrier shall credit customers for violations of the basic local exchange service quality standards described in Section 732.20 of this Part. The credits shall be applied on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation and shall be identified as a "Service Quality Credit" or "S.Q. Credit". The telecommunications carrier may provide additional detail regarding the service quality credit if it wishes.

- a) *If a carrier fails to repair an out-of-service condition for basic local exchange service within ~~30~~24 hours, the carrier shall provide a credit to the customer. If the service disruption is for over 30 hours but less than 48 hours ~~or less~~, the credit must be equal to a pro-rata portion of the monthly recurring charges for all local services disrupted. A pro-rata portion shall be based upon a 30-day month. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 96 hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all local services disrupted. For each day or portion thereof that the service disruption continues beyond the initial 120-hour period, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day; ~~at the customer's option. The customer shall be notified that he/she may choose alternative telephone service or an additional credit of \$20 per day when the service disruption continues beyond the initial 120 hour period so the customer can exercise his/her option. In the absence of an election by the customer, the customer shall receive \$20 per day.~~*
- b) *If a carrier fails to install basic local exchange service as required under Section 732.20(a), the carrier shall waive 50% of any installation charges, or in the absence of an installation charge or where installation is pursuant to the Link Up program, the carrier shall provide a credit of \$25. If a carrier fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall waive 100% of the installation charge or, in the absence*

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of an installation charge or where installation is provided pursuant to the Link Up program, the carrier shall provide a credit of \$50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall also provide ~~either alternative telephone service or an additional credit of \$20 per day, at the customer's option~~ until service is installed. ~~The customer shall be notified that he/she may choose alternative telephone service or an additional credit of \$20 per day when installation is delayed beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, so the customer can exercise his/her option. In the absence of an election by the customer, the customer shall receive \$20 per day.~~

- c) *If a carrier fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present, the carrier shall credit the customer ~~\$25~~\$50 per missed appointment. A credit required by this subsection (c) does not apply when the carrier provides the customer with ~~24 hour~~ notice of its inability to keep the appointment no later than 8 p.m. of the day prior to the scheduled date of the appointment. ~~The 24 hour notice period shall be construed to mean 24 hours notice by the end of each 4 hour window the day before the scheduled appointment.~~*
- d) ~~*When alternative telephone service is appropriate, the customer may select one of the alternative telephone services offered by the carrier. The alternative telephone service shall be provided at no cost to the customer for the provision of local service.*~~
- d)e) *Credits required by this Section do not apply if the violation of a service quality standard:*
- 1) *occurs as a result of a negligent or willful act on the part of the customer;*
 - 2) *occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;*
 - 3) *occurs as a result of, or is extended by, an emergency situation;*
 - 4) *is extended by the carrier's inability to gain access to the customer's*

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premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;

- 5) *occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;*
- 6) *occurs as a result of a carrier's right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or*
- 7) *occurs as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to a carrier's obligation for reasonable facilities planning.*

e)ƒ *The provisions of this Section are cumulative and shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers. [220 ILCS 5/13-712(e)]*

(Source: Amended at 36 Ill. Reg. 15013, effective October 1, 2012)

Section 732.60 Reporting

- a) All reports required to be submitted to either the Staff or to the Commission under this Part 732 shall be certified by an authorized agent of the reporting carrier. All such reports will be public records available for inspection, copying, and posting to the Commission's website.
- b) Each telecommunications carrier shall provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a report that includes monthly performance data for basic local exchange service obligations as required to be collected and reported pursuant to this Part. The report shall be provided to the Commission within 30 days after the end of each calendar quarter. The monthly performance data shall be disaggregated for each customer class in each geographic area for which the telecommunications carrier internally monitored performance data as of March 2, 2001. The report shall include, at a minimum:

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- 1) With regard to credits due in accordance with Section 732.30(a) (Out of Service More than ~~30~~24 Hours):
 - A) Total dollar amount of any customer credits paid;
 - B) Number of credits issued for repairs between ~~30~~24-48 hours;
 - C) Number of credits issued for repairs between 48-72 hours;
 - D) Number of credits issued for repairs between 72-96 hours;
 - E) Number of credits used for repairs between 96-120 hours;
 - F) Number of credits issued for repairs greater than 120 hours; and
 - G) Number of exemptions claimed for each of the categories identified in Section 732.30(e); ~~and~~
 - ~~H) Number of customers receiving alternative phone service rather than a credit.~~

- 2) With regard to credits due in accordance with Section 732.30(b) (Failure to Install Basic Local Exchange Service):
 - A) Total dollar amount of any customer credits paid;
 - B) Number of installations after 5 business days;
 - C) Number of installations after 10 business days;
 - D) Number of installations after 11 business days; and
 - E) Number of exemptions claimed for each of the categories identified in Section 732.30(e); ~~and~~
 - ~~F) Number of customers receiving alternative phone service rather than a credit.~~

- 3) With regard to credits due in accordance with Section 732.30(c) (Missed

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Appointments):

- A) Total dollar amount of any customer credits paid;
- B) Number of any customers receiving credits; and
- C) Number of exemptions claimed for each of the categories identified in Section 732.30(e).

(Source: Amended at 36 Ill. Reg. 15013, effective October 1, 2012)

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- 1) Heading of the Part: Standards of Service and Customer Credits For Electing Providers
- 2) Code Citation: 83 Ill. Adm. Code 737
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
737.100	New Section
737.110	New Section
737.120	New Section
737.130	New Section
737.200	New Section
737.220	New Section
737.230	New Section
737.240	New Section
737.250	New Section
737.300	New Section
737.400	New Section
737.410	New Section
737.420	New Section
737.430	New Section
737.440	New Section
737.450	New Section
737.500	New Section
737.510	New Section
737.520	New Section
737.530	New Section
737.540	New Section
737.600	New Section
737.610	New Section
737.620	New Section
737.630	New Section
- 4) Statutory Authority: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1]
- 5) Effective Date of Rules: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: October 7, 2011; 35 Ill. Reg. 15727
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rules: PA 96-927 created the "Electing Provider", a telecommunications carrier that elects to have the rates, terms and conditions of its competitive retail telecommunications services solely determined and regulated pursuant to the terms of Section 13-506.2 of the Act. Section 13-506.2 defined the process for telecommunications carriers to become Electing Providers, required Electing Providers to continue to provide certain packages to residential customers, and defined Electing Provider service quality and customer credit requirements for basic local exchange service. Part 737 implements the service quality and customer credit requirements of Section 13-506.2.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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The full text of the Adopted Rules begins on the next page:

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

PART 737

STANDARDS OF SERVICE AND CUSTOMER CREDITS FOR ELECTING PROVIDERS

SUBPART A: GENERAL

Section

- 737.100 Application of Part
- 737.110 Definitions
- 737.120 Waiver
- 737.130 Reporting

SUBPART B: STANDARDS OF QUALITY OF SERVICE

Section

- 737.200 Service Quality for Basic Local Exchange Service
- 737.220 Calculation of Performance Data for Installation
- 737.230 Calculation of Performance Data for Out-of-Service Conditions
- 737.240 Calculation of Performance Data for Missed Installation or Repair Appointments
- 737.250 Calculation of Performance Data for Trouble Reports

SUBPART C: CUSTOMER CREDITS

Section

- 737.300 Customer Credits for Basic Local Exchange Service Violations

SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

Section

- 737.400 Safety
- 737.410 Emergency Operations
- 737.420 Incorporation of National Codes and Standards
- 737.430 Network Outages and Notification
- 737.440 Interoffice Trunks
- 737.450 Central Office Administrative Requirements

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SUBPART E: BOUNDARIES

Section

737.500	Map Requirements
737.510	Map Specifications
737.520	Changes to Existing Boundaries
737.530	Service Outside Exchange Boundaries
737.540	Map Maintenance

SUBPART F: CONSTRUCTION AND MAINTENANCE

Section

737.600	Construction and Maintenance
737.610	Maintenance of Plant and Equipment
737.620	Network Interface
737.630	Transmission Requirements

AUTHORITY: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].

SOURCE: Adopted at 36 Ill. Reg. 15022, effective October 1, 2012.

SUBPART A: GENERAL

Section 737.100 Application of Part

This Part shall apply to the provision of competitive retail telecommunications service by Electing Providers, as that term is defined in Section 13-506.2(a)(1) of the Public Utilities Act [220 ILCS 5/13-506.2(a)(1)].

Section 737.110 Definitions

As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the Electing Provider's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

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"Act" means the Public Utilities Act [220 ILCS 5].

"Analog" means a continuous electrical signal that carries information by means of variations in its amplitude or frequency. The electrical signal being transmitted varies in direct relation to the signal generated by the source.

"Application" means a verbal or written request for a telecommunications service.

"Appointment" means an arrangement made by a telecommunications carrier to meet a customer to address an installation or repair situation. The appointment window shall be either a specific time or, at a maximum, a 4-hour time block during evening, weekend and normal business hours. (See 220 ILCS 5/13-506.2(e)(1)(C).)

"Basic local exchange service" means *either a stand-alone residence network access line and per-call usage or, for any geographic area which such stand-alone service is not offered, a stand-alone flat rate residence network access line for which local calls are not charged for frequency or duration. Extended Area Service shall be included in basic local exchange service.* [220 ILCS 5/13-506.2(a)(2)] Pursuant to Section 13-506.2(e)(1) of the Act, as used in this Part, "basic local exchange service" also includes the consumer choice safe harbor options that Electing Providers are required to offer to residential customers under Section 13-506.2(d) of the Act.

"Basic local exchange service installation" means the installation of basic local exchange service in which the physical connecting and diagnostic testing of a local loop results in the provisioning of dial tone to the requesting customer's network interface device. It includes move orders and orders for additional lines.

"Busy hour" means the 2 consecutive half-hours each day during which the greatest volume of traffic is handled.

"Calls" means customers' messages attempted.

"Central office" means the site at which switching equipment is located. A local central office, also called an end office, is the switching office where an individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network

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either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office. Each central office serves local loops in an exclusive geographical area.

"Certificate of service authority" means the authorization by the Illinois Commerce Commission (Commission) granting an Electing Provider the right to provide telecommunications services within a specified geographical area.

"Channel" means a single path between 2 or more points provided for transport of user information and/or signaling for a communications service.

"Customer" or "end user" means a residential retail customer purchasing basic local exchange service.

"Customer premises equipment" or "CPE" means equipment employed on the premises of a person (other than a carrier) to originate, route or terminate telecommunications. Customer premises equipment includes customer premises wire.

"Customer premises wire" or "inside wire" means any wire, including interface equipment, on the customer side of the network interface or equivalent.

"Customer trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"dBrc" means a measure of the interfering effect of noise.

"Decibel" or "dB" means a standard unit used for expressing a transmission signal gain or loss.

"Dial tone" means an audible tone sent from an automatic switching system to a customer to indicate the equipment is ready to receive dial signals.

"Digital" means a signal that carries information by discrete changes in its parameters. For digital transmission of analog information, the incoming voice,

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data or video signals are sampled periodically and digitally coded for transport through the network.

"Electing Provider" has the same meaning as "Electing Provider" defined in Section 13-506.2(a)(1) of the Act.

"Emergency situation" means an emergency situation as that term is defined in 83 Ill. Adm. Code 732.10.

"Exchange area" means a unit established by an Electing Provider and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchange areas are identified on exchange boundary maps on file with the Commission.

"Installation trouble report" means any network trouble report filed within 7 days after the completion of a basic local exchange service installation on the same line.

"Interoffice trunk" means a communication path between 2 central offices.

"Line" means the conductor or conductors, supporting circuit equipment, and structures extending between customer network interfaces and central offices, or between central offices, whether they be in the same or different communities.

"Local exchange carrier" means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same market service area.

"Local exchange service" means the same as "local exchange telecommunications service" as defined in Section 13-204 of the Act.

"Local exchange service area" means the area in which telecommunications service is furnished to customers under a specific schedule of rates and without toll charges. A local exchange service area may include one or more exchange areas or portions of exchange areas.

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"Local loop" means a channel between a customer's network interface and its serving central office.

"Map" means a drawing showing a geographical area in which an Electing Provider furnishes telecommunications services.

"Message" means a completed customer call.

"Network" means the aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks and associated switching facilities.

"Network interface" means the point of termination on the customer premises at which the Electing Provider's responsibility for the provision and maintenance of network channel or line service ends. The network interface is part of the network and the order of appearance of central office lines on it is determined solely by the Electing Provider

"Noise to Ground" or "Ng" means the noise measured between ground and the tip and ring conductors. The customer does not hear the noise to ground, but the amount of noise to ground affects the amount of noise metallic that a customer hears.

"Noise metallic" or "Nm" means the noise measured across the tip and ring of a circuit and is the noise that the customer hears.

"Out of Service > 30 Hours" means that 30 hours after reporting an out-of-service condition to the Electing Provider, the customer still has no dial tone, or cannot be called, or cannot call out. This term excludes call blocking or any other intentional alteration to an end user's calling or call receiving ability.

"Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-way between the central office and customer locations or between central offices.

"Premises" means the space occupied in a single local exchange area by a customer in a building or in adjoining buildings not separated by a public thoroughfare or in a public office building in which the customer's office space is all contiguous.

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"Telecommunications service" has the same meaning ascribed to that term in Section 13-203 of Act.

"Traffic" means call volume based on number and duration of messages.

"Transmission" means the process of sending information from one point to another.

"Trouble report" means any customer complaint to the Electing Provider regarding the operation of the network affecting its basic local exchange service, including both service-affecting conditions or out-of-service conditions.

"Trunk" means a transmission path between switching units, switching centers and/or toll centers.

"Working line" means an active access line or channel.

Section 737.120 Waiver

The Commission, on application of an Electing Provider, customer, applicant or end user or on its own motion, may grant a temporary or permanent waiver from this Part, or any individual requirements contained in this Part, in individual cases where the Commission finds that:

- a) The provision from which the waiver is granted is not statutorily mandated;
- b) No party will be injured by the granting of the waiver; and
- c) The rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

Section 737.130 Reporting

- a) Each Electing Provider shall provide to the Commission on a quarterly basis, and in a form suitable for posting on the Commission's website, a public report that includes the following data for basic local exchange service quality of service, shown for each of the 3 months of the quarter for which the report is filed. The report shall be provided to the Commission within 30 days after the end of each calendar quarter.

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- 1) With regard to credits due to out-of-service conditions lasting more than 30 hours:
 - A) the total dollar amount of any customer credits paid;
 - B) the number of credits issued for repairs between 30 and 48 hours;
 - C) the number of credits issued for repairs between 49 and 72 hours;
 - D) the number of credits issued for repairs between 73 and 96 hours;
 - E) the number of credits issued for repairs between 97 and 120 hours;
 - F) the number of credits issued for repairs greater than 120 hours; and
 - G) the number of exemptions claimed for each of the categories identified in Section 737.300(a)(4).

- 2) With regard to credits due to failure to install basic local exchange service within 5 business days:
 - A) the total dollar amount of any customer credits paid;
 - B) the number of installations after 5 business days;
 - C) the number of installations after 10 business days;
 - D) the number of installations after 11 business days; and
 - E) the number of exemptions claimed for each of the categories identified in Section 737.300(a)(4).

- 3) With regard to credits due to missed appointments:
 - A) the total dollar amount of any customer credits paid;

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- B) the number of any customers receiving credits; and
 - C) the number of exemptions claimed for each of the categories identified in Section 737.300(a)(4).
- b) The Electing Provider shall, on an annual basis, submit to the Commission a report that includes, for informational reporting, the performance data described in Section 737.200(a)(1), (2) and (3), and trouble reports per 100 access lines, calculated in accordance with Sections 737.220, 737.230, 737.240 and 737.250, respectively. The annual report shall be filed within 90 days after the end of each calendar year. The first annual report filed pursuant to this subsection shall include performance data for each of the months of July through December of 2010. Each subsequent Annual Report shall include performance data for each of the 12 months of the calendar year subject to the Report.
- c) Electing Providers are responsible for maintaining records that verify the accuracy of the information reported pursuant to this Section for a period of no less than one year.

SUBPART B: STANDARDS OF QUALITY OF SERVICE

Section 737.200 Service Quality for Basic Local Exchange Service

An Electing Provider shall meet the following service quality standards in providing basic local exchange service.

- a) Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service and to inform the customer of the Electing Provider's duty to install service within this timeframe. If installation of service is requested on or by a date more than 5 business days in the future, the Electing Provider shall install service by the date requested.
- b) Restore basic local exchange service for the customer within 30 hours after receiving notice that the customer is out of service.
- c) Keep all repair and installation appointments for basic local exchange service if a customer premises visit requires a customer to be present. The appointment

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window shall be either a specific time or, at a maximum, a 4-hour time block during evening, weekend and normal business hours.

- d) Inform a customer when a repair or installation appointment requires the customer to be present.

Section 737.220 Calculation of Performance Data for Installation

- a) For purposes of the annual informational reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly percentage of its basic local exchange service installations completed within 5 business days after the customer requests installation or by a later date as requested by the applicant, as subject to the exclusions set forth in Section 737.300(a)(4)(A). For purposes of calculating this percentage, the time it takes to complete a basic local exchange service installation shall be measured from the date the customer makes that application or request to the date the installation order is completed and signed off by the carrier as completed.
- b) This Section does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.
- c) An Electing Provider offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines has been completed by the carrier whose network or network elements are being utilized.

Section 737.230 Calculation of Performance Data for Out-of-Service Conditions

- a) For purposes of the annual informational reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly percentage of basic local exchange service out-of-service conditions up to the customer network interface cleared within 30 hours after outages are reported by the customer.
- b) The percentage required to be reported pursuant to subsection (a) shall be calculated as follows: each occurrence shall be measured from the "create date and time" to the "cleared date and time".
- c) The requirement set forth in subsection (a) shall be calculated as follows:

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1)
$$a - (c + d + e + f + g + h + i) = o$$

or

the "adjusted number of out-of-service conditions not repaired within 30 hours"

2)
$$b - (c + d + e + f + g + h + i) = p$$

or

the "adjusted number of out-of-service calls"

3)
$$\frac{o}{p + w} \times 100 = x$$

4)
$$(100 - x) = \textit{percent repaired within 30 hours}$$

5) Variables used in the formulas in subsections (c)(1) through (4) are defined as follows:

- a = Total number of out-of-service conditions not repaired within 30 hours
- b = Total number of out-of-service calls received by the Electing Provider
- c = Subsequent reports for the same out of service condition
- d = Condition caused by payphone equipment
- e = Condition caused by customer premises equipment (CPE) or inside wire
- f = Exclusion due to no access to the property (when access is required)
- g = Exclusion due to customer requested later appointment

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- h = Exclusion due to emergency situations
 - i = Exclusion due to negligent or willful act on part of customer
 - o = Adjusted number of out-of-service conditions not repaired within 30 hours
 - p = Adjusted number of out-of-service calls received by the Electing Provider
 - w = Out-of-service conditions due to a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the Electing Provider from restoring service due to impassable roads, downed power lines or the closing off of affected areas by public safety officials
- d) The information to be reported pursuant to this Section shall include out-of-service conditions occurring on holidays or weekends.

Section 737.240 Calculation of Performance Data for Missed Installation or Repair Appointments

- a) For purposes of the annual reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly number of missed installation and repair appointments for customers of basic local exchange service made in accordance with the requirement of Section 737.200(a)(3).
- b) The total number of missed appointments reported pursuant to this Section shall not include:
 - 1) those appointments missed due to customer-caused delays;
 - 2) customer-missed appointments; or
 - 3) delayed appointments with respect to which the Electing Provider notified the customer of the delay and the reason for that delay no later than 8:00 pm of the day prior to the scheduled date of the appointment.

Section 737.250 Calculation of Performance Data for Trouble Reports

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For purposes of the annual reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly number of trouble reports per 100 access lines, to be calculated by dividing the number of customer-initiated network trouble reports in any given month that are cleared to network dispositions, less customer premises equipment (CPE), inside wire, or emergency situations, by the total number of access lines in service. The rate shall be reported on a per 100 access line basis.

SUBPART C: CUSTOMER CREDITS

Section 737.300 Customer Credits for Basic Local Exchange Service Violations

- a) Customers shall be credited by the Electing Provider for violations of basic local exchange service quality standards described in Section 737.200. The credits shall be applied automatically on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation. The next monthly billing cycle following the violation or the discovery of the violation means the billing cycle immediately following the billing cycle in process at the time of the violation or discovery of the violation, provided the total time between the violation or discovery of the violation and the issuance of the credit shall not exceed 60 calendar days. The Electing Provider is responsible for providing the credits and the customer is under no obligation to request those credits and the credits shall be identified as Service Quality or SQ credits. The following credits shall apply:
 - 1) If an Electing Provider fails to repair an out-of-service condition for basic local exchange service within 30 hours as required under Section 737.200(a)(2), the Electing Provider shall provide a credit to the customer. If the service disruption is for more than 30 hours, but not more than 48 hours, the credit must be equal to a pro-rata portion of the monthly recurring charges for all basic local exchange services disrupted. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all basic local exchange services disrupted. If the service disruption is for more than 96 hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all basic local exchange services disrupted. For each day or portion of that day that the service disruption continues beyond the

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initial 120-hour period, the Electing Provider shall also provide an additional credit of \$20 per calendar day.

- 2) If an Electing Provider fails to install basic local exchange service as required under Section 737.200(a)(1), the Electing Provider shall waive 50% of any installation charges, or in the absence of an installation charge or when installation is pursuant to the Link Up program, the Electing Provider shall provide a credit of \$25. If an Electing Provider fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the Electing Provider shall waive 100% of the installation charge, or in the absence of an installation charge or where installation is provided pursuant to the Link Up program, the Electing Provider shall provide a credit of \$50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the Electing Provider shall also provide an additional credit of \$20 per calendar day until the basic local exchange service is installed.
 - 3) If an Electing Provider fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present as required under Section 737.200(a)(3), the Electing Provider shall credit the customer \$25 per missed appointment. A credit required by this subsection does not apply when the Electing Provider provides the customer notice of its inability to keep the appointment no later than 8:00 pm of the day prior to the scheduled date of the appointment.
- b) Credits required by this Section do not apply if the violation of a service quality standard:
- 1) occurs as a result of a negligent or willful act on the part of the customer;
 - 2) occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;
 - 3) occurs as a result of, or is extended by, an emergency situation as defined in 83 Ill. Adm. Code 732.10;

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- 4) is extended by the Electing Provider's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the Electing Provider;
- 5) occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the Electing Provider;
- 6) occurs as a result of an Electing Provider's right to refuse service to a customer as provided in Commission rules; or
- 7) occurs as a result of a lack of facilities when a customer requests service at a geographically remote location, where a customer requests service in a geographic area where the Electing Provider is not currently offering service, or when there are insufficient facilities to meet the customer's request for service, subject to an Electing Provider's obligation for reasonable facilities planning.

SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

Section 737.400 Safety

An Electing Provider shall furnish, provide and maintain service instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and public and as shall be in all respects adequate, reliable and efficient without discrimination or delay. Every Electing Provider shall provide service and facilities that are in all respects environmentally safe.

Section 737.410 Emergency Operation

- a) Each Electing Provider shall make provisions to meet emergencies resulting from failures of commercial or power service, sudden and prolonged increases in traffic, illness of personnel, fire, storm, or other natural disasters. Each Electing Provider shall inform employees of the procedures to be followed in the event of an emergency in order to prevent or minimize interruption or impairment of telecommunications service.

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- b) Each existing central office will contain a reserve battery supply of 5 hours when emergency power generators are not installed and 3 hours when they are in place. Central office batteries shall be maintained in accordance with Institute of Electrical and Electronic Engineers (IEEE) standards as adopted in Section 737.420, and records verifying maintenance shall be kept on site. New central offices or central offices being replaced shall contain a reserve battery supply of 8 hours when emergency power generators are not installed and 5 hours when they are in place. In central offices without installed emergency power generators, a mobile power unit shall be available that can be delivered and connected within 5 hours.
- c) In new central offices exceeding 3,000 working lines, a permanent power generator shall be installed. For existing central offices having over 3,000 lines, permanent power generators shall be installed at the time of office replacement or battery replacement.
- d) Emergency generator units shall have available at least a 12 hour fuel supply.
- e) Emergency generator units shall be tested under load once a month. A record of the test results shall be maintained.

Section 737.420 Incorporation of National Codes and Standards

- a) The Commission adopts as its rules the following portions of the National Electric Safety Code (NESC) (1997 edition, approved June 6, 1996, published by the Institute of Electric and Electronic Engineers, Inc. (IEEE), 345 East 47th Street, New York, New York 10017):
 - 1) Section 2 (Definitions of Special Terms).
 - 2) Section 9 (Grounding Methods of Electric Supply and Communications Facilities).
- b) The Commission adopts as its rules the following publications of the IEEE:
 - 1) IEEE Std 1188-1996 Recommended Practice for Maintenance, Testing, and Replacement of Valve-Regulated Lead-Acid (VRLA) Batteries for Stationary Applications.

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- 2) IEEE Std 450-1995 Recommended Practice for Maintenance, Testing and Replacement of Lead Acid Batteries for Stationary Applications.
- c) These incorporations do not include any later amendments or editions.

Section 737.430 Network Outages and Notification

- a) Each Electing Provider shall inform the Commission verbally of any service interruption exceeding 15 minutes duration caused by a complete or partial central office failure or complete or partial isolation of an exchange due to toll circuit failure, including cut cables. The notification shall be made via telephone call to (217)558-6166 and shall consist of the following information:
 - 1) Affected Area Code/Prefix
 - 2) Exchange name
 - 3) Electing Provider name
 - 4) Cause of interruption
 - 5) Outage date and time
 - 6) Restoral date and time
 - 7) Effect on 9-1-1 service
 - 8) Name and number of persons reporting the service interruption.
- b) A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.
- c) Minor outages shall be reported within 24 hours or during the next normal business day when more than 100 access lines experience an outage. Minor outages consist of loss of local or toll service affecting less than 50% of the customers and affecting more than 100 access lines in the affected exchange for a period of time not to exceed 12 hours.
- d) Major outages shall be reported immediately via telephone call to (217)558-6166.

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- e) Major outages consist of complete loss of local or toll service affecting equal to or more than 50% of the customers in the affected exchange or when any outage is expected to exceed 12 hours.
- f) All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems. In particular, any cut cables or loss of host-remote links that result in the physical staffing of 9-1-1 call boxes are to be reported as soon as possible.
- g) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The Electing Provider shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1 entities, police, fire, hospitals) it reasonably believes may be most seriously affected by the interruption. Any customer credits for interrupted service shall be made pursuant to Section 737.300.

Section 737.440 Interoffice Trunks

Local interoffice trunks and intraoffice trunks, interoffice toll trunks, and the intertoll trunk and any related switching components shall be engineered so that at least 98% of calls shall not encounter an All Trunks Busy (ATB) condition and at least 98% of properly dialed incoming interMSA calls, during the busy hour, shall receive ringing signal, station busy tone, or intercept (other than ATB) on the first attempt. When the completion rate falls below 98% for 3 consecutive months, corrective action shall be initiated and the action reported to the Commission.

Section 737.450 Central Office Administrative Requirements

- a) Central office capacity and equipment shall be sufficient to provide a dial tone within 3 seconds on 95% of all calls placed during the busy hour of any given day. Whenever the dial tone rate falls below 95%, the local exchange carrier shall take corrective action and report that action to the Commission.
- b) All remote switching units are to be equipped to continue to perform basic internal switching functions if a base unit connection is interrupted.

SUBPART E: BOUNDARIES

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Section 737.500 Map Requirements

Each Electing Provider shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State of Illinois.

Section 737.510 Map Specifications

- a) An Electing Provider boundary map filed after the effective date of this Part shall be in accordance with an already-existing certificate of service authority, a Petition for a new Certificate of Service Authority, or a notice submitted pursuant to 83 Ill. Adm. Code Section 730.711.
- b) Each map shall show the boundary lines of the area the Electing Provider holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location if that portion of the boundary line is not otherwise located on section lines, waterways, railroads, or roads.
- c) The name of the Electing Provider filing the map shall be placed at the left side of the top of the map and the name of the exchange followed by the words "(Name of carrier) Exchange Area Boundary Map" shall be placed at the right side of the top of the map. The first filing of a map shall be designated by the word "Original" placed just below the words "(Name of carrier) Exchange Area Boundary Map". If the map is subsequently refiled, the words "First Revisions" shall be substituted for the word "Original", and on each subsequent refiling the next higher number shall be substituted for the number preceding the word "Revision" on the last map filed. The date of the issuance of the new boundary map shall be placed under the word "Original" or "Revision."

Section 737.520 Changes to Existing Boundaries

No telecommunications carrier shall make a change to any of its exchange area boundaries, except upon 45 days notice to any affected customers and 90 days notice to the Commission. These notices shall meet the following requirements:

- a) Notice to the Commission shall be filed with the Chief Clerk's Office with a copy to the Chief Telephone Engineer. The Chief Telephone Engineer will have the notice posted to the ICC's web site within 7 calendar days after receipt. This

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notice shall be accompanied by a new exchange area boundary map for any exchange area affected by the revision, with the new maps conforming to the provisions of 83 Ill. Adm. Code 737.510. If there are any customers whose local exchange service will be affected by the proposal, then the Commission Notice shall also be accompanied by a copy of the customer notice as well as the names, addresses and telephone numbers of each customer being sent a copy of the notice. If the proposed revision affects the boundary line of more than one carrier, the notice shall also be accompanied by a verified statement that the revised boundary lines have been agreed to by the other local exchange carriers or other Electing Providers adjoining the boundary lines to be changed.

- b) Notice to customers. The carrier shall provide notice to those customers located within the area being changed, and the notice shall be dated and sent by mail to the affected customers. The notice shall provide specific details as to the carrier's proposal, including what impact it will have on the customer's telephone number, calling areas and rates. The notice shall also specifically inform the customer that it has 45 days after the mailing of the dated notice to express opposition to or support for the proposed boundary change by calling the Commission's Chief Telephone Engineer at (217)524-5072.
- c) Proposed boundary changes shall go into effect after the stated 90 days notice, unless the Commission, upon its own motion or upon complaint, initiates an investigation of the proposed exchange area boundary. In these cases, the Commission may, after notice and hearing, prohibit the proposed exchange area boundary change if the Commission finds that the change would be contrary to the public interest.
- d) For any boundary change that will result in the elimination of an exchange in its entirety, the carrier shall file a petition with the Commission seeking the issuance of a new Certificate of Service Authority.

Section 737.530 Service Outside Exchange Boundaries

- a) No telecommunications service will be established outside the exchange boundary of the exchange that normally would provide service except on an emergency temporary basis or after the serving Electing Provider has filed a notice of proposed boundary change with the Commission.

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- b) In cases where local exchange telecommunications service is provided outside the exchange boundary of the normal serving exchange without authorization of the Commission (other than foreign exchange service) and the location of the service is in the exchange of another local exchange carrier certificated by the Commission, the service shall be discontinued as soon as facilities are made available from the exchange in which the service is located. The customer whose service is affected by this Section shall be given at least 90 days notice prior to the time service can be provided from the proper telephone exchange.

Section 737.540 Map Maintenance

Each Electing Provider shall maintain and make available for public inspection a map of each exchange served.

SUBPART F: CONSTRUCTION AND MAINTENANCE

Section 737.600 Construction and Maintenance

- a) Each Electing Provider shall place a minimum of 80% of all newly constructed outside cable plant facilities (measured in sheath miles) underground.
- b) The telecommunications outside plant shall be designed, constructed, maintained and operated in accordance with the provisions of 83 Ill. Adm. Code 305 and 83 Ill. Adm. Code 265.

Section 737.610 Maintenance of Plant and Equipment

Each Electing Provider shall:

- a) Adopt a maintenance program for its equipment based on the minimum standards set forth in this Part. The program shall be updated regularly, but not less than every 2 years, unless an earlier update is requested by the Commission.
- b) Inspect every 2 years, in accordance with the NESC standards identified in 83 Ill. Adm. Code 305, its electrical grounding equipment owned by the carrier for each central office, including, without limitation, the component of the system commonly known as the master ground bar, to ascertain the integrity of the central office ground field. The Electing Provider shall maintain a copy of the test results in its office and make that copy available for inspection. The inspection shall be performed annually if one of the following events occurs: an

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office conversion (replacement of the current switching equipment), a building addition to a central office, or renovations to the building facilities and grounds, such as water, sewer, gas, electric facilities or parking lot.

- c) Make a copy, on a monthly basis, of its database for switching equipment applicable to each central office and store the copy off-site or in a fireproof on-site storage for use in emergency restoration purposes (any copying and storage must be performed in accordance with current software backup procedures).
- d) Make a copy, on a monthly basis, of its digital access and cross-connect system (DACS) database for each central office, if technically feasible, and store the copy off-site or in a fireproof on-site storage for use in emergency restoration purposes (any copying and storage must be performed in accordance with current software backup procedures).
- e) Make a copy, on a monthly basis, of its fiber optic terminal database for each central office, if technically feasible, and store the copy off site or in a fireproof on-site storage for emergency restoration purposes (the copying and storage must be performed in accordance with current software backup procedures).

Section 737.620 Network Interface

- a) Telecommunications carriers shall have in place, no later than December 31, 2003, external combination protector/demarcation interfaces for all one- and two-line customers in single tenant residences and commercial buildings.
- b) The network interface for a residential customer shall be located on a structure owned, rented or leased by the customer, in which the customer resides.
- c) The network interface for business customers shall be located outside structures owned, rented or leased by the customer, in which the customer is conducting business. The demarcation point shall be located at the minimum point of penetration of the network cable to the building, normally within 25 feet. Deviation from this location must be mutually agreeable to the building owner and the telecommunications provider.
- d) Network interfaces shall not be located on fence posts, utility poles or cable pedestals.

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- e) Network interfaces for temporary services or serving trailers, boats or customer-owned pay telephones shall be located on structures provided by the customer or on a utility pole.

Section 737.630 Transmission Requirements

Electing Providers shall furnish and maintain plant, equipment and facilities to meet the following minimum transmission standards. The transmission standards set forth in this Section are based upon measurements from the network interface at the customer premises through the local loop to a nominal 48-volt central office and measured at a frequency of 1004 hertz.

- a) Local line analog loops shall have a loop resistance not exceeding the operating design of the associated central office equipment. Longer loops may be used by deployment of loop range extenders.
- b) All analog loops are to be maintained to a minimum of 40,000 ohms insulation resistance.
- c) Transmission loss of analog local loop shall be engineered not to exceed 10.0 dB when measured in accordance with subsection (a). The local loop transmission loss shall be adjusted to 10.0 dB or less if it exceeds 10.0 dB.
- d) Transmission loss in analog interoffice trunks shall be engineered not to exceed 7 dB. If the loss exceeds expected design loss by + or - 3.5 dB, it shall be corrected to within 1 dB of the design loss.
- e) Transmission loss on analog toll terminating trunks shall be engineered not to exceed 4 dB. If the loss exceeds expected design loss by + or - 3.5 dB, it shall be corrected to within 1 dB of the design loss.
- f) Transmission loss on all digital interoffice trunks shall be engineered and maintained not to exceed 6 dB.
- g) Loop current shall be maintained at 20 milliamperes or greater.
- h) Power influence (N_g) shall not exceed 90 dBrc.
- i) Circuit noise (N_m) shall not exceed 30 dBrc.

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- 1) Heading of the Part: Tariff Filings
- 2) Code Citation: 83 Ill. Adm. Code 745
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
745.15	Amendment
745.20	Amendment
745.30	Amendment
745.40	Amendment
745.200	Amendment
745.221	Amendment
745.230	New Section
745.EXHIBIT B	Amendment
- 4) Statutory Authority: Implementing Sections 13-501, 13-502, 13-503, 13-504 and 13-505 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-503, 13-504, 13-505 and 10-101]
- 5) Effective Date of Amendments: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: October 7, 2011; at 35 Ill. Reg. 15753
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Section 745.40(c): change "may be rejected" to "shall be rejected".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: 83 Ill. Adm. Code 745 implements provisions of Sections 13-501, 13-502, 13-503, and 13-505 of the Act. The amendments update Part 745 to specify the application of several of the provisions of Part 745 to local exchange carriers that elect market regulation for their competitive retail telecommunications services and to incorporate changes to Sections 13-503 and 13-505 of the Act.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/785-3922

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 745
TARIFF FILINGS

SUBPART A: GENERAL PROVISIONS

Section	
745.10	Applicability
745.15	Definitions
745.20	General Filing Requirements
745.30	Classification of Tariffs
745.40	Temporary Corrections

SUBPART B: NONCOMPETITIVE TARIFFS

Section	
745.100	Filing Requirements for Noncompetitive Tariffs
745.110	Simplified Noncompetitive Tariff Filings Under Section 13-504

SUBPART C: COMPETITIVE TARIFFS

Section	
745.200	Filing Requirements for Competitive Tariffs
745.210	Additional Provisions Concerning Tariffs Filed Under Section 13-502(e) (Repealed)
745.220	Post-filing Proceedings Under Section 13-502(e) (Repealed)
745.221	Rate Changes for Competitive Services
745.225	Interim Orders (Repealed)
<u>745.230</u>	<u>Information Available to the Public</u>

SUBPART D: RECLASSIFICATION OF SERVICES

Section	
745.300	Reclassification
745.EXHIBIT A	Notice of Competitive Tariff Filing Under Section 13-502(e)

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745.EXHIBIT B (Repealed)
Notice of Simplified Noncompetitive Tariff Filing Under Section 13-504

AUTHORITY: Implementing Sections 13-501, 13-502, 13-503, 13-504 and 13-505 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-503, 13-504, 13-505 and 10-101].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 765, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 10515, effective May 30, 1986; amended at 11 Ill. Reg. 8988, effective May 1, 1987; amended at 17 Ill. Reg. 10258, effective July 1, 1993; amended at 23 Ill. Reg. 1597, effective February 1, 1999; amended at 36 Ill. Reg. 15048, effective October 1, 2012.

SUBPART A: GENERAL PROVISIONS

Section 745.15 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Competitive telecommunications service" means the same as the definition in Section 13-209 of the Act ~~[220 ILCS 5/13-209]~~.

"Electing Provider" means an Electing Provider as defined in Section 13-506.2(a)(1) of the Act.

"Prepaid calling service" means the same as defined in Section 13-230 of the Act.

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

Section 745.20 General Filing Requirements

- a) *No telecommunications carrier shall offer or provide telecommunications service unless and until a tariff is filed with the Commission which complies with this Part and which describes the nature of the service, applicable rates and other charges, terms and conditions of service, and the exchange, exchanges or other geographical area or areas in which the service shall be offered or provided* (~~Sections~~Section 13-501 and 13-506.2(i) of the Act).

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- b) As required by Section 13-503 of the Act, *with respect to rates or other charges made, demanded or received for any telecommunications service offered, provided or to be provided, whether such service is competitive or noncompetitive, and with the exception of rates or other charges for competitive retail telecommunications services provided by Electing Providers pursuant to Section 13-506.2 of the Act, telecommunications carriers shall comply with the publication and filing provisions of Sections 9-101, 9-102, and 9-103 of ~~the~~ that Act.*
- c) As required by Section 13-503 of the Act, telecommunications carriers shall make all tariffs available electronically to the public without requiring a password or other means of registration.

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

Section 745.30 Classification of Tariffs

- a) ~~As required by Section 13-502 of the Act, all telecommunication services offered or provided under tariff by telecommunications carriers shall be classified as either competitive or noncompetitive. Any tariff filed with the Commission shall clearly indicate whether the service to be offered or provided is competitive or noncompetitive. Tariffs for noncompetitive services shall comply with Subpart B of this Part, and tariffs for competitive services shall comply with Subpart C of this Part.~~
- b) All tariffs shall state whether the service to be provided is an interexchange telecommunications service, a local exchange telecommunications service, a prepaid calling service, a customer owned pay telephone service, or some combination of these services, ~~neither or both.~~

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

Section 745.40 Temporary Corrections

- a) If, upon the presentation of tariffs for filing, an error is discovered either by the filing telecommunications carrier or the Staff of the Commission, the filing carrier may either temporarily correct or authorize Commission Staff to correct the following types of errors:

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- 1) company name;
 - ~~2)~~ incorrect sheet revision numbers;
 - ~~3)~~ incorrect issue and/or effective dates; or
 - ~~4)~~ coding errors.
- b) These temporary corrections shall necessitate the filing carrier to submit corrected pages either by hand or by overnight mail delivery.
- c) A maximum of six unique errors per tariff filing may be corrected. Any filing containing an excess of six unique errors shall be rejected.

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

SUBPART C: COMPETITIVE TARIFFS

Section 745.200 Filing Requirements for Competitive Tariffs

- a) In addition to the requirements imposed by Subpart A of this Part, telecommunications carriers shall, with respect to tariffs filed pursuant to Section 13-502 of the Act under which competitive telecommunications services are to be offered or provided, comply with the requirements imposed on public utilities by 83 Ill. Adm. Code 255.30 (except subsections (i) and (j)) and with the remainder of this Section.
- b) All tariffs classifying a service as competitive shall clearly state that they are being filed pursuant to Section 13-502(b) or 13-506.2 of the Act.
- c) All such tariffs classifying a service as competitive, with the exception of competitive retail telecommunications services provided by Electing Providers pursuant to Section 13-506.2 of the Act, shall be accompanied by a verified statement (see 83 Ill. Adm. Code 200.130) that:
 - 1) specifically alleges that, for some identifiable class or group of customers in an exchange, group of exchanges, or some other clearly defined geographical area, ~~that~~such service, or its functional equivalent, or a substitute service, is reasonably available from more than one provider,

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- whether or not ~~the any such~~ provider is a telecommunications carrier subject to regulation under the Act;
- 2) specifically identifies, through the use of descriptions, maps, or equivalent means, the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area for which the classification is made;
 - 3) specifically describes the service, its functional equivalent, or the substitute service for which classification is being made; and
 - 4) specifies:
 - A) one or more entities that provide the same service, its functional equivalent, or a substitute service; and
 - B) the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area to whom such service is offered by such entity or entities.
 - d) If a telecommunications carrier which files a tariff *classifying a service as competitive or reclassifying a previously noncompetitive telecommunications service as competitive also offers or provides noncompetitive telecommunications service, it shall file a study of the long-run service incremental cost for the service being classified as competitive* at the time the tariff is filed, except when such service is a competitive retail telecommunications service provided by an Electing Provider pursuant to Section 13-506.2 of the Act (Section 13-502 of the Act).
 - e) Tariffs filed pursuant to Section 13-502(b) or 13-506.2 of the Act take effect immediately upon filing.

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

Section 745.221 Rate Changes for Competitive Services

- a) Requirements for proposed changes in rates for competitive services are found in Section 13-505 of the Act.
- b) Notice ~~Prior notice~~ of an increase shall be given, no later than the prior billing

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cycle, to all potentially affected customers by mail, publication in a newspaper of general circulation, or equivalent means of notice, including electronic if the customer has elected electronic billing (Section 13-505~~(b)~~ of the Act).

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

Section 745.230 Information Available to the Public

As required by Section 13-503 of the Act, each telecommunications carrier that maintains a website shall provide, in conspicuous manner, information on the rates, charges, terms, and conditions of service available and a toll-free telephone number that may be used to contact an agent for assistance with obtaining rate or other charge information or the terms and conditions of service. (Section 13-503)

(Source: Added at 36 Ill. Reg. 15048, effective October 1, 2012)

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Section 745.EXHIBIT B Notice of Simplified Noncompetitive Tariff Filing under Section 13-504

(Date)

To the customers of _____ :
(Company)

The _____ (Company) hereby gives notice that on _____ (Date) it will file a proposed tariff that makes a change in its rates, charges, or classifications resulting in a change in rates or charges for local exchange telecommunications service pursuant to Section 13-504 of the Public Utilities Act.

- (1) (State whether the change is in rates, charges, classification, rule or regulation.)
- (2) (Give present and proposed rates so consumer can determine the effect on his or her bill.)
- (3) (Give area or exchange that is affected by tariff filing.)

This proposed tariff will become effective 30 days after it is filed with the Illinois Commerce Commission. The Commission must investigate whether the proposed change is just and reasonable if a telecommunications carrier that is a customer of the local exchange telecommunications carrier or 10 percent of the potentially affected subscribers of the company file a petition or complaint with the Chief Clerk of the Commission requesting an investigation.

Additional information concerning this filing may be obtained from _____ (Company), _____ (Address) at _____ (Telephone No.), or from the Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois, 62701-62794-9280, (217)782-7434.

(Signature)

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(Title)

(Source: Amended at 36 Ill. Reg. 15048, effective October 1, 2012)

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- 1) Heading of the Part: Telecommunications Access for Persons with Disabilities
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
755.10	Amendment
755.105	Amendment
755.500	Amendment
755.505	Amendment
755.510	Amendment
755.520	Amendment
755.EXHIBIT A	Amendment
755.EXHIBIT B	Amendment
755.EXHIBIT C	Amendment
755.EXHIBIT D	Amendment
755.EXHIBIT E	Amendment
755.EXHIBIT G	Amendment
755.EXHIBIT H	Amendment
755.EXHIBIT L	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) Effective Date of Rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: October 7, 2011; 35 Ill. Reg. 15764
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: Section 755.500(a)(4): revised the incorporation by reference of the Prospective Financial Information Guide to read:

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"Prospective Financial Information Guide", March 1, 2009". Section 755.Exhibit H, changed the line header "Subscriber Lines" to "Subscriber Lines and Equivalents".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments? PA 96-927 introduces Section 13-401.1 to the Public Utilities Act that requires existing fixed or non-nomadic interconnected voice over Internet protocol (VoIP) providers to register with the Commission. Existing fixed or non-nomadic interconnected VoIP providers were required to register no later than January 1, 2011. New fixed or non-nomadic interconnected VoIP providers are required to register at least 30 days before providing service in Illinois. In addition, PA 96-0927 adds to Section 13-703 of the PUA a requirement that the fixed or non-nomadic interconnected VoIP providers collect and remit assessments, in the same manner as telecommunications carriers providing local exchange service, to the Commission's programs to provide telecommunications access for persons with disabilities. The amendments implement this new assessment requirement.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 755
TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES

SUBPART A: GENERAL PROVISIONS

Section	
755.10	Definitions
755.11	Waiver
755.15	Dispute Procedures
755.20	Notice (Repealed)
755.25	Deviations (Repealed)

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section	
755.100	Components of ITAP Services
755.105	Execution and Administration of ITAP
755.110	Publicity Concerning ITAP
755.115	Application Procedure and Processing
755.120	Equipment
755.125	Equipment Set Specifications – Telebraille (Repealed)
755.126	Equipment Set Specifications – Text Telephone with LVD (Repealed)
755.130	Bids
755.135	ITAP Filing Requirements
755.145	Renewal of Agreements (Repealed)

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section	
755.200	Disability Certification
755.205	Eligibility and Application for Equipment for Residents
755.210	Eligibility and Application for Equipment for Organizations
755.220	Time Period for Possession
755.225	Shared Residence
755.230	Change of Recipient Information

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SUBPART D: POSSESSION AND MAINTENANCE

Section	
755.300	Equipment Ownership and Liability
755.305	Recipient Responsibility
755.310	Responsibility for Maintenance

SUBPART E: OVERSIGHT AND REVIEW

Section	
755.400	Staff Liaison
755.405	Advisory Council
755.410	Advisory Council Rights
755.415	Biannual Workshop

SUBPART F: LINE CHARGE AND ASSESSMENT ADJUSTMENT MECHANISM

Section	
755.500	Annual Filings
755.505	Carrier Reports and Remittances to ITAC
755.510	Determination and Adjustment of the Line Charge <u>and Assessment</u>
755.515	Notice and Filing Requirements
755.520	Interim Line Charge <u>and Assessment</u> Adjustments
755.525	Waiver of Requirements of Section 755.500
755.EXHIBIT A	Calculation of Monthly Line Charge <u>and Assessment</u> (Schedule A-1)
755.EXHIBIT B	Comparison of Present and Proposed Line Charges <u>and Assessments</u> (Schedule A-2)
755.EXHIBIT C	Projection Period Statement of Revenues and Expenses at Present Line Charge <u>and Assessment</u> , As Adjusted (Schedule A-3)
755.EXHIBIT D	Prior Calendar Year Actual Revenues Over/(Under) Expenses (Schedule A-4)
755.EXHIBIT E	Schedule of Adjustment to Projected Cash Balance (Schedule A-5)
755.EXHIBIT F	Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)
755.EXHIBIT G	Schedule of Projected Increase to Cash Under Proposed Line Charge <u>and Assessment</u> Before Cash Adjustment (Schedule A-7)
755.EXHIBIT H	Call Volumes and Subscriber Lines <u>and Assessments</u> (Schedule A-8)

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755.EXHIBIT I	Depreciation Schedule (Schedule A-9)
755.EXHIBIT J	Projected Payroll Expenses, As Adjusted (Other than TRS Payroll Expenses) (Schedule A-10) (Repealed)
755.EXHIBIT K	Projected Line Charge Filing Expenses (Schedule A-11) (Repealed)
755.EXHIBIT L	Comparative Actual and Projected Balance Sheets, At Proposed Line Charge <u>and Assessment</u> , As Adjusted (Schedule A-12)
755.EXHIBIT M	Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-13) (Repealed)
755.EXHIBIT N	Local Exchange Carrier Monthly Report to ITAC (Repealed)

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990; emergency amendments at 14 Ill. Reg. 19375, effective November 25, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5624, effective April 15, 1991; amended at 17 Ill. Reg. 5594, effective March 31, 1993; amended at 19 Ill. Reg. 17105, effective January 1, 1996; expedited correction at 20 Ill. Reg. 11490, effective January 1, 1996; amended at 28 Ill. Reg. 860, effective January 1, 2004; amended at 28 Ill. Reg. 8875, effective July 1, 2004; amended at 36 Ill. Reg. 15058, effective October 1, 2012.

SUBPART A: GENERAL PROVISIONS

Section 755.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Assessment" means the charge authorized by Section 13-703(f) of the Act.

"Centers for Independent Living " means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a].

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight-disability and who can regularly and routinely communicate by telephone only through the aid of equipment.

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"Deaf or hard-of-hearing" refers to a condition of permanent hearing loss (whether continuous or variable) by which regular and routine telephone communication is possible only through the aid of equipment.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled.

"Equipment" means telecommunications devices capable of servicing the needs of those persons with a hearing or speech disability as specified in ITAC's tariff pursuant to Section 755.135(a)(1).

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

"Hearing-sight disability" refers to a condition of permanent hearing and sight disability that renders regular and routine telephone communication possible only through the aid of equipment.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by Illinois telecommunications carriers providing local exchange service pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703].

"Interconnected Voice over Internet Protocol provider" or "interconnected VoIP provider" has the same meaning as "interconnected voice over Internet protocol provider" as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"ITAP" or "~~program~~Program" means the Illinois Telecommunications Access Program, by which Illinois telecommunications carriers providing local exchange service shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities as required by Section 13-703 of the Act.

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

"Organizations" means Centers for Independent Living and those Illinois-based not-for-profit organizations not owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this

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State whose primary purpose is serving the needs of those persons with disabilities.

"Personal service contracts" means all contracts entered into by ITAC, on behalf of the carriers for publicity/marketing and accounting.

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a user or a parent or legal guardian of a minor user in whose name equipment is granted, as provided in Section 755.205(b).

"Social service agencies" means the ~~Illinois~~ Department of Human Services-~~Division~~~~Office~~ of Rehabilitation Services; Department on Aging; Department of ~~Healthcare and Family Services~~~~Public Aid~~; Department of Public Health; Department of Children and Family Services; ~~the~~ State Board of Education; ~~the~~ University of Illinois Division of Specialized Care for Children; ~~the~~ Illinois Deaf and Hard of Hearing Commission; and any other agency with which ITAC contracts to provide services for persons who are deaf-blind.

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of equipment.

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of equipment.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber lines" means a voice grade communication channel between a subscriber and a telecommunications carrier's public switched network, which would be required to carry the subscriber's interpremises traffic and which is capable of providing access through the public switched network to the Illinois relay system. A subscriber line does not include 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. For customer bills issued before June 1, 2004, in calculating charges on subscriber lines of telecommunications carriers, each centrex line shall be equivalent to one-tenth of a residence or business access line. For customer bills

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issued on or after June 1, 2004, in calculating charges on subscriber lines pursuant to 220 ILCS 5/13-703(c), one charge shall be applied for each five centrex lines, and five charges shall be applied for each PBX trunk. ITAC's tariff shall specify the manner of applying charges to other multi-channel technologies.

"Subscriptions" means a count of the maximum number of interconnected VoIP calls that an end-user may have active at the same time. If the interconnected VoIP provider's retail customer purchases a service or services that allows more than one interconnected VoIP call to be made from the customer's physical location at the same time, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time. In the case of a business retail customer that purchases a service or services pursuant to a service agreement, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreements with that customer. In calculating assessments on business subscriptions, one assessment shall be applied for each five business subscriptions (i.e., the application of the assessment on business subscriptions shall mirror the application of the line charge to centrex lines).

"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 ~~[220 ILCS 5/13-204]~~. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications relay service" ~~or "(TRS)"~~ or "~~relay~~Relay service call volumes" means all Illinois intrastate calls placed through the Illinois Relay Center, whether or not completed.

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part for whose use equipment is provided, as set forth in Section 755.205.

"Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming

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call. For the purposes of this Part, bandwidth for voice grade access is 300 to 3,000 Hertz.

"Voucher program" means a program for the distribution of equipment offered by ITAC, on behalf of the carriers, pursuant to Section 755.100(b).

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section 755.105 Execution and Administration of ITAP

- a) Each carrier shall collect from its customers and remit to ITAC the monthly charge per subscriber line allowed by Section 13-703(c) of the Act and ordered by the Commission. ~~Until July 1, 2004, carriers that provide the resale of telecommunications services (as defined in Section 13-211 of the Act [220 ILCS 5/13-211]) may satisfy this requirement through contractual arrangements with incumbent local exchange carriers (as defined in Section 13.202-5 of the Act [220 ILCS 5/13-202.5]). All carriers shall identify the line charge on the customer's bill no later than July 1, 2004.~~ The line charge identification shall be "IL Telecom Relay Service and Equipment" or an equivalent phrase that is not detrimental to persons with disabilities. The charge applies to all subscriber lines as defined in Section 755.10.
- b) Each interconnected VoIP provider, directly or via another entity, shall collect from its customers and remit to ITAC the monthly assessment per subscription required by Section 13-703(f) of the Act and ordered by the Commission. Indirect remittances to ITAC shall indicate the interconnected VoIP provider on whose behalf assessments are being remitted. The assessment applies to all subscriptions as defined in Section 755.10. The requirements of this subsection (b) shall become effective January 1, 2011. For the period between January 1, 2011 and the effective date of the earliest Commission Order establishing an explicit assessment pursuant to Section 13-703(f) of the Act, each interconnected VoIP provider is required to collect from its customers and remit to ITAC a monthly assessment equal to the then effective line charge or centrex charge, as provided in Section 755.10.
- c)b) The carriers or ITAC, on their behalf, may make voluntary or contractual agreements with businesses, agencies of local, state, or Federal government,

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organizations, and other third parties for provision or distribution of equipment, maintenance, warehousing, training, administration, or miscellaneous supports services as required to fulfill the goals of this program in a manner consistent with the intent and provisions of the Act and this Part.

~~d)~~e) The carriers or ITAC, on their behalf, shall administer the ITAP so as to take full advantage of any economies of scale that may exist by centralizing the provision of ITAP services listed in Section 755.100. However, the carriers or ITAC, on their behalf, shall provide sufficient regional centers to insure a reasonable access to ITAP by persons with disabilities.

~~e)~~d) The carriers may determine and propose to the Commission for approval, subject to the requirements of Section 7-101 and 7-102 of the Act [220 ILCS 5/7-101 and 7-102], a plan for joint execution and administration of ITAP. If the Commission approves a plan for joint execution and administration of ITAP through a not-for-profit corporation or other entity, all carriers shall join and participate fully in the plan for joint execution and administration.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

SUBPART F: LINE CHARGE AND ASSESSMENT ADJUSTMENT MECHANISM**Section 755.500 Annual Filings**

- a) On or before April 1 of each year, ITAC shall file with the Commission a verified petition requesting that the Commission establish the annual line charge and assessment, and shall file with the petition the following information, and shall serve the filing as provided in Section 755.515(b):
- 1) ITAC's audited financial statements as of December 31 of the prior calendar year;
 - 2) A projected balance sheet, projected statement of revenues and expenses, projected statement of cash flows, and a summary of significant projection assumptions and accounting policies for the projection period;
 - 3) A pro forma adjustment to annualize December levels of revenues and expenses for the projection period shall be added to the projected revenues and expenses;

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- 4) A statement from an independent certified public accountant that the projected balance sheet and statements of revenues and expenses and cash flows comply with the guidelines for presentation of a projection established in the "[Prospective Financial Information Guide](#)", [March 1, 2009](#)"~~Guide for Prospective Financial Information~~ (copyright 1999) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036), and that the underlying assumptions provide a reasonable basis for management's projections. No later amendment or edition of the "~~Guide for~~ [Prospective Financial Information Guide](#)" is included by this incorporation; and
- 5) Schedules for the projection period presenting the following information in the format of ~~Sections 755~~-Exhibit A through ~~755~~-Exhibit M ~~below~~:
- A) A calculation of the proposed monthly line charge and assessment (Exhibit A);
 - B) A comparison of present and proposed line charges and assessments, as adjusted (Exhibit B);
 - C) A statement of revenues and expenses at present line charge and assessments, as adjusted (Exhibit C);
 - D) A statement of prior calendar year actual revenues over/(under) expenses (Exhibit D);
 - E) A schedule of adjustment to projected cash balance (Exhibit E);
 - F) A supporting schedule of planned capital expenditures during projection period (Exhibit F);
 - G) A schedule of projected increase to cash under proposed line charge and assessment before cash adjustment (Exhibit G);
 - H) A schedule of projected and historical TRS call volumes and projected and historical subscriber lines and assessments (Exhibit H);

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- I) A depreciation schedule (Exhibit I); and
 - J) Comparative actual and projected balance sheets, at proposed line charge and assessment, as adjusted (Exhibit L).
- b) For purposes of projecting subscriber lines and subscriptions for the projection period as required by subsection (a), it shall be assumed, with the exception of the 2011 calendar year period, that subscriber lines and subscriptions will increase or decrease annually, from the number of subscriber lines and subscriptions on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H), at a weighted average growth rate. This growth rate shall be based on historical Illinois rates of increase or decrease in subscriber lines and subscriptions. For purposes of projecting subscriber lines and subscriptions for calendar year 2011 as required by subsection (a), it shall be assumed that subscriber lines and subscriptions will increase or decrease annually, from the number of subscriber lines on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H) plus reported subscriptions as of December 31, 2010, at a weighted average growth rate. For purposes of projecting subscriptions for calendar year 2011, the weighted average growth rate shall be assumed to be zero.
- c) For purposes of projecting TRS call volumes for the projection period as required by subsection (a), forecasts of call volumes shall be based on historical Illinois TRS call volumes.
- d) For purposes of projecting expenses for the projection period as required by subsection (a), an annual inflation factor equal to the consensus Gross National Product implicit price deflator for the projection period, as reported in the publication "Blue Chip Economic Indicators" for January of the year in which the filing is made, shall be applied to all costs, excluding depreciation and costs fixed by contract between ITAC and another party, and other reasonably estimated costs.
- e) For purposes of establishing the proposed line charge and assessment for the projection period, ITAC shall make calculations so that the following amounts are reflected in the proposed line charge and assessment over a 12 month period:
- 1) projection period revenues (over)/under expenses at present line charge and assessment, as adjusted;

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- 2) the total difference, if any, between ITAC's actual revenues and ITAC's actual expenses for the prior calendar year; and
 - 3) any adjustment necessary so that ITAC's cash balance, under the proposed line charge and assessment, at the end of the projection period will be no less than one-eighth and no greater than one-fourth of ITAC's projected expenses, as adjusted, for the projection period, excluding depreciation, plus an allowance for planned capital expenditures during the projection period.
- f) ITAC shall make available to the Commission Staff all workpapers, documentation, and calculations supporting its annual filing.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

Section 755.505 Carrier Reports and Remittances to ITAC

- a) Each carrier and interconnected VoIP provider (or affiliated entity on its behalf), as defined in this Part, shall provide a monthly remittance report to ITAC, indicating the number of subscriber lines excluding centrex lines, the number of centrex lines, PBX lines and other technologies indicated in ITAC's tariff and the number of subscriptions; the applicable line charges and assessments; revenues from each source; adjustments for errors (if any) in prior monthly reports; and the total remittance. All revenue amounts shall be reported net of uncollectible amounts prescribed by 83 Ill. Adm. Code 756.220(d) and shall be remitted to ITAC as reported. This data shall be presented in the format defined in ITAC's tariff. The Staff Liaison shall provide assistance to ITAC in monitoring remittances. Indirect remittances to ITAC shall indicate the interconnected VoIP provider on whose behalf reports are being remitted. The requirements of this subsection (a) shall become effective for interconnected VoIP providers on January 1, 2011. In addition, interconnected VoIP providers shall provide, on or before February 1, 2011, a report to ITAC indicating the number of residential subscriptions and the number of business subscriptions as of June 30, 2010. interconnected VoIP providers shall provide, on or before March 7, 2011, a report to ITAC indicating the number of residential subscriptions and the number of business subscriptions as of December 31, 2010.

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- b) Information at the reporting entity level, submitted to ITAC pursuant to this Section, shall be considered confidential and shall only be disclosed (other than to the Commission and its staff) pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act [5 ILCS 140]. Information reported pursuant to this Part may, however, be aggregated (e.g., according to carrier class and/or technology) and reported publicly provided subscribership information specific to each reporting entity is not disclosed or discernible from the information reported to the public.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

Section 755.510 Determination and Adjustment of the Line Charge and Assessment

- a) The Commission may, upon complaint, its own motion, or the petition of ITAC, enter upon a hearing concerning the propriety of the proposed line charge and assessment. If no hearing is held, the Commission shall issue an order determining the line charge and assessment level within 45 days after ITAC's annual filing. If a hearing is conducted, the Commission shall issue an order determining the line charge and assessment level within 105 days after ITAC's annual filing. If the Commission is unable to issue an order within this 105-day period, the Commission shall extend this period for a further period not exceeding six months.
- b) The Commission's order establishing the line charge and assessment shall be served on ITAC, the ITAP Advisory Council chairperson, the Staff Liaison, the Director of the Commission's Telecommunications Department, ~~and~~ all carriers, and interconnected VoIP providers.
- c) If any change in the line charge and assessment is ordered, the order shall direct each carrier to file a tariff within 15 days in compliance with the order and without further notice.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

Section 755.520 Interim Line Charge and Assessment Adjustments

- a) ITAC may request, by petition, an interim line charge and assessment adjustment. This petition shall be verified and shall include documentation in substantially the same form as Exhibit A through Exhibit L of this Part supporting the need for an

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interim line charge and assessment adjustment and a projected cash flow statement. If a hearing is conducted, ITAC shall bear the burden of proof regarding the need for an interim line charge and assessment adjustment.

- b) The Commission shall issue an order on an expedited basis addressing any requested interim line charge and assessment adjustment, either denying, granting in full, or granting in part the requested interim line charge and assessment adjustment. The Commission's order shall be served on the same persons as in Section 755.510(b). If the Commission determines that an interim line charge and assessment adjustment is necessary, the order shall authorize an interim line charge, to remain in effect until subsequent order of the Commission. If the Commission's order authorizes an interim line charge and assessment adjustment, it shall direct all carriers to file tariffs in compliance with the order.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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Section 755.EXHIBIT A Calculation of Monthly Line Charge and Assessment (Schedule A-1)

Line (A)	Description (B)	Amount (C)
1	Projection Period Revenues (Over)/Under Expenses At Present Line Charge <u>and Assessment</u> , As Adjusted (a)	_____
2	Prior Calendar Year Actual Revenues (Over)/Under Expenses (b)	_____
3	Adjustment To Projected Cash Balance (c)	_____
4	Subtotal	_____
5	End-of-Period Projected Subscriber Lines	_____
6	Annual Revenue Adjustment Per Subscriber Line (Line 4 Divided by Line 5 – Rounded to 4 Decimal Places)	_____
7	Increase (Decrease) in Monthly Line Charge <u>and Assessment</u> for Projection Period (Line 6 Divided by 12 Months – Rounded to 4 Decimal Places)	_____
8	Add: Present Line Charge <u>and Assessment</u>	_____
9	Subtotal (Line 7 Plus Line 8)	_____
10	Proposed Monthly Line Charge <u>and Assessment</u> (Line 9 Rounded to Next Higher Cent)	_____

(a) Amount from Line 17, column E, schedule A-3.

(b) Amount from line 17, column D, schedule A-4.

(c) Amount from line 6 or 11, column D, schedule A-5.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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Section 755.EXHIBIT B Comparison of Present and Proposed Line Charges and Assessments (Schedule A-2)

Line (A)	Description (B)	Projection Period (Year) As Adjusted At Present Line Charge <u>and</u> <u>Assessment</u> (C)	Projection Period (Year) As Adjusted At Proposed Line Charge <u>and</u> <u>Assessment</u> (D)	Difference (Column D - Column C) (E)	Percentage Change (Column E/ Column C) (F)
1	Number of <u>Residential Subscriptions and</u> Subscriber Lines Excluding Centrex	_____	_____	_____	_____
2	Number of <u>Business Subscriptions and</u> Centrex Lines	_____	_____	_____	_____
3	Subscriber Line Charge <u>and</u> <u>Assessment</u> Excluding Centrex	_____	_____	_____	_____
4	Centrex Line Charge	_____	_____	_____	_____
5	Subtotal	_____	_____	_____	_____
6	Investment Income	_____	_____	_____	_____
7	TRS	_____	_____	_____	_____
8	Other:	_____	_____	_____	_____
9	Total Revenues	_____	_____	_____	_____

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10 Expenses

11 Revenue
Over/(Under)
Expenses

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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Section 755.EXHIBIT C Projection Period Statement of Revenues and Expenses at Present Line Charge and Assessment, As Adjusted (Schedule A-3)

Line (A)	Description (B)	Projection Period Ending 12/31/ (C)	Adjustment to Annualize December Levels (D)	Total (E)
1	Revenues			
2	Subscriber Line Charge <u>and</u> <u>Assessment</u>			
3	Investment Income			
4	TRS			
5	Other Income:			
6	TOTAL REVENUES			
7	Expenses:			
8	TRS			
9	Administration			
10	Equipment Distribution and Maintenance			
11	Legal			
12	Accounting and Consulting			
13	Depreciation			

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14	(Gain)/Loss on Property and Equipment Retirements	_____	_____	_____
15	Other Expenses:	_____	_____	_____
16	TOTAL EXPENSES	_____	_____	_____
17	Revenues Over (Under) Expenses	_____	_____	_____

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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**Section 755.EXHIBIT D Prior Calendar Year Actual Revenues Over/(Under) Expenses
(Schedule A-4)**

Line (A)	Description (B)	Year Ended 12/31/____ (C)	Amount (D)
1	Revenues:		
2	Subscriber Line Charge <u>and</u> <u>Assessment</u>	_____	
3	Investment Income	_____	
4	TRS	_____	
5	Other Income:	_____	
6	TOTAL REVENUES		_____
7	Expenses:		
8	TRS	_____	
9	Administration	_____	
10	Equipment Distribution & Maintenance	_____	
11	Legal	_____	
12	Accounting and Consulting	_____	
13	Depreciation	_____	
14	(Gain)/Loss on Property and Equipment Retirements	_____	

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15	Other Expenses:	_____	
16	TOTAL EXPENSES		_____
17	Revenue Over/(Under) Expenses		_____

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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Section 755.EXHIBIT E Schedule of Adjustment to Projected Cash Balance (Schedule A-5)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Proposed Line Charge <u>and Assessment</u> Before Cash Adjustment (a)	_____	
2	One-Eighth of Projected Expenses, As Adjusted (Excluding Depreciation and Gain/Loss on Property and Equipment Retirements)	_____	
3	Planned Capital Expenditures During Projection Period (b)	_____	
4	Line 2 plus Line 3	_____	
5	If Line 4 is greater than Line 1, enter amount from Line 4 here. If line 4 is less than line 1, go to line 7.		_____
6	Adjustment to Cash Balance (Line 5 minus Line 1)		_____
	*IF THERE IS AN ENTRY ON LINE 5, STOP HERE AND ENTER AMOUNT FROM LINE 6 ON LINE 3 OF SCHEDULE A-1		
7	One-Fourth of Projected Expenses, As Adjusted (Excluding Depreciation and Gain/Loss Property and Equipment Requirements)	_____	
8	Amount from Line 3	_____	
9	Line 7 plus Line 8	_____	
10	If Line 9 is less than Line 1, enter amount from Line 9 here. If Line 9 is greater than Line 1, there is no adjustment to Cash Balance.		

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11 Adjustment to Cash Balance (Line 10 minus Line 1)

*IF THERE IS AN ENTRY ON LINE 10, ENTER
AMOUNT FROM LINE 11 ON LINE 3 OF SCHEDULE
A-1.

(a) Amount from Line 7, Column D, Schedule A-7.

(b) Amount from Line 19, Column D, Schedule A-6.

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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Section 755.EXHIBIT G Schedule of Projected Increase to Cash Under Proposed Line Charge and Assessment Before Cash Adjustment (Schedule A-7)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Present Rates, as adjusted		<hr/>
2	Projected increase to Cash Balance at proposed line charge <u>and assessment</u> before cash adjustment calculation		
3	Projection Period Revenues (Over)/Under Expenses at Present Line Charge <u>and Assessment</u> , as adjusted (a)	<hr/>	
4	Prior period actual revenues (Over)/Under Expenses (b)	<hr/>	
5	Subtotal (Line 3 plus Line 4)	<hr/>	
6	Projected increase/(decrease) to cash under proposed line charge <u>and</u> <u>assessment</u> before cash adjustment (One- Half) of Line 5)		<hr/>
7	Projected Cash Balance at proposed line charge <u>and assessment</u> before cash adjustment (Line 1 plus Line 6)		<hr/>
	(a) Amount of Line 17, Column E, Schedule A-3.		
	(b) Amount from Line 17, Column D, Schedule A-4.		

(Source: Amended at 36 Ill. Reg. _____, effective October 1, 2012)

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Section 755.EXHIBIT H Call Volumes and Subscriber Lines and Assessments (Schedule A-8)

Line (A)	Month (B)	TRS Call Volume			Subscriber Lines and Equivalent		
		Actual Prior Cal Yr (C)	Proj Period (D)	Diff Col D - Col C (E)	Actual Prior Cal Yr (F)	Proj Period (G)	Diff Col G - Col F (H)
1	Jan	_____	_____	_____	_____		
2	Feb	_____	_____	_____	_____		
3	Mar	_____	_____	_____	_____		
4	Apr	_____	_____	_____	_____		
5	May	_____	_____	_____	_____		
6	June	_____	_____	_____	_____		
7	July	_____	_____	_____	_____		
8	Aug	_____	_____	_____	_____		
9	Sept	_____	_____	_____	_____		
10	Oct	_____	_____	_____	_____		
11	Nov	_____	_____	_____	_____		
12	Dec	_____	_____	_____	_____	_____	_____
13	Total	_____	_____	_____			

(Source: Amended at 36 Ill. Reg. 15058, effective October 1, 2012)

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Section 755.EXHIBIT L Comparative Actual and Projected Balance Sheets, At Proposed Line Charge and Assessment, As Adjusted (Schedule A-12)

Line (A)	Description (B)	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
1	ASSETS		
2	Current Assets:		
3	Cash, Cash Equivalents and Other Cash Investments	_____	_____
4	Accounts Receivable	_____	_____
5	Interest Receivable	_____	_____
6	Prepaid Distribution Expenses	_____	_____
7	Other	_____	_____
8	Total Current Assets	_____	_____
9	Property and Equipment:		
10	Computer Equipment and Software	_____	_____
11	Furniture and Fixtures	_____	_____
12	Equipment	_____	_____
13	Less: Accumulated Depreciation	_____	_____
14	Property and Equipment, Net	_____	_____
15	Other	_____	_____

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16	Total Assets	_____	_____
17	LIABILITIES AND FUND BALANCE		
18	Current Liabilities:		
19	Accounts Payable:		
20	TRS	_____	_____
21	Other	_____	_____
22	Total Current Liabilities	_____	_____
23	Fund Balance:		
24	Beginning Balance	_____	_____
25	Revenues Over/(Under) Expenses	_____	_____
26	Ending Balance	_____	_____
27	Total Liabilities and Fund Balance	_____	_____

(Source: Amended at 36 Ill. Reg. _____, effective October 1, 2012)

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- 1) Heading of the Part: Telecommunications Relay Services
- 2) Code Citation: 83 Ill. Adm. Code 756
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
756.10	Amendment
756.225	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) Effective Date of Amendments: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:
- 9) Notice of Proposal Published in *Illinois Register*: October 7, 2011; 35 Ill. Reg. 15793
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 13-703 of the Public Utilities Act authorizes and requires the Commission to implement programs to provide telecommunications access for persons with disabilities. These programs are funded through line charges assessed by telecommunications carriers on their local exchange service subscribers. PA 96-927 adds to Section 13-703 of the Act a requirement that the fixed or non-nomadic interconnected voice over Internet protocol (VoIP) providers

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collect and remit assessments, in the same manner as telecommunications carriers providing local exchange service, to the Commission's programs to provide telecommunications access for persons with disabilities. The amendments to Part 756 incorporate the new program funding requirements imposed upon fixed or non-nomadic interconnected VoIP providers by PA 96-927.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

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

PART 756
TELECOMMUNICATIONS RELAY SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 756.10 Definitions
- 756.15 Dispute Procedures
- 756.20 Notice (Repealed)
- 756.30 Waiver

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section

- 756.100 Components of Relay Service
- 756.105 Relay Service Execution and Administration
- 756.110 Publicity Concerning Relay Service
- 756.115 RFP Selection Process
- 756.116 Commission Approval of Proposal
- 756.120 System Provider Interactions
- 756.125 Filing Requirements

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section

- 756.200 Relay Service General Quality Standards
- 756.205 Relay Service Operations and Specifications
- 756.210 Communications Assistant Standards
- 756.215 System Provider Reporting Requirements
- 756.220 Relay Service Billing and Collection Procedures
- 756.225 Relay Service Revenues

SUBPART D: OVERSIGHT AND REVIEW

Section

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756.300	Staff Liaison
756.305	Advisory Council Rights
756.310	Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1848, effective February 1, 1993; amended at 17 Ill. Reg. 12294, effective July 15, 1993; amended at 28 Ill. Reg. 6974, effective May 1, 2004; amended at 36 Ill. Reg. 15086, effective October 1, 2012.

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"7-1-1" means the abbreviated dialing code for accessing all types of relay services anywhere in the United States.

"Act" means the Public Utilities Act [220 ILCS 5].

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"ASCII" is an acronym for the American Standard Code for Information Interexchange ~~that~~^{which} employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Call release" means a Telecommunications Relay Service (TRS) feature that allows the Communications Assistant (CA) to sign-off or be "released" from the

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telephone line after the CA has set up a telephone call between the originating text telephone (TTY) caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

"Communications Assistant" or "CA" means a person who transliterates or interprets conversations between two or more end users of TRS. CA ~~supersedes~~ ~~supereedes~~ the term "TRS operator".

"Commission" means the Illinois Commerce Commission.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled, as those terms are defined in 83 Ill. Adm. Code 755.10.

"FCC" means Federal Communications Commission.

"Hearing carry over" or "HCO" means a form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by the Illinois telecommunications carriers providing local exchange service in order to administer the programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703] on behalf of the carriers.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" has the same meaning as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"Interexchange carrier" or "IXC" means a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act ~~[220 ILCS 13-205]~~.

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"Non-English language relay service" means a telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

"Public Safety Answering Point" or "PSAP" means a facility that has been designated to receive 9-1-1 calls and route them to emergency services personnel.

"Qualified ~~interpreter~~~~Interpreter~~" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

"Relay system" means the configuration, provision, and operation of the facilities, equipment and personnel through which the telecommunications carriers shall provide relay service.

"Speech-to-speech relay service" or "STS" means a telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

"Speed dialing" means a TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a "short-hand" name or number for the user's most frequently called telephone numbers.

"SS7" or "Signaling System 7" means a carrier to carrier out-of-band signaling network used for call routing, billing, and management. SS7 provides for the delivery of Caller ID, ~~improves~~~~improved~~ access to 9-1-1, and eliminates the need to collect some information currently collected manually through caller profiles.

"Staff Liaison" means the Staff Liaison established by 83 Ill. Adm. Code 755.400.

"System provider" means that corporation, organization, coalition or entity who, under contract to the ITAC, provides the relay system through which the telecommunications ~~carrier~~~~carriers~~ shall provide relay service.

"Telecommunications carrier" or "carrier" has the same meaning as in Section 13-

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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 ~~{220 ILCS 5/13-204}~~. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications ~~relay service~~ ~~Relay Service~~" or "TRS" or "~~relay~~Relay service" means telephone transmission services that provide the ability for an individual with a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. This term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, non-English language relay service, and video relay service. TRS supersedes the terms "dual party relay system", "message relay services", and "TDD Relay".

"Text telephone" or "TTY" means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY ~~supersedes~~ ~~supereedes~~ the term "TDD" or "telecommunications device for the deaf" and "TT".

"Three-way calling" means a TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

"Transliterate" means to verbally express a message received by TTY or to send by TTY a verbal message received.

"Video relay service" or "VRS" means a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

"Voice carry over" or "VCO" means a form of TRS ~~in which~~ ~~where~~ the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS

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users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

(Source: Amended at 36 Ill. Reg. 15086, effective October 1, 2012)

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section 756.225 Relay Service Revenues

- a) Each telecommunications carrier shall remit to ITAC the revenues collected each month pursuant to Section 13-703(c) of the Act ~~to ITAC~~. Each Interconnected VoIP provider shall remit to ITAC the revenues collected each month pursuant to Section 13-703(f) of the Act.
- b) From those revenues ~~the~~ ITAC, on behalf of the carriers, shall pay the system provider for any fees or charges due under the contract specified in Section 756.120.
- c) The relay system provider shall credit ITAC monthly in an amount equal to the intrastate TRS toll revenues billed by the relay system provider. This credit will not include intrastate toll calls processed through any carrier of choice other than the system provider.

(Source: Amended at 36 Ill. Reg. 15086, effective October 1, 2012)

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- 1) Heading of the Part: Cost of Service
- 2) Code Citation: 83 Ill. Adm. Code 791
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
791.10	Amendment
791.100	Amendment
791.200	Amendment
- 4) Statutory Authority: Implementing Section 13-507 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-507 and 10-101]
- 5) Effective Date of Amendments: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection:
- 9) Notice of Proposal Published in *Illinois Register*: October 7, 2011; 35 Ill. Reg. 15801
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Section 791.200(e): Struck the first sentence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments? PA 96-927 repealed Section 13-505.1 of the Public Utilities Act and eliminated the application of Section 13-507 of the Act to those incumbent local exchange carriers that elect market regulation for their competitive retail telecommunications services. The amendments update Part 791 to incorporate the repeal

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of Section 13-505.1 and the elimination of the application of Section 13-507 to "electing providers".

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 791
COST OF SERVICE

Section

791.10	Carriers Subject to Cost Rules
791.20	Terminology
791.30	Cost Causation Principle
791.40	Methods and Assumptions
791.50	Cost Study Component Presentation
791.60	General Cost Study Components
791.70	Investment-related Cost Study Components
791.80	Annual Cost Study Components
791.90	Subsidy Tests
791.100	Required LRSIC Filings
791.200	Aggregate Revenue Test for Competitive Services

AUTHORITY: Implementing Section 13-507 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-507 and 10-101].

SOURCE: Adopted at 19 Ill. Reg. 11356, effective August 1, 1995; amended at 27 Ill. Reg. 4535, effective April 1, 2003; amended at 36 Ill. Reg. 15094, effective October 1, 2012.

Section 791.10 Carriers Subject to Cost Rules

This Part applies to telecommunications carriers providing both competitive and noncompetitive services, except those carriers that are specifically exempted from the requirements of Section 13-507 of the Public Utilities Act (Act) [220 ILCS 5/13-507] by Sections in Section 13-504(b) and 13-506.2(k) of the Act. See Sections 13-202, 13-209, and 13-210 of the Public Utilities Act ("Act") [220 ILCS 5/13-202, 13-209, and 13-210].

(Source: Amended at 36 Ill. Reg. 15094, effective October 1, 2012)

Section 791.100 Required LRSIC Filings

An LRSIC study shall be filed with the Commission under the following circumstances:

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- a) For the service when a carrier offering or providing noncompetitive services files a tariff to reclassify a previously noncompetitive service as competitive;
- b) For the service when a carrier offering or providing noncompetitive services files a tariff classifying a new service as competitive;
- e) ~~For the facilities and functionalities that are not specifically tariffed and are utilized in providing a service subject to the requirements of Section 13-505.1 of the Act, when a tariff for a subject service is filed;~~
- c)d) For all noncompetitive services in any proceeding under Section 13-506.1 of the Act to implement an alternative form of regulation; or
- d)e) For a service when the Commission requests an LRSIC study in order to establish just and reasonable rates for ~~thatsueh~~ service.

(Source: Amended at 36 Ill. Reg. 15094, effective October 1, 2012)

Section 791.200 Aggregate Revenue Test for Competitive Services

- a) The competitive services of a carrier that provides both competitive and noncompetitive services shall provide revenues which equal or exceed the sum of the following:
 - 1) The sum of the ~~LRSICs~~LRSIC's of all competitive services, less the ~~LRSICs~~LRSIC's of noncompetitive tariffed elements that are imputed into the costs of those services ~~subject to imputation~~;
 - 2) The sum of the imputed costs of the noncompetitive tariffed elements that are inputs to competitive services ~~subject to imputation~~; and
 - 3) The common costs that are to be allocated to competitive services pursuant to the relative LRSIC method. The portion of common costs that shall be recovered by competitive services in the aggregate shall be equal to the ratio of the amount in subsection (a)(3)(A) to the amount in subsection (a)(3)(B):
 - A) The sum of the ~~LRSICs~~LRSIC's of all competitive services, less

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the ~~LRSICs~~LRSIC's of noncompetitive tariffed elements that are imputed into the costs of these services ~~subject to imputation~~; and

- B) The sum of the ~~LRSICs~~LRSIC's of all noncompetitive and competitive services of the carrier.
- b) The aggregate revenue test shall be provided in the following proceedings:
- 1) In any proceeding approving, implementing, or evaluating an alternative form of regulation under Section 13-506.1 of the Act;
 - 2) In a general rate case;
 - 3) In a proceeding involving the introduction of a new competitive telecommunications service;
 - 4) In a proceeding to reclassify a non-competitive telecommunications service to competitive;
 - 5) Notwithstanding the provisions of subsections (b)(1), (2), (3), and (4) of this Section, and upon good cause shown, the aggregate revenue test shall be provided, upon motion of a party and order of the Hearing Examiner, in any other proceeding approving, investigating or establishing rates, charges, classifications or tariffs for telecommunications services offered by a telecommunications service provider that provides both competitive and non-competitive services. Any motion requesting an aggregate revenue test shall be filed within ~~30~~thirty days after the docketing of the underlying proceeding. Responses to such motions shall be filed within ~~14~~fourteen days after the filing of the motion. Failure to file the motion within ~~30~~thirty days after the docketing of the proceeding shall be an independent ground for denying the motion. Failure to file responses within ~~14~~fourteen days after the filing of the motion shall be an independent ground for granting the motion. Factors to be considered in determining the propriety of granting such a motion shall include but not be limited to:
 - A) The length of time elapsed since the LEC last filed an aggregate revenue test;

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- B) The revenues projected to be generated by the service or services under consideration compared with total company service revenues;
- C) The number of competitive and non-competitive services currently being offered by the LEC; and
- D) The cost associated with performing the aggregate revenue test.
- c) The carrier may file a petition pursuant to 83 Ill. Adm. Code 200 for a waiver of the requirement to use the methodology required by subsection (a)(3) to apportion costs common to the provision of both competitive and noncompetitive services. The waiver shall be granted within 90 days after the filing of a petition for waiver if the carrier can demonstrate that using the methodology required by subsection (a)(3) would be cost prohibitive or, in accordance with subsection (b)(3), would prevent a carrier from offering the new competitive service. To comply with Section 13-507 requiring a telecommunications carrier providing both competitive and noncompetitive services to recover the aggregate ~~LRSICs~~^{LRSIC's} of its competitive services plus a proper and reasonable apportionment of common costs, a substitute allocator is required. The burden of proving the reasonableness of a substitute common cost allocation methodology shall be upon its proponent. The Commission reserves the right to authorize the use of superior methodologies apportioning common costs should they arise.
- d) For a carrier seeking approval of an alternative regulatory plan under Section 13-506.1 of the Act, the Commission shall make a finding of, or adopt a methodology for determining, the amount to be allocated for purposes of ~~subsection Section 791.200~~(a)(3) in any order approving an alternative regulatory plan.
- e) ~~For the purposes of complying with subsections (b)(3), (4) and (5), any carrier with more than 25,000 access lines that earns gross annual revenues of less than \$100,000,000 shall have until February 1, 1997 to comply with Sections 791.40, 791.50, 791.60, 791.70 and 791.80.~~ In lieu of preparing ~~ana~~^{an} LRSIC study, the carrier may provide alternative cost data. Nothing ~~in this subsection~~^{herein} shall relieve ~~such~~ carriers from the requirements of Section 13-507 of the Act.

(Source: Amended at 36 Ill. Reg. 15094, effective October 1, 2012)

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- 1) Heading of the Part: Competition Reporting
- 2) Code Citation: 83 Ill. Adm. Code 793
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
793.10	New Section
793.20	New Section
793.30	New Section
793.40	New Section
793.60	New Section
793.70	New Section
793.80	New Section
- 4) Statutory Authority: Implementing Section 13-407 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-407 and 10-101]
- 5) Effective Date of Rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A a copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: October 7, 2011; 35 Ill. Reg. 15807
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 793.20: In definition "Voice grade equivalent lines" change "PRI" to "Primary Rate Interface (PRI)".

Section 793.40(q): Change "NPA-XXX" to "Numbering Plan Area-Central Office Code (NPA-NXX)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 96-0927 alters the Commission's specific responsibilities and authorities concerning its annual report on telecommunications competition for the General Assembly. Part 793 sets forth the requirements for reporting to implement the amendment to Section 13-407 of the Act. It includes definitions and a provision for reporting electronically.
- 16) Information and questions regarding this rulemaking shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

The full text of the Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 793
COMPETITION REPORTING

Section	
793.10	Annual Competition Reports
793.20	Definitions
793.30	Annual Competition Report Forms
793.40	Information to be Reported by Local Exchange Service Providers
793.60	Information to be Reported by Registered Interconnected VoIP Service Providers
793.70	Confidentiality
793.80	Waiver from 83 Ill. Adm. Code 725.400(f)

AUTHORITY: Implementing Section 13-407 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-407 and 10-101].

SOURCE: Adopted at 36 Ill. Reg. 15100, effective October 1, 2012.

Section 793.10 Annual Competition Reports

Pursuant to Section 13-407 of the Public Utilities Act [220 ILCS 5/13-407], all telecommunications carriers, as defined in Section 13-202 of the Act, certified to provide local exchange service by the Illinois Commerce Commission (Commission) under Sections 13-401, 13-404 and/or 13-405 of the Act and all interconnected voice over Internet protocol providers, as defined in Section 13-235 of the Act, registered by the Commission under Section 13-401.1 of the Act shall report telecommunications and interconnected voice over Internet protocol (VoIP) service information to the Commission. The information shall be reported on a calendar year basis, with each calendar year beginning on January 1 and ending on December 31 of that year. Reports shall be submitted for each calendar year by April 1 of the following year.

Section 793.20 Definitions

As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides

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access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

"Act" means the Public Utilities Act [220 ILCS 5].

"Business end user" means

an end user engaged primarily or substantially in a paid commercial, professional or institutional activity;

an end user provided telecommunications service or interconnected VoIP service in a commercial, professional or institutional location, or other location serving primarily or substantially as a site of an activity for pay;

an end user whose telecommunications or VoIP service is listed as the principal or only number for a business in any yellow pages directory; or

an end user whose telecommunications or interconnected VoIP service is used to conduct promotions, solicitations or market research for which compensation or reimbursement is paid or provided; however, use of telecommunications service or interconnected VoIP service, without compensation or reimbursement, for a charitable or civic purpose shall not constitute business use of a telecommunications or interconnected VoIP service.

"End user" means any person, corporation, partnership, firm, municipality, cooperative, organization, governmental agency, building owner, or other entity provided with a telecommunications or interconnected VoIP service for its own consumption and not for resale. Notwithstanding the above, end users should include agents of telecommunications or interconnected VoIP providers that provide service under traditional marketing arrangements. For example, include as end users shared tenant service providers.

"Exchange" has the same meaning as exchange as defined in Section 13-206 of the Act.

"Fixed or non-nomadic interconnected VoIP service" means an interconnected

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voice over Internet protocol service intended to be used at a fixed service location via a fixed broadband connection.

"Incumbent local exchange carrier" has the same meaning as incumbent local exchange carrier as defined in Section 13-202.5 of the Act.

"Interconnected voice over Internet protocol service" or "interconnected VoIP service" has the same meaning as Interconnected voice over Internet protocol service as defined in Section 13-234 of the Act.

"Local exchange service" has the same meaning as local exchange telecommunications service as defined in Section 13-204 of the Act.

"Local Access and Transport Area" or "LATA" has the same meaning that term is assigned in Section 13-207 of the Act.

"Residential end user" means an end user other than a business end user.

"Retail telecommunications service" means a telecommunications service sold to an end user. Retail telecommunications service does not include a telecommunications service provided by a telecommunications carrier to a telecommunications carrier, including to itself, as a component of, or for the provision of, telecommunications service. A business retail telecommunications service is a retail telecommunications service provided to a business end user. A residential retail telecommunications service is a retail telecommunications service provided to a residential end user.

"Voice grade equivalent lines" means a count of the maximum number of local exchange calls that the end user may simultaneously have active, under the terms of the service agreements with the end user. Counted as one voice grade equivalent line shall be: traditional analog POTS lines Centrex-CO extensions and Centrex-CU trunks. Lines shall be counted based on how they are charged, rather than how they are physically provisioned. That is, when a customer is charged for channelized service, the number of activated, charged-for channels shall be reported, rather than the theoretical capacity of the line.

EXAMPLES: Count Basic Rate Integrated (BRI) Services Digital Network (ISDN) lines as 2 voice grade equivalent lines. Count fully channelized Primary Rate Interface (PRI) circuits (including PRIs that are

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used exclusively to provide local connectivity to "dial up" ISPs) as 23 voice grade equivalent lines. Report, for example, 8 voice grade equivalent lines if a customer is charged for 8 trunks that happen to be provisioned over a DS1 circuit. If a customer is charged for a fully-channelized DS1 circuit, however, report 24 voice grade equivalent lines.

"Voice grade equivalent subscriptions" means a count of the maximum number of interconnected VoIP calls that the end user may have active at the same time. If the retail customer purchases services that allow more than one interconnected VoIP call to be made from the customer's physical location at the same time, the maximum number of interconnected VoIP calls that the customer may have active at the same time shall be counted. In the case of a business retail customer that purchases services under a service agreement or agreements, the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreement shall be counted.

Section 793.30 Annual Competition Report Forms

The Commission shall notify entities certified to provide local exchange service by the Commission under Sections 13-401, 13-404, and/or 13-405 of the Act and interconnected VoIP providers registered under Section 13-401.1 of the Act by United States mail in December of each calendar year that the annual report specified in this Part shall be submitted to the Commission along with instructions on how to submit the report. Reports shall be submitted electronically at the Commission website identified in the notice and completed in accordance with the instructions located at the website, unless a provider requests an alternative method of filing and/or completing the submission and is given express written consent from the Director of the Policy Division of the Commission to use an alternative methodology. Reporting entities shall provide separate reports for incumbent local exchange carrier, non-incumbent local exchange carrier, and interconnected VoIP provider operations.

Section 793.40 Information to be Reported by Local Exchange Service Providers

Reports for entities certified to provide local exchange service by the Commission under Sections 13-401, 13-404 and/or 13-405 of the Act shall:

- a) Identify the name, including any assumed name (doing business as or d/b/a), of the reporting entity. The name and d/b/as reported must match the name and d/b/as reflected in the entity's local exchange service certification.

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- b) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for ongoing communications regarding the reported information.
- c) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for general ongoing communications with Commission Staff.
- d) Identify the type of entity filing, specifying in particular:
 - 1) that the entity filing is certified to provide local exchange service by the Commission under Sections 13-401, 13-404 and/or 13-405 of the Act; and
 - 2) whether the entity filing the report is an incumbent local exchange carrier or a competitive local exchange carrier.
- e) Identify whether the entity filing is affiliated with any other entity or entities required to file information pursuant to this Part and include the name of each entity as reflected in the affiliated entity's local exchange service certification and/or interconnected VoIP service provider registration.
- f) Identify the website address at which its tariffs are, pursuant to Section 13-503 of the Act, electronically available to the public.
- g) Identify every exchange within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period.
- h) Identify every exchange within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period.
- i) Identify the number of retail, residential, local exchange service, and voice grade equivalent lines provided to end users using access lines owned by the providing entity as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of such lines within the incumbent local exchange carrier's incumbent

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service area and the number of such lines outside the incumbent local exchange carrier's incumbent service area separately.

- j) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines leased from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- k) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained as part of a service resale agreement with an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- l) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained from a non-incumbent local exchange carrier through any means (e.g., lease, resale) as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- m) Identify the number of retail, business, local exchange service voice grade equivalent lines provided to end users using access lines owned by the providing entity as of December 31 of the reporting period for every LATA within Illinois

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where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.

- n) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines leased from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- o) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained as part of a service resale agreement from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- p) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained from a non-incumbent local exchange carrier through any means (e.g., lease, resale) as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.

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- q) For providers of 9-1-1 database systems include the number of residential 9-1-1 listings in Illinois, excluding mobile wireless 9-1-1 listings, by Numbering Plan Area-Central Office Code (NPA-NXX) and by telecommunications provider, for all NPA-NXXs and telecommunications providers contained in the database on December 31 of the reporting period.

Section 793.60 Information to be Reported by Registered Interconnected VoIP Service Providers

Reports for fixed or non-nomadic interconnected VoIP providers registered under Section 13-401.1 of the Act shall:

- a) Identify the name, including any assumed name (doing business as or d/b/a), of the reporting entity. The name and d/b/as reported must match the name and d/b/as reflected in the entity's interconnected VoIP service provider registration.
- b) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for ongoing communications regarding the reported information.
- c) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for general ongoing communications with Commission Staff.
- d) Identify the type of entity filing, specifying in particular that the entity filing is an interconnected VoIP provider registered under Section 13-401.1 of the Act [220 ILCS 5/13-401.1].
- e) Identify whether the entity filing is affiliated with any other entity or entities required to file information pursuant to this Part and include the name of each entity as reflected in the affiliated entity's local exchange service certification and/or interconnected VoIP service provider registration.
- f) Identify every exchange within Illinois where the reporting entity offered fixed or non-nomadic interconnected VoIP service to residential end users. If the entity does not maintain this information by exchange, the entity may, after providing advance notice to the Director of the Policy Division of the Commission, provide the information by wire center or zip code.

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- g) Identify every exchange within Illinois where the reporting entity offered fixed or non-nomadic interconnected VoIP service to business end users. If the entity does not maintain this information by exchange, the entity may, after providing advance notice to the Director of the Policy Division of the Commission, provide the information by wire center or zip code.
- h) Identify the number of residential, fixed or non-nomadic interconnected VoIP service voice grade equivalent subscriptions as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered interconnected voice VoIP service on December 31 of the reporting period. If the entity does not maintain such information by LATA, the entity may, after providing notice to the Director of the Policy Division of the Commission, provide the information by exchange, wire center or zip code. Interconnected voice VoIP providers with affiliates that are incumbent local exchange carriers shall report the number of subscriptions within the incumbent local exchange carrier's incumbent service area and the number of subscriptions outside the incumbent local exchange carrier's incumbent service area separately.
- i) Identify the number of voice grade equivalent, business, fixed or non-nomadic interconnected VoIP service voice grade equivalent subscriptions as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered interconnected VoIP service on December 31 of the reporting period. If the entity does not maintain this information by LATA, the entity may, after providing notice to the Director of the Policy Division of the Commission, provide the information by exchange, wire center or zip code. Interconnected VoIP providers with affiliates that are incumbent local exchange carriers shall report the number of subscriptions within the incumbent local exchange carrier's incumbent service area and the number of subscriptions outside the incumbent local exchange carrier's incumbent service area separately.

Section 793.70 Confidentiality

- a) A reporting entity may designate information submitted pursuant to this Part as confidential or proprietary provided that the entity clearly identifies the information for which confidential or proprietary designation is sought and provides the reasons that designation is necessary. The Commission shall provide adequate protection to this information pursuant to Section 4-404 of the Act. If the Commission or other party seeks public disclosure of information designated

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as confidential or proprietary, the Commission shall consider this designation in a docketed proceeding under the Commission's Rules of Practice (83 Ill. Adm. Code 200), and the burden of proof to demonstrate that the designated information is confidential shall be upon the provider. Designated information shall remain confidential pending the Commission's determination of whether the information is entitled to confidential treatment. Information designated as confidential shall be provided to the Attorney General pursuant to Section 6.5 of the Attorney General Act [15 ILCS 205/6.5]. Information designated as confidential under this Section or determined to be confidential upon Commission review shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act [5 ILCS 140].

- b) Subscribership and 9-1-1 listing information at the reporting entity level, reported pursuant to Section 793.50(i) through (q) and Section 793.60(h) and (i) shall be considered confidential and shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act. Subscribership information reported pursuant to this Part may, however, be aggregated (e.g., according to carrier class and/or technology) and reported publicly, provided that subscribership information specific to each reporting entity is not disclosed or discernible from the information reported to the public.

Section 793.80 Waiver from 83 Ill. Adm. Code 725.400(f)

For providers of 9-1-1 database services that are required to provide information from 9-1-1 databases pursuant to this Part, the Commission waives compliance with 83 Ill. Adm. Code 725.400(f) for the limited purpose of allowing providers of 9-1-1 database services to comply with the reporting requirements of this Part.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.820 Adopted Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) Effective date of rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the rulemaking, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: June 29, 2012; 36 Ill. Reg. 9377
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? There have been no changes.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1800.230	Amendment	36 Ill. Reg. 9863; July 13, 2012
1800.250	Amendment	36 Ill. Reg. 9863; July 13, 2012
1800.260	Amendment	36 Ill. Reg. 9863; July 13, 2012
1800.310	Amendment	36 Ill. Reg. 9863; July 13, 2012
1800.520	Amendment	36 Ill. Reg. 9863; July 13, 2012
1800.830	New Section	36 Ill. Reg. 9863; July 13, 2012

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1800.1310	New Section	36 Ill. Reg. 9863; July 13, 2012
1800.110	Amendment	36 Ill. Reg. 10578; July 20, 2012
1800.1410	Amendment	36 Ill. Reg. 10578; July 20, 2012
1800.250	Amendment	36 Ill. Reg. 12699; August 10, 2012
1800.810	Amendment	36 Ill. Reg. 12949; August 17, 2012
1800.110	Amendment	36 Ill. Reg. 14032; September 14, 2012
1800.270	Amendment	36 Ill. Reg. 14032; September 14, 2012
1800.930	Amendment	36 Ill. Reg. 14032; September 14, 2012

- 15) Summary and Purpose of Rulemaking: Section 25(h) of the Video Gaming Act [230 ILCS 40/25 (h)] prohibits the placement of licensed video gaming locations within specified distances of certain other facilities. Specifically, Section 25(h) provides that a licensed location shall not be located within 100 feet of a school or place of worship under the Religious Corporation Act [805 ILCS 110], or within 1,000 feet of either of the following:

A facility operated by an organization licensee or an inter-track wagering licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5]; or the home dock of a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10].

The Video Gaming Act is silent, however, as to the exact method for measuring distances to ascertain compliance with the above geographical restrictions. The adopted rulemaking adds a new Section 1800.820 (11 Ill. Admin. Code 1800.820), clarifying that measurements are to be taken from the respective closest points on the outside walls of the structure containing the licensed video gaming location and the structure containing the school, place of worship, racing or riverboat gambling facility.

- 16) Information and questions regarding this rulemaking may be addressed to:

Lynn J. Carter
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Phone No. 312/814-7137
Fax No. 312/814-7253

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The full text of the Adopted Amendment begins on the next page.

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NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

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SUBPART E: LICENSING PROCEDURES

Section

1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery

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- 1800.740 Subpoenas
- 1800.745 Motions for Summary Judgment
- 1800.750 Proceedings
- 1800.760 Evidence
- 1800.770 Prohibition on Ex Parte Communication
- 1800.780 Sanctions and Penalties
- 1800.790 Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

- 1800.810 Location and Placement of Video Gaming Terminals
- [1800.820 Measurement of Distances from Locations](#)

SUBPART I: SECURITY INTERESTS

Section

- 1800.910 Approvals Required, Applicability, Scope of Approval
- 1800.920 Notice of Enforcement of a Security Interest
- 1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

- 1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
- 1800.1020 Transportation of Video Gaming Terminals into the State
- 1800.1030 Receipt of Video Gaming Terminals in the State
- 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

Section

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1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section

- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012.

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS**Section 1800.820 Measurement of Distances from Locations**

In computing the distance between a licensed video gaming location and another facility for purposes of compliance with the location restrictions of Section 25(h) of the Act, a measurement shall be taken of the distance between the respective closest points of the outer walls of the structure containing the licensed video gaming location and the structure containing any of the following:

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- a) A facility operated by an organization licensee or an inter-track wagering licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5];
- b) The home dock of a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10];
- c) A school; or
- d) A place of worship under the Religious Corporation Act [805 ILCS 110].

(Source: Added at 36 Ill. Reg. 15112, effective October 1, 2012)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
 - 2) Code Citation: 89 Ill. Adm. Code 112
 - 3) Section Number: 112.131 Adopted Action:
Amendment
 - 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and HR 1586
 - 5) Effective Date of Amendment: September 28, 2012
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency' principal office and is available for public inspection.
 - 9) Notice of Proposal Published in the *Illinois Register*: March 30, 2012; 36 Ill. Reg. 4658
 - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
 - 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
 - 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
 - 14) Are there any proposed rulemakings pending on this Part? Yes
- | | | |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 112.302 | Amendment | 36 Ill. Reg. 11855; July 27, 2012 |
- 15) Summary and Purpose of Rulemaking: This rulemaking removes the reference to the advance payment of the Earned Income Tax Credit (EITC). Under the advance payment system, eligible taxpayers could receive the EITC credit in their paychecks, rather than

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waiting to claim a refund on their tax returns. HR 1586, which was signed into law on August 10, 2010, repealed the advance payment option of the earned income tax credit. Effective for tax years after December 31, 2010, workers will no longer be able to receive an advance payment of the EITC through their employers.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1	Description of the Assistance Program and Time Limit
112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3	Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5	Incorporation by Reference
112.6	The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.131 Earned Income Tax Credit

In determining eligibility and level of assistance, the amount of earned income tax credit ~~which~~ the client receives as ~~advance payment or as~~ a refund of federal income taxes shall be exempt.

(Source: Amended at 36 Ill. Reg. 15120, effective September 28, 2012)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.50 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and HR 1586
- 5) Effective Date of Rulemaking: September 28, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: March 30, 2012; 36 Ill. Reg. 4670
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.10	Amendment	36 Ill. Reg. 11869; July 27, 2012
121.125	Amendment	36 Ill. Reg. 11869; July 27, 2012

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- 15) Summary and purpose of rulemaking: This rulemaking removes the reference to the advance payment of the Earned Income Tax Credit (EITC). Under the advance payment system, eligible taxpayers could receive the EITC credit in their paychecks, rather than waiting to claim a refund on their tax returns. HR 1586, which was signed into law on August 10, 2010, repealed the advance payment option of the earned income tax credit. Effective for tax years after December 31, 2010, workers will no longer be able to receive an advance payment of the EITC through their employers.
- 16) Information and questions regarding this rulemaking shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section	
121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; amended at 36 Ill. Reg. 15132, effective September 28, 2012.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.50 Exempt Earned Income

- a) The earned income of a child residing in the household, who is under 18 years of age and who is attending an elementary or secondary school, is exempt. The exemption of this income is not altered by temporary interruptions in school attendance, such as semester or summer vacations, provided the child's enrollment will resume following the break.
- b) The exemption in subsection (a) of this Section shall not apply to any training allowances or educational grants received by the child.
- c) The exemption in subsection (a) of this Section shall not apply if the student is an emancipated minor or living alone.
- d) Earnings from employment through the Jobs Training Partnership Act if the individual is under age 19 and under the parental control of another adult

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household member. "Parental control" refers to an adult who has responsibility for the well-being, care and maintenance of a child.

- e) ~~Advance payments of the Earned Income Tax Credit. f)~~ Earnings, allowances and payments under Title I of the National and Community Service Act of 1990. These programs include Serve-America, Higher Education Innovative Projects, American Conservation and Youth Corps Programs and National and Community Service Programs.

(Source: Amended at 36 Ill. Reg. 15132, effective September 28, 2012)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pentafecta
- 2) Code Citation: 11 Ill. Adm. Code 324
- 3) Section Number: 324.70 Adopted Action:
New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective date of rulemaking: October 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 8622; June 15, 2012.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending in this Part? No
- 15) Summary and purpose of rulemaking: As the unique winner pool grows, it becomes increasingly more difficult to get a unique winner due to the growing interest in the large pools. Racetracks would rather payout 2 or 3 special days with \$1 million pools rather than a \$3 million payout on a single day. This proposed rulemaking is consistent with the mandatory distribution found in Part 308, Pick (N) Pools.
- 16) Information and questions regarding this rulemaking shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

The full text of the Adopted Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 324
PENTAFACTA

Section	
324.10	Pentafecta
324.20	Pool Distribution
324.30	Scratches
324.40	Dead Heats
324.50	Minimum Fields
324.60	Entries (Repealed)
<u>324.70</u>	<u>Mandatory Distribution</u>

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted by emergency rulemaking at 32 Ill. Reg. 7429, effective May 1, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. 10153, effective July 1, 2008; amended at 35 Ill. Reg. 13898, effective July 28, 2011; amended at 36 Ill. Reg. 15144, effective October 1, 2012.

Section 324.70 Mandatory Distribution

- a) A written request for permission to distribute a Pentafecta pool that includes a carryover on a specific race date may be submitted to the State Director of Mutuels. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date for the distribution.
- b) Should the Pentafecta carryover be designated for distribution on a specified date in which there are no wagers whose combination finished in correct sequence as the first five betting interests, then the entire pool shall be distributed using the method described in Section 324.20(a).
- c) The Pentafecta carryover shall be designated for distribution on a specified race date only under the following circumstances:

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NOTICE OF ADOPTED AMENDMENT

- 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a); or
- 2) On the closing date of the meet, split meet or successive or intervening race meeting at the same race track.
- d) If, for any reason, the designated Pentafecta pool distribution does not take place on the last day of the race meet, the Pentafecta carryover must be held over to the corresponding Pentafecta of a subsequent meet, and the carryover shall be deposited in an interest-bearing account approved by the State Director of Mutuels. The Pentafecta carryover plus accrued interest shall then be added to the net Pentafecta pool of the following meet on a date designated by the State Director of Mutuels.
- e) With written approval of the Board, the organization licensee may contribute to the Pentafecta carryover a sum of money up to the cap designated by the Board.

(Source: Added at 36 Ill. Reg. 15144, effective October 1, 2012)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which require this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective date: October 1, 2012
- 7) A complete description of the subjects and issues involved: In accordance with provisions of 7 CFR 273.9, this rulemaking increases the Supplemental Nutrition Assistance Program (SNAP) utility allowances effective October 1, 2012 through September 30, 2013. This rulemaking increases the Air Conditioning/Heating Standard from \$331 to \$345, the Limited Utility Standard from \$250 to \$265, and the Single Utility Standard from \$56 to \$59. The Telephone Standard remains at its current amount of \$28.

As the result of the FY 2012 Cost of Living Adjustments to the SNAP standards which are required by Food and Nutrition Service regulations, this rulemaking also increases the SNAP Maximum Gross and Net Income Standards, the Maximum Excess Shelter Deduction and the Standard Deductions by household size for all SNAP units effective 10/1/12 through 9/30/12.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: September 26, 2012
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

12) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.50	Amendment	36 Ill. Reg. 4670; March 30, 2012
121.10	Amendment	36 Ill. Reg. 11869; July 27, 2012
121.125	Amendment	36 Ill. Reg. 11869; July 27, 2012

13) This rulemaking does not create or expand a State mandate.

14) Information and questions regarding this preemptory amendment shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield IL 62762

217/785-9772

The full text of the Preemptory Rulemaking begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

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Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
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- 121.222 Volunteer Community Work Component (Repealed)
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- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

a) Households that are not categorically eligible whose net monthly income does not exceed the maximum monthly income standards shall be assigned SNAP benefits based on the net monthly SNAP income.

b) The maximum net monthly income standards are:

Household Size	Amount
1.....	\$ <u>931908</u>
2.....	<u>1,2614,226</u>
3.....	<u>1,5914,545</u>
4.....	<u>1,9214,863</u>

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5.....	2,2512,181
6.....	2,5812,500
7.....	2,9112,818
8.....	3,2413,136
Each additional member.....	330319

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by preemptory rulemaking at 36 Ill. Reg. 15148, effective October 1, 2012)

Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards
 - 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households including categorical households as defined in Section 121.76, except elderly, blind or disabled households that shall be considered categorically eligible if the household's gross income is at or below 200%. Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section 121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:
 - A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
 - B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI

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income is being provided on a temporary or emergency basis).

- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
 - D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
 - E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
 - F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
 - G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
 - H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
 - I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
 - J) A member receives Railroad Retirement disability benefits.
 - K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
 - L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in

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subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility. ~~The gross income standards are:~~

- b) The gross income standards are:

Household Size	Gross Income 130%	Gross Income 200%
One Person	\$1,2114,180	\$1,8621,815
Two Persons	1,6401,594	2,5222,452
Three Persons	2,0692,008	3,1823,088
Four Persons	2,4982,422	3,8423,725
Five Persons	2,9272,836	4,5024,362
Six Persons	3,3563,249	5,1624,998
Seven Persons	3,7853,663	5,8225,635
Eight Persons	4,2144,077	6,4826,272
Each Additional Member	+ 429414	+ 660637

(Source: Amended by preemptory rulemaking at 36 Ill. Reg. 15148, effective October 1, 2012)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of

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the adjusted net monthly SNAP income.

- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$~~149147~~. The standard deduction for a household size of four persons is \$~~160155~~. The standard deduction for a household size of five persons is \$~~187484~~. For households of six or more persons, the standard deduction is \$~~214208~~.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$~~469458~~.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

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- 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$28; and
 - C) fees charged by the utility provider for initial installation.

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- 2) Utility deposits are not considered to be utility costs.
- 3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$345331~~. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$265250~~. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$5956~~. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2008)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2008)). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP

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application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (2008)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.

- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households that contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. The medical expenses incurred by the qualifying household member that are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 15148, effective October 1, 2012)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF OBJECTION TO PROPOSED RULEMAKING

- 1) Heading of Part: Intern Training Program
- 2) Code Citation: 20 Ill. Admin. Code 1725
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1725.101	New Section
1725.102	New Section
1725.103	New Section
1725.104	New Section
1725.105	New Section
1725.201	New Section
1725.202	New Section
1725.203	New Section
1725.204	New Section
1725.205	New Section
1725.206	New Section
1725.207	New Section
1725.208	New Section
1725.209	New Section
1725.301	New Section
1725.302	New Section
1725.303	New Section
1725.304	New Section
1725.305	New Section
1725.306	New Section
1725.307	New Section
1725.308	New Section
1725.309	New Section
1725.310	New Section
1725.311	New Section
1725.312	New Section
1725.APPENDIX A	New Section
- 4) Date Proposed Rulemaking Published in the Illinois Register: April 6, 2012; 36 Ill. Reg. 5077
- 5) Date of the Joint Committee on Administrative Rules Statement of Objection to Proposed Rulemaking Published in the Illinois Register: July 27, 2012; 36 Ill. Reg. 12171

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF OBJECTION TO PROPOSED RULEMAKING

- 6) Summary of Action Taken by the Agency: At its meeting on July 10, 2012, the Joint Committee on Administrative Rules considered the above-cited rulemaking and objected to this rulemaking because of the Agency's delay in adopting its rules that were created by a 1997 statute.

In response to this Objection, the Agency acknowledges that it should have been more timely in proposing and adopting the above referenced rulemaking. The rules were twice proposed, but not adopted due to personnel changes and mistake. The Agency agrees to file future rulemakings implementing by Public Acts in a more timely manner.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
OCTOBER 16, 2012
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

RULEMAKINGS CURRENTLY BEFORE JCAR

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

PROPOSED RULEMAKINGS

Capitol Development Board

1. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
-First Notice Published: 36 Ill. Reg. 6784 – 5/4/12
-Expiration of Second Notice: 11/1/12

Central Management Services

2. Conditions of Employment (80 Ill. Adm. Code 303)
-First Notice Published: 36 Ill. Reg. 10539 – 7/20/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

-Expiration of Second Notice: 11/1/12

3. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 36 Ill. Reg. 10552 – 7/20/12
 - Expiration of Second Notice: 11/4/12

Chief Procurement Officer for General Services Standard Procurement

4. Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 36 Ill. Reg. 9025 – 6/22/12
 - Expiration of Second Notice: 10/19/12

Children and Family Services

5. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
 - First Notice Published: 35 Ill. Reg. 20962 – 12/30/11
 - Expiration of Second Notice: 11/2/12

Commerce and Economic Opportunity

6. Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)
 - First Notice Published: 36 Ill. Reg. 12181 – 8/3/12
 - Expiration of Second Notice: 11/9/12

Commerce Commission

7. Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois (83 Ill. Adm. Code 735)
 - First Notice Published: 35 Ill. Reg. 18469 – 11/14/11
 - Expiration of Second Notice: 11/2/12

Education

8. The "Grow Your Own" Teacher Education Initiative (Repealer) (23 Ill. Adm. Code 60)
 - First Notice Published: 36 Ill. Reg. 9591 – 7/6/12
 - Expiration of Second Notice: 11/3/12
9. New Teacher Induction and Mentoring (23 Ill. Adm. Code 65)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

- First Notice Published: 36 Ill. Reg. 9607 – 7/6/12
- Expiration of Second Notice: 11/3/12

Emergency Management Agency

10. Radiological Protection (Repealer) (29 Ill. Adm. Code 320)
 - First Notice Published: 36 Ill. Reg. 11738 – 7/27/12
 - Expiration of Second Notice: 11/10/12
11. Administrative Hearings (32 Ill. Adm. Code 200)
 - First Notice Published: 36 Ill. Reg. 11772 – 7/27/12
 - Expiration of Second Notice: 11/10/12

Financial and Professional Regulation

12. Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)
 - First Notice Published: 36 Ill. Reg. 6148 – 4/27/12
 - Expiration of Second Notice: 10/25/12

Gaming Board

13. Video Gaming (General) (11 Ill. Adm. Code 1800)
 - First Notice Published: 36 Ill. Reg. 9863 – 7/13/12
 - Expiration of Second Notice: 10/25/12
14. Video Gaming (General) (11 Ill. Adm. Code 1800)
 - First Notice Published: 36 Ill. Reg. 10578 – 7/20/12
 - Expiration of Second Notice: 10/25/12

Pollution Control Board

15. Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)
 - First Notice Published: 36 Ill. Reg. 9924 – 7/13/12
 - Expiration of Second Notice: 11/10/12

Public Health

16. Perinatal HIV Prevention Code (77 Ill. Adm. Code 699)
 - First Notice Published: 36 Ill. Reg. 2060 – 2/10/12
 - Expiration of Second Notice: 10/25/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

Racing Board

17. Entries and Declarations (11 Ill. Adm. Code 1312)
 - First Notice Published: 36 Ill. Reg. 11965 – 7/27/12
 - Expiration of Second Notice: 10/31/12
18. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)
 - First Notice Published: 36 Ill. Reg. 11969 – 7/27/12
 - Expiration of Second Notice: 10/31/12

EMERGENCY RULEMAKINGS

Healthcare and Family Services

19. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
 - Notice Published: 36 Ill. Reg. 14820 – 10/5/12
20. Hospital Services (89 Ill. Adm. Code 148) (Emergency)
 - Notice Published: 36 Ill. Reg. 14849 – 10/5/12

PEREMPTORY RULEMAKING

Central Management Services

21. Pay Plan (80 Ill. Adm. Code 310)
 - Notice Published: 36 Ill. Reg. 13973 – 9/7/12

ADOPTED RULEMAKINGS

Commerce Commission

22. Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 1700)
 - Notice Published: 36 Ill. Reg. 14508 – 9/28/12

Treasurer

23. Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 650)
 - Notice Published: 36 Ill. Reg. 14445 – 9/21/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

AGENCY RESPONSES

Commerce Commission

24. Obligations of Retail Electric Suppliers (83 Ill. Adm. Code 412; 35 Ill. Reg. 12996)

Healthcare and Family Services

25. Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329) (Emergency)
26. Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 25, 2012 through October 1, 2012 and have been scheduled for review by the Committee at its October 16, 2012 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/9/12	<u>Department of Commerce and Economic Opportunity</u> , Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)	8/3/12 36 Ill. Reg. 12181	10/16/12
11/10/12	<u>Illinois Emergency Management Agency</u> , Radiological Protection (Repealer) (29 Ill. Adm. Code 320)	7/27/12 36 Ill. Reg. 11738	10/16/12
11/10/12	<u>Illinois Emergency Management Agency</u> , Administrative Hearings (32 Ill. Adm. Code 200)	7/27/12 36 Ill. Reg. 11772	10/16/12
11/10/12	<u>Pollution Control Board</u> , Proceedings Pursuant to Specific Rules or Statutory Provisions (35 Ill. Adm. Code 106)	7/13/12 36 Ill. Reg. 9924	10/16/12

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for hospital services in the Illinois Register: 5 ILCS 100/5-70(c)

2. Summary of information: The Illinois Department of Healthcare and Family Services proposes to change the methodology by which Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) are reimbursed for implantable contraceptive devices under the Illinois Medicaid Program. The change is being made in order to maintain access to necessary medical services. It is estimated this change will be budget neutral.

For dates of service on or after October 13, 2012, FQHCs and RHCs may elect to be reimbursed under an alternate payment methodology (APM) for implantable contraceptive devices that the agency prohibits being billed through the Pharmacy System. Reimbursement for the implantable contraceptive devices shall be made on a fee-for-service basis in accordance with the agency's fee schedule. Reimbursement through this APM is separate from any encounter payment the FQHC or RHC may receive for implanting the device.

3. Name and address of person to contact concerning this information:

Bureau of Program and Reimbursement Analysis
Division of Medical Programs
Healthcare and Family Services
201 South Grand Avenue East
Springfield, IL 62763-0001
E-mail address: bpra@illinois.gov

Interested persons may review these proposed changes on the Internet at <http://www.hfs@illinois.gov/publicnotice>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 CFR 447.205.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 41 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
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