

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On Its Own Motion	:	
	:	
Investigation into the necessity of	:	00-0335
and, if appropriate, the establishment	:	
of a universal support fund pursuant	:	
to Section 13-301(d) of the Public	:	
Utilities Act	:	

ORDER

By the Commission:

In Docket No. 97-0601, Illinois Commerce Commission On Its Own Motion vs. Illinois Bell Telephone Company; et al., "Investigation into Non-Cost Based Access Charge Rate Elements in the Intrastate Access Charges of Incumbent Local Exchange Carriers in Illinois", the Illinois Commerce Commission ("Commission") entered an order on March 29, 2000 in which it directed the Staff of the Commission to present for consideration an order initiating an investigation pursuant to Section 13-301(d) of the Public Utilities Act [220 ILCS 5/13-301(d)].

Section 13-301(d) provides that the Commission shall

investigate the necessity of and, if appropriate, establish a universal service support fund from which local exchange telecommunications carriers who pursuant to the Twenty-Seventh Interim Order of the Commission in Docket No. 83-0142 or the orders of the Commission in Docket No. 97-0621 and Docket No. 98-0679 received funding and whose economic costs of providing services for which universal service support may be made available exceed the affordable rate established by the Commission for such services may be eligible to receive support, less any federal universal service support received for the same or similar costs of providing the supported services; provided, however, that if a universal service support fund is established, the Commission shall require that all costs of the fund be recovered from all local exchange and interexchange telecommunications carriers certificated in Illinois on a competitively neutral and nondiscriminatory basis.

The Commission notes that, on March 17, 2000, the Illinois Independent Telephone Association filed with the Commission a petition captioned "Petition for initiation of an investigation of the necessity of and the establishment of a Universal Service Support Fund in accordance... with Section 13-301(d) of The Public Utilities Act" (Docket 00-0233). The petition in Docket 00-0233 requests the same investigation that will be initiated in this proceeding, so in the interests of administrative economy, that proceeding will be consolidated with this proceeding pursuant to Section 200.600 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.600).

Since Section 13-301(d) requires that the costs of any fund established be recovered from all local exchange and interexchange carriers certificated in Illinois on a competitively neutral basis, all local exchange and interexchange carriers certificated in Illinois should receive notice of this investigation.

The Commission, being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the subject matter of this proceeding;
- (2) pursuant to Section 13-301(d) of the Public Utilities Act, the Commission should initiate a proceeding to investigate the necessity of and, if appropriate, establish a universal service support fund as directed in Section 13-301(d);
- (3) all local exchange carriers and interexchange carriers certificated in Illinois should receive notice of this proceeding;
- (4) this proceeding should be consolidated with the proceeding in Docket 00-0233 initiated by the Illinois Independent Telephone Association.
- (5) given the consolidation ordered above and the fact that all municipalities were notified of the first hearing held in Docket 00-0233 (hearing held May 2, 2000), the Commission finds that Notice of the first hearing in this docket, which will be held May 25, 2000, contemporaneously with the next status hearing currently scheduled in Docket 00-0233, need not be served on municipalities.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that a proceeding is initiated pursuant to Section 13-301(d) of the Public Utilities Act to investigate the necessity of and, if appropriate, establish a universal service support fund as directed in Section 13-301(d).

IT IS FURTHER ORDERED that all local exchange carriers and interexchange carriers certificated in Illinois be sent notice of this proceeding.

IT IS FURTHER ORDERED that Docket 00-0233 is consolidated with this proceeding pursuant to 83 Ill. Adm. Code 200.600.

IT IS FURTHER ORDERED that notice of the first hearing in this proceeding not be served on all municipalities in Illinois because the notice requirements of Section 10-108 of the Public Utilities Act were previously satisfied by previous service upon all municipalities of a Notice of Hearing in Docket 00-0233, with which this Docket is now consolidated.

IT IS FURTHER ORDERED that this Order is not final and is not subject to the Administrative Review Law.

By order of the Commission this 10th day of May, 2000.

Chairman

IT IS FURTHER ORDERED that Docket 00-0233 is consolidated with this proceeding pursuant to 83 Ill. Adm. Code 200.600.

IT IS FURTHER ORDERED that notice of the first hearing in this proceeding not be served on all municipalities in Illinois because the notice requirements of Section 10-108 of the Public Utilities Act were previously satisfied by previous service upon all municipalities of a Notice of Hearing in Docket 00-0233, with which this Docket is now consolidated.

IT IS FURTHER ORDERED that this Order is not final and is not subject to the Administrative Review Law.

By order of the Commission this 10th day of May, 2000.

(SIGNED) Richard L. Mathias

Chairman

(S E A L)