

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

PART 729
ADMINISTRATION OF FUNDS CREATED BY THE WIRELESS EMERGENCY
TELEPHONE SAFETY ACT

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AUTHORITY: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

SOURCE: Adopted at 29 Ill. Reg. 19153, effective December 1, 2005; amended at 38 Ill. Reg. _____, effective _____.

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section 729.400 Distribution of Moneys

Subject to appropriation, moneys in the WSEF may be used only for grants to providers and to pay administrative costs.

- a) Except as provided in this Section and in Section 729.610, the Commission, subject to appropriation, shall make monthly proportional grants to each provider eligible to receive a grant under Section 729.200 based on the number of monthly subscribers in the geographic area (defined by zip code) in which the provider is certified as a wireless 9-1-1 service provider by the Commission.
- b) All surcharge moneys allocated to the WSEF in a given month shall be distributed to the appropriate providers, except as reduced in subsections (d) and (e).
- c) Funds allocated to the WSEF for geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of an eligible provider and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to DSP. Funds allocated to the WSEF for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of an eligible provider and are located outside the

Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible providers in the manner set forth in subsection (a).

- d) Funds allocated to the WSEF for geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made by the Commission as provided in Section 729.600.
- e) Estimated administrative expenses shall be withheld on a monthly basis, with at least an annual adjustment based upon actual costs.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART F: DISPUTES

Section 729.610 Failure to File Financial Reports

- a) This Section applies to an emergency telephone system board or qualified governmental entity that receives funds from the Wireless Service Emergency Fund, and that fails to file the 9-1-1 system financial reports as required under Section 27 of the Act. [50 ILCS 750/27(d)] Such an emergency telephone system board or qualified governmental entity is referred to in the remainder of this Section as a "noncompliant provider."
- b) The Staff of the Commission shall review the financial statements reported to the Commission under Section 27(b) of the Act to determine whether an emergency telephone system board or qualified governmental entity that receives funds from the Wireless Service Emergency Fund has failed to file the 9-1-1 system financial reports as required under Section 27 of the Act, or has filed a report that is not in a form and manner as prescribed by the Illinois Commerce Commission's Manager of Accounting. [50 ILCS 750/27(b)] Staff shall present to the Commission a verified report concerning each allegedly noncompliant provider.
- c) When the Commission receives a verified Staff Report concerning an allegedly noncompliant provider and determines that the Staff Report establishes a basis to proceed, it shall enter an Order on its own motion that:
 - 1) initiates a formal show-cause proceeding; and
 - 2) directs that the monthly grants otherwise payable to the allegedly noncompliant provider under Section 25 of the Act be suspended and withheld in escrow until the Commission determines whether the noncompliant carrier is substantially in compliance with Section 27 of the Act and has filed the report in the form and manner prescribed by the Commission's Manager of Accounting, or until the grants have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (d).

- d) The formal proceeding shall be heard as is provided in 83 Ill. Adm. Code 200, and the Commission shall determine on the basis of the record, no later than 12 months after the initiation of the proceeding, whether the grants should continue to be suspended and withheld under Section 27 of the Act. Any monthly grants that have been withheld for 12 months or more shall, without further order of the Commission, be forfeited by the emergency telephone system board or qualified governmental entity and shall be distributed proportionally by the Illinois Commerce Commission to compliant emergency telephone system boards and qualified governmental entities that receive funds from the Wireless Service Emergency Fund.[50 ILCS 751/27(d)] A grant is deemed to be "withheld" as of the date on which Commission personnel responsible for forwarding direction to the Comptroller to pay monthly proportional grants to providers under Section 25 of the Act exclude the noncompliant provider from the list of providers forwarded to the Comptroller. Nothing in this Section precludes a provider from seeking a rehearing of the Commission's order or other relief under Section 10-113 of the Public Utilities Act [220 ILCS 5/10-113], and nothing in this Section precludes the Staff from reporting to the Commission that a previously noncompliant provider has come into compliance, in which case Staff shall recommend that the Order directing the withholding and redistribution of that provider's monthly grants be rescinded, to the extent that the grants have not already been forfeited pursuant to Section 27(d) of the Act.
- e) The payment of any monthly proportional grant to an emergency telephone system board or qualified governmental entity shall not constitute acknowledgment by the Commission or its Manager of Accounting that the emergency telephone system board or qualified governmental entity has filed a 9-1-1 system financial reports as required under Section 27 of the Act, or has filed a report that is in a form and manner as prescribed by the Illinois Commerce Commission's Manager of Accounting.

(Source: Added at 38 Ill. Reg. _____, effective _____)