

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	)	
On Its Own Motion	)	
	)	
-vs-	)	
	)	
Illinois Bell Telephone Company	)	Docket No. 10-0011
	)	
Investigation as to whether	)	
Illinois Bell Telephone Company's	)	
residential services are properly,	)	
according to the terms of Section 13-502	)	
of the Public Utilities Act, classified in	)	
Illinois MSA-1 as competitive.	)	

**STAFF OF THE ILLINOIS COMMERCE COMMISSION'S  
MOTION TO DISMISS**

Pursuant to 83 Ill. Adm. Code 200.190, Staff ("Staff") of the Illinois Commerce Commission ("Commission"), by and through its undersigned attorneys, hereby files its Motion to Dismiss. In support thereof, Staff respectfully states as follows:

1. On June 26, 2009, the Staff submitted a Report to the Commission, recommending that the Commission initiate an investigation of whether Illinois Bell Telephone Company's residential services are properly, according to the terms of Section 13-502 of the Public Utilities Act, classified in Illinois MSA-1 as competitive. *See, generally, Staff Report*. The Commission initiated such an investigation, the above captioned proceeding. *See, generally, Initiating Order*.

2. On June 15, 2010, the Governor signed SB 107, as Public Act 96-927. Public Act 96-927 permits telecommunications carriers to elect to have the rates, terms, and conditions of their competitive retail telecommunications services solely determined

and regulated pursuant to terms of Section 13-506.2 of the Public Utilities Act. Section 13-506.2 specifies that for geographic areas where a telecommunications carrier elects market regulation, the Electing Provider's competitive retail telecommunications services and all recurring and nonrecurring charges associated with, related to or used in connection with such services, shall be classified as competitive without further Commission review. See, *13-506.2(c)(1) and 13-506.2(c)(2)*.

3. On June 28, 2010 Illinois Bell Telephone Company submitted, pursuant to Public Act 96-927, Section 13-506.2, a Notice of Election for Market Regulation to the Commission.

4. Illinois Bell Telephone Company's Election of market regulation pursuant to Public Act 96-927 resolves by operation of law the Commission's investigation into whether Illinois Bell Telephone Company's residential services are properly, according to the terms of Section 13-502 of the Public Utilities Act, classified in Illinois MSA-1 as competitive. The Illinois Bell Telephone Company residential services that are the subject of this proceeding are, according to the terms of PA 96-927 and Illinois Bell Telephone Company's Election of market regulation, by operation of law classified in Illinois MSA-1 as competitive. Therefore, Staff respectfully requests that this matter be dismissed, as being statutorily moot.

5. All other parties to this docket do not object to this matter being dismissed.

For the foregoing reasons, the Staff of the Illinois Commerce Commission respectfully requests that the Commission dismiss the instant proceeding.

Respectfully submitted,

/s/ \_\_\_\_\_  
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July 13, 2010