

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

City of Aurora, Illinois :
: **14-0299**
Petition (by Letter) to Cancel Authority :

ORDER

By the Commission:

On April 10, 2014, the City of Aurora, Illinois (“Petitioner”) filed a verified petition requesting that the Commission cancel its Certificate of Interexchange Service Authority to provide facilities-based interexchange service pursuant to Section 13-403 of the Public Utilities Act (“the Act”); its Certificate of Service Authority to provide resold local and interexchange service pursuant to Section 13-404 of the Act; and its Certificate of Exchange Service Authority, to provide facilities-based local exchange telecommunications services pursuant to Section 3-405 of the Act. (220 ILCS 5/13-404, 5/13-404, 13-5/405). The certificates were granted in Docket 06-0702, January 24, 2007.

Petitioner states that, although it has never provided any local or interexchange services, it filed Form AR-13 and an Annual Gross Revenue Return, each showing that it had no reportable revenues. Its failure to begin local or interexchange service within two years of certification rendered its certification null and void sometime in 2011. Since Petitioner is no longer certificated, it is no longer obligated to file the required reports as a telecommunications carrier or as a public utility.

Petitioner requests that the Commission remove it from the list of local and interexchange providers in Illinois, and also remove it from the list of entities to which the Commission sends annual notice of filing obligations pertaining to Form AR-13 and the Annual Gross Revenue Return.

Since all of the information necessary to grant the requested relief is contained in the petition, no hearing is necessary and it is waived.

The Commission notes foremost that, as an Illinois home-rule municipal corporation (Docket 06-0702 at 1), Petitioner is specifically excluded from the definition of public utility under Section 5/3-105(1) of the Act. (220 ILCS 5/3-101 et seq.). Petitioner is also excluded from the definition of telecommunications carrier under Section 5/13-202 of the Act. (220 ILCS 5/13-101 et seq.). Petitioner correctly states, however, that failure to exercise a certificate within two years from the time it is issued renders the authority conferred by that certificate null and void. (220 ILCS 5/13-401(a)).

The Commission finds that the certificates issued to Petitioner in Docket 06-0702 have been null and void since January 24, 2009. Insofar as the services Petitioner proposed to offer in Illinois are offered by other carriers, cancellation of these certificates will not deprive Illinois residents of any necessary telecommunications service and is not otherwise contrary to the public interest.

Petitioner should be relieved of the obligation to file Form AR-13 and Annual Gross Revenue Return reports, but shall be required to file its 2014 Annual Report within 60 days of the date of this Order.

The Commission having reviewed the entire record herein and being fully advised in the premises, the Commission is of the opinion and finds that:

- (1) Petitioner, an Illinois home-rule municipal corporation, was issued a Certificate of Interexchange Service Authority to provide facilities-based interexchange service pursuant to Section 13-403 of the Act; a Certificate of Service Authority to provide resold local and interexchange service pursuant to Section 13-404 of the Act; and a Certificate of Exchange Service Authority, to provide facilities-based local exchange telecommunications services pursuant to Section 3-405 of the Act, in Docket 06-0702, January 24, 2007.
- (2) the Commission has jurisdiction over Petitioner and the subject matter herein;
- (3) on April 10, 2014 Petitioner filed a petition to cancel the Certificate of Interexchange Service Authority, the Certificate of Service Authority and the Certificate of Exchange Service Authority, issued in Docket 06-0702;
- (4) insofar as the services Petitioner proposed to offer in Illinois are offered by other carriers, cancellation of Petitioner's Certificate of Interexchange Service Authority, the Certificate of Service Authority and the Certificate of Exchange Service Authority will not deprive Illinois residents of any necessary telecommunications service and is not otherwise contrary to the public interest;
- (5) Petitioner should not be required to continue filing Form AR-13 and Annual Gross Revenue Return reports;
- (6) Petitioner should be required to file its 2014 Annual Report within 60 days of the date of this order;
- (7) the petition should be granted.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the petition of the City of Aurora, Illinois to cancel the Certificate of Interexchange Service Authority, the Certificate of Service Authority, and the Certificate of Exchange Service Authority, issued in Docket 06-0702, is granted.

IT IS FURTHER ORDERED that Petitioner shall not be required to continue filing Form AR-13 and Annual Gross Revenue Return reports.

IT IS FURTHER ORDERED that Petitioner shall file its 2014 Annual Report within 60 days of the date of this Order in compliance with Finding (6) above.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 7th day of October, 2014.

(SIGNED) DOUGLAS P. SCOTT

Chairman