

# COUNTY OF KANE

DEVELOPMENT DEPARTMENT  
Building and Community Services Division  
Mark D. VanKerkhoff, AIA, Director  
Building Officer



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## Memo

**Date:** March 28, 2007  
**To:** Legislative Committee  
**From:** Mark VanKerkhoff, Director, Building & Community Services Division  
**Subject:** HB 1853 – Uniform Construction Code

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The above legislation is currently under consideration in Springfield and has been the subject of hearings over the past several weeks. The consensus among local code officials is that while a uniform construction code would be a positive step forward for Illinois, the actual provisions need to be carefully evaluated. I have attached comments from the Fox Valley Fire & Building Inspector's Association.

In addition to the attached comments, there is another area of concern for counties and small villages. The currently proposed bill lists a number of model codes that would be required to be enforced by local governments. Included on the list is the 2006 International Property Maintenance Code, which is not directly related to construction activities. It is related to the condition and maintenance of property includes exterior standards for weeds, garbage, vehicles and the maintenance of structures as well as interior maintenance standards.

If a uniform construction code were adopted that included the International Property Maintenance Code, many counties and small villages would be burdened by additional enforcement. Many of the issues addressed in the model Property Maintenance Code are addressed by other local ordinances, as is the case in Kane County. Kane County's recently formed Property Maintenance Advisory Committee is pursuing revisions to existing County ordinances to address property maintenance issues as a better approach than adopting the model International Property Maintenance Code.

# Fox Valley Fire & Building Inspector's Association

The following are comments and concerns regarding the second draft of the proposed Statewide Building Code generated by the membership of the Fox Valley Fire & Building Inspector's Association.

The membership *supports* a minimum, Statewide Building Code for the State of Illinois. These minimum codes and standards need to be applicable throughout the State, *not* just those communities that choose to adopt and enforce building codes and standards. While creating minimum standards to be met statewide, similar to that contained in the Illinois Residential Building Code Act. (815 ILCS 670/), it should *not* create an unfunded mandate requiring local jurisdictions to adopt or otherwise provide for local code enforcement.

The membership *supports* minimum codes and standards which cannot be amended to be less restrictive than that provided in nationally recognized codes and standards. The membership is *against* any language which would limit or otherwise restrict the ability of a local jurisdiction to adopt and/or amend codes and standards to a level stricter than that referenced by Statute.

While the membership does not disagree with the adoption of the International Code Council suite of codes as *minimum* standards, we *do not concur* that these are the *only* codes and standards which should be available to jurisdictions for adoption. Any code or standard which is equal to or stricter than those promulgated by the International Code Council should be permitted. To assure that the more restrictive is applied, the language "Where differences occur between the provisions of this Act and other legally adopted Codes and Standards, the provisions of the more restrictive Act, Code or Standard shall apply." may be inserted.

A great deal of debate has occurred among Code Officials regarding interpretation of the draft document. As example, while the authors have stated that it is not the intent of the document to make the code non-amendable, passages contained therein could be interpreted as eliminating a jurisdiction's ability to make amendments. While the membership understands that the document is in the development stage, we feel it prudent that the document should undergo legal review by competent authority to clarify exactly what the document stipulates.

While the membership *supports* the concept of Code Official education and certification, we *do not feel that this is the appropriate document* in which to deal with the issue and it will only serve to further stall the progress in adoption of a statewide building code. Among the issues which need to be determined is what State agency would regulate the certification process. The document places this responsibility upon the Capitol Development Board. The process may better managed through the Division of Professional Regulation which has expertise and experience in this area. Additionally, questions regarding cost (to both local and State agencies), time for implementation, what training is required and what training will be acceptable need to be determined. All of this "muddy the waters" and serves only to delay adoption of a Statewide code. It is the opinion of the membership that this should be removed from the draft entirely.

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## Memo

**Date:** March 28, 2007  
**To:** Legislative Committee  
**From:** Mark VanKerkhoff, Director, Building & Community Services Division  
**Subject:** HB 1500 – Cable and Video Competition Law of 2007

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The above legislation is currently under consideration in Springfield and has been the subject of hearings at the House Telecommunications Committee over the past several weeks. The consensus among municipalities and the County's consultants for cable television issues is that the bill as currently proposed would be detrimental to local governments. Initial attempts to amend this legislation are proceeding, however, the bill's supporters in the telecommunications industry are likely to oppose amendments to the legislation.

Media advertisements promote choice and competition for video programming. Consumers may confuse local government opposition to HB 1500 with being against choice and competition. The County should take the position that it favors choice and competition, but that HB 1500 will not accomplish that fairly for consumers. The two attachments to this memo are designed to assist you in understanding the specifics regarding HB 1500 as well as why local governments are opposed to it in its current form.

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## KANE TV CHOICE

(Talking points for responding to consumers' concerns)

**K**ane County is committed to TV CHOICE

**A**nywhere, anytime is our MANDATE

**N**ew Video entrants are WELCOME

**E**xisting Video providers must HONOR their commitments

**T**reatment of Video providers should remain FAIR and EQUITABLE

**V**ideo services carry increasing ECONOMIC VALUE to Kane County citizens

**C**ustomer Service Standards must be ACCOUNTABLE and ACCESSIBLE

**H**B1500 is NOT THE ANSWER

**O**versight of property usage should remain under LOCAL AUTHORITY

**I**nterest commitment should be UNIVERSAL

**C**ompetition is great for the County if it is FAIR

**E**very Citizen deserves TV CHOICE

# KANE TV CHOICE

## Kane County Supports Video Competition - But HB 1500 is Not the Answer.

### Proponents Won't Talk About the Real Costs to Kane County Citizens

- ★ HB 1500 promotes video competition, but creates winners and losers. *Kane County Government and the citizens it serves will be on the losing end.* HB 1500 moves all control of video services to the Illinois Commerce Commission. Kane County will have no voice over extension of services to all County residents, no voice in handling consumer concerns, and no voice over the timing and entry of competitive cable services onto public property. Kane County is committed to TV Choice, but must have a role in guiding competition.
- ★ HB 1500 does not adequately protect low-income, senior, or rural neighborhoods against redlining (See Section 21-1101(2)). HB 1500 prohibits denial of services based upon race or income, but what it does not prohibit is denial of services based on density, location, or even the age of area residents. HB 1500's goals of serving at least 25 percent of their customers in a local area must be low income households 3 years after the date they begin service and 30 percent after 5 years are contradictory to the fast entry which telecom companies claim they need in order to thrive in the marketplace. HB 1500 also does **not** allow enforcement or compliance with these goals or "defenses" as they are called in the legislation. **Where can people who want choice but can't get it find answers? HB 1500 does not give an answer.** Kane County is committed to TV Choice anywhere, anytime. New video entrants are welcome in **ALL** of Kane County, not just "high value" areas.
- ★ HB 1500 ignores verification and compliance with buildout goals (See Section 21-1101(3)). HB 1500 says that a video provider with more than 1,000,000 access lines shall provide access to its video services to at least 25 percent of the households within its service area within 3 years after the date that it begins providing service and 40 percent within 6 years. But, HB 1500 has no mechanism for verification or compliance with these commitments. **As a matter of public policy, how will the State, its citizens, and Kane County know whether video service providers are meeting these commitments? HB 1500 does not give an answer.** Kane County believes that existing and new video providers must honor their commitments. Michigan and California video competition laws "trust, but verify." In those states, annual compliance reports require filing with their public utility commissions (similar to the Illinois Commerce Commission), cities and counties.
- ★ HB 1500 treats incumbent cable operators unfairly (See Section 93). HB 1500 would repeal the State's "Level playing field" law requiring equal requirements of incumbent cable operators and new video providers. Instead, HB 1500 sets more favorable requirements for new video providers at the expense of incumbents, their subscribers, and franchising authorities, such as Kane County. Treatment of all video providers should remain fair and equitable. Competition benefits the public best when the playing field is level.
- ★ HB 1500 lacks true customer service protection (See Section 21-501(1)). The bill requires video service providers to comply with **some** federal customer service regulations, but does **not** say who will enforce the standards found in the bill or how compliance will be attained. **Where can Kane County residents go with complaints about their service? Who will insure that video providers are indeed complying with the customer service standards? HB 1500 does not give answers.**

Kane County believes that video services carry increasing economic value to its citizens and that Customer Service standards must be accountable and accessible. California, Michigan, and Texas video competition laws place consumer protection authority in their public utility commissions or their city or county governments as they already enforce compliance of federal standards for cable television services.

- ★ **HB 1500 gives video service providers massive eminent domain and condemnation powers (See Section 94).** In 2006, the State of Illinois adopted sweeping changes to its eminent domain laws. Here is the first attempt to weaken those changes. **HB 1500 is not the answer to problems concerning eminent domain. Oversight of property usage should remain under local authority and with the property owner.** Why should video service providers be given eminent domain and condemnation powers? They are private companies, not vital public utilities!
- ★ **HB 1500 proponents talk about investment to promote competition. Will that investment come to all of Kane County?** HB 1500 is meant to stimulate job growth, economic development, and investment, but if this legislation creates no-choice zones, then investment and development will benefit only a few areas of the County at best. Under HB 1500, some parts of Kane County may not experience the benefits of video competition. **Kane County believes that investment commitment should be universal throughout the County so all residents can have a choice.**
- ★ **HB 1500 gives unrestrained access to any kind of property (See Section 21-1201).** HB 1500 says that property owners or others in possession or control of property shall not forbid video providers access to their property for the purposes of constructing, installing, or maintaining their facilities. Literally all types of public and private property is included in this provision, including residential buildings, improved or unimproved real estate, and utility, railroad, and pipeline properties. **Why should the State grant video service providers unrestrained access to private property?** Kane County believes that existing eminent domain laws are adequate, and that no new laws are needed.
- ★ **HB 1500 allows video providers to eliminate Public, Educational, and Government (PEG) access channels (See Section 21-601).** Video providers are allowed to reclaim any local public, education, and government access programming that are not used for at least 8 hours per day of "non-repeat" programming 7 days per week for 3 consecutive months. Most PEG channels show repeats of local government meetings, school events, and community events so that they can be widely viewed. These repeats would not count under HB 1500 requirements. **Cities in Kane County could see their PEG channels seized by video providers to be programmed at their discretion. Community programming would be likely to completely disappear! Traditional access channels in Aurora and Batavia would be endangered. New access channels in Elgin, Geneva, and North Aurora could vanish.** Other states that have adopted video competition laws do not have "non-repeat" requirements.
- ★ **HB 1500 will harm Kane County's budget (See Section 21-801(3)).** The definition of gross revenues that is used to calculate service provider and PEG fees in the proposed bill is narrower than what is used to calculate current cable franchise fees. It does not include home shopping commissions, advertising revenues, or late fees – all of which are included in existing cable franchise fees. It is important to note that most of the customers obtained by the newer video providers authorized under this bill will be former customers of the incumbent cable providers. **Therefore, most, if not all of the fees to be paid to Kane County by the newer video providers under HB 1500 will replace existing franchise fees and not be new revenue. Employing a narrower definition of gross revenues will result in a net decrease of the fees paid to Kane County to the detriment of Kane County residents.**

Competition in the video marketplace deserves to mature and grow. Under competition, everyone should benefit. HB 1500 falls short of the mark. **Competition will be great for the County if it is fair.** Competition will work best where the County can play an active role to help it thrive. Local franchising works for Kane County, its residents, its utilities, and telecommunications companies. Kane County looks forward to working with telecommunications companies to help competition, because **every citizen deserves TV choice.** However, if the General Assembly believes that state franchising for video services is the answer, it should not be at the expense of low income households, access channel operators, property owners, customer service rights, and consumer protections as is the case under HB 1500 in its current form.

★ **KANE COUNTY URGES YOU TO VOTE "NO" ON HB 1500!** ★

ADD

# COUNTY OF KANE

**SUPERVISOR OF ASSESSMENTS**  
Mark D. Armstrong, CIAO



County Government Center  
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## Memorandum

To: Chairman William A. Wyatt and the members of the  
Legislative Committee of the Kane County Board

From: Mark D. Armstrong

Date: March 26, 2007

Re: Legislative Issues Impacting the Office of the Supervisor of Assessments

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I apologize for my absence from your meeting this Wednesday; I will be attending an Illinois Property Assessment Institute conference in Springfield.

As of this morning, a total of 162 bills amending the Property Tax Code (35 ILCS 200) have been introduced into the 95th General Assembly (107 in the House, and 55 in the Senate). Of these bills:

- 105 have been re-referred to the Rules Committee.
- 27 contain only technical changes ("placeholder" bills).
- 18 have reached the floor of the respective chamber.
- 12 remain in committee.

Last month, I reported on three bills that would include provisions that meet the County's adopted legislative goal of removing the incremental income requirements from Senior Citizen Assessment Freeze Homestead Exemption (SCAFHE, 35 ILCS 200/15-172): HB144, HB543, and HB737. All three of these bills have been re-referred to the Rules Committee, effectively ending the debate on them.

There are two "placeholder" bills referencing section 15-172: HB2487 and SB794. Unless a placeholder bill is amended to include the elimination of the incremental income requirements for the SCAFHE, it appears that this legislative goal will remain unaccomplished this year.

Of the 18 substantive bills that have made it to the House and Senate floor, none have any provisions relating to SCAFHE. The only bill that has any provisions that would impact the assessment process is SB101, which would create a new \$3,500 homestead exemption for disabled persons, and require an annual re-application to maintain it.

Next month, I will be attending the meeting of the Illinois County Assessment Officer's Association on April 24; this will include a report from the CAO's lobbyist. I plan to return in time to provide the Committee with any relevant information at the April 25 meeting.

In the meantime, please do not hesitate to contact me with any questions.

# COUNTY OF KANE

## COUNTY BOARD

**Bill Wyatt** – Legislative Comm. Chair  
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Legislators,

As members of the Kane County Legislative Committee, we are aware of the difficult and complicated task of negotiating a budget that serves the wishes of the Governor, both branches of the Statehouse and most importantly, the people of Illinois. It is our goal to assist you, however possible, so that your decisions downstate take into account the stated concerns of our Legislative Committee.

The condition of state roads in Kane County is abysmal. For too many years we have suffered from the states' failure to invest in its own road system. Early indications from the Governors' budget address raised serious concerns as to whether these ongoing problems will be addressed. We are disheartened that the proposed budget directs no extra dollars for additional capacity projects, congestion mitigation projects, intersection improvement projects and new construction projects on the local state highway system. We also find it unacceptable that minimal dollars have been set aside to maintain an already failing system.

We are writing today to ask that you make transportation funding a budget priority, and that you resist any efforts to compromise on a budget that neglects the vital economic role of our state transportation system. Specifically, we are urging you to take responsibility for approving a budget with the funding necessary to maintain and enhance local state routes like Rt. 47, Rt. 31, Rt. 62, Rt. 72, U.S. 20, Rt. 38, Rt. 64, Rt. 56, and Rt. 25. Below you will find a list of projects previously submitted for consideration. This list is not conclusive and does not necessarily represent all projects under consideration by the municipalities within Kane County.

- **I-90 at IL 47 Interchange** – Proposed interchange reconstruction improvement to provide a full-access interchange.
- **US 20 at Randall Road** – Proposed interchange reconstruction improvement to improve capacity and safety.
- **IL 72 – Randall Road to IL 31** – Proposed capacity and safety improvements.
- **IL 56 – IL 25 to Kirk Road** - Proposed capacity and safety improvements.
- **IL 31 – Oak Street to IL 56** - Proposed capacity and safety improvement.
- **IL 62 – IL 25 to IL 68** - Proposed capacity and safety improvements.
- **IL 64 – Burlington Road to Randall Road** - Proposed capacity and safety improvement. Requesting \$1.5 million for engineering.
- **McLean Boulevard – Spring Road to IL 31** – Proposed capacity and safety improvements.
- **I-88 at IL 47 Interchange** – Proposed interchange reconstruction improvement to provide a full-access interchange.
- **US 20 at McLean Boulevard** – Proposed interchange reconstruction improvement.
- **IL 31 – McHenry County Line to Huntley Road** – Proposed capacity and safety improvement.



# COUNTY OF KANE

## COUNTY BOARD

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Additionally, we are also requesting a budget that fully matches the federal transportation projects secured for Kane County. Any budget which results in a "federal give-back" scenario will not only severely cripple years of effort to make Illinois a "donee state" rather than a "donor state", but make Illinois a national laughingstock, unable or unwilling to invest \$1 to get back \$4 for transportation infrastructure. There are a number of earmarked projects that would benefit Kane County and the Chicago region.

The Legislative Committee and the Kane County Board are committed to becoming an active participant in the legislative process. We realize the best strategy for securing our fair share of state funding is to supply our state legislators with straightforward, accurate and detailed information. In the coming weeks, you can expect to hear again from us on these topics, and others of importance, as you begin the process of budget negotiations in Springfield.

Thank you for your time and your commitment to the citizens of Kane County.

Sincerely,

Bill Wyatt  
Legislative Committee Chair  
Kane County Board

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Gerald Jones (D)

---

Mike Kenyon (R)

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Hollie Kissane (D)

---

Thomas Van Cleave (R)

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Rudy Neuberger (D)

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Sylvia Leonberger (D)



# LEGISLATIVE BULLETIN

TAKE  
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## INTRODUCTION

The House began the week on Tuesday with a full Committee of the Whole, took testimony and for 13 hours discussed the high electric rates issue. Both chambers were in session from Wednesday through Friday with mostly Committee action. Both chambers return to session next week on Tuesday. The Senate has two weeks and the House has three weeks remaining to move bills out of Committee.

A key piece of legislation pushed by several Mayors in Southern Illinois continued to move in the State Capitol. House Bill 458, which creates a pilot program to purchase electric power for thousands of local residents with a goal of providing Southern Illinoisans with cheaper electricity, passed the House this week by a vote of 113-1-0. The program would allow residents and businesses in the southern-most 26 counties not serviced by a municipal or rural electric service to participate. Representative John Bradley sponsored the bill in the House. The legislation now moves to the Illinois Senate for consideration.

A major transportation project was also in the news this week when House Speaker Michael Madigan introduced House Joint Resolution 18 which would authorize the Illinois State Toll Highway Authority to expand the Illinois toll highway system to include a Crosstown Expressway in Chicago. The measure has been assigned to the House Executive Committee.

A steady presence of local officials across this State making their way to the State House continues next week with three Regional Councils of Government having their Lobby Days/Drive Downs scheduled. The Illinois Municipal League appreciates the continued presence of these local officials and believes it only enhances our collective mission at the State House. Next week the Barrington Area Council of Governments, the McHenry County Council of Governments and the Northwest Municipal Conference all come to Springfield.

**YOU  
CAN  
MAKE  
A  
Difference!**

**LEGISLATIVE  
BULLETIN 2007-05**  
**Friday, March 2, 2007**

### *In This Issue:*

**Introduction**

**Bills of Interest**

**Introduction of  
New Legislation**

**Reminder - IML Lobby Day  
May 2, 2007**

## **BILLS OF INTEREST**

### **House Bill 1500 - Cable & Video Competition**

**Representative Brosnahan - Assigned to the House Telecommunications Committee**

A fair amount of early discussion is being focused on House Bill 1500, a bill which creates a state-issued authorization from the Illinois Commerce Commission for cable and video service after the effective date of the bill. Basically, the bill was drafted by AT&T because they want to get into the video business and compete with existing cable companies who have franchises authorized by municipalities. Instead of negotiating or accepting existing local terms in franchises for this service, they want a statewide grant of

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authority. Truly competitive cable/video service has merits. UNFORTUNATELY, HB 1500, in its current form, is NOT that legislation. While many may be rushing to embrace the buzzwords: COMPETITION, ECONOMIC DEVELOPMENT or JOBS, they will not find that in HB 1500. Those words are only fulfilled by well intentioned promises not in actual legal statutory language!

**QUESTIONS LEGISLATORS & LOCAL OFFICIALS  
SHOULD ASK ABOUT HB 1500**

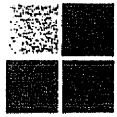
- ♦ What Illinois communities will receive these newly promised video/cable products? Where will actual competitive services be provided and when?
- ♦ Will my entire community be served? In other words, everyone gets a CHOICE or only a selected few? What does "footprint" mean to my citizens?
- ♦ Who will enforce the customer standard – really enforce the law? There is nothing in the bill on that point with the exception of reciting the federal existing provision which municipalities currently enforce.
- ♦ While some may say that we retain right-of-way control, that is NOT in the bill except for hollow words with, once again, no enforcement or authority. Where is the actual language?
- ♦ Are the 5% gross revenues in the bill on the SAME BASIS or similar items included for existing cable franchises?

Basically, AT&T has not provided straight answers to these questions. While a large amount of rhetoric is being used, the Illinois Municipal League believes that HB 1500 should be rewritten to put forth SOLID ANSWERS TO REAL QUESTIONS!

**Senate Bill 210 – State Regulation of Intergovernmental Self-Insurance Pools**

**Senator Dahl – Held in the Senate Insurance Committee for further discussion**

SB 210 was held in the Senate Insurance Committee. The Committee took testimony from Senator Dahl and a representative of the Granville school system. This legislation stems from a dispute involving a school in Granville which was destroyed by a tornado a few years ago. Attorney Ed Dutton presented testimony against the bill representing various insurance pools all who were against the proposed legislation. Although the bill was held in Committee, Senator Dahl did indicate to the IML and others that he would continue to work with the interested parties to see if an agreement on language could be made. Senator SB 210 provides that joint governmental self-insurance pools are subject to regulation by the Illinois Insurance Code's rules, hearings, and penalties concerning claims procedures. Since the Intergovernmental Cooperation Act was written over 30 years ago, local governments have been able to jointly self-insure without intervention from the Illinois Insurance Division of the Illinois Department of Professional and Financial Regulation. The combinations of local government and school district entities for providing broad joint self-insurance coverage have been instrumental in allowing those governmental units to avoid relying on the vagaries of the commercial insurance cycles. Forcing the bureaucratic State regulation system on these pools is both unwise and unnecessary. **Contact your State Senator urging his or her opposition to Senate Bill 210. IML OPPOSES SB 210.**



# Metropolitan Mayors

Richard M. Daley  
Mayor, City of Chicago  
Founding Chair

Gayle A. Smolinski  
Mayor, Village of Roselle  
Executive Board Chair

Jeffery D. Schielke  
Mayor, City of Batavia  
Executive Board Vice Chair

## OPPOSE HB 1500

### *Proponents Claim It Will Bring Competition, Jobs and Economic Development, But At What Cost to Citizens, Municipalities and Counties?*

- **HB 1500 does not ensure parity for low income households (See Section 21-1101(2))**  
The bill states that video service providers shall not deny access to their services to any potential residential subscribers because of race or income. It further sets goals that at least 25 percent of of their customers in a local area must be low income households 3 years after the date they begin providing service and 30 percent after 5 years. HB 1500 does not, however, provide a mechanism to enforce compliance with these goals or "defenses" as they are called in the legislation. **Where can people who believe they have been refused service go to complain? HB 1500 does not address this question.** FYI: Existing local cable franchise agreements do. Similar legislation adopted in other states does as well.
- **HB 1500 does not ensure compliance with buildout provisions (See Section 21-1101(3))**  
The proposed bill states that a video provider with more than 1,000,000 access lines shall provide access to its services to at least 25 percent of the households within its service area within 3 three years after the date it begins providing service and 40 percent within 6 years. HB 1500 does not, however, ensure compliance with these goals. **As a matter of public policy, how will the State, its citizens and its local governments know whether video service providers are meeting these buildout goals? HB 1500 does not address this question.** FYI: Similar legislation adopted recently in other states require video providers to file annual compliance reports with their public utility commissions (i.e. the Illinois Commerce Commission) and local governments.
- **HB 1500 gives video service providers eminent domain and condemnation powers (See Section 94)**  
The State of Illinois adopted sweeping changes to its eminent domain laws in 2006. Here is the first attempt to weaken those changes. **Why should video service providers be given eminent domain and condemnation powers? They are private companies, not vital public utilities! FYI: This provision is not included in similar legislation adopted in other states.**
- **HB 1500 gives video providers access to property of all kinds (See Section 21-1201)**  
A provision of the proposed bill states that property owners or others in possession or control of property shall not forbid video providers access to their property for the purposes of constructing, installing and maintaining their facilities. Properties included in this provision are residential buildings, improved or unimproved real estate, and property owned or in the possession of public utilities, railroads, or owners or operators of pipelines. **Why should the State of Illinois grant video service providers access to private property? They are private companies, not public utilities! FYI: This provision is not included in similar legislation adopted in other states. (OVER...)**

City of Chicago · DuPage Mayors and Managers Conference · Lake County Municipal League · McHenry County Council of Governments  
Metro West Council of Governments · Northwest Municipal Conference · South Suburban Mayors and Managers Association  
Southwest Conference of Mayors · West Central Municipal Conference · Will County Governmental League

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- **HB 1500 provides no real customer service protection (See Section 21-501(1))**  
The bill requires video service providers to comply with federal customer service regulations, but does not offer a mechanism to enforce compliance. **Where can customers go with complaints about their service? Who will ensure that video providers are indeed complying with the federal regulations?** HB 1500 is silent on these points. FYI: Other states that have passed statewide franchising laws vest this authority in either their public utility commission or their local governments as they already enforce compliance of federal standards for cable television services.
- **HB 1500 provides no real customer privacy protection (See Section 21-501(2))**  
The proposed legislation also requires video service providers to comply with federal privacy protection regulations, but as with customer service rules, it does not ensure their compliance. **Where can citizens go to complain if they believe their rights to privacy are being compromised?** HB 1500 does not address this. FYI: Similar legislation adopted in other states does.
- **HB 1500 allows video providers to eliminate PEG channels (See Section 21-601)**  
Video providers are allowed to re-claim any local public, education and government access programming that are not used for at least 8 hours per day of "non-repeat" programming for 3 consecutive months. Most PEG channels show repeats of city council/village board meetings, school events and community events. These repeats would not count toward the requirement of this section. **Municipalities, counties and schools would no doubt see their PEG channels re-claimed by video providers to be programmed at their discretion.** FYI: Other states that have adopted similar legislation do not have a "non-repeat" provision or such high levels of programming requirements.
- **HB 1500 will harm municipal and county budgets (See Section 21-801(3))**  
The definition of gross revenues that is used to calculate service provider and PEG fees in the proposed bill is narrower than what is used to calculate current cable television franchise fees. It does not include home shopping commissions, advertising compensations or late fees – all of which are included in existing cable franchise fees. It is important to note that most of the customers obtained by the newer video providers authorized under this bill will be former customers of incumbent cable television providers. Therefore, most, if not all of the fees to be paid to local governments by the newer video providers under HB 1500 will replace existing franchise fees and not be new revenue. Employing a narrower definition of gross revenues will result in a net decrease in the fees paid to cities, villages and counties.

The 272 Mayors of the Chicago region believe that the system of local franchising that has existed in the State of Illinois for many, many years works. Not only has it worked for our municipalities, but it has also worked for every natural gas utility, every electric utility, every cable company, every telecommunications company and, yes, every telephone company with which our towns have individual franchise agreements. In our view, there is no better method to manage the facilities these entities place either in under ground conduits or on above ground structures or utility poles and protect the health, safety and welfare of our citizens.

The Chicago area's Mayors support competition in the video services market. We believe it can be achieved under the current franchising system if all parties are willing. However, if the General Assembly deems it necessary to authorize state franchising for video services, it should not be at the expense of low income households, property owners, customer service rights and consumer protection rights as is the case under HB 1500 in its current form.

**WE URGE YOU TO VOTE "NO" ON HB 1500!**