By the Commission:

Section 13-407 of the Public Utilities Act ("Act") reads as follows:

The Commission shall monitor and analyze patterns of entry and exit and changes in patterns of entry and exit for each relevant market for telecommunications services, including emerging high speed telecommunications markets, and shall include its findings together with appropriate recommendations for legislative action in its annual report to the General Assembly.

The Commission shall also monitor and analyze the status of deployment of services to consumers, and any resulting "digital divisions" between consumers, including any changes or trends therein. The Commission shall include its findings together with appropriate recommendations for legislative action in its annual report to the General Assembly. In preparing this analysis the Commission shall evaluate information provided by telecommunications carriers that pertains to the state of competition in telecommunications markets including, but not limited to:

(1) the number and type of firms providing telecommunications services, including broadband telecommunications services, within the State;

(2) the telecommunications services offered by these firms to both retail and wholesale customers;

(3) the extent to which customers and other providers are purchasing the
firms’ telecommunications services;

(4) the technologies or methods by which these firms provide these services, including descriptions of technologies in place and under development, and the degree to which firms rely on other wholesale providers to provide service to their own customers; and

(5) the tariffed retail and wholesale prices for services provided by these firms.

The Commission shall at a minimum assess the variability in this information according to geography, examining variability by exchange, wirecenter, or zip code, and by customer class, examining, at a minimum, the variability between residential and small, medium, and large business customers. The Commission shall provide an analysis of market trends by collecting this information from firms providing telecommunications services within the State. The Commission shall also collect all information, in a format determined by the Commission, that the Commission deems necessary to assist in monitoring and analyzing the telecommunications markets and the status of competition and deployment of telecommunications services to consumers in the State.

The Illinois Commerce Commission ("Commission") is mandated to monitor and analyze entry and exit for each relevant market for telecommunications services, including emerging high speed telecommunications markets, and to monitor and analyze the status of deployment of services to consumers, and any resulting "digital divisions" between consumers, including any changes or trends. The Commission is required to evaluate information provided by "telecommunications carriers," but also to provide an analysis of market trends "by collecting this information from firms providing telecommunications services within the State."

In a Staff Report dated December 31, 2007, the Staff of the Telecommunications Division has provided the Commission with an updated Competition Data Request ("CDR") for calendar year 2008. In previous Orders (e.g., 07-0039), the Commission has required all telecommunications carriers providing local exchange telecommunications services to provide responses to the CDR for that year. The Commission also directed Staff to collect information from incumbent local exchange carriers providing advanced telecommunications services in Illinois. Staff was further directed to collect 9-1-1 information in order to monitor the level of telecommunications subscriber connections within each exchange in Illinois as required by 220 ILCS 5/13-301(b).
Apart from updating the pertinent filing and reporting period dates, Staff only recommends that the form be revised to make clear that providers of 9-1-1 database services need not supply mobile wireless 9-1-1 information.

The Staff has recommended that the Commission grant a waiver of the requirement in 83 Ill. Adm. Code 725.400(f) sets forth certain procedures and restrictions governing non-emergency access to 9-1-1 databases. In response to the Commission’s year-end 2006 CDR, several providers of 9-1-1 database services expressed concern that completing Chart 6 of the CDR might involve putative or technical violations of Part 725. To avoid any such possibility, in Docket No. 07-0076, the Commission granted a waiver of the operations of 83 Ill. Adm. Code 725.400(f) for the limited purpose of allowing these providers to complete the Competition Data Request. The Commission sees no reason that the waiver granted in Docket No. 07-0076 should again not be granted this year.

The Commission is satisfied that the Staff has provided support for the recommended changes and accepts the recommendations.

Section 5-101 of the Act, made applicable to the telecommunications carriers offering competitive telecommunications services pursuant to Section 13-101 of the Act [220 ILCS 13-101], reads in relevant part:

Every public utility shall furnish to the Commission all information required by it to carry into effect the provisions of this Act, and shall make specific answers to all questions submitted by the Commission.

The information sought pursuant to the direction of Section 13-407 of the Act is available to the Commission through both Sections 13-407 and 5-101 of the Act.

Based upon the information and recommendations set forth in the Staff Report, and upon the Commission’s authority under Section 5-101 of the Act, the Commission will adopt Staff’s recommended changes to the current CDR as set forth in Appendix A of Staff’s Report. To that end, the Commission will incorporate into this Order Appendix A of Staff’s Report as the Appendix to this Order. The Commission will also order all telecommunications carriers providing local exchange services within the State of Illinois, all incumbent local exchange carriers providing advanced telecommunications services within the State of Illinois, and all providers of 9-1-1 database providers within the State of Illinois, to respond to the Illinois Commerce Commission Competition Data Request set forth as in the Appendix to this Order in accordance with the directions on the form, and send the completed form to Staff in the manner directed on the form, no later than March 1, 2008. As provided on the form, carriers that are certificated to provide local exchange services but are not currently providing such services may respond with a letter to that effect.

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

(1) the Commission has jurisdiction over the subject matter herein, and jurisdiction
of the nature noted herein over entities providing services concerning which
the Commission is required to report to the General Assembly under Section
13-407 of the Public Utilities Act;

(2) the Staff Report, dated December 31, 2007 including Appendix A of that
report, should be filed in this docket and made a part of the record of this
proceeding;

(3) Appendix A to the Staff Report should be incorporated into this Order as the
Appendix to this Order;

(4) the Commission should grant a waiver of the requirements of 83 Ill. Adm.
Code 725.400(f) for the limited purpose of allowing these providers to complete
the Competition Data Request; and

(5) the recitals of fact set forth in the prefatory portion of this Order are supported
by the record and are hereby adopted as findings of fact.

IT IS THEREFORE ORDERED that the Staff Report, including Appendix A of that
report, shall be filed in this docket and made a part of the record of this proceeding and
Appendix A to the Staff Report shall be incorporated into this Order as the Appendix to this
Order.

IT IS FURTHER ORDERED that all telecommunications carriers providing local
exchange services within the State of Illinois, all incumbent local exchange carriers providing
advanced telecommunications services within the State of Illinois, and all providers of 9-1-1
database providers within the State of Illinois, shall respond to the Illinois Commerce
Commission Competition Data Request as set forth as the Appendix to this Order by
completing it in accordance with the directions on the form, and sending the completed form
to Staff in the manner directed on the form, no later than March 1, 2008.

IT IS FURTHER ORDERED that a waiver is granted to the affected providers from
the requirements of 83 Ill. Adm. Code 725.400(f) for the limited purpose of allowing these
providers to complete the Competition Data Request.
IT IS FURTHER ORDERED that the Chief Clerk serve a copy of this Order on the designated agent of each telecommunications carrier providing local exchange services within the State of Illinois.

IT IS FURTHER ORDERED that failure of any telecommunications carrier certified to provide local exchange service within the state to submit the responses to the requests for information as ordered may subject that telecommunications carrier to civil penalties pursuant to Section 13-305 of the Public Utilities Act.

IT IS FURTHER ORDERED that, subject to Section 10-110 of the Public Utilities Act, this Order is final; this Order is not subject to the Administrative Review Law.
By Order of the Commission this 16th day of January, 2008.

(SIGNED) CHARLES E. BOX

Chairman