

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

LIMITED SCOPE COMPLIANCE EXAMINATION

For the Six Months Ended December 31, 2015

STATE OF ILLINOIS
 ILLINOIS COMMERCE COMMISSION
 LIMITED SCOPE COMPLIANCE EXAMINATION
 For the Six Months Ended December 31, 2015

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COMMISSION OFFICIALS

Effective January 1, 2016, the Emergency Telephone System Act (Act) (50 ILCS 750/75) transferred all rights, functions, powers, and duties of the Commission as set in the Act and the Wireless Emergency Telephone Safety Act (50 ILCS 751) to the Illinois Department of State Police.

| | |
|-------------------------------------|--|
| Chairman | Brien J. Sheahan |
| Commissioner | Miguel del Valle |
| Commissioner | Sherina Maye |
| Commissioner | Ann McCabe |
| Commissioner | John Rosales |
| Executive Director | Cholly Smith |
| Deputy Executive Director | Steven Matrisch |
| Director of Administrative Services | Jane Fields |
| Fiscal Manager | Sue McCormick |
| General Counsel | Jay Hines-Shah |
| Chief Internal Auditor | Aaron Rife |
| WETSA Program Manager | Karl Pound |
| Statewide 911 Administrator | Cindy Barbera-Brelle (effective 1/30/16) |

The Commission is located at:

527 East Capitol Avenue
Springfield, Illinois 62701

160 North LaSalle Street
Suite C-800
Chicago, Illinois 60601



ILLINOIS COMMERCE COMMISSION

MANAGEMENT ASSERTION LETTER

May 12, 2016

Honorable Frank J. Mautino
Auditor General
740 East Ash Street
Springfield, IL 62703

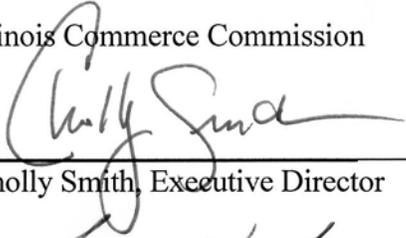
Auditor General Mautino:

We are responsible for the identification of, and compliance with, all aspects of laws, regulations, contracts, or grant agreements that could have a material effect on the operations of the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund. We are responsible for and we have established and maintained an effective system of internal controls over compliance requirements. We have performed an evaluation of the Illinois Commerce Commission's (Commission) compliance with the following assertions during the six months ended December 31, 2015. Based on this evaluation, we assert that during the six months ended December 31, 2015, the Commission has materially complied with the assertions below.

- A. The Commission has obligated, expended, received and used public funds of the State's Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The Commission has obligated, expended, received and used public funds of the State's Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations for the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund.
- D. State revenues and receipts of the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund collected by the Commission are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate and in accordance with law.

Yours truly,

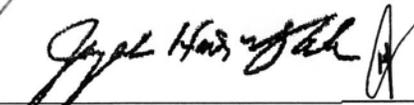
Illinois Commerce Commission



Cholly Smith, Executive Director



Jane Fields, Director of Administrative Services



Jay Hines-Shah, General Counsel

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
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COMPLIANCE REPORT

SUMMARY

The limited scope compliance testing performed during this examination was conducted in accordance with *Government Auditing Standards* and in accordance with the Illinois State Auditing Act.

ACCOUNTANT’S REPORT

The Independent Accountant’s Report on State Compliance, on Internal Control Over Compliance and on Supplementary Information for State Compliance Purposes does not contain scope limitations, disclaimers, or other significant non-standard language.

SUMMARY OF FINDINGS

| <u>Number of</u> | <u>Current Report</u> | <u>Prior Report</u> |
|--|---------------------------|-------------------------|
| Findings | 0 | 0 |
| Repeated findings | 0 | 0 |
| Prior recommendations implemented or not repeated | 0 | 0 |

EXIT CONFERENCE

The Commission waived an exit conference in correspondence dated April 28, 2016 from Chief Internal Auditor Aaron Rife.

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OFFICE OF THE AUDITOR GENERAL
FRANK J. MAUTINO

INDEPENDENT ACCOUNTANT'S REPORT ON STATE COMPLIANCE,
ON INTERNAL CONTROL OVER COMPLIANCE, AND ON
SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

Honorable Frank J. Mautino
Auditor General
State of Illinois

Compliance

We have examined the State of Illinois, Illinois Commerce Commission's compliance with the requirements listed below, as more fully described in the Audit Guide for Financial Audits and Compliance Attestation Engagements of Illinois State Agencies (Audit Guide) as adopted by the Auditor General, during the six months ended December 31, 2015. The management of the State of Illinois, Illinois Commerce Commission is responsible for compliance with these requirements. Our responsibility is to express an opinion on the State of Illinois, Illinois Commerce Commission's compliance based on our examination.

- A. The State of Illinois, Illinois Commerce Commission has obligated, expended, received, and used public funds of the State's Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund in accordance with the purpose for which such funds have been appropriated or otherwise authorized by law.
- B. The State of Illinois, Illinois Commerce Commission has obligated, expended, received, and used public funds of the State's Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund in accordance with any limitations, restrictions, conditions or mandatory directions imposed by law upon such obligation, expenditure, receipt or use.
- C. The State of Illinois, Illinois Commerce Commission has complied, in all material respects, with applicable laws and regulations, including the State uniform accounting system, in its financial and fiscal operations of the State's Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund.
- D. State revenues and receipts of the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund collected by the State of Illinois, Illinois Commerce Commission are in accordance with applicable laws and regulations and the accounting and recordkeeping of such revenues and receipts is fair, accurate and in accordance with law.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants; the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States; the Illinois State Auditing Act (Act); and the Audit Guide as adopted by the Auditor General pursuant to the Act; and, accordingly, included examining, on a test basis, evidence about the State of Illinois, Illinois Commerce Commission's compliance with those requirements listed in the first paragraph of this report and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the State of Illinois, Illinois Commerce Commission's compliance with specified requirements.

In our opinion, the State of Illinois, Illinois Commerce Commission complied, in all material respects, with the compliance requirements listed in the first paragraph of this report during the six months ended December 31, 2015.

Internal Control

Management of the State of Illinois, Illinois Commerce Commission is responsible for establishing and maintaining effective internal control over compliance with the requirements listed in the first paragraph of this report. In planning and performing our examination, we considered the State of Illinois, Illinois Commerce Commission's internal control over compliance with the requirements listed in the first paragraph of this report to determine the examination procedures that are appropriate in the circumstances for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Audit Guide, issued by the Illinois Office of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of the State of Illinois, Illinois Commerce Commission's internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the State of Illinois, Illinois Commerce Commission's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with the requirements listed in the first paragraph of this report on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a requirement listed in the first paragraph of this report will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

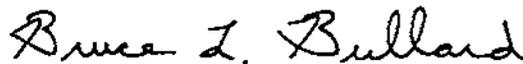
There were no immaterial findings that have been excluded from this report.

Supplementary Information for State Compliance Purposes

Our examination was conducted for the purpose of forming an opinion on compliance with the requirements listed in the first paragraph of this report. The accompanying supplementary information for the six months ended December 31, 2015 in Schedules 1 through 6 and the Analysis of Operations Section is presented for purposes of additional analysis. We have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the December 31, 2015 accompanying supplementary information in Schedules 1 through 6. However, we do not express an opinion on the accompanying supplementary information.

We have not applied procedures to the June 30, 2015 accompanying supplementary information in Schedules 2, 3, 4, 5, and 6 and in the Analysis of Operations Section, and accordingly, we do not express an opinion or provide any assurance on it.

This report is intended solely for the information and use of the Auditor General, the General Assembly, the Legislative Audit Commission, the Governor, Illinois Commerce Commission's management and the Commission's governing board and is not intended to be and should not be used by anyone other than these specified parties.



BRUCE L. BULLARD, CPA
Director of Financial and Compliance Audits

Springfield, Illinois
May 12, 2016

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
For the Six Months Ended December 31, 2015

SUPPLEMENTARY INFORMATION FOR STATE COMPLIANCE PURPOSES

SUMMARY

Supplementary Information for State Compliance Purposes presented in this section of the report includes the following:

- Fiscal Schedules and Analysis:

- Schedule of Appropriations, Expenditures and Lapsed Balances
 - Comparative Schedule of Appropriations, Expenditures and Lapsed Balances
 - Schedule of Receipts, Disbursements and Fund Balances (Cash Basis)
 - Comparative Schedule of Cash Receipts and Reconciliation of Cash Receipts to Deposits Remitted to the State Comptroller
 - Analysis of Significant Variations in Expenditures
 - Analysis of Significant Variations in Receipts

- Analysis of Operations (Not Examined):

- Wireless Emergency Telephone Safety Act Functions and Planning Program (Not Examined)

The accountant's report that covers the Supplementary Information for State Compliance Purposes presented in the Compliance Report Section states the accountants have applied certain limited procedures as prescribed by the Audit Guide as adopted by the Auditor General to the December 31, 2015 accompanying supplementary information in Schedules 1 through 6. However, the accountants do not express an opinion on the supplementary information. The accountant's report also states that they have not applied procedures to the Analysis of Operations Section, and accordingly, they do not express an opinion or provide any assurance on it.

STATE OF ILLINOIS
 ILLINOIS COMMERCE COMMISSION
 LIMITED SCOPE COMPLIANCE EXAMINATION
SCHEDULE OF APPROPRIATIONS, EXPENDITURES AND LAPSED BALANCES

For the Six Months Ended December 31, 2015

| Public Act 99-0491 | Appropriations | Total Expenditures Through 12/31/15 | Balances Transferred to the Department of State Police |
|---|----------------|---|--|
| WIRELESS SERVICE EMERGENCY FUND - 612 | | | |
| Administrative Costs and Grants to Emergency Telephone System Boards, Qualified Government Entities, or Department of State Police for Wireless 9-1-1 or E9-1-1 | \$ 77,130,000 | \$ 22,153,738 | \$ 54,976,262 |
| Subtotal - Fund 612 | \$ 77,130,000 | \$ 22,153,738 | \$ 54,976,262 |
| WIRELESS CARRIER REIMBURSEMENT FUND - 613 | | | |
| Reimbursement of Wireless Carriers and Administrative Costs | \$ - | \$ - | \$ - |
| Subtotal - Fund 613 | \$ - | \$ - | \$ - |
| GRAND TOTAL - ALL FUNDS | \$ 77,130,000 | \$ 22,153,738 | \$ 54,976,262 |

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
**COMPARATIVE SCHEDULE OF NET APPROPRIATIONS, EXPENDITURES
AND LAPSED BALANCES**

For the Six Months Ended December 31, 2015

| | Fiscal Year | |
|---|----------------------|--|
| | 2016 | 2015 |
| | <u>P.A. 99-0491</u> | <u>P.A. 98-0679</u> <u>P.A. 99-0001</u> |
| WIRELESS SERVICE EMERGENCY FUND -612 | | |
| <u>Appropriations</u> | \$ 77,130,000 | \$ 77,130,000 |
| <u>Expenditures</u> | | |
| Administrative Costs and Grants to Emergency Telephone System Boards, Qualified Governmental Entities, or Department of State Police for Wireless 9-1-1 or E9-1-1 | \$ 22,153,738 | \$ 66,041,203 |
| Total Expenditures | \$ 22,153,738 | \$ 66,041,203 |
| <u>Balances Transferred to the Department of State Police/Lapsed Balances</u> | <u>\$ 54,976,262</u> | <u>\$ 11,088,797</u> |
| WIRELESS CARRIER REIMBURSEMENT FUND - 613 | | |
| <u>Appropriations</u> | \$ - | \$ 9,689,800 |
| <u>Expenditures</u> | | |
| Reimbursement of Wireless Carriers and Administrative Costs | \$ - | \$ 9,689,118 |
| Total Expenditures | \$ - | \$ 9,689,118 |
| <u>Lapsed Balances</u> | <u>\$ -</u> | <u>\$ 682</u> |
| GRAND TOTAL - ALL FUNDS | | |
| Total Appropriations | \$ 77,130,000 | \$ 86,819,800 |
| Total Expenditures | \$ 22,153,738 | \$ 75,730,321 |
| Balances Transferred to the Department of State Police/Lapsed Balances | \$ 54,976,262 | \$ 11,089,479 |

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
SCHEDULE OF RECEIPTS, DISBURSEMENTS, AND FUND BALANCES
(CASH BASIS)

For the Six Months Ended December 31, 2015

| | Wireless Service Emergency Fund Fund 612 | Wireless Carrier Reimbursement Fund Fund 613 |
|--|--|--|
| Balance - July 1, 2015 | \$ 2,342,742 | \$ 1,648,199 |
| Receipts | | |
| Carrier Deposits | | |
| Post-Paid Carrier Deposits | 30,741,632 | 2,260,337 |
| Pre-Paid Carrier Deposits ¹ | 3,536,316 | - |
| Reimbursement Fund (613) | - | - |
| TOTAL RECEIPTS | 34,277,948 | 2,260,337 |
| Disbursements | | |
| Payments to Providers of 911 Service | 33,642,802 | - |
| Prepaid Admin Charge (IDOR) | 70,726 | - |
| TOTAL DISBURSEMENTS | 33,713,528 | - |
| Balance - December 31, 2015 | \$ 2,907,162 | \$ 3,908,536 |

Note: This schedule was prepared from State Comptroller records, which have been reconciled to Agency records. This schedule was prepared on the cash basis to include all transactions between July 1, 2015 and December 31, 2015, including Fiscal Year 2015 lapse expenditures from Fund 612 of \$11,489,064. Fund 613 had no lapse expenditures for Fiscal Year 2015. As a result, disbursements reported above differ from amounts reported in the Schedule of Appropriations, Expenditures and Lapsed Balances for the Six Months Ended December 21, 2015.

Note: ¹ Effective January 1, 2012, the Wireless Emergency Telephone Service Act (50 ILCS 751) was amended to state that wireless carrier surcharges authorized by the Act shall not apply to prepaid wireless telecommunication services. Surcharges imposed on prepaid wireless telecommunication services are instead subject to the Prepaid Wireless 9-1-1 Surcharge Act (50 ILCS 753), effective January 1, 2012. Surcharges imposed by the Prepaid Wireless 9-1-1 Surcharge Act are collected by the Illinois Department of Revenue and are remitted to the Commission for disbursement to 9-1-1 Providers from Fund 612.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
**COMPARATIVE SCHEDULE OF CASH RECEIPTS AND
RECONCILIATION OF CASH RECEIPTS TO DEPOSITS
REMITTED TO THE STATE COMPTROLLER**
For the Six Months Ended December 31, 2015

| | Fiscal Year | |
|---|---------------|---------------|
| | 2016 | 2015 |
| Wireless Service Emergency Fund - 0612 | | |
| Wireless 911 Surcharge | \$ 30,497,354 | \$ 59,992,126 |
| 911 WETSA Penalties | 1,055 | 2,896 |
| Total cash receipts per Commission | 30,498,409 | 59,995,022 |
| Less - In transit at End of Year | (3,884,217) | (4,127,440) |
| Plus - In transit at Beginning of Year | 4,127,440 | 3,602,740 |
| Total cash receipts per State Comptroller's Records | \$ 30,741,632 | \$ 59,470,322 |
| Wireless Carrier Reimbursement Fund - 0613 | | |
| Wireless 911 Surcharge | \$ 2,242,453 | \$ 5,275,865 |
| Total cash receipts per Commission | 2,242,453 | 5,275,865 |
| Less - In transit at End of Year | (285,294) | (303,178) |
| Plus - In transit at Beginning of Year | 303,178 | 912,282 |
| Total cash receipts per State Comptroller's Records | \$ 2,260,337 | \$ 5,884,969 |
| GRAND TOTAL - ALL FUNDS | | |
| Total cash receipts per Commission | \$ 32,740,862 | \$ 65,270,887 |
| Less - In transit at End of Year | (4,169,511) | (4,430,618) |
| Plus - In transit at Beginning of Year | 4,430,618 | 4,515,022 |
| Total cash receipts per State Comptroller's Records - All Funds | \$ 33,001,969 | \$ 65,355,291 |

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES
For the Six Months Ended December 31, 2015

Significant variances were determined to be changes of at least \$50,000 and 20% between fiscal years as reported in the Comparative Schedule of Net Appropriations, Expenditures, and Lapsed Balances, and are explained below.

ANALYSIS OF SIGNIFICANT VARIATIONS IN EXPENDITURES BETWEEN FISCAL YEARS 2015 AND 2016

Wireless Service Emergency Fund - 612

Administrative Costs and Grants for Wireless 9-1-1 or E9-1-1

The decrease was due to the delay in an enacted appropriation for the fund due to no full State budget for Fiscal Year 2016, and only a portion of the annual activity had occurred during the six months ended December 31, 2015.

Wireless Carrier Reimbursement Fund - 613

Reimbursement of Wireless Carriers and Administrative Costs

The decrease was due to no enacted appropriation to reimburse wireless carriers during the period.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS
For the Six Months Ended December 31, 2015

Significant variances in receipts were determined to be changes of at least \$50,000 and 20% between fiscal years, and are explained below.

**ANALYSIS OF SIGNIFICANT VARIATIONS IN RECEIPTS BETWEEN
FISCAL YEARS 2015 AND 2016**

Wireless Service Emergency Fund - 612

The decrease was due to the measured collection period for the examination totaling six months, instead of a full year as in Fiscal Year 2015.

Wireless Carrier Reimbursement Fund - 613

The decrease was primarily due to the measured collection period for the examination totaling six months, instead of a full year as in Fiscal Year 2015.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
LIMITED SCOPE COMPLIANCE EXAMINATION
FUNCTIONS AND PLANNING PROGRAM
For the Six Months Ended December 31, 2015
(Not Examined)

Effective January 1, 2016, the Wireless Emergency Telephone Safety Act (50 ILCS 751 et seq.) was repealed and the Emergency Telephone Safety Act (50 ILCS 750 et seq.) was enacted to create the Office of the Statewide Administrator (Office) within the Department of State Police (Department). The Office is responsible for developing, implementing, and overseeing a uniform Statewide 9-1-1 system for all areas outside of municipalities having a population over 500,000.

The Illinois Commerce Commission (Commission) was responsible for administering the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund (Funds) pursuant to the Wireless Emergency Telephone Safety Act (Act) (50 ILCS 751/1 et seq.) through December 31, 2015. The purpose of the Act was “to promote the use of wireless 9-1-1 and wireless enhanced 9-1-1 (E9-1-1) service in order to save lives and protect the property of the citizens of the State of Illinois.”

Under the provisions of the Act, the Commission had been given the responsibility of coordinating the implementation of the wireless 9-1-1 emergency telephone systems on a State-wide basis. The Act charged the Commission with the following responsibilities: to set standards consistent with the Federal Communications Commission for directing calls to the authorized public safety answering point, to maintain a current list of all wireless 9-1-1 systems and providers, to determine distributions from the Funds, to adopt rules governing reimbursements to wireless carriers, to develop and maintain a database of providers eligible to receive grants and carriers eligible to receive reimbursements to the extent authorized by the Act, to make monthly grants to eligible systems or providers, to review and process presented carriers requests for reimbursement in accordance with the Act, to account for all surcharges remitted to and moneys disbursed from the Funds, to annually review and transfer excess fund balances between the Funds, to provide an annual accounting of all receipts and disbursements to the Auditor General, and to resolve disputes as required by the Act.

The Auditor General was required to conduct an annual examination of the Funds for requirements with the Act. Prospectively, the examination of the program and Funds will be included as a part of the regularly scheduled biennial examinations of the Department and the Commission in accordance with the Emergency Telephone Safety Act.