



2013 SENATE BILL 306

September 24, 2013 - Introduced by Senators VINEHOUT, CARPENTER, T. CULLEN, HANSEN, HARRIS, C. LARSON, LASSA, LEHMAN, MILLER, MOULTON, RISSER and WIRCH, cosponsored by Representatives SMITH, DANOU, BEWLEY, BERCEAU, HEBL, HINTZ, HULSEY, POPE, RINGHAND, SHANKLAND, SINICKI, VRUWINK, WACHS, WRIGHT and OHNSTAD. Referred to Committee on Government Operations, Public Works, and Telecommunications.

1 **AN ACT to repeal** 196.503 (5); **to amend** 196.503 (2) (a), 196.503 (2) (b) and
2 196.503 (3) (a); and **to create** 196.503 (3) (e) and 196.503 (6) of the statutes;
3 **relating to:** provider of last resort obligations of certain telecommunications
4 providers.

Analysis by the Legislative Reference Bureau

Under current law, until April 30, 2013, a telecommunications provider who is an incumbent local exchange carrier (ILEC) under federal law was required to make basic voice service available to all residential customers within the local exchange area in which the telecommunications provider operated as an ILEC, and allowed an ILEC to satisfy that requirement through an affiliate or through the use of any available technology or mode. However, an ILEC was allowed to apply to the Public Service Commission (PSC) for a waiver from compliance with that requirement and the PSC was required to grant the waiver if certain requirements were satisfied. Also, if the PSC failed to act on the application within specified deadlines, the waiver was considered granted by operation of law. Current law specifies a sunset date of April 30, 2013, on which all of the foregoing no longer apply.

This bill eliminates that sunset date. As a result, under the bill, except as described as follows, the foregoing requirements continue to apply to an ILEC. The bill also makes the following changes to those requirements. First, instead of requiring an ILEC to make basic voice service available to residential customers within a local exchange area, the bill requires an ILEC to make such service effectively available to such customers. Second, the bill eliminates the PSC's

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authority to grant new waivers, and provides that no new waivers may be considered granted by operation of law. However, the bill does not affect waivers granted or considered granted by operation of law before the bill's effective date. Finally, the bill allows the PSC to investigate whether an ILEC has complied with the requirements and allows the PSC to order an ILEC to comply through the use of any technology or mode that the PSC determines is necessary to ensure that basic voice service is effectively available to all residential customers in a local exchange area.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.503 (2) (a) of the statutes is amended to read:

2 196.503 (2) (a) Notwithstanding any other provision in this chapter, and except
3 as provided in sub. (3), an incumbent local exchange carrier shall make basic voice
4 service effectively available to all residential customers within a local exchange area
5 in which it operates as an incumbent local exchange carrier.

6 **SECTION 2.** 196.503 (2) (b) of the statutes is amended to read:

7 196.503 (2) (b) ~~An~~ Except as provided in an order under sub. (6), an incumbent
8 local exchange carrier may satisfy its obligations under par. (a) through an affiliate
9 and through the use of any available technology or mode.

10 **SECTION 3.** 196.503 (3) (a) of the statutes is amended to read:

11 196.503 (3) (a) ~~An~~ Except as provided in par. (d), an incumbent local exchange
12 carrier may apply to the commission for a waiver from compliance with sub. (2) (a)
13 in a local exchange area.

14 **SECTION 4.** 196.503 (3) (e) of the statutes is created to read:

15 196.503 (3) (e) Beginning on the effective date of this paragraph [LRB
16 inserts date], all of the following apply:

