

**2007 DRAFTING REQUEST**

**Senate Amendment (SA-SSA(LRBs0062/1)-SB107)**

Received: **04/16/2007**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Plale (608) 266-7505**

By/Representing: **Leg. Council**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Adl. Drafters:

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Plale@legis.wisconsin.gov**

Carbon copy (CC:) to: **john.stolzenberg@legis.wisconsin.gov**  
**david.lovell@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Privacy requirements

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	mkunkel 04/16/2007	jdyer 04/16/2007	pgreensl 04/16/2007	_____	lparisi 04/16/2007	lparisi 04/16/2007	

FE Sent For:

<END>

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mkunkel

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PS

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<END>

FE Sent For:

Should the notwithstanding clause on this line be expanded to cover these statutes, or should they be treated in another way? [Address in Legislative Council options memo.] – HOLD not sure what we are going to do with rights of way

C. Page 23, lines 11 to 13: These lines appear to require a provider to provide the first 200 feet of transmission line for each PEG channel that the municipality operates. If the intent of these lines is to limit a provider's responsibility to the first 200 feet of transmission line to 1 distribution point for all PEG channels operated by a municipality, this text should be clarified. – should be 1 transmission point

D. Page 26, lines 4 to 7: Does the 3-year limit to commence an action work in conjunction with the once-every-three-years limit on inspection of the provider's books? [Address as part of response to DFI's recommended changes.] – an action doesn't necessarily have to tie to the audit

E. Page 33, line 22: The bills do not update the terminology in the cable subscriber privacy statute, s. 134.43. Should s. 134.43 be repealed or amended to include all video services? – remain unchanged without updating (applies to cable only).

(E)

draft

## Kunkel, Mark

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**From:** Lovell, David  
**Sent:** Thursday, April 12, 2007 11:29 AM  
**To:** Kunkel, Mark  
**Cc:** Stolzenberg, John; Venskus, Katy  
**Subject:** Amendment re. 134.43 -- privacy

Mark,

In a conference call with AT&T this morning, it became apparent that any amendment to 134.43 will be more complicated than simply substituting "video service provider" for "cable operator." Hold off on this amendment until we can give you more specific instructions.

David

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David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

## Kunkel, Mark

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**From:** Stolzenberg, John  
**Sent:** Monday, April 16, 2007 12:27 PM  
**To:** Kunkel, Mark  
**Cc:** Venskus, Katy; Lovell, David  
**Subject:** Amendment to SB 107 Sub

Mark,

Here's a drafting request for a Senate Amendment to SSA (LRBs0062/1) to SB 107 at the request of Sen. Plale. Only a Senate amendment to this substitute amendment should be prepared at this time.

The amendment should apply the cable privacy statute, s. 134.43, to video programming services provided by multichannel video providers (as defined in LRBa0297/2). In addition, an exception should be created to the requirements in s. 134.43 (1) if the video programming service is provided via "Internet protocol technology." This term is used on page 9, line 4 in the sub and identifies the type of system phone companies like AT&T use to provide these services. This exception addresses the fact that the Internet protocol technology communicates on an ongoing basis, and in both directions, between a subscriber's receiver and the node on the provider's network that is connected to the receiver, in order to provide the service to the subscriber.

Let me know if you have any questions on this request. Please send a copy of the amendment to Katy Venskus, David Lovell and myself.

Thanks.

John

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John Stolzenberg  
Legislative Council  
266-2988



JLD

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT (LRBs0062/1),  
TO 2007 SENATE BILL 107**

Tomorrow  
4/17  
noon

INSERT  
A (move  
to next  
pages)

At the locations indicated, amend the substitute amendment as follows:

1. Page 30, line 4: after that line insert:

SECTION 28g. 134.43 (1g) of the statutes is created to read:

134.43 (1g) In this section:

(a) "Equipment" means equipment provided by a multichannel video provider that enables a subscriber to receive video programming.

(b) "Multichannel video provider" means an interim cable operator, as defined in s. 66.0420 (2) (n), video service provider, as defined in s. 66.0420 (2) (zg), or multichannel video programming distributor, as defined in 47 USC 522 (13).

(c) "Subscriber" means a person who subscribes to video programming provided by a multichannel video provider.

(d) "Video programming" has the meaning given in s. 66.0420 (2) (x).

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<sup>C</sup>SECTION 28<sup>g</sup> 134.43 (1) <sup>x</sup> of the statutes is renumbered 134.43 (1m) and amended to read:

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134.43 (1m) (a) Upon the request of the a subscriber, each cable television connection capable of transmitting a message from the cable the subscriber's equipment shall be fitted with a device under the control of the subscriber that enables the subscriber to prevent reception and transmission of messages identified in par. (b) by the subscriber's cable equipment.

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(b) The device in par. (a) shall control all messages received and transmitted by the subscriber's cable equipment except messages recurring at constant intervals, including those related to security, fire, and utility service.

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(c) ~~Each cable television~~ Each multichannel video service provider shall notify each subscriber shall be notified in writing by the person providing the cable television service of the opportunity to request the device under par. (a).

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(d) No cable television subscriber may be required to pay any extra fee for the installation and operation of a device requested under par. (a).

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**INSERT A (from previous pages)**  
SECTION 28n. 134.43 (1m) (e) of the statutes is created to read:

18

134.43 (1m) (e) This subsection does not apply to a multichannel video provider that provides video programming via Internet protocol technology.

19

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SECTION 28r. 134.43 (2) (a) of the statutes is amended to read:

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134.43 (2) (a) Monitor the subscriber's cable equipment or the use of it, except to verify the system's integrity or to collect information for billing of pay services.

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23

SECTION 28w. 134.43 (2m) (a) of the statutes is amended to read:

History: 1981 c. 271; 1987 a. 399; 1997 a. 101; 2005 a. 155.

1           134.43 (2m) (a) A person may supply the name, address, or other information  
2 identifying a ~~cable television~~ ✓ subscriber or member of the subscriber's household to  
3 another person if the person receiving the information uses it only for billing of pay  
4 services or to send listings of ~~cable television~~ video programming ✓ programs to the  
5 subscriber and if the subscriber is notified in writing of that supplying of  
6 information, given the opportunity to object to that supplying and does not object to  
7 that supplying." ✓

8 History: 1981 c. 271; 1987 a. 399; 1997 a. 191; 2005 a. 155.

(END)