

2009 DRAFTING REQUEST

Bill

Received: **10/31/2008**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Hynek**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Hynek, BB0184 -

Topic:

Certain PSC telecommunications rule and reporting requirements

Instructions:

See attached

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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FE Sent For:

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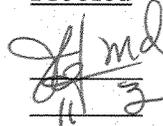
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/?	mkunkel	11/3 jld	 11/3	 11/3			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Rule Review and Reporting Requirements
- Tracking Code: BBO184
- SBO team: Tax, Transportation and Budget Development
- SBO analyst: Sara Hynek
 - Phone: 266-1923
 - Email: sara.hynek@wisconsin.gov
- Agency acronym: PSC
- Agency number: 155
- Priority (Low, Medium, High): Low

Please revise the statutes to streamline the rule review and reporting requirements of PSC as follows:

- ✓ • Make the annual Universal Service Fund report a biennial, rather than an annual, report to be submitted under the same cover as the Status of Investments in Advanced Telecommunications Infrastructure report. (See Wis. Stat. s. 196.218(5r)(a))
- ✓ • Remove the requirements that the Status of Investments in Advanced Telecommunications Infrastructure report address enumerated issues (such as distance learning or access to health care), and instead specify that the report need only address areas in which PSC believes issues are outstanding. (See Wis. Stat. s. 196.196(5))
- ✓ • Specify that the combined biennial report be submitted to the Legislature, rather than the Joint Committee on Information Policy and Technology. (See Wis. Stat. s. 196.196(5))
- ✓ • Specify that PSC rules governing telecommunications depreciation rates be reviewed triennially, rather than biennially. (See Wis. Stat. s. 196.09(9)(a))
- ✓ • Specify that PSC rules regarding the Universal Service Fund be reviewed on an as-needed basis, rather than biennially. (See Wis. Stat. s. 196.218(4))

These changes were included in a preliminary draft of remedial legislation in the 2007-2008 legislative session, number LRB-0926/P1.

0-NOTE:
PP
196.196(5)
(f) l.e.
ok?
1/3 am of
196.196
(5)(f) l.f.
ok?
changes to
196.218
(4)
ok?

DOA....

0-31-08

jld

-0614/PA

RM NOT RUN

2007 ASSEMBLY BILL 765

LPS - PWF please

February 6, 2008 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Energy and Utilities.

INSERT IA

Don't gen

the budget

1 AN ACT *to repeal* 196.196 (1) (g) 4., 196.196 (5) (f) 1. e. and 196.218 (9); and *to*
 2 *amend* 196.09 (9) (a) 2., 196.196 (1) (g) 1. (intro.), 196.196 (5) (f) 1. (intro.),
 3 196.196 (5) (f) 1. f., 196.215 (7) (b) 1., 196.218 (4), 196.218 (5m) and 196.218 (5r)
 4 (a) (intro.) of the statutes; **relating to:** certain review, reporting, and
 5 out-of-date requirements regarding the Public Service Commission
 6 (suggested as remedial legislation by the Public Service Commission).

(JCIPT)

Analysis by the Legislative Reference Bureau

This bill makes the following changes to statutes administered by the Public Service Commission (PSC):

1. Under current law, the PSC must submit a biennial report to the Joint Committee on Information Policy and Technology regarding investments in advanced telecommunications infrastructure and the report must cover specified topics, including integrated services digital network (ISDN) deployment. This bill requires the PSC to submit the report to the legislature and eliminates the requirement that the report must cover ISDN deployment. Also, the bill requires the report to cover a topic only if there are issues with the availability or deployment of telecommunications infrastructure regarding the topic.

The bill requires the PSC to review telecommunications depreciation guidelines every three years, rather than every two years as required under current law.

INSERT 2C

(move to p. 2)

470 308

PSC determines that

ASSEMBLY BILL 765

INSERT 2C
(moved from P.2)

INCEPT 2A

JCIPT

3. Under current law, the PSC must submit an annual report to the Joint Committee on Information Policy and Technology regarding the universal service fund (USF). This bill requires the PSC to submit the report biennially to the legislature.

4. Current law requires the PSC to review, at least biennially, rules regarding the USF. The bill requires the PSC to review the rules, but eliminates the biennial requirement.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Public Service Commission and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 196.09 (9) (a) 2. of the statutes is amended to read:

196.09 (9) (a) 2. The commission shall review biennially triennially the guidelines established under subd. 1., except that if the commission receives, more than 365 days before the deadline for a biennial review, a written request from a telecommunications utility for a review, the commission shall review the guidelines no later than 365 days after receiving the request.

NOTE: This section changes, from a biennial to a triennial requirement, the requirement for the public service commission to review the guidelines establishing classes of fixed capital that telecommunications utilities use for public utility purposes, a range of annual depreciation rates for each of those classes, and a composite range of annual depreciation rates for all classes of fixed capital.

SECTION 2. 196.196 (1) (g) 1. (intro.) of the statutes is amended to read:

196.196 (1) (g) 1. (intro.) Five years after a telecommunications utility elects to become a price-regulated telecommunications utility or, if subd. 4. applies, within the dates specified in that subdivision, the commission shall hold a hearing, and at any time thereafter, upon complaint or on the commission's own motion, the commission may hold a hearing, to determine whether it is in the public interest to

ASSEMBLY BILL 765

1 suspend one or more of the provisions of this subsection as it applies to a
2 price-regulated telecommunications utility or to approve an alternative regulatory
3 method for that utility. In making a determination under this subdivision, the
4 commission shall identify all of the following:

5 SECTION 3. 196.196 (1) (g) 4. of the statutes is repealed.

NOTE: Sections 2 and 3 repeal an outdated provision that specifies deadlines for
hearings for a telecommunications utility that elects to become a price-regulated
telecommunications utility.

✓ the commission determines that

6 SECTION 4. ^x 196.196 (5) (f) 1. (intro.) of the statutes is amended to read:

SCORE

7 196.196 (5) (f) 1. (intro.) ✓ Before January 1, 1996, and biennially thereafter
8 Biennially ✓, the commission shall submit a report to the joint committee on
9 information policy and technology legislature under s. 13.172 (2) describing the
10 status of investments in advanced telecommunications infrastructure in this state.
11 The report shall include information on the progress made in all of the following
12 areas uses if there are issues with the availability or deployment of
13 telecommunications infrastructure for those uses: ✓

NOTE: Section 4 requires the public service commission to submit a biennial report
on status of investments in advanced telecommunications infrastructure to the
legislature, rather than an annual report to the joint committee on information policy and
technology; and deletes the report's inclusion of information on integrated services digital
network deployment.

14 SECTION 5. ^x 196.196 (5) (f) 1. e. of the statutes is repealed.

15 SECTION 6. ^x 196.196 (5) (f) 1. f. of the statutes is amended to read:

16 196.196 (5) (f) 1. f. Other infrastructure investments ✓ uses identified by the
17 commission.

18 SECTION 7. 196.215 (7) (b) 1. of the statutes is amended to read:

19 196.215 (7) (b) 1. Beginning on September 1, 1994, and ending on December
20 31, 1997, the basic single-party residential flat rate shall be the weighted average

4 INSERT 3-17 ✓

ASSEMBLY BILL 765

SECTION 7

1 ~~basic single-party residential monthly rate for all telecommunications utilities in~~
2 ~~this state as of December 31, 1993, which includes average local usage charges,~~
3 ~~touch-tone charges and extended area service charges but does not include extended~~
4 ~~community calling usage charges. Beginning on January 1, 1998, the basic~~
5 ~~single-party residential flat rate shall be the weighted average basic single-party~~
6 ~~residential monthly rate for all telecommunications utilities in this state, which~~
7 ~~includes average local usage charges, touch-tone charges and extended area service~~
8 ~~charges but does not include extended community calling usage charges, subject to~~
9 ~~adjustment under subd. 2.~~

NOTE: Section 7 deletes an outdated requirement that set the basic single party residential flat rate for the time period from September 1, 1994 to December 31, 1997.

10 SECTION 8. 196.218 (4) ^X of the statutes is amended to read:

11 196.218 (4) ESSENTIAL SERVICES AND ADVANCED SERVICE CAPABILITIES. Before
12 January 1, 1996, and biennially [✓] thereafter, the The commission shall promulgate
13 rules that define a basic set of essential telecommunications services that shall be
14 available to all customers at affordable prices and that are a necessary component
15 of universal service. Before January 1, 1996, and biennially thereafter, the [✓] The
16 commission shall promulgate rules that define a set of advanced service capabilities
17 that shall be available to all areas of this state at affordable prices within a
18 reasonable time and that are a necessary component of universal service. For rules
19 promulgated before January 1, 1996, a reasonable time for the availability of the
20 defined set of advance service capabilities shall be no later than January 1, 2005,
21 and, for rules promulgated thereafter after December 31, 1995, [✓] a reasonable time for
22 the availability of additional advanced service capabilities in the defined set shall be
23 no later than 7 years after the effective date of the rules. These essential services

ASSEMBLY BILL 765

1 and advanced service capabilities shall be based on market, social, economic
 2 development and infrastructure development principles rather than on specific
 3 technologies or providers. Essential services include single-party service with
 4 touch-tone capability, line quality capable of carrying facsimile and data
 5 transmissions, equal access, emergency services number capability, a statewide
 6 telecommunications relay service and blocking of long distance toll service.

NOTE: This section deletes outdated references to the time period within which administrative rules must be promulgated relating to essential services and advanced service capabilities, and inserts an up to date reference to the time period.

7 SECTION 9. 196.218 (5m) of the statutes is amended to read:

8 196.218 (5m) RULE REVIEW. At least biennially, the The commission shall
 9 review and revise as appropriate rules promulgated under this section.

NOTE: This section deletes a requirement to review and revise administrative rules relating to the universal service fund at least biennially. As amended, the commission must review and revise the rules as appropriate.

10 SECTION 10. 196.218 (5r) (a) (intro.) of the statutes is amended to read:

11 196.218 (5r) (a) (intro.) Annually Biennially, the commission shall submit a
 12 universal service fund report to the ~~joint committee on information policy and~~
 13 ~~technology legislature under s. 13.172 (2).~~ The report shall include information
 14 about all of the following:

NOTE: This section changes a requirement that the commission submit the universal service fund report annually to the joint committee on information policy and technology to a biennial report submitted to the legislature under section 13.172 (2) of the statutes. That section requires reports to be submitted to the chief clerk of each house of the legislature, who must publish notice of receipt of the report in the journals of the respective houses and periodically provide a list of the agency reports received to the members of the respective houses.

15 SECTION 11. 196.218 (9) of the statutes is repealed.

NOTE: Section 11 deletes a requirement that the commission conduct a study to determine if emergency telephone services should be supported by the universal service fund. Because the study was submitted by the due date specified in the statute (January 1, 1997), the statute is now obsolete.

d-note
 ↓

1

INSERT 1A:

STATE GOVERNMENT ✓

PUBLIC UTILITY REGULATION ✓

2

INSERT 1B:

NO
X In addition, the bill requires the PSC to combine the report with the report described
below in item 2. ✓ Current law allows, but does not require, submission of combined
reports. ✓

3

INSERT 3-17:

4

SECTION 1. 196.196 (5) (f) 3. ^X of the statutes is amended to read:

5

196.196 (5) (f) 3. ✓ The commission ~~may~~ shall ✓ combine its report under this

6

paragraph with its report under s. 196.218 (5r). ✓

History: 1993 a. 496; 1999 a. 29, 85; 2001 a. 16.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0614/P1dn
MDK: A:....

date

JLD

Sara Hynek:

- * This draft incorporates provisions of 2007 LRB-0926/P1, which was subsequently introduced as 2007 AB-765. Please note the following:
- * 1. This draft, like 2007 AB-765, repeals s. 196.196 (5) (f) 1. e. and amends s. 196.196 (5) (f) 1. f. However, you did not mention these changes in your request. Are these changes okay, or do you want to eliminate them from the draft?
- * 2. This draft, like 2007 AB-765, amends s. 196.218 (4) to remove and update outdated references. Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0614/P1dn
MDK:jld:jf

November 3, 2008

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E-mail: mark.kunkel@legis.wisconsin.gov



DOA:.....Hynek, BB0184 - Certain PSC telecommunications rule and reporting requirements

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill makes the following changes to statutes administered by the PSC:

1. Under current law, the PSC must submit a biennial report to the Joint Committee on Information Policy and Technology (JCIPT) regarding investments in advanced telecommunications infrastructure and the report must cover specified topics, including integrated services digital network (ISDN) deployment. This bill requires the PSC to submit the report to the legislature and eliminates the requirement that the report must cover ISDN deployment. Also, the bill requires the report to cover a topic only if the PSC determines that there are issues with the availability or deployment of telecommunications infrastructure regarding the topic. In addition, the bill requires the PSC to combine the report with the report described below in item 2. Current law allows, but does not require, submission of combined reports.

2. Under current law, the PSC must submit an annual report to JCIPT regarding the universal service fund (USF). This bill requires the PSC to submit the report biennially to the legislature.

3. The bill requires the PSC to review telecommunications depreciation guidelines every three years, rather than every two years as required under current law.

4. Current law requires the PSC to review, at least biennially, rules regarding the USF. The bill requires the PSC to review the rules, but eliminates the biennial requirement.

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

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6 no later than 365 days after receiving the request.

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17 196.196 (5) (f) 1. f. ~~Other infrastructure investments~~ uses identified by the
18 commission.

19 **SECTION 5.** 196.196 (5) (f) 3. of the statutes is amended to read:

1 196.196 (5) (f) 3. The commission ~~may~~ shall combine its report under this
2 paragraph with its report under s. 196.218 (5r).

3 **SECTION 6.** 196.218 (4) of the statutes is amended to read:

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