

Section 1. 93.01 (1m) of the statutes is amended to read:

93.01 (1m) "Business" includes any business, except that of banks, savings banks, credit unions, savings and loan associations, and insurance companies. "Business" includes public utilities and telecommunications carriers to the extent that their activities, beyond registration, notice, and reporting activities, are not regulated by the public service commission and includes public utility and telecommunications carrier methods of competition or trade and advertising practices that are exempt from regulation by the public service commission under s. ~~196.195, 196.196, 196.202, 196.203, 196.206, 196.219, or 196.499, 196.50(2)(i).~~ or by other action of the commission.

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Section 2. 133.07 (2) of the statutes is amended to read:

133.07 (2) This chapter does not prohibit activities of any public utility, as defined in s. 196.01 (5), or telecommunications carrier, as defined in s. 196.01 (8m), which are required by ch. 196 or rules or orders under ch. 196, activities necessary to comply with that chapter or those rules or orders or activities that are actively supervised by the public service commission. This subsection does not apply to activities of a public utility or telecommunications carrier that are exempt from public service commission regulation under s. ~~196.195, 196.196, 196.202, 196.203, 196.206, 196.219, or 196.499, 196.50(2)(i)~~ or by other action by the commission.

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1 **Section 3.** 182.017 (1g) (cq) of the statutes is created to read:

2 182.017 **(1g)** (cq) “Telecommunications service” means the offering for sale
3 of the conveyance of voice, data, or other information, including the sale of service
4 for collection, storage, forwarding, switching, and delivery incidental to such
5 communication regardless of technology or mode. ✓

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Deleted: and including the regulated sale of customer premises equipment

6 **Section 4.** 196.01 (1d) (g) of the statutes is created to read:

7 196.01 **(1d)** (g) A telecommunications utility that provides notice to the
8 commission under s. 196.50 (2) (j) 1. a.

9 **Section 5.** 196.01 (2s) of the statutes is created to read:

10 196.01 **(2s)** “Incumbent local exchange carrier” has the meaning given in 47
11 USC 251 (h).

12 **Section 6.** 196.01 (3a) of the statutes is created to read:

13 196.01 **(3a)** “Interconnected voice over Internet protocol service” has the
14 meaning given in 47 CFR 9.3.

15
16 ~~196.01 (3f) of the statutes is created to read:~~ ✓

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17 ~~196.01 (3f) “Internet protocol enabled service” means any service,~~
18 ~~capability, functionality, or application provided using Internet protocol, or any~~
19 ~~successor protocol, that enables an end user to send or receive a voice, data, or~~
20 ~~video communication in Internet protocol format or any successor format. “Internet~~

1 ~~protocol enabled service” includes interconnected voice over Internet protocol~~
2 ~~service.~~

3 Section 7. 196.01 (8d) of the statutes is created to read:

4 196.01 (8d) “Switched access rates” means the rates, rate elements, and rate
5 structure, including all applicable fixed and traffic sensitive charges, that a
6 telecommunications provider charges for the provision of switched access services.

7 Section 8. 196.01 (8e) of the statutes is created to read:

8 196.01 (8e) “Switched access service” means the offering of switched
9 access to a local exchange network for the purpose of enabling an entity to
10 originate or terminate telecommunications service within the local exchange.

11 Section 9. 196.01 (9m) of the statutes is amended to read:

12 196.01 (9m) “Telecommunications service” means the offering for sale of
13 the conveyance of voice, ~~data or other information~~ communication, including the
14 sale of service for collection, storage, forwarding, switching and delivery
15 incidental to such communication regardless of technology or mode ~~and including~~
16 ~~the regulated sale of customer premises equipment.~~ “Telecommunications service”
17 does not include cable service or broadcast service. “Telecommunications service”
18 includes switched access service.

19 Section 10. 196.01 (12w) of the statutes is created to read:

20 196.01 (12w) (a) “Wholesale telecommunications service” means, except as

Deleted: <#> 196.01 (3s) of the statutes is created to read:¶
196.01 (3s) “Local exchange carrier” has the meaning given in 47 USC 153 (32). ¶
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1 provided in par. (b), a service that satisfies all of the following:

- 2 1. The service is provided by a telecommunications provider to another
3 telecommunications provider other than an affiliate, ~~as defined in s. 196.212(1)(a).~~
- 4 2. The service is subject to regulation by the commission under this chapter.
- 5 3. The service is subsequently used in the provision of a
6 telecommunications service to retail end users.

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196.52 . (1)

7 (b) "Wholesale telecommunications service" does not include switched
8 access service.

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9 **Section 11.** 196.016 of the statutes is created to read:

10 **196.016 Relationship to certain federal telecommunications law.** Except
11 as provided in s. 196.50 (2) (j) 2. and 3., nothing in this chapter is intended to
12 either reduce or expand the scope and application of the federal
13 Telecommunications Act of 1996, P.L. 104-104, including the jurisdiction and
14 authority granted to the commission thereunder, and the commission may take any
15 action that the commission is authorized to take under that federal act.

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16 **Section 12.** 196.02 (2) of the statutes is amended to read:

17 196.02 (2) DEFINITION; CLASSIFICATION. ~~In this subsection, "public utility"~~
18 ~~does not include a telecommunications cooperative, an unincorporated~~
19 ~~telecommunications cooperative association, or a small telecommunications utility~~
20 ~~except as provided under s. 196.205 or 196.215 (2) and does not include an~~

1 ~~alternative telecommunications utility.~~ The commission shall provide for a
2 comprehensive classification of service for each public utility. The classification
3 may take into account the quantity used, the time when used, the purpose for which
4 used, and any other reasonable consideration. Each public utility shall conform its
5 schedules of rates, tolls and charges to such classification.

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6 | **Section 13.** **[NOTE TO LRB: IS THIS NUMBERING RIGHT?]**

7 | 196.04 (1) (a) 1. of the statutes is renumbered 196.04 (1) (a) 4. and
8 | amended to read:

9 | 196.04 (1) (a) 4. "Transmission equipment and property" means any
10 | conduit, subway, pole, tower, transmission wire, cable, or other equipment on, over
11 | or under any right-of-way owned or controlled by a political subdivision, street, or
12 | highway.

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13 | **Section 14.** 196.04 (1) (a) 3. of the statutes is created to read:

14 | 196.04 (1) (a) 3. "Political subdivision" means any county, city, village, or
15 | town or public utility owned or operated by any county, city, village, or town.

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16 | **Section 15.** 196.04 (1) (b) 1. of the statutes is amended to read:

17 | 196.04 (1) (b) 1. Any person who owns transmission equipment and
18 | property shall permit, for reasonable compensation, the use of the transmission
19 | equipment and property, including an attachment to a pole, by any public utility,
20 | video service provider, or telecommunications provider if public convenience and

1 necessity require such use and if the use will not result in irreparable injury to any
2 owner or user of the transmission equipment and property or in any substantial
3 detriment to the service to be rendered by the owner or user.

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4 **Section 16.** 196.04 (2) of the statutes is amended to read:

5 196.04 (2) If there is a failure to agree upon the use of transmission
6 equipment and property under sub. (1) or the conditions or compensation for the
7 use, or if there is a failure to agree upon the physical connections or the terms and
8 conditions upon which the physical connections shall be made, any public utility,
9 ~~any~~ video service provider telecommunications provider, or ~~any~~ other interested
10 person ~~interested~~ may apply to the commission. If, after investigation, the
11 commission determines that public convenience and necessity require the use of
12 the transmission equipment and property or the physical connections and that the
13 use or physical connections will not result in irreparable injury to the owner or
14 other users of the transmission equipment and property or of the facilities of the
15 public utility, video service provider, or telecommunications provider or in any
16 substantial detriment to the service to be rendered by the owner or the public
17 utility, video service provider, telecommunications provider, or other users of the
18 transmission equipment and property or facilities, the commission, by order, shall
19 direct that the use of the transmission equipment and property be permitted and
20 that the physical connections be made. The commission shall prescribe reasonable

1 conditions and compensation for the use of the transmission equipment and
2 property and shall determine how and within what time the physical connections
3 shall be made and by whom the expense of making and maintaining the physical
4 connections shall be paid. An order under this subsection may be revised by the
5 commission[NOTE TO LRB: MAKE SURE PRECEDING TWO SENTENCES
6 NOT STRUCK THROUGH IN FINAL, FORMATTING GLITCH]

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7 **Section 17.** 196.09 (1) of the statutes is amended to read:

8 196.09 (1) ~~In this section, "public utility" does not include a~~
9 ~~telecommunications cooperative or an unincorporated telecommunications~~
10 ~~cooperative association except as provided under s.196.205. In subs. (2) to (7),~~
11 ~~"public utility" does not include a telecommunications utility. Subsection (9) only~~
12 ~~applies to a telecommunications utility.~~ Every public utility shall file with the
13 commission, within such time as may be required by the commission, its estimate
14 of the annual rate of depreciation required for each of its classes of fixed capital
15 used for public utility purposes, and of the composite annual rate of depreciation
16 required for such fixed capital as an aggregate, which shall constitute the public
17 utility's estimates of the amount which should be returned to it out of its rates for
18 service, to meet the depreciation of its property.

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19 **Section 18.** 196.09 (9) of the statutes is repealed.

20 **Section 19.** 196.13 (2) of the statutes is amended to read:

1 196.13 (2) The commission shall publish in its reports the value of all the
2 property actually used and useful for the convenience of the public of a public
3 utility, ~~other than a telecommunications utility~~, if the commission has held a
4 hearing on the public utility's rates, charges, service or regulations or if the
5 commission has otherwise determined the value of the public utility's property.

6 **Section 20.** 196.19 (lm) of the statutes is repealed.

7 **Section 21.** 196.19 (5) of the statutes is repealed.

8 **Section 22.** 196.191 of the statutes is created to read:

9 **196.191 Telecommunications utility and alternative telecommunications**
10 **utility tariffs.**

11 (1) No later than 90 days after the effective date of this subsection . . . [LRB
12 inserts date] any telecommunications utility or alternative telecommunications
13 utility that provides intrastate switched access service within this state shall at all
14 times have on file with the commission a tariff showing all rates, tolls and charges
15 which it has established and which are in force at the time for such intrastate
16 switched access service. The absence of such a tariff during this 90-day period
17 shall not prohibit a telecommunications utility or alternative telecommunications
18 utility from charging intrastate switched access rates for any intrastate switched
19 access service that it provides, or limit or excuse any entity from its obligation to
20 pay intrastate switched access rates, provided that such intrastate switched access

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Deleted: (1) Notwithstanding anything in this chapter to the contrary, any telecommunications utility or alternative telecommunications utility may do any of the following:¶

(a) Retain on file with the commission tariffs already on file with the commission as of the effective date of this paragraph . . . [LRB inserts date], showing the rates, tolls, and charges that the telecommunications utility or alternative telecommunications utility has established as of the effective date of this paragraph . . . [LRB inserts date], for some or all of the services performed by the telecommunications utility or alternative telecommunications utility within the state or for any service in connection therewith or performed by any telecommunications utility or alternative telecommunications utility controlled or operated by the telecommunications utility or alternative telecommunications utility.¶

(b) Withdraw or change the rates, terms, or conditions of a tariff on file with the commission, except that the telecommunications utility or alternative telecommunications utility may not increase its intrastate switched access rates if it chooses to withdraw its tariff for intrastate switched access services.¶

(c) File with the commission new tariffs showing the rates, tolls, and charges that the telecommunications utility or alternative telecommunications utility has established, as provided in the tariff filings, for some or all of the services performed by the telecommunications utility or alternative telecommunications utility within the state or for any service in connection therewith or performed by any telecommunications utility or alternative telecommunications utility controlled or operated by the telecommunications utility or alternative telecommunications utility. If a telecommunications utility or alternative telecommunications utility files a new tariff under this paragraph, all of the following apply:¶

1. The new tariff shall become effective on the date specified in the tariff, unless the commission suspends the operation of the new tariff upon serving a written notice of the suspension on the telecommunications utility or alternative telecommunications utility within . . . [1]

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Deleted: (1) Notwithstanding anything in this chapter to the contrary, this section shall apply only to the following:¶

(a) To a telecommunications utility.¶
(b) To an alternative telecommunications utility that provides notice to the commission under s. 196.203 (1g) electing to be subject to this section.

1 rates comply with the requirements of s. 196.219(2r) and 196.212. A
2 telecommunications utility or alternative telecommunications utility may not
3 withdraw a tariff for switched access service once in effect. Except if permitted
4 in this section or to comply with the requirements of s. 196.219(2r) and 196.212,
5 the telecommunications utility or alternative telecommunications carrier may not
6 file to change the rates, tolls and charges shown in such a tariff.

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7 (2) Notwithstanding anything to the contrary, any telecommunications
8 utility or alternative telecommunications utility may do any of the following:

9 (a) Retain on file with the commission tariffs already on file with the
10 commission as of the effective date of this paragraph [LRB inserts date],
11 showing the rates, tolls, and charges which the telecommunications utility or
12 alternative telecommunications utility has established as of the effective date of this
13 paragraph [LRB inserts date], for some or all of the services performed by the
14 telecommunications utility or alternative telecommunications utility within the
15 state or for any service in connection therewith or performed by any
16 telecommunications utility or an alternative telecommunications utility controlled
17 or operated by the telecommunications utility or alternative telecommunications
18 utility.

19 (b) File with the commission new tariffs showing the rates, tolls, and
20 charges which the telecommunications utility or alternative telecommunications

1 utility has established, as provided in the tariff filings, for some or all of the
2 services performed by the telecommunications utility or alternative
3 telecommunications utility within the state or for any service in connection
4 therewith or performed by any telecommunications utility or alternative
5 telecommunications utility controlled or operated by the telecommunications utility
6 or alternative telecommunications utility.

7 (c) Except as provided in sub. (1), a telecommunications utility or
8 alternative telecommunications utility may withdraw a tariff for any service by
9 providing notice to the commission.

10 (d) 1. Except as provided in subd. 2., a telecommunications utility or
11 alternative telecommunications utility may change the rates, tolls and charges and
12 the terms and conditions of a tariff on file with the commission by filing a revised
13 tariff with the commission. Except as provided in subd. 2., a proposed change in a
14 tariff shall be effective at the time specified in the revised tariff as filed with the
15 commission.

16 2. No change in a tariff which constitutes an increase in intrastate switched
17 access rates may be made unless the change is consistent with the public interest
18 factors set forth in s. 196.03 (6) and does not violate s. 196.212 and 196.219(2r)
19 and the commission by order, after investigation and opportunity for a hearing,
20 approves the change, except that an increase in intrastate switched access rates

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1 shall be effective at the time specified in the revised tariff as filed with the
2 commission, if either of the following conditions is met:

3 a. The increase results in the intrastate switched access rates mirroring
4 the interstate switched access rates for the telecommunications utility or alternative
5 telecommunications utility.

6 b. For a small telecommunications utility only, the increase does not
7 violate s. 196.212 or 196.219(2r) and does not exceed, in any 12-month period,
8 the percentage increase in the U.S. consumer price index for all urban consumers,
9 U.S. city average, for the previous year and is not greater than the corresponding
10 increase in interstate switched access rates for a small telecommunications utility.

11 (3) (a) Except as provided in para. (b), if a telecommunications utility or
12 alternative telecommunications utility files a new tariff under section 2(b), all of
13 the following apply:

14 1. The new tariff shall become effective on the date specified in the tariff,
15 unless the commission suspends the operation of the new tariff upon serving a
16 written notice of the suspension on the telecommunications utility or alternative
17 telecommunications utility within 10 days after the date of filing. The notice shall
18 include a statement of the reason under par. (b), upon which the commission
19 believes the tariff may be modified.

20 2. The commission may modify the new tariff after an opportunity for a

1 hearing, only to the extent that the tariff violates ss. 196.209, 196.212 and 196.219
2 to the extent such sections are applicable to the telecommunications utility or
3 alternative telecommunications utility filing the new tariff.

4 3. If the commission does not conduct a hearing under par. (b), the
5 commission shall issue its final order within 60 days after issuing the notice of
6 suspension under par. (a). If the commission conducts a hearing, the commission
7 shall issue its final order within 120 days after issuing the notice of suspension
8 under par. (a). If a final order is not issued within the time limits specified in this
9 subdivision, the new tariff becomes effective as filed.

10 (b) If a telecommunications utility or alternative telecommunications utility
11 files a new tariff under section (2) (b) for intrastate switched access service which
12 constitutes an increase in intrastate switched access rates, the tariff shall not be
13 effective unless the new intrastate switched access service tariff is consistent with
14 the public interest factors set forth in s. 196.03 (6) and does not violate s. 196.212
15 or 196.219(2r) and the commission by order, after investigation and opportunity
16 for a hearing, approves the new tariff and rates, except that an increase in
17 intrastate switched access rates shall be effective at the time specified in the new
18 tariff as filed with the commission, if either of the conditions set forth in section
19 (2) (d) 2. a. or b. is met.

20 (4) Nothing in this section shall give the commission jurisdiction over the

1 rates, tolls and charges or the terms and conditions of any service that is not subject
2 to a tariff under this section. ✓

3 (5) Every telecommunications utility or alternative telecommunications
4 utility that files a tariff with the commission under this section shall include all
5 rates, tolls and charges and all terms and conditions that apply to the services
6 specified in the tariff. ✓

7 (6) Nothing in this chapter prohibits a tariff for a service which permits a
8 telecommunications utility or alternative telecommunications utility to enter into a
9 contract with a customer for that tariffed service that includes rates, tolls and
10 charges and terms and conditions that are different from those in the tariff. ✓

11 (7) Except as provided in sub. ~~(6)~~, no telecommunications utility or
12 alternative telecommunications utility may charge, demand, collect, or receive
13 more or less compensation for any service for which a tariff is filed under this
14 section than is specified in the tariff, as may at the time be in force, or demand,
15 collect, or receive any rate, toll, or charge for such service not specified in the
16 tariff. ✓

17 (8) A copy of the tariffs filed under this section shall be made available to
18 consumers in a form and place readily accessible to the public. ✓

19 **Section 23.** 196.194 (title) of the statutes is repealed.

20 **Section 24.** 196.194 (1) of the statutes is repealed.

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1 | Section 25. 196.194 (2) of the statutes is renumbered 196.194 and

2 | amended to read:

3 | **196.194 Gas utilities utility individual contracts.** Nothing in ss. 196.03,
4 | 196.19, 196.20, 196.21, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the
5 | commission from approving the filing of a tariff which permits a gas utility to enter
6 | into an individual contract with an individual customer if the term of the contract is
7 | no more than 5 years, or a longer period approved by the commission, and if the
8 | commission determines that substitute gas services are available to customers or
9 | potential customers of the gas utility and the absence of such a tariff will cause the
10 | gas utility to be disadvantaged in competing for business. A tariff filed under this
11 | ~~subsection~~ section shall include the condition that any such contract shall be
12 | compensatory. The tariff shall include any other condition and procedure required
13 | by the commission in the public interest. Within 20 days after a contract authorized
14 | under this ~~subsection~~ section or an amendment to such a contract has been
15 | executed, the gas utility shall submit the contract to the commission. The
16 | commission shall give notice to any person, upon request, that a contract
17 | authorized under this ~~subsection~~ section has been received by the commission. The
18 | notice shall identify the gas utility that has entered into the contract. Within 6
19 | months after receiving substantial evidence that a contract may be
20 | noncompensatory, or upon its own motion, the commission shall investigate and

1 determine whether the contract is compensatory. If the commission determines that
2 the contract is noncompensatory, the commission may make appropriate
3 adjustments in the rates or tariffs of the gas utility that has entered into the
4 contract, in addition to other remedies under this chapter. The dollar amount of the
5 adjustment may not be less than the amount by which the contract was found to be
6 noncompensatory.

7
8 **Section 26.** 196.195 of the statutes is repealed and recreated to
9 read:

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10 196.195 Alternative Regulation. Any telecommunications provider that as of the
11 effective date of this section [LRB insert date] is subject to an alternative
12 regulation plan approved by the commission shall remain regulated pursuant to
13 such alternative regulation plan to the extent that the alternative regulation plan is
14 not inconsistent with ss. 196.191 and 196.212, unless the telecommunications
15 provider terminates the alternative regulation plan pursuant to its terms and
16 conditions. If such an inconsistency exists, the requirements of ss. 196.191 and
17 196.212 shall control the intrastate switched access rates and intrastate switched
18 access service tariff filings of such a telecommunications provider.

19
20 **Section 27.** 196.196 of the statutes is repealed.

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1 | **Section 28.** 196.198 (2) (a) of the statutes is renumbered 196.198

2 | (2) and amended to read:

3 | 196.198 (2) Except as provided in sub. (3), a telecommunications utility that
4 | has more than 150,000 access lines in use in this state or a telecommunications
5 | provider that has more than 150,000 access lines in use in this state may not charge
6 | a residential customer for basic local exchange service based on the duration of a
7 | call or on the time of day that a call is made. This ~~paragraph~~ subsection does not
8 | apply to an extended community telephone service.

9 | **Section 29.** 196.198 (2) (b) of the statutes is repealed.

10 | **Section 30.** 196.198 (3) (intro.) of the statutes is amended to read:

11 | 196.198 (3) (intro.) The commission may suspend the application of sub. (2)
12 | ~~(a)~~ in a particular geographical area for a telecommunications utility or a
13 | telecommunications provider if, after a contested case hearing, the commission
14 | determines that all of the following apply:

15 | **Section 31.** 196.198 (3) (a) of the statutes is amended to read:

16 | 196.198 (3) (a) Failure to suspend the application of sub. (2) ~~(a)~~ makes
17 | competition in that geographical area impractical.

18 | **Section 32.** 196.198 (3) (b) (intro.) of the statutes is amended to

19 | read:

20 | 196.198 (3) (b) (intro.) Suspending the application of sub. (2) ~~(a)~~ is

1 beneficial to all of the following groups:

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2 | **Section 33.** 196.20 (1) of the statutes is amended to read:

3 196.20 (1) The rate schedules of any public utility shall include all rules
4 applicable to the rendition or discontinuance of the service to which the rates
5 specified in the schedules are applicable. No change may be made by any public
6 utility in its schedules except by filing the change as proposed with the commission.
7 ~~Except for a telecommunications utility, no~~ No change in any public utility rule
8 which purports to curtail the obligation or undertaking of service of the public
9 utility shall be effective without the written approval of the commission after
10 hearing, except that the commission, by emergency order, may make the rule, as
11 filed, effective from the date of the order, pending final approval of the rule after
12 hearing.

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13 | **Section 34.** 196.20 (lm) of the statutes is repealed.

14 | **Section 35.** 196.20 (2) (a) (intro.) of the statutes is amended to
15 read:

16 196.20 (2) (a) (intro.) ~~Except for a telecommunications utility, a~~ A proposed
17 change which constitutes a decrease in rates shall be effective at the time specified
18 in the change as filed but not earlier than 10 days after the date of filing the change
19 with the commission, unless any of the following occurs:

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20 | **Section 36.** 196.20 (2) (am) of the statutes is repealed.

1 **Section 37.** 196.20 (2m) of the statutes is amended to read:

2 196.20 (2m) Except as provided under ~~sub. (5) and ss. s. 196.193, 196.195~~
3 ~~(12) and 196.196~~, no change in schedules which constitutes an increase in rates to
4 consumers may be made except by order of the commission, after an investigation
5 and opportunity for hearing. ~~The commission may waive a hearing under this~~
6 ~~subsection for a proposed change in a telecommunications utility schedule. By~~
7 ~~rule or order, the commission shall specify the notice and procedural requirements~~
8 ~~applicable to a telecommunications utility proposal for which a hearing is waived.~~

9 **Section 38.** 196.20 (2r) of the statutes is repealed.

10 **Section 39.** 196.20 (3) of the statutes is repealed.

11 **Section 40.** 196.20 (5) of the statutes is repealed.

12 **Section 41.** 196.20 (6) of the statutes is repealed.

13 **Section 42.** 196.202 (2) of the statutes is amended to read:

14 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service
15 provider is not subject to ~~ch. 201 of~~ this chapter, except as provided in sub. (5), and
16 except that a commercial mobile radio service provider is subject to ss. 196.025 (6),
17 196.218 (3), and 196.859, and shall respond, subject to the protection of the
18 commercial mobile radio service provider's competitive information, to all
19 reasonable requests for information about its operations in this state from the
20 commission necessary to administer ss. 196.025 (6), 196.218 (3), and 196.859.

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1 **Section 43.** 196.203 (1) of the statutes is renumbered 196.203 (1g)

2 and amended to read:

3 196.203 (1g) Alternative telecommunications utilities are exempt from all

4 provisions of ~~ch. 201 and~~ this chapter, except as provided in this section, and

5 except that an alternative telecommunications utility is subject to ~~ss.~~ ss. 196.01,

6 196.016, 196.025 (6), 196.191, 196.206, and 196.212; and except that an

7 alternative telecommunications utility certified pursuant to s. 196.50(2)(j)1.a. is

8 subject to s. 196.219(2r), 196.503 and, with respect only to wholesale

9 telecommunications services, to ss. 196.03 (1) and (6), 196.219(4), 196.28, and

10 196.37; and except that if such an alternative telecommunications utility was

11 regulated as a price regulated utility prior to the effective date of this section . . . ✓

12 [LRB to insert date] then its intrastate dedicated access rates shall mirror its

13 interstate dedicated access rates; and except that an alternative

14 telecommunications utility that is a local government telecommunications utility,

15 ~~as defined in s. 196.204 (5) (ag) 1.,~~ is subject to s. 196.204 (5).

16 **Section 44.** 196.203 (1d) of the statutes is created to read:

17 196.203 (1d) In this section, “local government telecommunications utility”

18 has the meaning given in s. 196.204 (1m) (a).

19 **Section 45.** 196.203 (2) of the statutes is renumbered 196.203 (2)

20 (a) and amended to read:

1 196.203 (2) (a) No person may commence providing service as an
2 alternative telecommunications utility unless the person petitions for and the
3 commission issues a ~~determination~~ certification that the person is an alternative
4 telecommunications utility or unless the person is a telecommunications utility for
5 which the commission issues an order under s. 196.50 (2) (j) 1. a.

6 **(6)** The commission shall maintain information on ~~authorized~~ certified
7 alternative telecommunications utilities and on applicants for alternative
8 telecommunications utility ~~status~~ certification and make that information available
9 to any person, upon request.

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10 **Section 46.** 196.203 (2) (b) of the statutes is created to read:

11 196.203 (2) (b) Except for an alternative telecommunications utility that is a
12 local government telecommunications utility, certification as an alternative
13 telecommunications utility shall be on a statewide basis and any certification
14 issued by the commission before the effective date of this paragraph [LRB
15 inserts date], to an alternative telecommunications utility that is not a local
16 government telecommunications utility is considered amended to be a statewide
17 certification.

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18 **Section 47.** 196.203 (2) (c) of the statutes is created to read:

19 196.203 (2) (c) An alternative telecommunications utility may provide
20 notice to the commission to maintain certification as an alternative

1 telecommunications utility but to recertify the alternative telecommunications
2 utility and impose on the alternative telecommunications utility only those
3 provisions of this chapter specified in this paragraph. No later than 30 days after
4 receiving notice under this paragraph, the commission shall issue an order
5 granting recertification and imposing on the alternative telecommunications utility
6 those provisions of this chapter specified in sub. (4m) (a) that are imposed on all
7 alternative telecommunications utilities under sub. (3). The commission may
8 impose a provision of this chapter specified in sub. (4m) (b) or (c) if in the public
9 interest. An alternative telecommunications utility for which an order of
10 recertification is issued is subject to sub. (1g). The granting of the recertification
11 shall operate to terminate the alternative telecommunications utility's prior
12 certification. All regulatory requirements in or related to the prior certification
13 that are inconsistent with the requirements of or level of regulation allowed by
14 this section, including all such requirements imposed by the certification and all
15 such requirements imposed by the commission, whether by statute or commission
16 rule or order, on the alternative telecommunications utility are terminated on the
17 effective date of the order, unless in its notice to the commission seeking
18 recertification under this section the alternative telecommunications utility
19 requests to remain subject to one or more requirements of its prior certification,
20 provided that those requirements do no violate the alternative

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1 telecommunications utility's requirements or obligations under this Chapter and
2 provided that the commission does not deny the request to remain subject to those
3 requirements in the recertification order.

4 **Section 48.** 196.203 (2) (d) of the statutes is created to read:

5 196.203 (2) (d) The commission may deny a petition for certification as an
6 alternative telecommunications utility described in s. 196.01 (1d) only if the
7 commission finds that the petitioner does not have the financial, managerial, or
8 technical capabilities to provide its proposed services or to comply with conditions
9 that the commission is authorized to impose under sub. (3).

10 **Section 49.** 196.203 (3) (a) of the statutes is renumbered 196.203

11 (3) and amended to read:

12 196.203 (3) In response to a petition from any interested person, or upon its
13 own motion, the commission shall determine whether the public interest requires
14 that any a provision of ~~ch. 201~~ or this chapter specified in sub. (4m) be imposed on
15 a person providing or proposing to provide service as an alternative
16 telecommunications utility ~~in a relevant market. In making this determination, the~~
17 ~~commission may consider factors including the quality of service, customer~~
18 ~~complaints, concerns about the effect on customers of local exchange~~
19 ~~telecommunications utilities and the extent to which similar services are available~~
20 ~~from alternative sources. If the commission imposes a provision of this chapter~~

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1 specified in sub. (4m) (a) on an alternative telecommunications utility under this
2 subsection, the commission shall impose the same provision at the same level of
3 regulation on all other alternative telecommunications utilities.

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4 **Section 50.** 196.203 (3) (b) of the statutes is repealed.

5 **Section 51.** 196.203 (3) (c) of the statutes is repealed.

6 **Section 52.** 196.203 (3) (d) of the statutes is repealed.

7 **Section 53.** 196.203 (3) (dm) of the statutes is repealed.

8 **Section 54.** 196.203 (3) (e) of the statutes is repealed.

9 **Section 55.** 196.203 (4) of the statutes is repealed.

10 **Section 56.** 196.203 (4m) of the statutes is created to read:

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11 196.203 (4m) (a) The commission may impose s. ~~196.02 (1), (4), or (5),~~
12 196.04, 196.135, 196.14, 196.197, 196.199, 196.207, 196.208, 196.209, 196.218,
13 196.219 (1), (2) (b), (c), or (d), (2r), (3) (a), (d), (j), (m), (n), or (o), 196.25, 196.26,
14 196.39, 196.40, 196.41, 196.43, 196.44, 196.65, 196.66, 196.81, 196.85, 196.858, or
15 196.859 on an alternative telecommunications utility.

16 (b) In addition to the requirements under s. 196.212, the commission may,
17 with respect only to intrastate switched access services, impose s. 196.03 (1) or (6)
18 or 196.37 on an alternative telecommunications utility, except that the commission
19 may not review or set the rates for intrastate switched access services of alternative
20 telecommunications utilities subject to 196.212 (2) or (3) except as required to

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1 | enforce those sections. (c) The commission may, with respect only to wholesale
2 | telecommunications service, impose s. 196.03 (1) or (6), 196.219 (4), 196.28, or
3 | 196.37 on an alternative telecommunications utility certified under sub. (2) (a) or

4 | (c). _

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5 | **Section 57.** 196.203 (5) of the statutes is amended to read:

6 | 196.203 (5) The commission may establish a reasonable fee schedule and
7 | may assess an alternative telecommunications utility to cover the cost of making a
8 | certification, recertification or other determinations made under this section.

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9 | **Section 58.** 196.204 (title) of the statutes is repealed and recreated

10 | to read:

11 | **196.204 (title) Local government telecommunications utilities.**

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12 | **Section 59.** 196.204 (1) of the statutes is repealed.

13 | **Section 60.** 196.204 (2) of the statutes is repealed.

14 | **Section 61.** 196.204 (3) of the statutes is repealed.

15 | **Section 62.** 196.204 (4) of the statutes is repealed.

16 | **Section 63.** 196.204 (5) (ag) of the statutes is renumbered 196.204

17 | (1m), and 196.204 (1m) (intro.), as renumbered, is amended to read:

18 | 196.204 (1m) (intro.) In this ~~subsection~~ section:

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19 | **Section 64.** 196.204 (5) (ar) of the statutes is renumbered 196.204

20 | (2m), and 196.204 (2m) (a), (b) (intro.) and (c) (intro.), as renumbered,

1 are amended to read:

2 196.204 (2m) (a) ~~In addition to the other requirements of this section, each~~
3 Each telecommunications service, relevant group of services, and basic network
4 function offered or used by a local government telecommunications utility shall be
5 priced to exceed its total service long-run incremental cost. ~~The commission may~~
6 ~~waive the applicability of this subdivision to a nongovernmental~~
7 ~~telecommunications utility's basic local exchange service if the commission~~
8 ~~determines that a waiver is consistent with the factors under s. 196.03 (6).~~

9 (b) (intro.) For purposes of ~~subd. 1. par. (a)~~, the total service long-run
10 incremental cost of a local government telecommunications utility shall take into
11 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,
12 rights-of-way, licenses, and similar costs that are incurred by nongovernmental
13 telecommunications utilities. This ~~subdivision~~ paragraph does not apply to a local
14 government telecommunications utility that is subject to the exemption under s.
15 66.0422 (3n). This ~~subdivision~~ paragraph also does not apply to a
16 telecommunications service, relevant group of services, or basic network function
17 if all of the following conditions apply:

18 (c) (intro.) ~~Subdivision 2. Paragraph (b)~~ does not apply to a
19 telecommunications service, relevant group of services, or basic network function;
20 that is used to provide broadband service and that is offered by a municipal

1 telecommunications utility, if all of the following apply:

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2 Section 65. 196.204 (5) (b) of the statutes is repealed.

3 Section 66. 196.204 (6) of the statutes is repealed.

4 Section 67. 196.205 of the statutes is repealed.

5 Section 68. 196.206 of the statutes is created to read:

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6 196.206 Interconnected voice over Internet protocol service. (1)

Deleted: (a)

7 EXEMPTIONS, an interconnected voice over Internet protocol service is not subject

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8 to this chapter, except as provided in this section, and except that an interconnected

9 voice over Internet protocol service is subject to ss. 196.01, 196.016, 196.025 (6),

10 196.199, 196.218 (3), 196.858 and 196.859, to the same extent that any

11 telecommunications service is subject to these provisions of law, and except as

12 required for the commission to administer and enforce this section.

13 (2) UNIVERSAL SERVICE FUND. An entity that provides interconnected voice

Deleted: . Nothing in this section shall be construed to require or prohibit the payment of switched access rates or other intercarrier compensation.
(b) Except as provided in this section, and notwithstanding any other provision of law, the commission may not enact, adopt, or enforce, either directly or indirectly, any order, rule, standard, or other provision having the force or effect of law that regulates, or has the effect of regulating, the entry of, or rates, terms or conditions for, Internet protocol-enabled service.

14 over Internet protocol service in this state shall make contributions to the

15 universal service fund based on its revenues from providing intrastate

16 interconnected voice over Internet protocol service. The revenues shall be

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17 calculated using the entity's actual intrastate revenues, a provider-specific traffic

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18 study approved by the commission or federal communications commission, or the

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19 inverse of the interstate jurisdictional allocation established by the federal

20 communications commission for the purpose of federal universal service

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1 assessments. To the extent applicable, the calculation of the intrastate revenues of
2 an entity that provides interconnected voice over Internet protocol service shall be
3 based on the primary physical service address identified by the customer.

4 **(3) Intrastate Switched Access Rates.**

5 (a) Unless otherwise provided under federal law, an entity that provides an
6 interconnected voice over Internet protocol service shall pay intrastate switched
7 access rates in connection with the interconnected voice over internet protocol
8 services that it provides to the same extent that any telecommunications provider is
9 obligated to pay intrastate switched access rates in connection with the
10 telecommunications services that it provides.

11 (b) Unless otherwise provided under federal law, an entity that provides an
12 intrastate switched access service in connection with interconnected voice over
13 Internet protocol services shall be subject to s. 196.191 with respect to such
14 intrastate switched access service and may charge intrastate switched access rates
15 to the same extent that any telecommunications provider may charge intrastate
16 switched access rates in connection with the intrastate switched access services that
17 it provides.

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20 **Section 69.** 196.212 of the statutes is created to read:

1 **196.212 Switched access rates. (1) DEFINITIONS. In this section:**

2 (a) “Affiliate” means any person, corporation, company, cooperative,
3 unincorporated cooperative association, partnership, association, or other entity
4 that is controlled by, or is under common control with, a telecommunications
5 provider or telecommunications utility. ✓

6 (b) “Large incumbent local exchange carrier” means an incumbent local
7 exchange carrier that, with any affiliates that are incumbent local exchange carriers
8 operating in the state, in total had 150,000 or more access lines in use in this state
9 as of January 1, 2010. ✓

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10 (c) “Large Nonincumbent” means a telecommunications provider that is not
11 an incumbent local exchange carrier and had 10,000 or more access lines in use in
12 this state as of January 1, 2010.

13 (d) “New Nonincumbent” means a telecommunications provider
14 that is not an incumbent local exchange carrier and that was not
15 granted an initial certification by the commission pursuant to either s.
16 196.203 or 196.50, prior to January 1, 2011. New nonincumbent does
17 not include an alternative telecommunications utility certificated
18 pursuant to s. 196.50(2)(j) 1. a. ✓

Post-2011 Nonincumbent?

cert

1
2 (e) "Small Nonincumbent" means a telecommunications provider that is not
3 an incumbent local exchange carrier and that had fewer than 10,000 access lines in
4 use in this state as of January 1, 2010.

certified 201

5
6 (f) "Small incumbent local exchange carrier" means an incumbent local
7 exchange carrier that, with any affiliates that are incumbent local exchange carriers
8 operating in the state, in total had fewer than 150,000 access lines in use in this
9 state as of January 1, 2010.

10 (2) REQUIREMENTS FOR NONINCUMBENTS. (a) Within 30 days of
11 the effective date of this section . . . [LRB to insert date], a new nonincumbent may
12 not charge intrastate switched access rates that are higher than its interstate
13 switched access rates.

i.e. not granted in st. out of state prior to Jan 1, 2011

14 (b) Except as provided in 196.191(2)(d) 2 a, a large nonincumbent may not
15 increase its intrastate switched access rates or charge intrastate switched access
16 rates higher than the amount the large nonincumbent charged for intrastate
17 switched access services on January 1, 2011. Large nonincumbents [?]certificated
18 ~~prior~~ to January 1, 2011 shall reduce their intrastate switched access rates as
19 provided in paras. (1)-(3).

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re Amendment*

20 1. ^aNo later than four years after the effective date of this paragraph

1 [LRB inserts date], the large nonincumbent shall reduce its intrastate switched
2 access rates by an amount equal to 33 percent of the difference between its
3 intrastate switched access rates in effect prior to the reduction and its interstate
4 switched access rates in effect prior to the reduction.

5 ✓/2. No later than five years after the effective date of this paragraph

6 [LRB inserts date], the large nonincumbent shall further reduce its intrastate
7 switched access rates by an amount equal to 50 percent of the difference between
8 its intrastate switched access rates in effect prior to the reduction and its interstate
9 switched access rates in effect prior to the reduction.

10 ✓/3. No later than six years after the effective date of this paragraph

11 [LRB inserts date], the large nonincumbent shall reduce its intrastate switched
12 access rates to mirror its interstate switched access rates in effect prior to the
13 reduction and, beginning no later than that date, may not charge intrastate switched
14 access rates that are higher than its interstate switched access rates. ✓

15 (3) REDUCTIONS FOR LARGE INCUMBENT LOCAL EXCHANGE

16 CARRIERS. A large incumbent local exchange carrier shall reduce its intrastate
17 switched access rates to no higher than the large incumbent local exchange
18 carrier's ~~rates~~ ^{rates} or interstate switched access ~~services~~ ^{rates} as follows: ✓

19 (a) Beginning on the effective date of this paragraph [LRB inserts date], ✓

1 the large incumbent local exchange carrier may not increase its intrastate switched
2 access rates or charge intrastate switched access rates higher than the amount it
3 charged for intrastate switched access services on January 1, 2011. ✓

4 (b) No later than one year after the effective date of this paragraph [LRB
5 inserts date], the large incumbent local exchange carrier shall reduce its intrastate
6 switched access rates by an amount equal to 25 percent of the difference between
7 its intrastate switched access rates in effect prior to the reduction and its interstate
8 switched access rates in effect prior to the reduction. ✓

9 (c) No later than 2 years after the effective date of this paragraph [LRB
10 inserts date], the large incumbent local exchange carrier shall further reduce its
11 intrastate switched access rates by an amount equal to 33 percent of the difference
12 between its intrastate switched access rates in effect prior to the reduction and its
13 interstate switched access rates in effect prior to the reduction. ✓

14 (d) No later than 3 years after the effective date of this paragraph [LRB
15 inserts date], the large incumbent local exchange carrier shall further reduce its
16 intrastate switched access rates by an amount equal to 50 percent of the difference
17 between its intrastate switched access rates in effect prior to the reduction and its
18 interstate switched access rates in effect prior to the reduction. ✓

19 (e) No later than 4 years after the effective date of this paragraph [LRB ✓

1 inserts date], the large incumbent local exchange carrier shall reduce its intrastate
2 switched access rates to mirror its interstate switched access rates in effect prior to
3 the reduction and, beginning no later than that date, may not charge intrastate
4 switched access rates that are higher than its interstate switched access rates. ✓

5 (4) COMMISSION REVIEW LIMITED. (a) Notwithstanding any other
6 provision of this chapter, subs. (2) and (3) govern the rates that large
7 nonincumbents, new nonincumbents and large incumbent local exchange carriers
8 may charge for intrastate switched access services. Except as required to enforce
9 this section, the commission may not review or set the ~~rates~~ intrastate switched
10 access ~~services~~ of large nonincumbents, new nonincumbents and large incumbent
11 local exchange carriers. ✓ *invariant*

12 (b) Notwithstanding any other provision of this chapter except to enforce
13 196.191(2)(d) 2. and 196.219(2r), during the 4-year period beginning on the
14 effective date of this paragraph [LRB inserts date], the commission may not
15 review or set the ~~rates~~ for intrastate switched access ~~services~~ of small incumbent
16 local exchange carriers. ✓ *invariant*

17 (c) Notwithstanding any other provision of this chapter except to enforce
18 196.191(2)(d) 2. a. and 196.219(2r), during the 3-year period beginning on the
19 effective date of this paragraph [LRB inserts date], the commission may not
20 review or set the ~~rates~~ for intrastate switched access ~~services~~ of small
invariant

1 nonincumbents.

2
3 (5) Enforcement. Notwithstanding any other provision of this chapter, the
4 commission shall have jurisdiction to enforce payment of intrastate switched
5 access rates set forth in a tariff required pursuant to s. 196.191(1) or a contract for
6 intrastate switched access service allowed by 196.191(6).

7 Section 70. 196.213 of the statutes is repealed.

8 Section 71. 196.215 of the statutes is repealed.

9 Section 72. 196.218 (1) (a) of the statutes is created to read:

10 196.218 (1) (a) "Essential telecommunications services" means the services
11 or functionalities_ listed in 47 CFR 54.101 (a) as of January 1, 2010.

12 Section 73. 196.218 (3) (a) 3m. of the statutes is amended to read:

13 196.218 (3) (a) 3m. Contributions under this paragraph may be based only
14 on the gross operating revenues from the provision of broadcast services identified
15 by the commission under subd. 2. and on intrastate telecommunications services
16 in this state of the telecommunications providers subject to the contribution.

17 Contributions based on revenues from interconnected voice over Internet protocol
18 service shall be calculated as provided under s. 196.206 (2).

19 Section 74. 196.218 (3) (f) of the statutes is amended to read:

20 196.218 (3) (f) ~~Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m),~~

Deleted: (1) DEFINITIONS. In this section:¶

(a) "Affiliate" means any person, corporation, company, cooperative, unincorporated cooperative association, partnership, association, or other entity that is controlled by, or is under common control with, a telecommunications provider or telecommunications utility.¶

(b) "Large incumbent local exchange carrier" means an incumbent local exchange carrier that, with any affiliates that are incumbent local exchange carriers operating in the state, in total had 150,000 or more access lines in use in this state as of January 1, 2010.¶

(c) "Nonincumbent" means a telecommunications provider that is not an incumbent local exchange carrier.¶

(d) "Small incumbent local exchange carrier" means an incumbent local exchange carrier that, with any affiliates that are incumbent local exchange carriers operating in the state, in total had fewer than 150,000 access lines in use in this state as of January 1, 2010.¶

(2) REDUCTIONS FOR NONINCUMBENTS. A nonincumbent shall reduce its intrastate switched access rates to no higher than the nonincumbent's rates for interstate switched access services as follows:¶

(a) Beginning on the effective date of this paragraph ... [LRB inserts date], the nonincumbent may not increase its intrastate switched access rates or charge intrastate switched access rates higher than the amount the nonincumbent charged for intrastate switched access services on January 1, 2011.¶

(b) No later than one year after the effective date of this paragraph ... [LRB inserts date], the nonincumbent shall reduce its intrastate switched access rates by an amount equal to 50 percent of the difference between its intrastate switched access rates in effect prior to the reduction and its interstate switched access rates in effect prior to the reduction.¶

(c) No later than 2 years after the effective date of this paragraph ... [LRB inserts date], the nonincumbent shall further reduce its intrastate switched access rates by an amount equal to 50 percent of the difference between ... [2]

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1 ~~(5) and (6), 196.213 and 196.215, a~~ A telecommunications utility that provides
2 local exchange service may make adjustments to local exchange service rates for
3 the purpose of recovering its contributions to the universal service fund required
4 under this subsection. A telecommunications utility that adjusts local exchange
5 service rates for the purpose of recovering such contributions shall identify on
6 customer bills a single amount that is the total amount of the adjustment. The
7 public service commission shall provide telecommunications utilities the
8 information necessary to identify such amounts on customer bills.

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9 Section 75. 196.218 (4) of the statutes is repealed and recreated to
10 read:

11 196.218 (4) ESSENTIAL TELECOMMUNICATION SERVICES. (a) Each
12 telecommunications provider that is designated as an eligible telecommunications
13 carrier pursuant to 47 USC 214 (e) (2) shall make available to its customers all
14 essential telecommunications services. A telecommunications provider may satisfy
15 this paragraph by providing essential telecommunications services itself or through
16 an affiliate and in either case may provide essential telecommunications services
17 through the use of any available technology or mode.

18 (b) Notwithstanding par. (a), if a commercial mobile radio service provider
19 is designated or seeks designation as an eligible telecommunications carrier
20 pursuant to 47 USC 214 (e) for the purpose of federal universal service funding and

1 not for the purpose of state universal service funding, the commercial mobile radio
2 service provider is not subject to any eligible telecommunications carrier
3 requirements imposed by the commission and shall be subject only to the eligible
4 telecommunications carrier requirements imposed by 47 USC 214 (e) (1) and
5 regulations and orders of the federal communications commission implementing
6 47 USC 214 (e) (1)._

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7 **Section 76.** 196.218 (5r) (a) 4. of the statutes is amended to read:

8 196.218 (5r) (a) 4. An assessment of how ~~successful investments identified~~
9 ~~in s. 196.196 (5) (f),~~ assistance provided by the universal service fund, ~~and price~~
10 ~~regulation~~ and other alternative incentive regulations of telecommunications
11 utilities designed to promote competition have been in advancing the public
12 interest goals identified under s. 196.03 (6), and recommendations for further
13 advancing those goals.

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14 **Section 77.** 196.219 (1) (b) of the statutes is amended to read:

15 196.219 (1) (b) "Local exchange service" ~~has the meaning given in s.~~
16 ~~196.50 (1) (b) 1.~~ includes access service, basic local exchange service, and
17 business access line and usage service within a local calling area.

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18 **Section 78.** 196.219 (2) (a) of the statutes is amended to read:

19 196.219 (2) (a) Notwithstanding any exemptions identified in this chapter
20 except ~~s.~~ ss. 196.202, 196.203, 196.206, and 196.50, a telecommunications utility

1 or provider shall provide protection to its consumers under this section unless
2 exempted in whole or in part by rule or order of the commission under this section.
3 The commission shall promulgate rules that identify the conditions under which
4 provisions of this section may be suspended.

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5 **Section 79.** 196.219 (2m) of the statutes is repealed.

6 **Section 80.** 196.219 (2r) of the statutes is created to read:

7 196.219 (2r) SWITCHED ACCESS RATES. Any reduction in intrastate switched
8 access rates ordered by the commission prior to the effective date of this subsection
9 [LRB inserts date], including any reduction ordered pursuant to_ s. 196.195,
10 [NOTE TO LRB: WE'RE REFERENCING 196.195 PRIOR TO ENACTMENT,
11 HOW DO WE APPROPRIATELY DO THAT?] shall remain effective unless
12 modified by the commission in a subsequent order, or unless the ordered reduction
13 is inconsistent with the requirements of s. 196.212.



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14 **Section 81.** 196.219 (3) (h) of the statutes is repealed.

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15 **SECTION 82. 196.25 of the statutes is repealed and recreated to read:**

16 196.25 Questionnaires. (1) If a public utility, other than a
17 telecommunications provider, receives from the commission any
18 questionnaire, the public utility shall respond fully, specifically and
19 correctly to each question. If a public utility is unable to answer any
20



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1 question, the public utility shall give a good and sufficient reason for its
2 failure. Every answer by a public utility under this section shall be verified
3 under oath by a manager of the public utility and returned to the commission
4 at its office within the period fixed by the commission.

5 (2) If required by the commission, a public utility, other than a
6 telecommunications provider, shall deliver to the commission the original or a
7 copy of any map, profile, contract or engineer's report and any other document,
8 book, account, paper or record with a complete inventory of all its property, in
9 such form as the commission directs.

10 (3) If a telecommunications provider receives a questionnaire from the
11 commission, the telecommunications provider shall respond specifically, correctly
12 and fully to each question (that relates to a matter over which the commission has
13 jurisdiction). If a telecommunications provider is unable to answer any question,
14 the telecommunications provider shall give a good and sufficient reason for its
15 failure. Answers shall be verified under oath by a manager of the
16 telecommunications provider. A completed questionnaire shall be returned to the
17 commission within the time period specified by the commission.

Relator

Section 83. 196.26(1) (a) of the statutes is amended to read:

19 196.26 (1) (a) A complaint filed with the commission that any rate, toll,
20 charge, or schedule, joint rate, regulation, measurement, act, or practice relating to

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1 the provision of heat, light, water, or power, ~~or telecommunications service~~ is
2 unreasonable, inadequate, unjustly discriminatory, or cannot be obtained.

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3 **Section 84.** 196.26 (4) of the statutes is repealed.

4 **Section 85.** 196.28 (4) of the statutes is amended to read:

5 196.28 (4) This section does not apply to rates, tolls or charges of a
6 telecommunications cooperative, an unincorporated telecommunications
7 cooperative association, or a small telecommunications utility ~~except as provided~~
8 ~~in s. 196.205 or 196.215 (2).~~

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9 **Section 86.** 196.31 (lm) of the statutes is amended to read:

10 196.31 (1m) The commission shall compensate any consumer group or
11 consumer representative for all reasonable costs of participating in a hearing under
12 s. ~~196.196 (1) (g) or~~ 196.198.

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13 **Section 87.** 196.37 (3) of the statutes is amended to read:

14 196.37 (3) Any public utility to which an order under this section applies
15 shall make such changes in schedules on file under s. 196.19 to make the schedules
16 conform to the order. The public utility may not make any subsequent change in
17 rates, tolls or charges without the approval of the commission, ~~except as provided~~
18 ~~in s. 196.205 or 196.215 (2).~~

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19 **Section 88.** 196.37 (4) of the statutes is amended to read:

20 196.37 (4) This section does not apply to rates, tolls or charges of a

1 telecommunications cooperative, an unincorporated telecommunications
2 cooperative association, or a small telecommunications utility ~~except as provided~~
3 ~~in s. 196.205 or 196.215 (2).~~

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4 Section 89. 196.49 (1) (ag) of the statutes is repealed.

5 Section 90. 196.49 (3) (b) (intro.) of the statutes is amended to
6 read:

7 196.49 (3) (b) (intro.) ~~Except as provided in par. (d), the~~ The commission
8 may require by rule or special order under par. (a) that no project may proceed
9 until the commission has certified that public convenience and necessity require
10 the project. The commission may refuse to certify a project if it appears that the
11 completion of the project will do any of the following:

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12 Section 91. 196.49 (3) (d) of the statutes is repealed.

13 Section 92. 196.50 (title) of the statutes is amended to read:

14 196.50 (title) **Competing public utilities; indeterminate permits;;**
15 **telecommunications utility certification.**

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16 Section 93. 196.50 (1) (b) 1. and 2. of the statutes are repealed.

17 Section 94. 196.50 (1) (b) 3. of the statutes is renumbered 196.50
18 (1) (b).

19 Section 95. 196.50 (2) (b) of the statutes is amended to read:

20 196.50 (2) (b) A certificate, franchise, license or permit, indeterminate or

Deleted: <#>196.50 (2) (a) of the statutes is amended to read:¶
196.50 (2) (a) Alternative telecommunications utilities shall be certified under s. 196.203. All Except as provided in par. (j) 1. a., all other telecommunications utilities shall be certified under this subsection.¶

1 otherwise, in effect on September 1, 1994, for a telecommunications utility shall
2 remain in effect and shall have the effect of a certificate of authority. A
3 telecommunications utility is not required to apply for a new certificate of
4 authority to continue offering or providing service to the extent of the prior
5 authorization. Each telecommunications utility, ~~including telecommunications~~
6 ~~cooperatives and unincorporated telecommunications cooperative associations,~~
7 shall have on file with the commission ~~under s. 196.19 a tariff that sets forth the~~
8 ~~rates, terms and conditions for all services provided and~~ a map that defines the
9 geographical limits of the service territory that the telecommunications utility is
10 obliged to serve.

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11 **Section 96.** 196.50 (2) (e) 1. of the statutes is amended to read:

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12 196.50 (2) (e) 1. Pending the determination on an application for a certificate
13 of authority or an amended certificate of authority, the commission may issue,
14 without notice and hearing, a temporary license for a period not to exceed one year
15 ~~and may temporarily exempt the applicant from requirements of this chapter~~
16 ~~identified in s. 196.195 (5) if the exemption is in the public interest.~~ The issuance
17 of a temporary license does not bind the commission in the final determination on
18 the application.

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19 **Section 97.** 196.50 (2) (f) of the statutes is amended to read:

20 196.50 (2) (f) The commission shall issue a certificate of authority or an

1 amended certificate of authority if it finds, after notice and opportunity for hearing,
2 that the applicant possesses sufficient technical, financial and managerial resources
3 to provide telecommunications service to any person within the identified
4 geographic area. In making this determination, the commission shall consider the
5 factors identified in s. 196.03 (6). ~~The commission may order the applicant to~~
6 ~~satisfy any conditions that the commission considers to be necessary to protect the~~
7 ~~public interest, including structural safeguards.~~

8 **Section 98.** 196.50 (2) (g) 3. of the statutes is repealed.

9 **Section 99.** 196.50 (2) (h) of the statutes is repealed.

10 **Section 100.** 196.50 (2) (i) of the statutes is created to read:

11 196.50 (2) (i) A telecommunications utility certified under this subsection is
12 exempt from s. 196.02 (2) ~~and (6); 196.05, 196.06, 196.07, 196.08, 196.09, 196.10,~~
13 ~~196.12, 196.13, 196.16, 196.18, 196.19, 196.20, 196.21, 196.219 (3) (c), (e), (g),~~
14 ~~(L), (4), except with respect to wholesale telecommunications services~~ NOTE TO
15 LRB: INTENT HERE IS THAT THE PRECEDING "EXCEPT" LIMITATION
16 APPLIES ONLY TO (4)], (4d), (4m), (5), 196.24, 196.395, 196.49, 196.52,
17 196.58, 196.60, 196.64, 196.78, and 196.79.

18 **Section 101.** 196.50 (2) (j) of the statutes is created to read:

19 196.50 (2) (j) 1. A telecommunications utility certified under this subsection
20 may do any of the following:

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Deleted: s. 196.03, except with respect to wholesale telecommunications service; ss.

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Deleted: 196.22,

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Deleted: s. 196.28, except with respect to wholesale telecommunications service; s. 196.37, except with respect to wholesale telecommunications service; ss.

Deleted: 196.49, 196.52, 196.58, 196.60,

Deleted: and

Deleted: 196.78,

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Deleted: except that, with respect only to its switched access services, a telecommunications utility certified under this subsection with 50,000 or fewer access lines in this state as of the effective date of this paragraph [LRB inserts date], is not exempt from s. 196.03; and except that, with respect only to its switched access services, a telecommunications utility certified under this subsection with more than 50,000 and fewer than 150,000 access lines in this state as of the effective date of this paragraph [LRB inserts date], is not exempt from ss. 196.03 and 196.37. The intrastate dedicated access service rates of a telecommunications utility with 150,000 or more access lines in this state as of the effective date of this paragraph [LRB inserts date], may not exceed the telecommunications utility's interstate access service rates for similar access services, except that such a telecommunications utility shall not assess an intrastate carrier common line charge or a substitute charge. Except to enforce this paragraph and s. 196.212, the commission may not review or set the access rates for a telecommunications utility with 150,000 or more access lines in this state as of the effective date of this paragraph [LRB inserts date].

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1 a. Provide notice to the commission to terminate the certification under this
2 subsection and certify the telecommunications utility as an alternative
3 telecommunications utility under s. 196.203. No later than 30 days after receiving
4 notice under this subd. 1. a., the commission shall issue an order granting a
5 certification under s. 196.203. ~~The granting of such certification shall operate to~~
6 terminate the certification under this subsection. ~~All regulatory requirements in or~~
7 related to the certification under this subsection ~~that are inconsistent with the~~
8 requirements of or level of regulation allowed by s. 196.203, including all such
9 requirements imposed by the certification and all such requirements imposed by
10 the commission, whether by statute or commission rule or order, on the
11 telecommunications utility are terminated on the effective date of the order,
12 unless in its notice to the commission seeking recertification under s. 196.203 the
13 telecommunications utility requests to remain subject to one or more
14 requirements of its prior certification, provided that those requirements do no
15 violate the telecommunications utility's requirements or obligations under this
16 Chapter and provided that the commission does not deny the request to remain
17 subject to those requirements in the recertification order.

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Deleted: , including all such requirements imposed by the certification under this subsection or imposed by rule, order or other determination made

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18 b. Provide notice to the commission to recertify the telecommunications
19 utility under this subsection and impose on the telecommunications utility only
20 those provisions of this chapter specified in this paragraph. No later than 30 days

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1 after receiving notice under this subd. 1. b., the commission shall issue an order
2 granting recertification under this subsection imposing on the telecommunications
3 utility only those provisions of this chapter specified in this subd. The
4 telecommunications utility shall be exempt from all provisions of this chapter,
5 except ss. 196.01, 196.016, 196.025 (6), 196.191, 196.206, 196.212, 196.219(2r),
6 and 196.503; and except those provisions in s. 196.203 (4m) (a) that are imposed
7 on all alternative telecommunications utilities under s. 196.203 (3);, and except,
8 with respect to its wholesale telecommunications services only, to ss. 196.03 (1)
9 and (6), 196.219(4), 196.28, and 196.37. If required by the public interest, the
10 commission may, with respect only to intrastate switched access services, impose
11 on the telecommunications utility s. 196.03 (1) and (6) and 196.37, provided that
12 the commission may not impose s. 196.03(1) or (6) without also imposing s.
13 196.37 on the telecommunications utility.The granting of the recertification shall
14 operate to terminate the telecommunications utility's prior certification. All
15 regulatory requirements related to the prior certification that are inconsistent with
16 the requirements of or level of regulation allowed by this subd., including all such
17 requirements imposed by the certification, and all such requirements imposed by
18 the commission, whether by statute or commission rule or order, on the
19 telecommunications utility are terminated on the effective date of the order,
20 unless in its notice to the commission seeking recertification under this section

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Deleted: s. 196.203 (4m) (a) that are imposed on all alternative telecommunications utilities under s. 196.203 (3).

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Deleted: , and except as provided in the order under this subd. 1. B.

Deleted: ; and except that, if the telecommunications utility has 50,000 or fewer access lines in this state as of the effective date of this subd. 1. b. [LRB inserts date], then, only with respect to its switched access services, the telecommunications utility is not exempt from s. 196.03; and except that, if the telecommunications utility has more than 50,000 and fewer than 150,000 access lines in this state as of the effective date of this subd. 1. b. [LRB inserts date], then, only with respect to its switched access services, the telecommunications utility is

Deleted: not exempt from ss. 196.03 and 196.37.

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1 the telecommunications utility requests to remain subject to one or more
2 requirements of its prior certification, provided that those requirements do not
3 violate the telecommunications utility's requirements or obligations under this
4 Chapter and the commission does not deny the request to remain subject to those
5 requirements in the recertification order. 2. Issuance of a commission order

6 under subd. 1. shall operate as a limited waiver of the telecommunications utility's
7 right to an exemption under 47 USC 251 (f) (1), which shall apply only to all of the
8 following:

- 9 a. The requirements of 47 USC 251 (c) (1) and (2).
- 10 b. The requirements of 47 USC 251 (c) (5), but only with respect to the
- 11 requirements of 47 CFR 51.325 (a) (1) and (2).

12 3. Issuance of a commission order under subd. 1. shall operate as a limited
13 waiver of the telecommunications utility's right to petition the commission for
14 suspension or modification under 47 USC 251 (f) (2), which shall apply only to all
15 of the following:

- 16 a. The requirements of 47 USC 251 (b) and (c) (1) and (2).
- 17 b. The requirements of 47 USC 251 (c) (5), but only with respect to the
- 18 requirements of 47 CFR 51.325 (a) (1) and (2).

19 Section 102, 196.503 of the statutes is created to read:

20 **196.503 Telecommunications provider of last-resort obligations. (1)**

Deleted: , including all such requirements imposed by the certification or imposed by rule, order or other determination made by the commission

Deleted: and all requirements imposed by the commission, whether by statute or commission rule or order, on the telecommunications utility are terminated on the effective date of the order

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Deleted: 4. Regardless of whether a telecommunications utility certified under this subsection takes an action allowed under subd. 1., the telecommunications utility is subject, with respect to its wholesale telecommunications service, to all provisions specified in s. 196.203 (4m) (a) and (c).¶

5. This paragraph does not terminate any order of the commission regarding interconnection, unbundling, collocation, or any other obligation under 47 USC 251, or regarding wholesale telecommunications service.¶

<#> 196.50 (2) (k) of the statutes is created to read.¶

196.50 (2) (k) Notwithstanding pars. (i) and (j) 1. b., s. 196.212 governs the rates that a telecommunications provider subject to s. 196.212 may charge for intrastate switched access services.¶

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1 | DEFINITIONS. In this section: "basic voice service" means the provision to
2 residential customers of 2-way voice communication within a local calling area.
3 "Basic voice service" includes extended community calling and extended area
4 service. "Basic voice service" does not include the offering of internet access
5 service or any discretionary or optional services that are provided to a residential
6 customer, even if provided in a bundle or package with basic voice service.

7 (2) INCUMBENT LOCAL EXCHANGE CARRIER OBLIGATIONS. (a)
8 Notwithstanding any other provision in this chapter, and except as provided in sub.
9 (3), an incumbent local exchange carrier shall make basic voice service available to
10 all residential customers within a local exchange area in which it operates as an
11 incumbent local exchange carrier.

12 (b) An incumbent local exchange carrier may satisfy its obligations under
13 par. (a) through an affiliate and through the use of any available technology or
14 mode.

15 (3) WAIVERS. (a) An incumbent local exchange carrier may apply to the
16 commission for a waiver from compliance with sub. (2) (a) in a local exchange area.

17 (b) The commission shall grant a waiver requested under par. (a) for a local
18 exchange area if any of the following is satisfied.

19 1. The commission finds that the incumbent local exchange carrier
20 demonstrates that the waiver is in the public interest or that effective competition

Deleted: If a waiver is granted, then the requesting incumbent local exchange carrier shall not be eligible to receive moneys from the universal service fund for the purpose of assisting customers of this state that have relatively high costs of telecommunications service in obtaining affordable access to a basic set of essential telecommunications services, as provided in s. 196.218 (5) (a) 1. The requesting carrier may receive moneys from the universal service fund for any other purpose specified in s. 196.218 (5), including any other purpose specified in s. 196.218 (5) (a) 1.

1 exists for basic voice service in the local exchange.

2 2. The commission has made a previous finding of effective competition
3 under s. 196.195 (2) for basic local exchange service in the local exchange. The
4 commission may not grant a waiver under this subdivision until after June 1, 2012,
5 or the effective date of this subdivision [LRB inserts date], whichever is later.

6 (c) The commission's review of a waiver requested under par. (a) shall be
7 strictly limited to determining whether any of the criteria specified in par. (b) 1. or
8 2. is satisfied.

9 (d) 1. Within 120 days of the filing of a waiver request based on par. (b) 1.,
10 the commission shall grant or deny the request and, if denied, the commission shall
11 issue a written decision identifying the reasons for its denial. If the commission
12 fails to grant or deny the waiver request within 120 days of its filing, the waiver
13 request is considered granted by operation of law.

14 2. The commission shall grant a waiver based on par. (b) 2. as soon as the
15 commission verifies that the commission has previously made the finding specified
16 in par. (b) 2., but no later than 20 days after the filing of the waiver request. If the
17 commission fails to grant a waiver request based on par. (b) 2. within 20 days of its
18 filing, the waiver request is considered granted by operation of law. If the
19 commission denies a waiver based on par. (b) 2., the commission shall issue a
20 written decision identifying the reasons for its denial.

1 (4) EFFECT ON OTHER REQUIREMENTS. (a) Notwithstanding any other
2 provision of this chapter, a commission decision prior to the effective date of this
3 paragraph ... [LRB inserts date], eliminating an incumbent local exchange carrier's
4 provider of last-resort obligations, by operation of law or otherwise, remains in
5 force and in effect as to the elimination of those obligations.

6 (b) Except to enforce this section, nothing in this section provides the
7 commission with any authority to regulate, or any jurisdiction over, incumbent
8 local exchange carriers and the rates, terms, and conditions of their services that
9 the commission does not otherwise have under this chapter.

10 (5) SUNSET. This section does not apply after April 30, 2013.

11 **Section 103.** 196.52 (3) (b) 1. of the statutes is amended to read:

12 196.52 (3) (b) 1. The requirement for written approval under par. (a) shall
13 not apply to any contract or arrangement if the amount of consideration involved is
14 not in excess of \$25,000 or 5% of the equity of the public utility, whichever is
15 smaller. The requirement under par. (a) also does not apply to a
16 ~~telecommunications utility contract or arrangement~~ or to contracts or arrangements
17 with joint local water authorities under s. 66.0823. Regularly recurring payments
18 under a general or continuing arrangement which aggregate a greater annual
19 amount may not be broken down into a series of transactions to come within the
20 exemption under this paragraph. Any transaction exempted under this paragraph

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1 shall be valid or effective without commission approval under this section.

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2 | **Section 104.** 196.52 (3) (c) (intro.) of the statutes is amended to

3 read:

4 196.52 (3) (c) (intro.) If the value of a contract or arrangement between an
5 affiliated interest and a public utility, ~~other than a telecommunications utility,~~
6 exceeds \$1,000,000, the commission:

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7 | **Section 105.** 196.52 (5) (a) of the statutes is renumbered 196.52

8 (5).

9 | **Section 106.** 196.52 (5) (b) of the statutes is repealed.

10 | **Section 107.** 196.52 (6) of the statutes is amended to read:

11 196.52 (6) If the commission finds upon investigation that a public utility;
12 ~~other than a telecommunications utility,~~ is giving effect to a contract or
13 arrangement without the commission's approval under this section, the commission
14 shall issue a summary order directing that public utility to cease and desist from
15 making any payments, receiving compensation, providing any service or otherwise
16 giving any effect to the contract or arrangement until the contract or arrangement
17 receives the approval of the commission. The circuit court of Dane County may
18 enforce the order to cease and desist by appropriate process, including the issuance
19 of a preliminary injunction, upon the suit of the commission.

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20 | **Section 108.** 196.52 (9) (e) of the statutes is amended to read:

1 196.52 (9) (e) Notwithstanding sub. (5)-(a), the commission may not modify
2 or terminate a leased generation contract approved under sub. (3) except as
3 specified in the leased generation contract or the commission's order approving the
4 leased generation contract.

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5 **Section 109.** 196.60 (1) (a) of the statutes is amended to read:

6 196.60 (1) (a) ~~Except as provided under sub. (2), no~~ No public utility and no
7 agent, as defined in s. 196.66 (3) (a), or officer of a public utility, directly or
8 indirectly, may charge, demand, collect or receive from any person more or less
9 compensation for any service rendered or to be rendered by it in or affecting or
10 relating to the production, transmission, delivery or furnishing of heat, light, water,
11 ~~telecommunications service~~ or power or for any service in connection therewith,
12 than that prescribed in the published schedules or tariffs then in force, or
13 established under this chapter, or than it charges, demands, collects or receives
14 from any other person for a like contemporaneous service.

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15 **Section 110.** 196.60 (2) of the statutes is repealed.

16 **Section 111.** 196.604 of the statutes is amended to read:

17 **196.604 Rebates, concessions and discriminations unlawful.** No person
18 may knowingly solicit, accept or receive any rebate, concession or discrimination
19 from a public utility for any service in or affecting or relating to the production,
20 transmission, delivery or furnishing of heat, light, water or power ~~or the conveying~~

1 of telecommunications messages within this state or for any connected service
2 whereby the service is rendered or is to be rendered free or at a rate less than the
3 rate named in the schedules and tariffs in force, or whereby any other service or
4 advantage is received. Any person violating this section shall be fined not less than
5 \$50 nor more than \$5,000 for each offense.

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6 **Section 112.** 196.77 of the statutes is repealed.

7 **Section 113.** 196.79 (1) of the statutes is renumbered 196.79 and
8 amended to read:

9 **196.79 Reorganization subject to commission approval.** ~~Except as~~
10 ~~provided in sub. (2), the~~ The reorganization of any public utility shall be subject to
11 the supervision and control of the commission. No reorganization may take effect
12 without the written approval of the commission. The commission may not approve
13 any plan of reorganization unless the applicant for approval establishes that the
14 plan of reorganization is consistent with the public interest.

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15 **Section 114.** 196.79 (2) of the statutes is repealed.

16 **Section 115.** 196.805 of the statutes is repealed.

17 **Section 116.** 196.975 (1) of the statutes is renumbered 196.975
18 (1r) and amended to read:

19 196.975 (1r) One hundred fifty or more consumers, ~~as defined in s. 196.213~~
20 ~~(1) (a) 1,~~ who are residents of the same local exchange area for

1 telecommunications service may file with the commission a petition requesting
2 that commission staff, in cooperation with the affected telecommunications utilities
3 and telecommunications carriers, petition the appropriate federal district court to
4 include their local exchange area in a different local access and transport area. The
5 petitioners shall include with the petition information explaining why the current
6 boundaries of the local access and transport area which includes their local
7 exchange area does not adequately reflect areas of common social, economic and
8 other concerns.

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9 **Section 117.** 196.975 (1g) of the statutes is created to read:

10 196.975 (1g) In this section, “consumer” means a person billed for one or
11 more local telecommunications service access lines not to exceed one person per
12 access line. A person billed for more than one access line may not be considered a
13 consumer for each access line for which he or she is billed.

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14 **Section 118.** 196.975 (2) of the statutes is amended to read:

15 196.975 (2) After receiving a petition under sub. ~~(1)~~ (1r), the commission
16 shall schedule a public hearing, to be held in the local exchange area of the
17 petitioners, serving to receive testimony on the contents of the petition and any
18 other matters deemed relevant by the commission. The commission shall publish a
19 class 1 notice under ch. 985 in a newspaper serving the local exchange area at least
20 20 days prior to the hearing.

1 **Section 119.** 201.15 of the statutes is repealed.

2 **Section 120. Nonstatutory provisions.**

3 (1) In this section:

4 (a) “Commission” means the public service commission.

5 (b) “Price-regulated telecommunications utility” means a
6 telecommunications utility that elected to become a price-regulated
7 telecommunications utility under section 196.196 (1) or (4), 2009 stats.

8 (c) “Telecommunications utility” has the meaning given in section 196.01
9 (10) of the statutes.

10 (2) Except as provided in section 196.219 (2r) ~~and 196.195~~ of the statutes,
11 as created by this act, on the effective date of this subsection, any requirement
12 imposed by the commission under section 196.195 (5), 2009 stats., or section
13 196.196, 2009 stats., whether by statute or commission rule or order, on a price-
14 regulated telecommunications utility is terminated.

15 (3) Except as provided in section 196.219 (2r) of the statutes, as created by
16 this act, on the effective date of this subsection, any requirement imposed on a
17 telecommunications utility or alternative telecommunications utility under section
18 196.203, 2009 stats., or section 196.50, 2009 stats., whether by statute or
19 commission rule or order, that is inconsistent with sections 196.203 or 196.50 (2)
20 of the statutes, as affected by this act, is terminated.

