

2013 DRAFTING REQUEST

Bill

Received: 12/27/2012 Received By: mkunkel
Wanted: As time permits Same as LRB:
For: Legislative Council - JLC By/Representing: Chad Brown
May Contact: Drafter: mkunkel
Subject: Public Util. - telco Addl. Drafters:
Extra Copies: CMH

Submit via email: YES
Requester's email: larry.konopacki@legis.wisconsin.gov
Carbon copy (CC) to: chadwick.brown@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Statewide 911 telecommunications services

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>
/?	mkunkel 1/3/2013			_____			
/P1	mkunkel 1/8/2013	scalvin 1/4/2013	jmurphy 1/4/2013	_____	sbasford 1/4/2013		State
/P2	mkunkel 1/10/2013	scalvin 1/9/2013	phenry 1/9/2013	_____	lparisi 1/9/2013		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	mkunkel 1/21/2013	scalvin 1/10/2013	rschluet 1/10/2013	_____	srose 1/10/2013		State
/1		scalvin 1/21/2013	phenry 1/22/2013	_____	lparisi 1/22/2013	mbarman 3/19/2013	State

FE Sent For:

*at intro
3/26*

<END>

(Handwritten note in a cloud shape)
 for Assembly
 Per MDK

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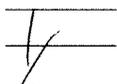
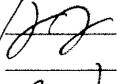
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2/13 SAC
01/10/2013

1/10/13

gm

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FE Sent For:	<i>/P2 SAC 01/09/2013</i>		<i>1/9 ph</i>	<i>ph</i>			

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/? mkunkel

/PI

FE Sent For:

PI SAC
01/04/13

Jim 12/27
 LC Conversion
 PI SAC
 01/04/13
 Jim 1/4/13
 <END>

LAK:ksm;

12/07/2012

and perform other function related to the state 911 telecommunications service

1 AN ACT to create 256.35 (3f) of the statutes; relating to: state 911
2 telecommunications services.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This draft ~~would require~~ ^{requires} the public service commission (PSC) to contract with a network of 911 service providers to perform selective routing services, manage updates to automatic location information databases, ~~and~~ ^{and} manage master street address guides statewide. The draft ~~would also require~~ ^{requires} communications providers to provide price schedules for 911 services to the PSC, ~~would require~~ ^{requires} the PSC to review the price schedules to determine whether they are commercially reasonable, and ~~would require~~ ^{requires} the PSC to reimburse the commercially reasonable costs they incur. These costs include ~~those~~ ^{creates those} associated with both wireless and landline 911 service.

+ +
+
xx
+
+

requires

This draft ~~will create~~ ^{creates} a staff position at PSC to perform these functions and ~~allow~~ ^{allows} the PSC to pay its administrative expenses from the state 911 fee, not to exceed 1% of the revenue from that fee.

+
+

allows

that is dispersed under contracts with 911 service providers and paid to communications providers for 911 service.

3 SECTION 1. 256.35 (3f) of the statutes is created to read:
4 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (a) The commission shall contract
5 with 911 service providers for the establishment and maintenance of a statewide 911
6 telecommunications system.

NOTE: "911 service provider" is defined in WLC: 0042/1 and WLC: 0048/P1 as "the entity that provides selective routing services and manages updates to the automatic location information database and master street address guide for a particular geographic area under contract with the public service commission".

+

7 (b) The commission shall reimburse all commercially reasonable costs incurred by a
8 communications provider to provide 911 telecommunications service. A communications

1 provider shall file with the commission a price schedule that lists the prices of all of the
2 communications provider's services associated with installing, maintaining, and operating
3 911 service, including nonrecurring and recurring costs. The commission shall determine
4 whether a communications provider's price schedule is commercially reasonable.

~~NOTE: "Communications provider" is defined in WLC: 0042/1 as "a person that provides active voice or nonvoice communications service that is capable of accessing a public safety answering point".~~

5 (c) The commission may contract with a 3rd party for the administration of this
6 subsection.

NOTE: If approved by the committee, this draft will also include creation of a staffing position at PSC and an appropriation to fund that position and the administration of the functions outlined in this draft from the state 911 fee, not to exceed 1% of the revenue from that fee, and to pay for the contracts with 911 service providers and telecommunications costs of communications providers, as described above.

7 (END)

Mark, please add this to this draft, and remove this note, except limit the PSC's admin./staffing costs to 1% of the amount dispersed under contracts with 911 service providers and the amount paid to communications providers for 911 service. (in other words, do not include the amount transferred to the OSA for the 911 grant program in the calculation of the PSC's 1% for admin. purposes)



O-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Friday
PM
if possible*

1 **AN ACT** *gen act*; **relating to:** state 911 telecommunications services and making an
2 appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

* This bill requires the public service commission (PSC) to contract with a network of 911 service providers to perform selective routing services, manage updates to automatic location information databases, manage master street address guides statewide, and perform other functions related to the state 911 telecommunications service. The bill also requires communications providers to provide price schedules for 911 services to the PSC, requires the PSC to review the price schedules to determine whether they are commercially reasonable, and requires the PSC to reimburse the commercially reasonable costs ~~they~~ *the providers* incur. These costs include those associated with both wireless and landline 911 service.

This bill creates a staff position at the PSC to perform these functions and allows the PSC to pay its administrative expenses from the state 911 fee, not to exceed 1% of the

revenue from that fee that is disbursed under contracts with 911 service providers and paid to communications providers for 911 service.

1 **SECTION 1.** 20.155 (3) (g) of the statutes is created to read:

2 20.155 (3) (g) *Statewide 911 telecommunications.* From the moneys received
3 under s. 256.35 (3) (dm), a sum sufficient for contracts required under s. 256.35 (3f)
4 (a), reimbursements required under s. 256.35 (3f) (b), and administration of the
5 contracts and reimbursements, except that no more than 1 percent of the moneys
6 appropriated under this paragraph for the contracts and reimbursements may be
7 used for administration of the contracts and reimbursements.

8 **SECTION 2.** 256.35 (3f) of the statutes is created to read:

9 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (a) From the appropriation
10 under s. 20.155 (3) (g), the commission shall contract with 911 service providers for
11 the establishment and maintenance of a statewide 911 telecommunications system.

****NOTE: "911 service provider" is defined in 2013 Assembly Bill (LRB-0924/1) as
"an entity that contracts with the commission to provide selective routing services,
manage updates to the automatic location information database, manage updates to the
master street address guide for a particular geographic area, or provider other services
related to the state 911 telecommunications system."

12 (b) From the appropriation under s. 20.155 (3) (g), the commission shall
13 reimburse all commercially reasonable costs incurred by a communications provider
14 to provide 911 telecommunications service. A communications provider shall file
15 with the commission a price schedule that lists the prices of all of the
16 communications provider's services associated with installing, maintaining, and
17 operating 911 service, including nonrecurring and recurring costs. The commission
18 shall determine whether a communications provider's price schedule is
19 commercially reasonable.

****NOTE: "Communications provider" is defined in 2013 Assembly Bill
(LRB-0924/1) as "a person that provides active voice or nonvoice communications service
that is capable of accessing a public safety answering point."

1 (c) The commission may contract with a 3rd party for the administration of this
2 subsection.

3 **SECTION 3. Nonstatutory provisions.**

4 (1) STATEWIDE 911 TELECOMMUNICATIONS SERVICE. The authorized FTE positions
5 for the public service commission are increased by 1.0 PR position, to be funded from
6 the appropriation under section 20.155 (3) (g), ^{of the statutes, as created by This act} for the purpose of administration of
7 contracts and reimbursements required under ^{section} ~~(s)~~ 256.35 (3f).
8

8 (2) RECONCILIATION. This act is void if 2013 Assembly Bill ^{***} (LRB-0921/1) and
9 2013 Assembly Bill ^{***} (LRB-0924/1) are not enacted.

10 (END)

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

LRB-0923/P1dn
MDK&CMH:f.....

SAC

date

Larry Konopacki:

Please review this preliminary draft to make sure it achieves your intent. Also please note the following:

1. I retained your notes regarding the definitions of "911 service provider" and "communications provider" because I think they help the reader understand the draft. If you think otherwise, let me know.
2. The position authorization is funded by the appropriation created at s. 20.155 (3) (g). Note that the position is subject to the 1% limitation for administration that is expressed in the appropriation.

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-0923/P1dn
MDK&CMH:sac:jm

January 4, 2013

Larry Konopacki:

Please review this preliminary draft to make sure it achieves your intent. Also please note the following:

1. I retained your notes regarding the definitions of "911 service provider" and "communications provider" because I think they help the reader understand the draft. If you think otherwise, let me know.
2. The position authorization is funded by the appropriation created at s. 20.155 (3) (g). Note that the position is subject to the 1% limitation for administration that is expressed in the appropriation.

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0923/P1
MDK&CMH:sac:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- please reuse per DN # 8th
LRB0921/P1 ✓
- please reuse per DN # 9th
LRB 0921/P1 ✓

1 AN ACT to create 20.155 (3) (g) and 256.35 (3f) of the statutes; relating to: state
2 911 telecommunications services and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This bill requires the public service commission (PSC) to contract with a network of 911 service providers to perform selective routing services, manage updates to automatic location information databases, manage master street address guides statewide, and perform other functions related to the state 911 telecommunications service. The bill also requires communications providers to provide price schedules for 911 services to the PSC, requires the PSC to review the price schedules to determine whether they are commercially reasonable, and requires the PSC to reimburse the commercially reasonable costs the providers incur. These costs include those associated with both wireless and landline 911 service.

This bill creates a staff position at the PSC to perform these functions and allows the PSC to pay its administrative expenses from the state 911 fee, not to exceed 1% of the

revenue from that fee that is disbursed under contracts with 911 service providers and paid to communications providers for 911 service.

1 **SECTION 1.** 20.155 (3) (g) of the statutes is created to read:

2 20.155 (3) (g) *Statewide 911 telecommunications.* From the moneys received
3 under s. 256.35 (3) (dm), a sum sufficient for contracts required under s. 256.35 (3f)
4 (a), reimbursements required under s. 256.35 (3f) (b), and administration of the
5 contracts and reimbursements, except that no more than 1 percent of the moneys
6 appropriated under this paragraph for the contracts and reimbursements may be
7 used for administration of the contracts and reimbursements.

8 **SECTION 2.** 256.35 (3f) of the statutes is created to read:

9 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (a) From the appropriation
10 under s. 20.155 (3) (g), the commission shall contract with 911 service providers for
11 the establishment and maintenance of a statewide 911 telecommunications system.

****NOTE: "911 service provider" is defined in 2013 Assembly Bill (LRB-0924/1) as
"an entity that contracts with the commission to provide selective routing services,
manage updates to the automatic location information database, manage updates to the
master street address guide for a particular geographic area, or provide other services
related to the state 911 telecommunications system."

12 (b) From the appropriation under s. 20.155 (3) (g), the commission shall
13 reimburse all commercially reasonable costs incurred by a communications provider
14 to provide 911 telecommunications service. A communications provider shall file
15 with the commission a price schedule that lists the prices of all of the
16 communications provider's services associated with installing, maintaining, and
17 operating 911 service, including nonrecurring and recurring costs. The commission
18 shall determine whether a communications provider's price schedule is
19 commercially reasonable.

****NOTE: "Communications provider" is defined in 2013 Assembly Bill
(LRB-0924/1) as "a person that provides active voice or nonvoice communications service
that is capable of accessing a public safety answering point."

8. Instead of amending the definition of "costs" in s. 256.35 (3) (a) 2. and renumbering it to s. 256.35 (1) so that it applies throughout s. 256.35, I did not affect that definition in this draft. Instead, we should revise LRB-0923 to make the changes you want (including your note). However, when we revise LRB-0923, we should renumber the definition so that it only applies in proposed s. 256.35 (3f). The definition should not apply throughout s. 256.35, because the term "cost" is used in s. 256.35 (3m) (wireless providers), and you do not want to affect the meaning of "costs" in s. 256.35 (3m). The other references to "costs" in s. 256.35 are in paragraphs in s. 256.35 (3) that this draft repeals, or in s. 256.35 (6), for which this draft replaces "costs" with "expenses."

9. I also did not repeal the term "service supplier" in this draft, as it should be repealed in LRB-0923. As noted above, I did not affect the definition of "costs," which uses the term "service supplier." Because LRB-0923 will be revised to deal with "costs," we should also deal with "service supplier" in that draft.

10. I created titles for all of the paragraphs in s. 256.35 (3).

11. I made substantial changes to the language in proposed s. 256.35 (3) (cm) regarding PSC orders to adjust the fee, which are based, in part, on my assumption that the PSC may issue only one order per year. Please review my changes. Also, I revised the fourth paragraph of your prefatory note, which describes the PSC's powers. If you disagree with my revisions, please let me know.

12. We simplified the language regarding DOR's duties and included it in proposed s. 256.35 (3) (dm) 2.

13. I think the cross-reference to s. 256.35 (3) in s. 77.54 (37) is still accurate (which deals with a sales and use tax exemption), but we may want to consider whether any changes to s. 77.54 (37) are appropriate.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
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1 (ct) "Communications service" means active voice or nonvoice communications
2 service that is capable of accessing a public safety answering point.

3 (em) "Master street address guide" means a database of street names and address
4 number ranges used to determine the proper public safety answering point to which to route
5 a 911 call and the appropriate police, fire, ambulance, rescue, and medical services agencies
6 to dispatch.

7 SECTION 5. 256.35 (3) (title) of the statutes is amended to read:

8 256.35 (3) (title) FUNDING FOR COUNTYWIDE SYSTEMS STATE 911 SYSTEM.

9 SECTION 6. 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (1) (cx) and amended
10 to read:

11 256.35 (1) (cx) "Costs" means the costs incurred by a service supplier communications
12 provider or a 911 service provider after August 1, 1987 the effective date of this subdivision
13 [LRB inserts date], in installing and maintaining the trunking and central office equipment
14 used only to operate a basic or sophisticated system and the database databases used only to
15 operate a sophisticated system.

*costs incurred for the provision of 911 service between select
routers and public safety answering points, and other costs associated with
providing 911 tele communications service.*

NOTE: This revision would include as recoverable costs all
telecommunications costs incurred by 911 service providers and
communications providers, as defined above.

16 SECTION 7. 256.35 (3) (a) 2m. of the statutes is created to read:

17 256.35 (3) (a) 2m. "Department" means the department of revenue.

18 SECTION 8. 256.35 (3) (a) 3. of the statutes is repealed.

NOTE: Under this draft, the term "service supplier" is no longer used.
The entities that may recoup 911 telecommunications costs under this
subsection are 911 service providers and communications providers.

19 SECTION 9. 256.35 (3) (a) 4. of the statutes is amended to read:



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0923/P1
MDK&CMH:sac:jd

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NOTE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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INSERT 2 - 7

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8 SECTION 2. 256.35 (3f) of the statutes is created to read:

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✓ ****NOTE: "911 service provider" is defined in 2013 Assembly Bill (LRB-0924/1) as "an entity that contracts with the commission to provide selective routing services, manage updates to the automatic location information database, manage updates to the master street address guide for a particular geographic area, or ~~provide~~ other services related to the state 911 telecommunications system."

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18 shall determine whether a communications provider's price schedule is
19 commercially reasonable.

****NOTE: "Communications provider" is defined in 2013 Assembly Bill (LRB-0924/1) as "a person that provides active voice or nonvoice communications service that is capable of accessing a public safety answering point."

1 ^d
2 (1) The commission may contract with a 3rd party for the administration of this
3 subsection.

4 **SECTION 3. Nonstatutory provisions.**

5 (1) STATEWIDE 911 TELECOMMUNICATIONS SERVICE. The authorized FTE positions
6 for the public service commission are increased by 1.0 PR position, to be funded from
7 the appropriation under section 20.155 (3) (g) of the statutes, as created by this act,
8 for the purpose of administration of contracts and reimbursements required under
9 section 256.35 (3f) of the statutes, as created by this act.

10 (2) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0921/1) and
11 2013 Assembly Bill (LRB-0924/1) are not enacted.

(END)

OT

2013 Assembly Bill
.... (LRB-0919/1)

2013 Assembly Bill (LRB-0922/1)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0923/P2dn
MDK.:.....

SUC

-date-

, and s. 256.35(3f)(c) as
s. 256.35(3f)(d)

Larry Konopacki:

Note that in the definition of "costs," I referred to "911 telecommunications service," instead of "911 service." Is that okay? Also, is "911 telecommunications service" defined in any of the other drafts, and, if it isn't, should it be defined?

Also, I put the definition of "costs" in s. 256.35 (3f) (a), which caused me to renumber s. 256.35 (3f) (a) as s. 256.35 (3f) (b), and s. 256.35 (3f) (b) as s. 256.35 (3f) (c). I'm making a note of that as a reminder to check the other drafts for cross-references that may need to be revised.

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

1

Finally, in the reconciliation nonstatutory provision, I revised the language so that the draft is void if any of the specified bills are not enacted. In the previous version, the language required all of the specified bills to fail in order to void this draft. I will make sure a similar change is made to the other 911 drafts.

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

LRB-0923/P2dn
MDK:sac:ph

January 9, 2013

Larry Konopacki:

Note that in the definition of "costs," I referred to "911 telecommunications service," instead of "911 service." Is that okay? Also, is "911 telecommunications service" defined in any of the other drafts, and, if it isn't, should it be defined?

Also, I put the definition of "costs" in s. 256.35 (3f) (a), which caused me to renumber s. 256.35 (3f) (a) as s. 256.35 (3f) (b), s. 256.35 (3f) (b) as s. 256.35 (3f) (c), and s. 256.35 (3f) (c) as s. 256.35 (3f) (d). I'm making a note of that as a reminder to check the other drafts for cross-references that may need to be revised.

Finally, in the reconciliation nonstatutory provision, I revised the language so that the draft is void if any of the specified bills are not enacted. In the previous version, the language required all of the specified bills to fail in order to void this draft. I will make sure a similar change is made to the other 911 drafts.

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

Kunkel, Mark

From: Kunkel, Mark
Sent: Wednesday, January 09, 2013 2:45 PM
To: Konopacki, Larry
Subject: RE: transition language

Is the following correct?

Section 256.35 (3) (b) under current law authorizes counties to enact ordinances to charge service users (SUs) for the costs of establishing a basic or sophisticated 911 system. However, a county may enact such an ordinance only if (among other things) the county has entered into contracts with service providers (SPs) for the SPs to establish such a system. Also, those contracts must allow SPs to impose charges on SUs, which are either nonrecurring or recurring charges.

Because the bill eliminates a county's authority to enact the above ordinance, the bill invalidates any contract between a county and an SP entered into pursuant to the ordinance, as well as eliminates any requirement under such a contract for SUs to pay charges (recurring or nonrecurring) to SPs. If an SP has incurred costs under a contract for which it has not yet been reimbursed via charges to SUs, the bill will result in a "taking," in that an SP will have provided services under the invalidated contract for which the SP will not be compensated.

Therefore, a transitional provision is necessary to ensure that SPs are compensated for services they have provided under the invalidated contracts.

The PSC has provided a rather detailed plan for compensating the SPs. Is it possible to take a simpler approach, such as require the PSC to issue an order that compensates SPs? Such compensation would have to be paid from the new fees required under s. 256.35 (3) (bm) (see LRB-0921). Also, the appropriation to the PSC in s. 20.155 (3) (g) that is created in LRB-0923 would have to be revised to allow the PSC to make compensation payments. In addition, a duty for the PSC to pay the compensation would have to be added LRB-0923, either in s. 256.35 (3f) or, if the duty will expire in the near future, in a nonstatutory section added to LRB-0923.

If I've misunderstood anything, please let me know.

--Mark

From: Kunkel, Mark
Sent: Wednesday, January 09, 2013 1:52 PM
To: Konopacki, Larry
Subject: RE: transition language

Okay – I'll try to reach you later today. I'm still trying to work through it and its relationship to current law. (I won't call anybody at the PSC in the meantime.)

From: Konopacki, Larry
Sent: Wednesday, January 09, 2013 1:48 PM
To: Kunkel, Mark
Subject: RE: transition language

Mark, let's talk about this before you get to work on it.

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: Kunkel, Mark
Sent: Wednesday, January 09, 2013 1:14 PM
To: Konopacki, Larry; Brown, Chadwick
Subject: RE: transition language

Larry, I will need some help in walking through the new language. I'll give Dennis Klaila a call in a bit.

--Mark

From: Konopacki, Larry
Sent: Tuesday, January 08, 2013 6:08 PM
To: Brown, Chadwick; Kunkel, Mark
Subject: FW: transition language

Mark, what do you think about what Dennis suggests below regarding the transition that we need to add to this legislation?

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: Klaila, Dennis - PSC [<mailto:Dennis.Klaila@wisconsin.gov>]
Sent: Tuesday, January 08, 2013 2:55 PM
To: Konopacki, Larry

Cc: Reader, Chris - PSC; Evenson, Gary - PSC; Nelson, Elise - PSC

Subject: transition language

Larry, here is one approach to the transition that I think would treat the current service providers fairly.

This assumes that a new state-wide 911 contract has replaced the former county-wide 911 agreements now authorized under s. 256.35(3), Stats. This also assumes that a new \$0.40 surcharge has replaced the prior 911 surcharge on landline service, and the new 911 fund would pay compensation to participating service providers under the old county-wide 911 contracts. The compensation could be calculated as follows:

1. The new 911 Fund will pay the balance of cost recovery due for non-recurring expenses, up to the end of the period during which non-recurring expenses, as defined in s. 256.35(3)(b)3.a., are recovered.
2. The new 911 Fund will pay an estimate of the contribution (revenue less operating expense) that each participating service supplier under any countywide 911 contract would have been earned during each month immediately following the repayment of the non-recurring expenses incurred under the contract, up to a maximum payment of 36-months of contribution. The number of months of compensation due here shall be 36 minus the number of months a countywide 911 contract was in effect after the month in which the recovery of non-recurring expenses was completed, but before the effective date of the new state-wide 911 agreement.
3. No transition compensation will be paid for any countywide 911 contract that has been in effect for longer than the period during which non-recurring expenses are recovered plus an additional 36 months.
4. Any telecommunications trunk, central office equipment or software, selective router, database support or other telecommunications service feature that is incorporated into the new network architecture adopted pursuant to [this enactment] is not eligible for transition compensation.

If we assume that the new state-wide 911 agreement went into effect on Jan 1, 2013, 5 county contracts would fall into category 1, 9 county contracts into #2, and 57 county contracts into #3.

Kunkel, Mark

From: Kunkel, Mark
Sent: Wednesday, January 09, 2013 3:39 PM
To: Kunkel, Mark
Subject: 911 revisions

Delay the effective date of the new state 911 fee, the repeal of the county fee (under s. 256.35 (3) (b)), and the duty of the PSC to contract and pay reimbursements under s. 256.35 (3f) by 3 months.

Create one nonstat. for the PSC to make payments to service providers (as defined under current law) to ensure that that the providers are compensated for the nonrecurring costs (as described under current law) that are subject to contracts under s. 256.35 (3) (b) under current law in effect on the effective date of the bill. Amend s. 20.155 (3) (g) to appropriate money to the PSC for the duty under the nonstat.

Create second nonstat. that says, notwithstanding the repeal of s. 256.35 (3) (b) (etc.), the PSC shall reimburse service providers in a county at the rate specified under current law (levied by county?), and that the duty for PSC compensation ceases on the date that the PSC enters into a new contract under s. 256.35 (3f) for that particular county. Must also say that duties under current law contracts remain in effect until PSC enters into a new contract. [Question: does PSC reimburse all costs are just nonrecurring costs? Under this second nonstat., do we still need the first nonstat.??]

Larry also mentioned revising the definition of "costs" to include the costs under the contracts under current law, but I don't that is necessary under the above nonstats. which will refer to costs under current law.

*include Transitions
in LRB-0923*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0923/P2
MDK&CMH:sac:pd

P3

O-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

By Friam
1-11

RM
has
been
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-regen cat

1 **AN ACT** to repeal 256.35 (3) (a) 3.; to renumber and amend 256.35 (3) (a) 2.;
2 and to create 20.155 (3) (g) and 256.35 (3f) of the statutes; relating to: state
3 911 telecommunications services and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This bill requires the public service commission (PSC) to contract with a network of 911 service providers to perform selective routing services, manage updates to automatic location information databases, manage master street address guides statewide, and perform other functions related to the state 911 telecommunications service. The bill also requires communications providers to provide price schedules for 911 services to the PSC, requires the PSC to review the price schedules to determine whether they are commercially reasonable, and requires the PSC to reimburse the commercially reasonable costs the providers incur. These costs include those associated with both wireless and landline 911 service.

This bill creates a staff position at the PSC to perform these functions and allows the PSC to pay its administrative expenses from the state 911 fee, not to exceed 1% of the revenue from that fee that is disbursed under contracts with 911 service providers and paid to communications providers for 911 service.

1 SECTION 1. 20.155 (3) (g) of the statutes is created to read:

2 20.155 (3) (g) *Statewide 911 telecommunications.* From the moneys received
3 under s. 256.35 (3) (dm), a sum sufficient for contracts required under s. 256.35 (3f)
4 (b), reimbursements required under s. 256.35 (3f) (c), and administration of the
5 contracts and reimbursements, except that no more than 1 percent of the moneys
6 appropriated under this paragraph for the contracts and reimbursements may be
7 used for administration of the contracts and reimbursements.

8 SECTION 2. 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (3f) (a) and
9 amended to read:

10 256.35 (3f) (a) "Costs" In this subsection, "costs" means the costs incurred by
11 a ~~service supplier~~ communications provider or 911 service provider after
12 ~~August 1, 1987~~ the effective date of this paragraph ... [LRB inserts date], in
13 installing and maintaining the trunking and central office equipment used only to
14 operate a basic or sophisticated system and the ~~database~~ databases used only to
15 operate a sophisticated system; the costs incurred for the provision of 911
16 telecommunications service between selective routers and public safety answering
17 points; and all other costs associated with providing 911 telecommunications service.

NOTE: This revision would include as recoverable costs all telecommunications costs incurred by 911 service providers and communications providers, as defined above.

18 SECTION 3. 256.35 (3) (a) 3. of the statutes is repealed.

19 SECTION 4. 256.35 (3f) of the statutes is created to read:

and 2013 Wisconsin Act ... (this act) (2) (c) and (d)
section 5

1 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (b) From the appropriation
2 under s. 20.155 (3) (g), the commission shall contract with 911 service providers for
3 the establishment and maintenance of a statewide 911 telecommunications system.

 ****NOTE: "911 service provider" is defined in 2013 Assembly Bill (LRB-0924/1) as
 "an entity that contracts with the commission to provide selective routing services,
 manage updates to the automatic location information database, manage updates to the
 master street address guide for a particular geographic area, or provide other services
 related to the state 911 telecommunications system."

4 (c) From the appropriation under s. 20.155 (3) (g), the commission shall
5 reimburse all commercially reasonable costs incurred by a communications provider
6 to provide 911 telecommunications service. A communications provider shall file
7 with the commission a price schedule that lists the prices of all of the
8 communications provider's services associated with installing, maintaining, and
9 operating 911 service, including nonrecurring and recurring costs. The commission
10 shall determine whether a communications provider's price schedule is
11 commercially reasonable.

 ****NOTE: "Communications provider" is defined in 2013 Assembly Bill
 (LRB-0924/1) as "a person that provides active voice or nonvoice communications service
 that is capable of accessing a public safety answering point."

12 (d) The commission may contract with a 3rd party for the administration of this
13 subsection.

14 **SECTION 5. Nonstatutory provisions.**

(CS) POSITION AUTHORIZATION

15 (1) ~~STATEWIDE 911 TELECOMMUNICATIONS SERVICE~~. The authorized FTE positions
16 for the public service commission are increased by 1.0 PR position, to be funded from
17 the appropriation under section 20.155 (3) (g) of the statutes, as created by this act,
18 for the purpose of administration of contracts and reimbursements required under
19 section 256.35 (3f) of the statutes, as created by this act.

INSEAT 4-1

1 (2) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
2 2013 Assembly Bill (LRB-0921/1), 2013 Assembly Bill (LRB-0922/1), or 2013
3 Assembly Bill (LRB-0924/1) are not enacted.

4 (END)

INSEAT 4-3

1 amount of the reimbursement may not exceed the charges allowed under section
2 256.35 (3) (b) 8., 2011 stats.

3 (d) *Other reimbursement.* From the appropriation under section 20.155 (3) (g)
4 of the statutes, as created by this act, the commission shall reimburse a service
5 provider for any nonrecurring services described in section 256.35 (3) (b) 3. a., 2011
6 stats., that are provided under an existing contract, that the service provider has not
7 recovered in rates pursuant to section 256.35 (3) (d), 2011 stats., and for which the
8 service provider is not otherwise reimbursed under paragraph (c), a statewide
9 contract, or section 256.35 (3f) (c) of the statutes, as created by this act.

10 **INSERT 4-3:**

11 **SECTION 1. Effective date.**

12 (1) The treatment of sections 20.155 (3) (g) and 256.35 (3) (a) 2. and 3. and (3f)
13 of the statutes and SECTION 5 of this act take effect on the first day of the 4th month
14 beginning after publication.

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

LRB-0923/P3dn

MDK:/:....

-dot-

SM

Larry Konopacki:

Please review the transitional provisions in the nonstatutory section of this version. Note that I have not yet added a discussion of those provisions to your Notes. After the provisions are finalized, we should revise your Notes to discuss them.

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-0923/P3dn
MDK:sac:rs

January 10, 2013

Larry Konopacki:

Please review the transitional provisions in the nonstatutory section of this version. Note that I have not yet added a discussion of those provisions to your Notes. After the provisions are finalized, we should revise your Notes to discuss them.

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

Kunkel, Mark

From: Konopacki, Larry
Sent: Thursday, January 17, 2013 3:04 PM
To: Kunkel, Mark
Cc: Brown, Chadwick
Subject: RE: 911 drafts

Mark, after looking through the drafts I only have a couple comments/questions:

- LRB 0919/P2 and the DN for that draft, the reference under proposed s. 16.9647 (2) (i) and in the last paragraph of the pref. note should be to the grants issued to PSAPs by OJA under LRB 0922. You might have a better way to word this, but the intent is for this section to be where the council gets the authority to tell the PSC at what rate to set the state 911 fee (subject to Gov. approval).

✓ LRB 0920/P2 looks good

- In LRB 0921/P2, page 6 lines 16-21, I didn't explain this very well. Please eliminate reference to a prior/subsequent order. If there is room under the cap (\$.40/.20 adjusted by CPI) they should be able to increase the fee regardless of whether it was ever previously reduced. I think that the only relevant provisions of this subdivision par. are that there is a cap, and what that cap is.

Also, since you made the changes related to the definition of "costs" to this bill and 0923, I think that we can remove section 18 from this bill.

- LRB 0922/P2 looks good

- In LRB 0923/P3, can you move the notes referencing the definitions of "911 service provider" and "communications provider" up to after the definition of "costs" where these terms are first used? Also, add "telecommunications" in the pref. note consistent with #1 of the DN on the P2.

With respect to the transitional provisions in the nonstat section, this is really looking good. A couple of things:

- (2) (a) 5. and (b) should be revised to recognize that the contracting requirement in s. 256.35 (3f) (b) will probably entail multiple contracts with various entities that, together, will cover the whole state. So, maybe, use "state 911 service contracts" or something like that, and terminate duties under existing contracts "upon commencement of the provision of 911 telecommunications services under state 911 services contracts applicable to the county"?
- We also need to modify the reimbursement for existing duties (section (2) (c)) to provide that the amount of reimbursement may not exceed the fees that the service provider would have collected under the charge levied by the county under s. 256.35 (3) (b). The key here is that reimbursements should not exceed the bill-and-keep amounts that they are currently getting per customer under current law.

- LRB 0924/P2 looks good

Thanks Mark!

Larry

p 3 line 7 "shall enter into contracts"?

add goal language to provide piecemeal transition

ask for PSC to make payment to transition period

1

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, January 18, 2013 5:06 PM
To: Kunkel, Mark
Subject: 911 changes

0919/P2 page 4, line 12, should also refer to provide for OJA grants under s. 16.964 (19) (created in -0922)

-0921/P2 page 6, line 16: make changes indicated to eliminate references to prior or subsequent orders. Also delete section as no longer necessary to change reference to costs in s. 256.35 (6).

-0923/P3, move notes as indicated in Larry's email. Also, refer consistently to 911 telecommunications service, instead of 911 service (see pref note).

Also in -023/P3:

In transitional provision, change statewide contract to 911 service contract, and revise page 4 lines 11 to 17 to refer to possibility that more than one such contract will be entered into for a county. It is possible that statewide service will be provided under multiple contracts with different service providers, but the multiple contracts will still have a single start date for 911 service that the PSC must identify.

Page 4, lines 20 to 22, revise sentence so that amount of reimbursement does not exceed charge levies under current (former) law under s. 256.35 (3) (b). As drafted, limit on reimbursement refers to caps under current law, but a county may be paying an amount that is less than the cap. As drafted, the language could allow payments which are under the cap, but a greater than what is received under current law.

Add sentence or two to pref not summarizing transitional payments. E.g., the bill allows for reimbursement during transitional period, etc.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0923/R22
MDK&CMH:sacr/

O - NOTE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

by Tues
1-22
noon

gen act

1 AN ACT to repeal 256.35 (3) (a) 3.; to renumber and amend 256.35 (3) (a) 2.;
2 and to create 20.155 (3) (g) and 256.35 (3f) of the statutes; relating to: state
3 911 telecommunications services and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

telecommunications

This bill requires the public service commission (PSC) to contract with a network of 911 service providers to perform selective routing services, manage updates to automatic location information databases, manage master street address guides statewide, and perform other functions related to the state 911 telecommunications service. The bill also requires communications providers to provide price schedules for 911 services to the PSC, requires the PSC to review the price schedules to determine whether they are commercially reasonable, and requires the PSC to reimburse the commercially reasonable costs the providers incur. These costs include those associated with both wireless and landline 911 service.

telecommunications

telecommunications

FINSCAT 2A

This bill ^{also} creates a staff position at the PSC to perform these functions and allows the PSC to pay its administrative expenses from the state 911 fee, not to exceed 1% of the revenue from that fee that is disbursed under contracts with 911 service providers and paid to communications providers for 911 service.

telecommunications

telecommunications

1 SECTION 1. 20.155 (3) (g) of the statutes is created to read:

2 20.155 (3) (g) *Statewide 911 telecommunications*. From the moneys received
3 under s. 256.35 (3) (dm), a sum sufficient for contracts required under s. 256.35 (3f)
4 (b), reimbursements required under s. 256.35 (3f) (c) and 2013 Wisconsin ... (this
5 act), section 5 (2) (c) and (d), and administration of the contracts and
6 reimbursements, except that no more than 1 percent of the moneys appropriated
7 under this paragraph for the contracts and reimbursements may be used for
8 administration of the contracts and reimbursements.

9 SECTION 2. 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (3f) (a) and
10 amended to read:

11 256.35 (3f) (a) "Costs" In this subsection, "costs" means the costs incurred by
12 a service supplier communications provider or 911 service provider after
13 August 1, 1987 the effective date of this paragraph ... [LRB inserts date], in
14 installing and maintaining the trunking and central office equipment used only to
15 operate a basic or sophisticated system and the database databases used only to
16 operate a sophisticated system; the costs incurred for the provision of 911
17 telecommunications service between selective routers and public safety answering
18 points; and all other costs associated with providing 911 telecommunications service.

NOTE: This revision would include as recoverable costs all telecommunications costs incurred by 911 service providers and communications providers, as defined ~~above~~ below

19 SECTION 3. 256.35 (3) (a) 3. of the statutes is repealed.

20 SECTION 4. 256.35 (3f) of the statutes is created to read:

Moved from after Page 3, line 3

Moved from page 3, line 11

1 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (b) From the appropriation
2 under s. 20.155 (3) (g), the commission shall contract with 911 service providers for
3 the establishment and maintenance of a statewide 911 telecommunications system.

****NOTE: "911 service provider" is defined in 2013 Assembly Bill (LRB-0924/1) as
"an entity that contracts with the commission to provide selective routing services,
manage updates to the automatic location information database, manage updates to the
master street address guide for a particular geographic area, or provide other services
related to the state 911 telecommunications system."

Move
to
page 2,
line
18

4 (c) From the appropriation under s. 20.155 (3) (g), the commission shall
5 reimburse all commercially reasonable costs incurred by a communications provider
6 to provide 911 telecommunications service. A communications provider shall file
7 with the commission a price schedule that lists the prices of all of the
8 communications provider's services associated with installing, maintaining, and
9 operating 911 ^{telecommunications} service, including nonrecurring and recurring costs. The commission
10 shall determine whether a communications provider's price schedule is
11 commercially reasonable.

****NOTE: "Communications provider" is defined in 2013 Assembly Bill
(LRB-0924/1) as "a person that provides active voice or nonvoice communications service
that is capable of accessing a public safety answering point."

Move to
page 2, line
18

12 (d) The commission may contract with a 3rd party for the administration of this
13 subsection.

SECTION 5. Nonstatutory provisions.

15 (1) POSITION AUTHORIZATION. The authorized FTE positions for the public service
16 commission are increased by 1.0 PR position, to be funded from the appropriation
17 under section 20.155 (3) (g) of the statutes, as created by this act, for the purpose of
18 administration of contracts and reimbursements required under section 256.35 (3f)
19 of the statutes, as created by this act.

20 (2) TRANSITION TO STATEWIDE 911 TELECOMMUNICATIONS SERVICE.

2011 stats.

1 (a) *Definitions.* In this subsection:

2 1. "Commission" means the public service commission.

3 2. "Existing contract" means a contract described in section 256.35 (3) (b) 3. ~~the statutes~~ between a county and service provider that is in effect immediately
4 before the effective date of this subdivision.

6 3. "Service supplier" has the meaning given in section 256.35 (3) (a) 3., 2011
7 stats.

8 4. "Service user" has the meaning given in section 256.35 (3) (a) 4., 2011 stats.

9 5. "Statewide contract" means a contract required under section 256.35 (3f) (b)
10 of the statutes, as created by this act.

11 (b) *Existing duties.* If a county and service provider have entered into an
12 existing contact, the service provider shall continue to perform the duties specified
13 in the existing contract. The requirement to perform those duties shall terminate
14 on the date that a statewide 911 telecommunications system is established in the
15 county pursuant to ~~the~~ statewide contract. The commission shall specify the
16 termination date in a written notice that the commission shall provide to the service
17 provider and county.

18 (c) *Reimbursement for existing duties.* From the appropriation under section
19 20.155 (3) (g) of the statutes, as created by this act, the commission shall reimburse
20 a service provider for performing the duties required under paragraph (b). The
21 amount of the reimbursement may not exceed the charges allowed under section
22 256.35 (3) (b) 3., 2011 stats.

23 (d) *Other reimbursement.* From the appropriation under section 20.155 (3) (g)
24 of the statutes, as created by this act, the commission shall reimburse a service
25 provider for any nonrecurring services described in section 256.35 (3) (b) 3. a., 2011

levied on the service provider's service users

1 stats., that are provided under an existing contract, that the service provider has not
2 recovered in rates pursuant to section 256.35 (3) (d), 2011 stats., and for which the
3 service provider is not otherwise reimbursed under paragraph (c), ~~statewide~~
4 ^{all} ~~contract~~^s, or section 256.35 (3f) (c) of the statutes, as created by this act.

5 (3) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
6 2013 Assembly Bill (LRB-0921/1), 2013 Assembly Bill (LRB-0922/1), or 2013
7 Assembly Bill (LRB-0924/1) are not enacted.

8 **SECTION 6. Effective date.**

9 (1) The treatment of sections 20.155 (3) (g) and 256.35 (3) (a) 2. and 3. and (3f)
10 of the statutes and SECTION 5 of this act take effect on the first day of the 4th month
11 beginning after publication.

12 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0923/lins
MDK:.....

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INSERT 2A:

9
The requirements described above are intended to replace requirements under current law for counties to contract with telecommunications utilities for 911 telecommunications services. Those requirements under current law are repealed by 2013 Assembly Bill (LRB-0921/1). This bill includes transitional provisions for telecommunications utilities to continue to perform the contracts until the requirements described above are implemented. In addition, the bill includes requirements for the PSC to reimburse telecommunications utilities for services provided during the transition.

2

DRAFTER'S NOTE
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LEGISLATIVE REFERENCE BUREAU

LRB-0923/1dn

MDK:...)...

Sac

-date -

Larry Konopacki:

Please note the following about this version:

1. I revised the transitional provisions to refer to "911 contracts," rather than "statewide contract." Also, the reimbursement limit is revised to refer to the charges levied under current law on a service provider's service users. In addition, I added a paragraph to the prefatory note to describe the transitional provisions.
2. I referred to 911 telecommunications service or services, instead of 911 service or services, except when referring to "911 service providers" as defined in the bill.

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-0923/1dn
MDK:sac:jf

January 21, 2013

Larry Konopacki:

Please note the following about this version:

1. I revised the transitional provisions to refer to "911 contracts," rather than "statewide contract." Also, the reimbursement limit is revised to refer to the charges levied under current law on a service provider's service users. In addition, I added a paragraph to the prefatory note to describe the transitional provisions.
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Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov