

## 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

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### Pre Topic:

No specific pre topic given

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### Topic:

Telecommunications subscriber records

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 1/7/2013			_____			
/P1	mkunkel 1/9/2013	kfollett 1/7/2013	jfrantze 1/7/2013	_____	srose 1/7/2013		
/P2	mkunkel 1/21/2013	kfollett 1/9/2013	jmurphy 1/9/2013	_____	mbarman 1/9/2013		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		kfollett 1/21/2013	jfrantze 1/21/2013	_____	sbasford 1/21/2013	mbarman 3/19/2013	

Handwritten note in a bubble pointing to the 'Jacketed' column: mbarman 3/19/2013

FE Sent For:

*howe*

<END>

Handwritten note in a bubble: for Assembly per MDK

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**<END>**

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/?	mkunkel 1/7/2013			_____			
/P1	mkunkel 1/9/2013	kfollett 1/7/2013	jfrantze 1/7/2013	_____	srose 1/7/2013		
/P2		kfollett 1/9/2013	jmurphy 1/9/2013	_____	mbarman 1/9/2013		

*Handwritten signatures and dates:*  
 1/15/13 [Signature] 1/21/13 [Signature] 1/21/13 [Signature]

FE Sent For:

<END>

2013 DRAFTING REQUEST

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Received: 12/27/2012 Received By: mkunkel  
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 May Contact: Drafter: mkunkel  
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 Extra Copies: CMH

Submit via email: YES  
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 Carbon copy (CC) to: chadwick.brown@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Telecommunications subscriber records

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 1/7/2013			_____			
/P1		kfollett 1/7/2013	1/7/2013	_____	srose 1/7/2013		
FE Sent For:		1/21/13 1/9	1/9/13	1/9/13			

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1/2	mkunkel	1/15/13	JG/14	_____			
1/1		1/7	Jan 12/27	_____			
FE Sent For: LC Conversion Jmt JG 1/7/13							

<END>

LAK:ksm;

12/07/2012

1 AN ACT *to repeal* 256.35 (3m) (a) 2.; *to renumber* 256.35 (1) (a) and 256.35 (3) (a)  
 2 1.; and *to create* 256.35 (1) (am), (ct) and (em) and 256.35 (12) of the statutes;  
 3 relating to: telecommunications subscriber records.

*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 modifies current law in multiple ways with respect to communications subscriber records and other information. First, it allows communications providers to designate information provided to the office of justice assistance (OJA), or the public service commission (PSC) as proprietary. Information so designated, and that is also determined by the entity receiving the information from the communications provider to be proprietary, would not be subject to inspection or copying under s. 19.35 except with the written consent of the communications provider. Second, it provides that subscriber records provided by communications providers to public safety answering points (PSAPs) for public safety purposes are also not subject to inspection or copying under s. 19.35. Finally, it requires 911 service providers, communications providers, and PSAPs to take action to update the master street address guide and automatic location information database within specified time periods.

4 SECTION 1. 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

5 SECTION 2. 256.35 (1) (am), (ct) and (em) of the statutes are created to read:

6 256.35 (1) (am) "911 service provider" means <sup>can</sup> ~~the~~ entity that contracts with the X  
 7 commission to provide selective routing services ~~and~~ <sup>can</sup> manage updates to the automatic XX  
 8 location information database ~~and~~ <sup>or manage updates to the</sup> master street address guide for a particular geographic area. XX

9 (ct) "Communications provider" means a person that provides active voice or nonvoice  
 10 communications service that is capable of accessing a public safety answering point.

✓ or provide other services related to the state 911 telecommunication system.

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

5 SECTION 3. 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

6 SECTION 4. 256.35 (3m) (a) 2. of the statutes is repealed.

7 SECTION 5. 256.35 (12) of the statutes is created to read:

8 256.35 (12) PROVIDER INFORMATION. (a) *Proprietary information.* Any information  
 9 submitted by a communications provider to the office of justice assistance or the commission  
 10 that the communications provider designates as proprietary, and that the office of justice  
 11 assistance or the commission, determines is proprietary, is confidential and not subject to  
 12 inspection or copying under s. 19.35, except with the written consent of the communications  
 13 provider. Information collected by the office of justice assistance or the commission may be  
 14 released or published only in a manner that does not identify or enable identification of  
 15 numbers of subscribers or revenues attributable to an individual communications provider.

16 (b) *Subscriber records and information.* Subscriber records that a communications  
 17 provider discloses to a public safety answering point for public safety purposes remain the  
 18 property of the communications provider and use of the records by a public safety answering  
 19 point is limited to uses associated with providing emergency services. Any connection  
 20 information of a subscriber, including the subscriber's address, that is obtained from the  
 21 communications provider by a public safety answering point is not subject to inspection or  
 22 copying under s. 19.35.

→ may only access a subscriber record when a call is placed to  
 911 from the subscriber's telephone number.

x txx

t

1           (c) *Automatic location information database and master street address guide updates.*

2           1. In this paragraph, "service" means a communications service capable of accessing a public  
3 safety answering point that is associated with a particular geographic location.

4           2. No later than 2 business days after a communications provider installs or relocates  
5 service for a new or existing customer or after a customer notifies a communications provider  
6 of the initial location or relocation of the customer's service, the communications provider  
7 shall submit an update for the automatic location information database for that location to the  
8 911 service provider.

9           3. If the need for an update to the master street address guide is required for a 911 service  
10 provider to process an update submitted to the 911 service provider under subd. 2., the 911  
11 service provider shall do one of the following within 2 business days of the submission of the  
12 update:

13           a. Update the master street address guide for that location.

14           b. Identify additional information necessary to update the master street address guide  
15 for that location and request that information from the relevant public safety answering point.

16           4. No later than 2 business days after a public safety answering point receives a request  
17 for information from a communications provider under subd. 3. b., the public safety answering  
18 point shall do one of the following:

19           a. Provide the requested information to the 911 service provider.

20           b. Update the master street address guide for that location and notify the 911 service  
21 provider of the update.





State of Wisconsin  
2013 - 2014 LEGISLATURE



Prof

LRB-0924/P1  
MDK&CMH: EF

D-NOTE

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

64 Tues 1-8  
before noon

Gen

1 AN ACT ...; relating to: telecommunications subscriber records, proprietary  
2 information of certain communications providers, and updates to certain 911  
3 service databases.

**Analysis by the Legislative Reference Bureau**

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

X This bill modifies current law in multiple ways with respect to communications subscriber records and other information. First, it allows communications providers to designate information provided to the office of justice assistance (OJA), or the public service commission (PSC) as proprietary. Information so designated, and that is also determined by the entity receiving the information from the communications provider to be proprietary, would not be subject to inspection or copying under the state's open record law (s. 19.35, stats.), except with the written consent of the communications provider. Second, it provides that subscriber records provided by communications providers to public safety answering points (PSAPs) for public safety purposes are also not subject to inspection or copying under that law. Finally, it requires 911 service providers, communications providers, and PSAPs to take action to update the master street address guide and automatic location information database within specified time periods. S

## SECTION 1

↓

1           **SECTION 1.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

2           **SECTION 2.** 256.35 (1) (am), (ct) and (em) of the statutes are created to read:

3           256.35 (1) (am) "911 service provider" means an entity that contracts with the  
4 commission to provide selective routing services, manage updates to the automatic  
5 location information database, manage updates to the master street address guide  
6 for a particular geographic area, or provide other services related to the state 911  
7 telecommunications system.

8           (ct) "Communications provider" means a person that provides active voice or  
9 nonvoice communications service that is capable of accessing a public safety  
10 answering point.

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

15           **SECTION 3.** 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

16           **SECTION 4.** 256.35 (3m) (a) 2. of the statutes is repealed.

17           **SECTION 5.** 256.35 (12) of the statutes is created to read:

18           256.35 (12) PROVIDER INFORMATION. (a) *Proprietary information.* Any  
19 information submitted by a communications provider to the office of justice  
20 assistance or commission that the communications provider designates as  
21 proprietary, and that the office of justice assistance or commission determines is  
22 proprietary, is confidential and not subject to inspection or copying under s. 19.35,  
23 except with the written consent of the communications provider. Information  
24 collected by the office of justice assistance or the commission may be released or  
25 published only in a manner that does not identify or enable identification of the

1 number of subscribers or revenues attributable to an individual communications  
2 provider.

3 (b) *Subscriber records and information.* Subscriber records that a  
4 communications provider discloses to a public safety answering point for public  
5 safety purposes remain the property of the communications provider. A public safety  
6 answering point may access a subscriber record only when a call is placed to 911 from  
7 the subscriber's telephone. Any connection information of a subscriber, including the  
8 subscriber's address, that is obtained from the communications provider by a public  
9 safety answering point is not subject to inspection or copying under s. 19.35.

10 (c) *Automatic location information database and master street address guide*  
11 *updates.* 1. In this paragraph, "service" means a communications service capable  
12 of accessing a public safety answering point that is associated with a particular  
13 geographic location.

14 2. No later than 2 business days after a communications provider installs or  
15 relocates service for a new or existing customer or after a customer notifies a  
16 communications provider of the initial location or relocation of the customer's  
17 service, the communications provider shall submit an update for the automatic  
18 location information database for that location to the 911 service provider.

19 3. If the need for an update to the master street address guide is required for  
20 a 911 service provider to process an update submitted to the 911 service provider  
21 under subd. 2., the 911 service provider shall do one of the following within 2 business  
22 days of the submission of the update:

23 a. Update the master street address guide for that location.



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

LRB-0924/P1dn  
MDK&CMH:.....

6/5

Date

Larry Konopacki:

50

Please note the following about this preliminary draft:

1. I added language to the relating clause to describe what the draft does.
2. I added a reconciliation provision because this draft refers to information that would be submitted to OJA only if LRB-0922/1 is enacted.
3. I revised the first paragraph of the prefatory note to refer to the state's open record law. Is that okay?
4. The draft imposes duties on public safety answering points (PSAPs). However, under s. 256.35 (1) (gm), PSAP is defined as a certain type of facility. Should the draft be revised that the duties apply to the operator of a PSAP, instead of a PSAP itself? (See, e.g., s. 256.35 (3m) (d) 3. e., which refers to salaries and benefits of operators of wireless PSAPs.) If so, the other 911 drafts should be reviewed to determine whether similar changes to those drafts are necessary.
5. In proposed s. 256.35 (1) (am), the definition of "911 service provider" refers to "selective routing services." Is it commonly understood which routing services are considered "selective"? Or do you want to revise the definition to refer simply to "routing services"?
6. Proposed s. 256.35 (1) (ct) defines "communications provider" as a person that provides active voice or nonvoice communications service. However, proposed s. 256.35 (12) (c) 1. defines "service" to refer to communications service, rather than to active voice or nonvoice communications service. Is that okay?
7. Proposed s. 256.35 (12) (a) allows for the protection of information that a communications provider designates as proprietary, and that the PSC or OJA determines is proprietary. However, "proprietary" is not defined in the draft and it is possible that the PSC or OJA might interpret the term in some way that is not consistent with your intent. Note that s. 196.14 allows the PSC to withhold from public inspection any information "which would aid a competitor of a public utility in competition with the public utility." Is that the type of information you want to protect? If so, you could say something similar in s. 256.35 (12) (a). If not, you may want to consider clarifying what you mean by "proprietary."

x 8. I revised proposed s. 256.35 (12) (a) <sup>to</sup> refer to identification of the number of subscribers, rather than the numbers of subscribers, because I think the plural form could mean the telephone numbers of subscribers, rather than how many subscribers a provider has.

9. In proposed s. 256.35 (12) (b), it appears that a subscriber's address is a type of "connection information" regarding the subscriber. However, I'm not sure what "connection information" means and how an address constitutes such information. Is the term "connection information" commonly understood to include subscriber addresses? Also, proposed s. 256.35 (12) (b) appears to prohibit the release of addresses to which emergency services are dispatched in response to 911 calls. Is that correct?

10. I revised s. 256.35 (12) (b) to say that a PSAP may access a subscriber record **only** when a 911 call is made, instead of saying that a PSAP may **only** access a subscriber record when a 911 call is made.

11. Should proposed s. 256.35 (12) (c) 2. be revised to clarify which 911 service provider must receive the update? For example, you could revise the language to refer to the 911 service provider that manages the automatic location information database for the location.

x 12. Proposed s. 256.35 (12) (c) 2. creates a deadline that is 2 business days after the occurrence of something that a communications provider does (installation or relocation) or something that a customer does (notification). What happens if both things occur? Do you want to specify that the deadline is based on what thing happens first?

x 13. Proposed s. 256.35 (12) (c) 3. (intro.) creates a duty on a 911 service provider that applies within 2 business days after a communications provider submits information to the 911 service provider. If there may be delays between when information is submitted and when it is received, you may want to consider revising the duty so that it applies within 2 business days after the 911 service provider receives the information.

14. I revised proposed s. 256.35 (12) (c) 4. (intro.) to insert "regarding a location." I made a similar change in proposed s. 256.35 (12) (c) 5., and also revised s. 256.35 (12) (c) 5. so that it refers to s. 256.35 (12) (c) 4. b., instead of s. 256.35 (12) (c) 3. b.

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

INSEAT 2A

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

LRB-0924/P1ins  
MDK:.....

**D-NOTE INSERT 2A:**

1  
2 15. Throughout this draft, you refer to “automatic location information database.”  
3 However, “automatic location information” is not defined. Instead, s. 256.35 (1) (a) defines  
4 “automatic location identification.” Do you want to revise the draft to refer to “automatic  
5 location identification database” or do you have something else in mind?  
6

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

LRB-0924/P1dn  
MDK:kjf:jf

January 7, 2013

Larry Konopacki:

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2. I added a reconciliation provision because this draft refers to information that would be submitted to OJA only if LRB-0922/1 is enacted.
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Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.wisconsin.gov



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0924/P1  
MDK&CMH:kjfjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Mark, please revise with "automatic  
location identification database" as per  
DN #15 ✓

1 **AN ACT to repeal** 256.35 (3m) (a) 2.; **to renumber** 256.35 (1) (a) and 256.35 (3)  
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***Analysis by the Legislative Reference Bureau***

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

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4 commission to provide selective routing services, manage updates to the automatic  
5 location information database, manage updates to the master street address guide  
6 for a particular geographic area, or provide other services related to the state 911  
7 telecommunications system.

8           (ct) "Communications provider" means a person that provides active voice or  
9 nonvoice communications service that is capable of accessing a public safety  
10 answering point.

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

15           **SECTION 3.** 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

16           **SECTION 4.** 256.35 (3m) (a) 2. of the statutes is repealed.

17           **SECTION 5.** 256.35 (12) of the statutes is created to read:

18           256.35 (12) PROVIDER INFORMATION. (a) *Proprietary information.* Any  
19 information submitted by a communications provider to the office of justice  
20 assistance or commission that the communications provider designates as  
21 proprietary, and that the office of justice assistance or commission determines is  
22 proprietary, is confidential and not subject to inspection or copying under s. 19.35,

\* Mark, please add a definition of "proprietary information" to mean "information which could aid a competitor of a communications provider in competition with the communications provider."

this should allow disclosure of an address from which a 911 call is placed, but should not identify that subscriber as a customer of a particular comm. service provider

1 except with the written consent of the communications provider. Information  
2 collected by the office of justice assistance or the commission may be released or  
3 published only in a manner that does not identify or enable identification of the  
4 number of subscribers or revenues attributable to an individual communications  
5 provider.

6 (b) *Subscriber records and information.* Subscriber records that a  
7 communications provider discloses to a public safety answering point for public  
8 safety purposes remain the property of the communications provider. A public safety  
9 answering point may access a subscriber record only when a call is placed to 911 from  
10 the subscriber's telephone. Any connection information of a subscriber, including the  
11 subscriber's address, that is obtained from the communications provider by a public  
12 safety answering point is not subject to inspection or copying under s. 19.35.

active voice or non voice

13 (c) *Automatic location information database and master street address guide*  
14 *updates.* 1. In this paragraph, "service" means ~~communications service~~ capable  
15 of accessing a public safety answering point that is associated with a particular  
16 geographic location.

17 2. No later than 2 business days after a communications provider installs or  
18 relocates service for a new or existing customer or after a customer notifies a  
19 communications provider of the initial location or relocation of the customer's  
20 service, the communications provider shall submit an update for the automatic  
21 location information database for that location to the 911 service provider.

22 3. If the need for an update to the master street address guide is required for  
23 a 911 service provider to process an update submitted to the 911 service provider  
24 under subd. 2., the 911 service provider shall do one of the following within 2 business  
25 days of the submission of the update:

please modify per DN #11  
please modify per DN #13

- 1           a. Update the master street address guide for that location.
- 2           b. Identify additional information necessary to update the master street
- 3 address guide for that location and request that information from the relevant public
- 4 safety answering point.
- 5           4. No later than 2 business days after a public safety answering point receives
- 6 a request for information regarding a location from a communications provider
- 7 under subd. 3. b., the public safety answering point shall do one of the following:
- 8           a. Provide the requested information to the 911 service provider.
- 9           b. Update the master street address guide for that location and notify the 911
- 10 service provider of the update.
- 11           5. No later than 2 business days after a 911 service provider receives
- 12 information regarding a location that is provided by a public safety answering point
- 13 under subd. 4. <sup>or a.</sup>, the 911 service provider shall update the master street address
- 14 guide for that location.

**SECTION 6. Nonstatutory provisions.**

(1) RECONCILIATION. This act is void if 2013 Assembly Bill .... (LRB-0922/1) is not enacted.

(END)

*please add LRB 0919, 0921, \*0923*

X

## Kunkel, Mark

---

**From:** Konopacki, Larry  
**Sent:** Tuesday, January 08, 2013 6:03 PM  
**To:** Kunkel, Mark  
**Cc:** Brown, Chadwick  
**Subject:** RE: LRB-0924 "could" versus "would"

Use "would aid a competitor" please. That is what I meant to ask for!

---

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

---

**From:** Kunkel, Mark  
**Sent:** Tuesday, January 08, 2013 3:44 PM  
**To:** Konopacki, Larry  
**Subject:** LRB-0924 "could" versus "would"

In the above draft, you want to create a definition of "proprietary information" as information which *could* aid a competitor, etc. However, note the following statutes under current law that refer to information that "would" aid a competitor, etc. Do you want to stick with "could," or do you want to be consistent with the statutes below and go with "would"?

196.14 Public record exception. The commission may withhold from public inspection any information which would aid a competitor of a public utility in competition with the public utility.

256.35(3m)(g) Confidentiality of information. The commission shall withhold from public inspection any information received under this subsection that would aid a competitor of a wireless provider in competition with the wireless provider.



*O-NOTE*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*64 Thurs  
1-10*

*PM  
has been  
sum*

*Reger*

1 **AN ACT to repeal** 256.35 (3m) (a) 2.; **to renumber** 256.35 (1) (a) and 256.35 (3)  
2 (a) 1.; and **to create** 256.35 (1) (am), (ct) and (em) and 256.35 (12) of the  
3 statutes; **relating to:** telecommunications subscriber records, proprietary  
4 information of certain communications providers, and updates to certain 911  
5 service databases.

***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the 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 modifies current law in multiple ways with respect to communications subscriber records and other information. First, it allows communications providers to designate information provided to the office of justice assistance (OJA), or the public service commission (PSC) as proprietary. Information so designated, and that is also determined by the entity receiving the information from the communications provider to be proprietary, would not be subject to inspection or copying under the state's open records law (s. 19.35, stats.), except with the written consent of the communications

*Information*

*INSERT 1A*

provider. Second, it provides that subscriber records provided by communications providers to public safety answering points (PSAPs) for public safety purposes are also not subject to inspection or copying under that law. Finally, it requires 911 service providers, communications providers, and PSAPs to take action to update the master street address guide and automatic location ~~information~~ database within specified time periods.

identification

1 SECTION 1. 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

2 SECTION 2. 256.35 (1) (am), (ct) and (em) of the statutes are created to read:

3 256.35 (1) (am) "911 service provider" means an entity that contracts with the  
4 commission to provide selective routing services, manage updates to the automatic  
5 location ~~information~~ <sup>identification</sup> database, manage updates to the master street address guide  
6 for a particular geographic area, or provide other services related to the state 911  
7 telecommunications system.

8 (ct) "Communications provider" means a person that provides active voice or  
9 nonvoice communications service that is capable of accessing a public safety  
10 answering point.

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

15 SECTION 3. 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

16 SECTION 4. 256.35 (3m) (a) 2. of the statutes is repealed.

17 SECTION 5. 256.35 (12) of the statutes is created to read:

INSERT  
2-18 (91)

18 256.35 (12) PROVIDER INFORMATION. <sup>h</sup> (a) *Proprietary information.* Any  
19 information submitted by a communications provider to the office of justice  
20 assistance or commission that the communications provider designates as  
21 proprietary, <sup>information</sup> and that the office of justice assistance or commission determines is  
22 proprietary, <sup>information</sup> is confidential and not subject to inspection or copying under s. 19.35,

information

*that manages the automatic location information database for that location*

*identification*

1 except with the written consent of the communications provider. Information  
2 collected by the office of justice assistance or the commission may be released or  
3 published only in a manner that does not identify or enable identification of the  
4 number of subscribers or revenues attributable to an individual communications  
5 provider.

6 (b) *Subscriber records and information.* Subscriber records that a  
7 communications provider discloses to a public safety answering point for public  
8 safety purposes remain the property of the communications provider. A public safety  
9 answering point may access a subscriber record only when a call is placed to 911 from  
10 the subscriber's telephone. Any connection information of a subscriber, ~~including the~~  
11 ~~subscriber's address,~~ *(INSERT 3-11)* that is obtained from the communications provider by a public  
12 safety answering point is not subject to inspection or copying under s. 19.35.

13 (d) *Automatic location information database and master street address guide*  
14 *updates.* 1. In this paragraph, "service" means *active voice or nonvoice*  
15 of accessing a public safety answering point that is associated with a particular  
16 geographic location.

17 2. No later than 2 business days after a communications provider installs or  
18 relocates service for a new or existing customer or after a customer notifies a  
19 communications provider of the initial location or relocation of the customer's  
20 service, the communications provider shall submit an update for the automatic  
21 location ~~information~~ *identification* database for that location to the 911 service provider.

22 3. If the need for an update to the master street address guide is required for  
23 a 911 service provider to process an update ~~submitted to~~ *received by* the 911 service provider  
24 under subd. 2., the 911 service provider shall do one of the following within 2 business  
25 days of the ~~submission of~~ *submission* of the update:

*after after*

*911 service provider receives*

- 1 a. Update the master street address guide for that location.
- 2 b. Identify additional information necessary to update the master street
- 3 address guide for that location and request that information from the relevant public
- 4 safety answering point.

5 4. No later than 2 business days after a public safety answering point receives  
 6 a request for information regarding a location from a communications provider  
 7 under subd. 3. b., the public safety answering point shall do one of the following:

- 8 a. Provide the requested information to the 911 service provider.
- 9 b. Update the master street address guide for that location and notify the 911
- 10 service provider of the update.

11 5. No later than 2 business days after a 911 service provider receives  
 12 information regarding a location that is provided by a public safety answering point  
 13 under subd. 4. ~~b.~~ <sup>a</sup>, the 911 service provider shall update the master street address  
 14 guide for that location.

15 **SECTION 6. Nonstatutory provisions.**

16 (1) RECONCILIATION. This act is void if 2013 Assembly Bill .... (LRB-0922/1) is  
 17 not enacted.

18

2013 Assembly Bill (LRB-0919/1), 2013 Assembly Bill (LRB-0921/1),  
 or 2013 Assembly Bill (LRB-0923/1) **OP**

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0924/P2ins  
MDK:.....

1  
2  
3  
4  
5  
6  
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8

**INSERT 1A:**

information," which is defined as information that would aid competitors

**INSERT 2-18:**

*not*  
✓  
↓

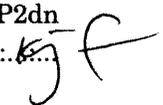
(a) *Definition.* In this subsection, "proprietary information" means information that would aid a competitor of a communications provider in competition with the communications provider.

**INSERT 3-11:**

including identification of a subscriber's communications provider

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

LRB-0924/P2dn

MDK: 

*Date*

Larry Konopacki:

Please note the following:

1. I revised your prefatory note to refer to the definition of "proprietary information."
2. Proposed s. 256.35 (12) (c) is revised to exempt from the open records law any connection information of a subscriber, *including identification of a subscriber's communications provider*. Does this satisfy your intent on this issue?

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-0924/P2dn  
MDK:kjf:jm

January 9, 2013

Larry Konopacki:

Please note the following:

1. I revised your prefatory note to refer to the definition of "proprietary information."
2. Proposed s. 256.35 (12) (c) is revised to exempt from the open records law any connection information of a subscriber, ***including identification of a subscriber's communications provider***. Does this satisfy your intent on this issue?

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto: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 global language to provide piecemeal transition*

*ask for PSC to make report to transition period*

*X*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0924/RB  
MDK&CMH:kjf:jt

1

O - NOTE

RM  
has been  
pwn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6- Tues  
1-22  
NOON

Regen

1 AN ACT *to repeal* 256.35 (3m) (a) 2.; *to renumber* 256.35 (1) (a) and 256.35 (3)

2 (a) 1.; and *to create* 256.35 (1) (am), (ct) and (em) and 256.35 (12) of the

3 statutes; **relating to:** telecommunications subscriber records, proprietary

4 information of certain communications providers, and updates to certain 911

5 *telecommunications*  
service databases.

***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the 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 modifies current law in multiple ways with respect to communications subscriber records and other information. First, it allows communications providers to designate information provided to the office of justice assistance (OJA), or the public service commission (PSC) as "proprietary information," which is defined as information that would aid competitors. Information so designated, and that is also determined by the entity receiving the information from the communications provider to be proprietary information, would not be subject to inspection or copying under the state's open records

law (s. 19.35, stats.), except with the written consent of the communications provider. Second, it provides that subscriber records provided by communications providers to public safety answering points (PSAPs) for public safety purposes are also not subject to inspection or copying under that law. Finally, it requires 911 service providers, communications providers, and PSAPs to take action to update the master street address guide and automatic location identification database within specified time periods.

1           **SECTION 1.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

2           **SECTION 2.** 256.35 (1) (am), (ct) and (em) of the statutes are created to read:

3           256.35 (1) (am) "911 service provider" means an entity that contracts with the  
4           commission to provide selective routing services, manage updates to the automatic  
5           location identification database, manage updates to the master street address guide  
6           for a particular geographic area, or provide other services related to the state 911  
7           telecommunications system.

8           (ct) "Communications provider" means a person that provides active voice or  
9           nonvoice communications service that is capable of accessing a public safety  
10          answering point.

11          (em) "Master street address guide" means a database of street names and  
12          address number ranges used to determine the proper public safety answering point  
13          to which to route a ~~911~~ call <sup>to "911"</sup> and the appropriate police, fire, ambulance, rescue, and  
14          medical services agencies to dispatch.

15          **SECTION 3.** 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

16          **SECTION 4.** 256.35 (3m) (a) 2. of the statutes is repealed.

17          **SECTION 5.** 256.35 (12) of the statutes is created to read:

18          256.35 (12) PROVIDER INFORMATION. (a) *Definition.* In this subsection,  
19          "proprietary information" means information that would aid a competitor of a  
20          communications provider in competition with the communications provider.

21          (b) *Proprietary information.* Any information submitted by a communications  
22          provider to the office of justice assistance or commission that the communications

1 provider designates as proprietary information, and that the office of justice  
2 assistance or commission determines is proprietary information, is confidential and  
3 not subject to inspection or copying under s. 19.35, except with the written consent  
4 of the communications provider. Information collected by the office of justice  
5 assistance or the commission may be released or published only in a manner that  
6 does not identify or enable identification of the number of subscribers or revenues  
7 attributable to an individual communications provider.

8 (c) *Subscriber records and information.* Subscriber records that a  
9 communications provider discloses to a public safety answering point for public  
10 safety purposes remain the property of the communications provider. A public safety  
11 answering point may access a subscriber record only when a call is placed to 911 from  
12 the subscriber's telephone. Any connection information of a subscriber, including  
13 identification of a subscriber's communications provider, that is obtained from the  
14 communications provider by a public safety answering point is not subject to  
15 inspection or copying under s. 19.35.

16 (d) *Automatic location identification database and master street address guide*  
17 *updates.* 1. In this paragraph, "service" means active voice or nonvoice  
18 communications service capable of accessing a public safety answering point that is  
19 associated with a particular geographic location.

20 2. No later than 2 business days after a communications provider installs or  
21 relocates service for a new or existing customer or after a customer notifies a  
22 communications provider of the initial location or relocation of the customer's  
23 service, the communications provider shall submit an update for the automatic  
24 location identification database for that location to the 911 service provider that  
25 manages the automatic location identification database for that location.

1           3. If the need for an update to the master street address guide is required for  
2 a 911 service provider to process an update received by the 911 service provider under  
3 subd. 2., the 911 service provider shall do one of the following within 2 business days  
4 after the 911 service provider receives the update:

5           a. Update the master street address guide for that location.

6           b. Identify additional information necessary to update the master street  
7 address guide for that location and request that information from the relevant public  
8 safety answering point.

9           4. No later than 2 business days after a public safety answering point receives  
10 a request for information regarding a location from a communications provider  
11 under subd. 3. b., the public safety answering point shall do one of the following:

12           a. Provide the requested information to the 911 service provider.

13           b. Update the master street address guide for that location and notify the 911  
14 service provider of the update.

15           5. No later than 2 business days after a 911 service provider receives  
16 information regarding a location that is provided by a public safety answering point  
17 under subd. 4. a., the 911 service provider shall update the master street address  
18 guide for that location.

19           **SECTION 6. Nonstatutory provisions.**

20           (1) RECONCILIATION. This act is void if 2013 Assembly Bill .... (LRB-0919/1),  
21 2013 Assembly Bill .... (LRB-0921/1), 2013 Assembly Bill .... (LRB-0922/1), or 2013  
22 Assembly Bill .... (LRB-0923/1) is not enacted.

23           (END)

*D-Note*

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

LRB-0924/1dn  
MDK...

*kjf*

*Date*

Larry Konopacki:

This version is identical to the previous version, except that this version refers to a call to "911," and refers to 911 telecommunications service providers, instead of 911 service providers, in the prefatory note. However, this version does not affect the references to 911 service provider in the statutes, which is defined to refer to the state 911 "telecommunications" service system. Therefore, there's no need to refer to telecommunications service each time the term is used.

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

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

LRB-0924/1dn  
MDK:kjf:jf

January 21, 2013

Larry Konopacki:

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