Chapter PSC 161

EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM

PSC 161.01 Purpose and special consideration.
PSC 161.02 Definitions.
PSC 161.03 Technical standards.
PSC 161.04 Privacy protections.
PSC 161.05 Applications.
PSC 161.06 Determinations of eligibility.
PSC 161.07 Provision of services.
PSC 161.08 Payments.
PSC 161.09 Assessments.

Note: Chapter PSC 161 was created as an emergency rule effective February 27, 1998.

PSC 161.01 Purpose and special consideration. (1) PURPOSE. As required under s. 16.997 (1), Stats., this chapter establishes an educational telecommunications access program to provide access to data lines and video links for eligible school districts, private schools, cooperative educational service agencies, technical college districts, private colleges and public library boards. Under this chapter, the technology for educational achievement in Wisconsin board determines eligibility to participate in the program. The department of administration contracts with telecommunications providers under s. 16.974 (1), Stats., for the requested access. The applicant makes monthly payments to the department for each data line or video link. The board pays from the universal service fund the difference between costs under the contract and the applicant's payments. The board may consider, as alternative access, service architecture or technology not available through the department at the time of the application.

(2) SPECIAL CONSIDERATION. The board may apply to the commission for a waiver of any requirement in this chapter for exceptional or unusual situations. Upon due investigation of the facts and circumstances involved, the commission may waive in exceptional or unusual situations any requirement in this chapter, so that the provision of access is in a manner which is lesser, greater, other or different than otherwise required in this chapter.

History: Cr. Register, October, 1998, No. 514, eff. 11–1–98; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

PSC 161.02 Definitions. In this chapter:

(1) "Alternative access" means a service architecture or technology not available through the department at the time of the application.

(2) "Board" means the technology for educational achievement in Wisconsin board.

(3) "Commission" means the public service commission.

(4) "Cooperative educational service agency" is a service unit created under ch. 116, Stats.

(5) "Data line" has the meaning given in s. 16.99 (1m), Stats.

(6) "Department" means the department of administration.

(7) "Private college" has the meaning given in s. 16.99 (3g), Stats.

(8) "Private school" has the meaning given in s. 115.001 (3r), Stats.

(9) "Public library board" means a board created under ch. 43, Stats.

(10) "School district" has the meaning given in s. 115.01 (3), Stats.

(11) "Technical college district" means a district organized under ch. 38, Stats.

(12) "Universal service fund" means the trust fund established under s. 25.95, Stats.

(13) "Video link" means a 2–way interactive video circuit and associated services.

History: Cr. Register, October, 1998, No. 514, eff. 11–1–98; corrections in (5) and (7) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

PSC 161.03 Technical standards. (1) GENERAL STANDARDS. The board shall establish technical standards and specifications as necessary for access to data lines or video links provided under the educational telecommunications access program to school districts, private schools, cooperative educational service agencies, technical college districts, private colleges and public library boards. The board shall encourage the use of internationally recognized standards, specifications and technologies, and consider adopting such standards, specifications and technologies as soon as possible, to ensure that access provided under this chapter allows maximum interaction with other networks throughout the world.

(2) DATA LINE. A data line shall terminate at an internet service provider unless the board determines that an alternative is acceptable. A data line may include transport and associated hardware required by the department for its management of its statewide network. A data line does not include voice services or other non–internet related data transmission or services unless the board determines that other data transmission is acceptable. The direct access to the internet provided by the data line does not include internet services such as subscription services, electronic mail, applications and other services determined by the board.

(3) VIDEO LINK. The video link may include transport, switching equipment and software needed to provide 2–way interactive video, maintenance, scheduling software, and equipment needed to compress and decompress video information. A video link may also include direct access to the internet through available channels within the circuit and access to a gateway for purposes of inter–system communication and compatibility. A video link may not include television monitors, video cameras, audio equipment, any other classroom equipment or personnel costs associated with scheduling.

History: Cr. Register, October, 1998, No. 514, eff. 11–1–98.

PSC 161.04 Privacy protections. (1) Any access to data lines or video links provided under the educational telecommunications access program shall include protections against the outflow of information about users of telecommunications services and protections to the users of telecommunications services from receiving privacy intrusions, as required under s. 16.997 (2) (e), Stats.

(2) School districts, private schools, cooperative education service agencies, technical college districts, private colleges and public library boards with data lines or video links provided under the educational telecommunications access program shall instruct all personnel with access to the data lines and video links of the need to protect the confidentiality of information transmitted over, and the users of, the data lines and video links, and of the privacy requirements noted in this section.

History: Cr. Register, October, 1998, No. 514, eff. 11–1–98; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

PSC 161.05 Applications. (1) Except as provided under sub. (3), a school district, private school, cooperative educational service agency, technical college district, private college or public library board may apply to the board to participate in the educa-

tional telecommunications access program for access to a data line or video link.

(2) Notwithstanding sub. (1), a school district which operates more than one high school may apply for access to a data line and video link or access to more than one data line or video link. A school district may not apply for access to more data lines or video links than the number of high schools in that district.

(3) A school district may not apply to participate in the educational telecommunications access program for access to a data line or video link if it has received in the current state fiscal year, July 1 to June 30, an annual grant from the board under s. 16.997 (6), Stats.

Note: Section 16.997 (6), Stats., was repealed by 2007 Wis. Act 20.

(5) The application to the board shall include the following:

(a) The name, address and telephone number of the school district, private school, cooperative educational service agency, technical college district, private college or public library board and the name and telephone number of an individual to contact about the application.

(b) A description of the access requested and plans for its use.

(c) The specific location for each data line or video link requested.

(d) The desired date for service to begin for each data line or video link requested.

(e) A brief description of the proposed use of each data line or video link requested.

(f) Other information requested by the board.

Note: Application materials are available from the TEACH Board. The TEACH Board's web site is *www.teachwi.state.wi.us*.

(6) The board shall forward applications when received to the commission and department.

History: Cr. Register, October, 1998, No. 514, eff. 11−1−98; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; CR 13−068: r. (4) Register January 2016 No. 721, eff. 2−1−16; **correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2017 No. 733**.

PSC 161.06 Determinations of eligibility. (1) The board shall determine if any school district, private school, cooperative educational service agency, technical college district, private college or public library board which applies under s. PSC 161.05 is eligible to participate in the educational telecommunications access program.

(2) In its determination of eligibility under sub. (1), the board shall use the following criteria:

(a) Availability of funds and impact of the requested access on available funds.

(b) Applicant's educational technology plan.

(c) Reasonableness of requested access, including economic efficiency and cost. Requests for access which requires telecommunications transport over long distances when similar access is available locally or regionally may be determined ineligible.

(d) Readiness of applicant to use the requested access, including program development, facility arrangements and staff training.

(e) Other criteria established by the board.

(3) If the board, after consultation with the commission, determines at any time that the monies in the universal service fund for this program are insufficient to approve all pending applications, the board may prioritize applications for access. In establishing priorities, the board may give a higher priority to an application whenever a determination of eligibility would maximize the number of eligible applicants statewide or geographically distribute access to data lines and video links throughout the state. In addition, the board may give a higher priority to any application from an applicant which does not already have a data line or video link in service, which has applied for a discount under the federal universal service program in 47 USC 254 or which establishes a reasonable level of utilization for the requested access line or video link. The board may establish at any time other criteria for prioritizing applications for access.

(4) The board shall notify the applicant, department and commission of its determination.

History: Cr. Register, October, 1998, No. 514, eff. 11−1−98.

PSC 161.07 Provision of services. (1) ALTERNATIVE ACCESS. (a) If an applicant eligible for access under s. PSC 161.06 requests alternative access, the board may determine whether a particular alternative access is reasonable. The board may at any time seek assistance from the department, which may include an analysis of the feasibility of the alternative access requested.

(b) The board shall make its determination under par. (a) within 90 days of the deadline for applications established by the board, except that the department may request an extension for the completion of its feasibility analysis.

(2) COORDINATE WITH DEPARTMENT. (a) The board shall coordinate with the department for the provision of requested access if the board has determined under s. PSC 161.06 that an applicant is eligible to participate in the educational telecommunications access program and, if the requested access is alternative access, the board has determined under sub. (1) that the alternative access is reasonable.

(b) Provision of alternative access by the board under par. (a) shall conform to the competitive procurement requirements of ch. 16, Stats.

(3) NOTIFICATION. If the department is unable to contract under s. 16.974 (1), Stats., for the alternative access which the board is coordinating with the department under sub. (2), the department shall notify the board within 5 days of the department's inability. The board shall notify the applicant and commission.

History: Cr. Register, October, 1998, No. 514, eff. 11−1−98; correction in (3) made under s. 13.93 (2m) (b) 7., Register April 2007 No. 616.

PSC 161.08 Payments. (1) Any contract under s. 16.974 (1), Stats., between an applicant and the department shall require a monthly payment from the applicant to the department for each data line or video link, not to exceed $250 per month, except that the payment required may not exceed $100 per month for each data line or video link which relies on a transport medium operating at a speed of 1.544 megabits per second.

(2) The board shall pay from the universal service fund the costs of annual grants under s. 16.997 (6), Stats., and contracts under s. 16.974 (1), Stats., as required by s. 196.218 (5) (a) 5., Stats., to the extent that these costs are not paid under sub. (1).

Note: Section 16.997 (6), Stats., was repealed by 2007 Wis. Act 20.

History: Cr. Register, October, 1998, No. 514, eff. 11−1−98; corrections made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

PSC 161.09 Assessments. Assessments for the educational telecommunications access program shall be made by the commission pursuant to ch. PSC 160.

History: Cr. Register, October, 1998, No. 514, eff. 11−1−98.