

Chapter PSC 172

CELLULAR MOBILE RADIO TELECOMMUNICATIONS SERVICE PROVIDERS

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PSC 172.01 Purpose. The purpose of this chapter is to establish regulations for cellular mobile radio telecommunications utilities providing service in service areas in which less than 2% of the population of the service area subscribes to cellular service.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88.

PSC 172.02 Definitions. (1) “Cellular mobile radio telecommunications utility” means a person authorized by the federal communications commission to provide domestic public cellular radio telecommunications service under 47 USC 154 (i).

(2) “Cellular mobile service provider” means a cellular mobile radio telecommunications utility subject to s. 196.202 (4) (a) or (b), Stats.

Note: 1993 Wis. Act 496 repealed s. 196.202 (4), Stats.

(3) “Service area” means the geographical area in which a cellular mobile radio telecommunications utility is authorized to operate cellular radio facilities by the federal communications commission under 47 USC 154 (i).

(4) “IntraLATA” means within a single Local Access and Transport Area as identified by the district court for the district of Columbia in *U.S. v. Western Electric Co.*, 569 F. Supp. 990, 1039 and 1040 (D.D.C. 1983).

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88.

PSC 172.03 Petition for provisional exemption from regulation. (1) Any cellular mobile radio telecommunications utility may file a petition with the commission for a determination of its status as a utility provisionally exempt from regulation under s. 196.202 (2), Stats.

(2) A petition filed by a provider currently providing service may refer to information already on file with the commission.

(3) The petition shall include the following information:

(a) Name and address of the cellular mobile radio telecommunications utility and the name, title, and phone number of a contact person;

(b) Copy of the FCC license to operate cellular mobile radio facilities and a map of the service area to be served under that license;

(c) Population of the service area to be served on the last day of October of the year prior to the year of petition;

(d) Number of customers (estimated or actual) on the last day of October of the year prior to the year of petition;

(e) Nature of the cellular service to be provided;

(f) The identity of the carriers with which interconnection will be made and a copy of each interconnection agreement;

(g) Identification of any affiliated interest contracts or arrangements as defined in s. 196.52, Stats.;

(h) Name and address of other cellular mobile radio telecommunications utilities within the service area to be served.

(4) The original and 4 copies of the petition shall be filed with the commission.

Note: Petitions shall be addressed to the Secretary to the Commission, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707.

(5) Pursuant to s. 196.202 (2), Stats., no cellular mobile radio telecommunications utility may be provisionally exempt from regulation under chs. 184 and 196, Stats., in a service area if it is the sole provider of cellular mobile radio telecommunications service in that service area or if 2% or more of the population in that service area subscribes to cellular mobile radio telecommunications service.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88; **correction in (5) made under s. 13.93 (2m) (b) 7., Stats.**

PSC 172.04 Petition for certification as an alternative telecommunications utility. (1) Any cellular mobile radio telecommunications utility may file a petition with the commission for a determination of status as an alternative telecommunications utility under ss. 196.202 (2) and 196.203, Stats.

(2) A petition filed by a utility currently providing service may refer to information already on file with the commission where that is the case.

(3) The petition shall include the following information:

(a) Name and address of the cellular mobile telecommunications utility and the name, title, and phone number of a contact person;

(b) Copy of the FCC license to operate cellular mobile radio facilities and a map of the service area to be served under that license;

(c) Population of the service area to be served on the last day of October of the year prior to the year of petition;

(d) Number of customers (estimated or actual) in the service area receiving cellular service on the last day of October of the year prior to the year of petition;

(e) Nature of the cellular services to be provided;

(f) The identity of the carriers with which interconnection will be made and a copy of each interconnection agreement;

(g) Identification of any affiliated interest contracts or arrangements as defined in s. 196.52, Stats.;

(h) Name and address of other providers of cellular mobile radio telecommunications service within the service area to be served.

(4) The original and 4 copies of the petition shall be filed with the commission.

Note: Petitions shall be addressed to the Secretary to the Commission, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats.**

PSC 172.05 Determination of status. Upon receipt of a petition under s. PSC 172.03 or 172.04, the commission shall issue a notice of investigation. No hearing shall be held unless there is an assertion by any person, including commission staff, that a factual matter is in dispute. The commission shall issue a determination of status not less than 30 days, nor more than 60 days, after issuance of the notice of investigation or after hearing, if a hearing is held.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88.

PSC 172.06 Notice of petitions. A person wishing to receive notice of investigation of a cellular mobile radio telecommunications utility's petition under either s. PSC 172.03 or 172.04 shall request to be placed on the commission's standing notice list for cellular mobile service providers.

Note: Requests shall be addressed to Records Management, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88.

PSC 172.07 Compliance with statutes. (1) Pursuant to s. 196.202 (2), Stats., a cellular mobile radio telecommunications utility which is not the sole provider of cellular mobile radio telecommunications service within a service area in which less than 2% of the population subscribes to such service is provisionally exempt from the requirements of chs. 184 and 196, Stats., in that service area, except for the following:

(a) The cellular mobile service provider shall file annual reports pursuant to s. PSC 172.08 for all service areas in which it provides service on forms provided by the commission;

(b) The cellular mobile service provider shall comply with the requirements of s. 196.52, Stats., as required by s. 196.202 (3), Stats.; and

Note: 1993 Wis. Act 36 repealed s. 196.202 (3), Stats.

(c) The cellular mobile service provider shall be subject to s. PSC 172.09.

(2) A cellular mobile radio telecommunications utility providing intrastate, intraLATA service in Wisconsin as an alternative telecommunications utility is exempt from the requirements of chs. 184 and 196, Stats., except as follows:

(a) Sections 196.02, 196.202, 196.203, 196.25, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44, 196.65, and 196.66, Stats.

(b) The cellular mobile service provider shall file annual reports pursuant to s. PSC 172.08, for all service areas in which the utility provides service, on forms provided by the commission;

(c) The cellular mobile service provider shall comply with the requirements of s. 196.52, Stats., as required by s. 196.202 (3), Stats.;

Note: 1993 Wis. Act 36 repealed s. 196.202 (3), Stats.

(d) The cellular mobile service provider shall be subject to the commission's authority to investigate complaints pursuant to s. 196.26, Stats.; and

(e) The cellular mobile service provider shall be subject to s. PSC 172.09.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88.

PSC 172.08 Reports and accounts. In order to enable the commission to monitor and carry out its responsibilities under s. 196.203, Stats., each cellular mobile radio telecommunications utility shall file with the commission an annual report providing details as to its identity, ownership, affiliated interests, service areas, the number of customers being served in each service area, the revenues generated by the provision of cellular telecommunications services in each service area, and the population of each service area.

Note: Although the commission has adopted a Uniform System of Accounts for Cellular Communications Utilities in Docket 05-US-100, cellular mobile radio telecommunications utilities are not required under these rules to maintain accounts in accordance with this system of accounts. However, if, at a future date, the commission determined that use of the Uniform System of Accounts for Cellular Communications Utilities was necessary and in the public interest, the commission might require that cellular mobile radio telecommunications utilities establish and maintain their respective regulated accounts as if the Uniform System of Accounts had been in effect for the intervening period.

Note: Copies of annual report forms and the Uniform System of Accounts for Cellular Communications Utilities may be obtained from the Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88; **correction made under s. 13.93 (2m) (b) 7., Stats.**

PSC 172.09 Notice of changes. Within 20 days of the occurrence, all cellular mobile radio telecommunications utilities shall file with the commission the following information.

(1) Notice of changes in information filed with the commission in support of its petition for a determination of status.

(2) Notice of all organizational changes.

(3) Notice of exit from any market in which it offers cellular mobile telecommunications service.

History: Cr. Register, November, 1988, No. 395, eff. 12-1-88.