



2001 SENATE BILL 191

May 23, 2001 - Introduced by Senators ERPENBACH and RISSER, cosponsored by Representatives POWERS, BLACK, SINICKI, TURNER, LA FAVE and HUBER. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1 **AN ACT** *to amend* 196.219 (4m) (b), 196.44 (1), 196.44 (2) (b) and 196.499 (1) (f);
2 and *to create* 196.44 (2) (am) of the statutes; **relating to:** consumer protection
3 and antitrust telecommunications matters before the public service
4 commission and enforcement of laws relating to telecommunications utilities
5 and providers.

Analysis by the Legislative Reference Bureau

Under current law, the attorney general is allowed to bring an action to enforce laws relating to public utilities or telecommunications providers only upon a request made by the public service commission (PSC). In addition, only upon the request of the PSC may the attorney general bring an action to require a telecommunications utility or provider to compensate a person for pecuniary losses caused by the failure of the utility or provider to comply with certain consumer protection requirements. This bill allows the attorney general to bring either type of action even if the PSC has not made a request. However, with respect to the first type of action, the bill only allows the attorney general to bring an action for violations of law by telecommunications providers, not public utilities. In addition, the bill provides that any prior action by the PSC shall not limit any relief sought by the attorney general in an action for a violation by a telecommunications provider.

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

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Also under current law, the PSC is required to report violations of law by public utilities to the attorney general. This bill requires the PSC to also report violations of law by telecommunications providers to the attorney general.

Finally, under current law, the attorney general is allowed, on his or her own initiative, to appear before the PSC as a party on any telecommunications matter relating to consumer protection and antitrust, except that the attorney general may not appeal a decision of the PSC to the circuit court. These provisions expire on June 30, 2001. This bill eliminates the expiration date.

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

1 **SECTION 1.** 196.219 (4m) (b) of the statutes is amended to read:

2 196.219 (4m) (b) ~~Upon request of the commission, the~~ The attorney general
3 may bring an action to require a telecommunications utility or provider to
4 compensate any person for any pecuniary loss caused by the failure of the utility or
5 provider to comply with this section.

6 **SECTION 2.** 196.44 (1) of the statutes is amended to read:

7 196.44 (1) DUTY OF COMMISSION. The commission shall inquire into the neglect
8 or violation of the laws of this state by public utilities or telecommunications
9 providers, or by their officers, agents, or employees, or by persons operating public
10 utilities or telecommunications providers, and shall enforce all laws relating to
11 public utilities or telecommunications providers, and report all violations to the
12 attorney general.

13 **SECTION 3.** 196.44 (2) (am) of the statutes is created to read:

14 196.44 (2) (am) Notwithstanding par. (a), the attorney general may, without a
15 request by the commission, institute and prosecute all necessary actions for the
16 enforcement of all laws under this chapter relating to telecommunications providers
17 and for the punishment of all violations of those laws. In any action under this

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1 paragraph, prior action by the commission shall not limit the relief sought by the
2 attorney general.

3 **SECTION 4.** 196.44 (2) (b) of the statutes is amended to read:

4 196.44 (2) (b) The attorney general may, on his or her own initiative, appear
5 before the commission on telecommunications matters relating to consumer
6 protection and antitrust. If acting under the authority granted by this paragraph,
7 the attorney general shall have the rights accorded a party before the commission
8 in its proceedings but may not appeal as a party a decision of the commission to the
9 circuit court. ~~This paragraph does not apply after June 30, 2001.~~

10 **SECTION 5.** 196.499 (1) (f) of the statutes is amended to read:

11 196.499 (1) (f) For purposes of enforcing s. 196.209, 196.218 (3) or (8), 196.219,
12 196.85 or 196.858, or for purposes of approving or enforcing an interconnection
13 agreement to which a telecommunications carrier is a party, a telecommunications
14 carrier shall be subject to ss. 196.02 (3), 196.32, 196.33, 196.39, 196.395, 196.40,
15 196.41, 196.43, 196.44 (3), and 196.48 and be treated as a party to the agreement
16 under ss. 196.199 and 196.26, as a public utility under ss. 196.02 (5) and (6), 196.14,
17 196.24, ~~196.44 (2) (a)~~, 196.66, and 196.85 (1) and as a telecommunications provider
18 under ss. 196.219, 196.25 (3), 196.44, and 196.65 (3).

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(END)