



2013 ASSEMBLY BILL 101

March 26, 2013 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Energy and Utilities.

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 telecommunications 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 state 911 telecommunications services. The bill also requires communications providers to provide price schedules for 911 telecommunications 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 telecommunications service.

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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 Those requirements under current law are repealed by 2013 Assembly Bill (LRB-0921/1).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.

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 telecommunications service providers and paid to communications providers for 911 telecommunications 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 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.

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

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 of the statutes is repealed.

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

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

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

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

16 **SECTION 5. Nonstatutory provisions.**

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

22 (2) TRANSITION TO STATEWIDE 911 TELECOMMUNICATIONS SERVICE.

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

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1 1. “911 contracts” means the contracts required under section 256.35 (3f) (b) of
2 the statutes, as created by this act.

3 2. “Commission” means the public service commission.

4 3. “Existing contract” means a contract described in section 256.35 (3) (b) 3.,
5 2011 stats., between a county and service provider that is in effect immediately
6 before the effective date of this subdivision.

7 4. “Service supplier” has the meaning given in section 256.35 (3) (a) 3., 2011
8 stats.

9 5. “Service user” has the meaning given in section 256.35 (3) (a) 4., 2011 stats.

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

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

22 (d) *Other reimbursement.* From the appropriation under section 20.155 (3) (g)
23 of the statutes, as created by this act, the commission shall reimburse a service
24 provider for any nonrecurring services described in section 256.35 (3) (b) 3. a., 2011
25 stats., that are provided under an existing contract, that the service provider has not

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1 recovered in rates pursuant to section 256.35 (3) (d), 2011 stats., and for which the
2 service provider is not otherwise reimbursed under paragraph (c), all contracts, or
3 section 256.35 (3f) (c) of the statutes, as created by this act.

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

7 **SECTION 6. Effective date.**

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

11 (END)