

No. 886, A.]

[Published July 6, 1911.]

CHAPTER 546.

AN ACT to amend sections 1797m—4 and 1797m—30, and subsection 1, of section 1797m—74, of the statutes, providing for physical connection in telephone service and prohibiting duplication in cities and village.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1797m—4 and 1797m—30, and subsection 1, of section 1797m—74, of the statutes, are amended to read: Section 1797m—4. 1. Every public utility, and every person, association or corporation having conduits, subways, poles or other equipment on, over or under any street or highway, shall for a reasonable compensation, permit the use of the same by any public utility, whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owner or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users, and every utility for the conveyance of telephone messages shall permit a physical connection or connections to be made, and telephone service to be furnished, between any telephone system operated by it, and the telephone toll line operated by another such public utility, or between its toll line and the telephone system of another such public utility, or between its toll line and the toll line of another such public utility, or between its telephone system and the telephone system of another such public utility, whenever public convenience and necessity require such physical connection or connections, and such physical connection or connections will not result in irreparable injury to the owners or other users of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such public utilities. The term "physical connection," as used in this section, shall mean such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonably adequate telephone service between such public utilities.

2. In case of failure to agree upon such use or the conditions or compensation for such use, or in case of failure to agree upon such physical connection or connections, or the terms and conditions upon which the same shall be made, any public utility or any person, association or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use or such physical connection or connections, and that * * *

such use or such physical connection or connections would not result in irreparable injury to the owner or other users of such equipment or of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such owner or such public utilities or other users of such equipment or facilities, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensation for such joint use, and that such physical connection or connections be made, and determine how and within what time such connection or connections shall be made, and by whom the expense of making and maintaining such connection or connections shall be paid.

3. Such use so ordered shall be permitted and such physical connection or connections so ordered shall be made, and such conditions and compensation so prescribed for such use and such terms and conditions, upon which such physical connection or connections shall be made, so determined, shall be the lawful conditions and compensation for such use, and the lawful terms and conditions upon which such physical connection or connections shall be made, to be observed, followed and paid, subject to recourse to the courts upon the complaint of any interested party, as provided in sections 1797m—64 to 1797m—73, inclusive, and such section so far as applicable shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion.

Section 1797m—30. 1. Where a schedule of joint rates or charge is or may be in force between two or more public utilities, such schedules shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public, shall be filed in every such station or office as provided in section 1797m—29.

2. *Whenever two or more public utilities for the conveyance of telephone messages are engaged in furnishing joint telephone service to the public, or shall be required to furnish such service as provided in section 1797m—1, and shall refuse or neglect to establish joint toll or tolls, the commission may after notice and a public hearing, as provided in sections 1797m—14 and 1797m—15, fix and establish, by order, such joint toll or tolls, and if the public utilities party thereto shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, upon a like hearing, issue a supplemental order declaring the apportionment of such joint toll or tolls, and the same shall take effect of its own force as part of the original order.*

(Section 1797m—74) 1. No license, permit or franchise shall be granted to any person, copartnership or corporation to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality, where there is in operation under an indeterminate permit, as provided in this act, a public utility engaged in similar service, and no telephone exchange for furnishing local service to subscribers within any village or city shall be installed in such village or city by any public utility, other than those already furnishing such telephone service therein, where there is in operation in such village or city a public utility engaged in similar service, without first securing from the commission a declaration after a public hearing of all parties interested, that public convenience and necessity require such second public utility. *This subsection shall not prevent or impose any condition upon the extension of any telephone line from any town into or through any city or village for the purpose of connecting with any telephone exchange in such city or village or connecting with any other telephone line or system. Any public utility operating any telephone exchange in any city or village shall, on demand, extend its lines to the limits of such city or village for the purposes mentioned and subject to the conditions and requirements prescribed in sections 1797m—4 and 1797m—50.*

(Am. 1911, ch. 664, s. 118.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 3, 1911.

No. 363, S.]

[Published July 6, 1911.

CHAPTER 547.

AN ACT to amend sections 3, 4, 6, 8, and 12 of chapter 313 of the laws of 1895, as amended by chapter 218 of the laws of 1897, to regulate the civil service of cities, and providing for an expert class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of chapter 313 of the laws of 1895 is amended to read: Section 3. The rules mentioned in section 2 of this act may be made from time to time:

1st. For open, competitive, and other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all