

State of Wisconsin



2009 Assembly Bill 566

Date of enactment: **May 5, 2010**
Date of publication*: **May 19, 2010**

2009 WISCONSIN ACT 238

AN ACT *to repeal* 196.196 (1) (g) 4., 196.196 (5) (f) 1. e. and 196.218 (9); *to amend* 196.09 (9) (a) 2., 196.196 (1) (g) 1. (intro.), 196.196 (5) (f) 1. (intro.), 196.196 (5) (f) 1. f., 196.215 (7) (b) 1., 196.218 (4), 196.218 (5m), 196.218 (5r) (a) (intro.) and 196.218 (5r) (b); and *to repeal and recreate* 196.218 (5r) (title) of the statutes; **relating to:** certain review, reporting, and out-of-date requirements regarding the Public Service Commission (suggested as remedial legislation by the Public Service Commission).

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

SECTION 1. 196.09 (9) (a) 2. of the statutes is amended to read:

196.09 (9) (a) 2. The commission shall review ~~biennially~~ triennially the guidelines established under subd. 1., except that if the commission receives, more than 365 days before the deadline for a ~~biennial~~ review, a written request from a telecommunications utility for a review, the commission shall review the guidelines no later than 365 days after receiving the request.

SECTION 2. 196.196 (1) (g) 1. (intro.) of the statutes is amended to read:

196.196 (1) (g) 1. (intro.) Five years after a telecommunications utility elects to become a price-regulated telecommunications utility ~~or, if subd. 4. applies, within the dates specified in that subdivision,~~ the commission shall hold a hearing, and at any time thereafter, upon complaint or on the commission's own motion, the commission may hold a hearing, to determine whether it is in the public interest to suspend one or more of the provisions of this subsection as it applies to a price-regulated telecommunications utility or to approve an alternative regulatory method for that utility. In making a determination

under this subdivision, the commission shall identify all of the following:

SECTION 3. 196.196 (1) (g) 4. of the statutes is repealed.

SECTION 4. 196.196 (5) (f) 1. (intro.) of the statutes is amended to read:

196.196 (5) (f) 1. (intro.) ~~Before January 1, 1996, and biennially thereafter~~ Biennially, the commission shall submit a report to the ~~joint committee on information policy and technology legislature under s. 13.172 (2)~~ describing the status of investments in advanced telecommunications infrastructure in this state. The report shall include information on ~~the progress made in all of the following areas~~ uses if there are issues with the availability or deployment of telecommunications infrastructure for those uses:

SECTION 5. 196.196 (5) (f) 1. e. of the statutes is repealed.

SECTION 6. 196.196 (5) (f) 1. f. of the statutes is amended to read:

196.196 (5) (f) 1. f. Other ~~infrastructure investments~~ uses identified by the commission.

SECTION 7. 196.215 (7) (b) 1. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

196.215 (7) (b) 1. ~~Beginning on September 1, 1994, and ending on December 31, 1997, the basic single-party residential flat rate shall be the weighted average basic single-party residential monthly rate for all telecommunications utilities in this state as of December 31, 1993, which includes average local usage charges, touch-tone charges and extended area service charges but does not include extended community calling usage charges. Beginning on January 1, 1998, the basic single-party residential flat rate shall be the weighted average basic single-party residential monthly rate for all telecommunications utilities in this state, which includes average local usage charges, touch-tone charges and extended area service charges but does not include extended community calling usage charges, subject to adjustment under subd. 2.~~

SECTION 8. 196.218 (4) of the statutes is amended to read:

196.218 (4) ESSENTIAL SERVICES AND ADVANCED SERVICE CAPABILITIES. ~~Before January 1, 1996, and biennially thereafter, the~~ The commission shall promulgate rules that define a basic set of essential telecommunications services that shall be available to all customers at affordable prices and that are a necessary component of universal service. ~~Before January 1, 1996, and biennially thereafter, the~~ The commission shall promulgate rules that define a set of advanced service capabilities that shall be available to all areas of this state at affordable prices within a reasonable time and that are a necessary component of universal service. For rules promulgated before January 1, 1996, a reasonable time for the availability of the defined set of advance service capabilities shall be no later than January 1, 2005, and, for rules promulgated thereafter after December 31, 1995, a reasonable time for the availability of additional advanced service capabilities in the defined set shall be no later than 7 years after

the effective date of the rules. These essential services and advanced service capabilities shall be based on market, social, economic development and infrastructure development principles rather than on specific technologies or providers. Essential services include single-party service with touch-tone capability, line quality capable of carrying facsimile and data transmissions, equal access, emergency services number capability, a state-wide telecommunications relay service and blocking of long distance toll service.

SECTION 9. 196.218 (5m) of the statutes is amended to read:

196.218 (5m) RULE REVIEW. ~~At least biennially, the~~ The commission shall review and revise as appropriate rules promulgated under this section.

SECTION 10. 196.218 (5r) (title) of the statutes is repealed and recreated to read:

196.218 (5r) (title) REPORT.

SECTION 11. 196.218 (5r) (a) (intro.) of the statutes is amended to read:

196.218 (5r) (a) (intro.) ~~Annually~~ Biennially, the commission shall submit a universal service fund report to the ~~joint committee on information policy and technology legislature under s. 13.172 (2).~~ The report shall include information about all of the following:

SECTION 12. 196.218 (5r) (b) of the statutes is amended to read:

196.218 (5r) (b) The commission shall prepare a report to determine if public access broadcast channels may receive funding from the universal service fund as an advanced telecommunications service or other service and the effect of federal law on public access broadcast channel funding eligibility. The results of the report shall be included in the 2nd annual report submitted by the commission under ~~par. (a) s. 196.218 (5r) (a), 2007 stats.~~

SECTION 13. 196.218 (9) of the statutes is repealed.