



1999 DRAFTING REQUEST

Bill

Received: 11/13/98

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Public Util. - telco and cable

Extra Copies:

Topic:

Repeal telecommunications utility exemption from PSC merger or consolidation approval

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Reaired</u> |
|--------------|---------------------|----------------------|---------------------|----------------|--------------------------|----------------------------|----------------|
| /1 | kunkemd 11/13/98 | wjackson 11/23/98 | martykr 11/24/98 | _____ | lrb-docadmin 11124198 | | S&L |
| | kunkemd 11/25/98 | jgeller 11/25/98 | | _____ | | | |
| /2 | | | hhagen 11/30/98 | _____ | lrb-docadmin 11/30/98 | lrb_docadminS&L 12/1/98 | |

FE Sent For:

0-19-99

<END>

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FE Sent For:

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2-11-25-98 JCG #11/30 #15 11/20

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See Attached

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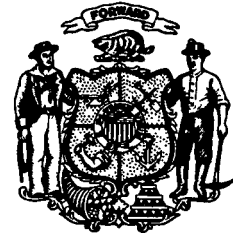
| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| 1/? | kunkemd | 1-11-23-98 JLG | <i>km 11/24</i> | <i>25 11/24</i> | | | |

FE Sent For:

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99-0853



State Representative Spencer Black

State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

November 12, 1998

TO: Mark Kunkel

FR: Spencer Black

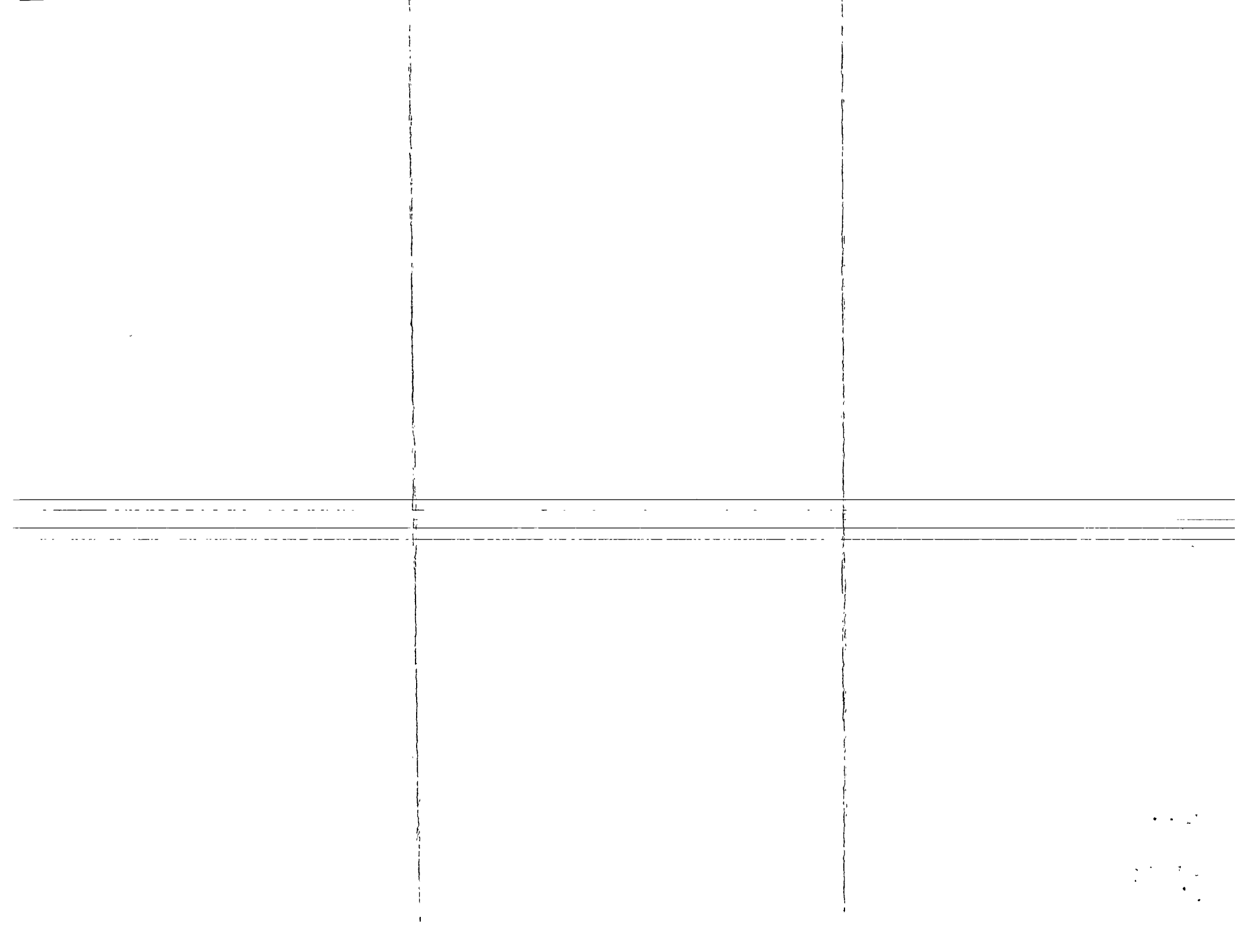
RE: Request for legislative draft

Please draft a bill for me to repeal s. 196.80 (lg).

The intent to this bill is to require that telecommunications utilities obtain the consent of the PSC for mergers as was the case prior to 93 WisAct 496.

I wish to include an effective date provision in the bill draft in order to make clear that any telecommunications mergers now pending that have not yet obtained the approval of the Federal Communications Commission are affected by the bill. My explicit intent is that the new requirement for PSC approval apply to the proposed merger between Ameritech and SBC assuming that FCC approval has not been granted by the publication date of the bill.

Thank you for your assistance.





State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0853/1

MDK:/.....

WLJ
&
Jtg

NOTE

1999 BILL

gen cat

1 **AN ACT** ...; **relating to:** requiring public service commission approval of mergers,
2 consolidations and certain other transactions involving telecommunications
3 utilities. ✓

Analysis by the Legislative Reference Bureau

Under current law, the following transactions involving public utilities, except for telecommunications utilities, require the prior written approval of the public service commission (PSC): mergers, consolidations or stock acquisitions or sales, acquisitions, leases or rentals of certain types of plant or property. PSC approval is not required if the transaction involves a telecommunications utility. However, a telecommunications utility must provide notice to the PSC no more than 10 business days after such a transaction is completed.

plain *man*

Under this bill, transactions involving telecommunications utilities require the same prior PSC approval that is required for transactions involving other public utilities under current law.

For further information **see** the **state and local** 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:

4 **SECTION 1.** 196.195 (5) ^x of the statutes is amended to read:

Vertical line of text, possibly a page number or header, running down the center of the page.

BILL

1 196.195 (5) **COMMISSION ACTION.** If after the proceedings under subs. (2), (3) and
 2 (4) the commission has determined that effective competition exists in the market
 3 for the telecommunications service which justifies a lesser degree of regulation and
 4 that lesser regulation in that market will serve the public interest, the commission
 5 may, by order, suspend any of the following provisions of law, except as provided
 6 under subs. (7) and (8): ch. 200 and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s.
 7 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s.
 8 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (7); s. 196.21; s. 196.22; s. 196.26;
 9 s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s.
 10 196.78; and s. 196.79; ~~and s. 196.805.~~ ✓

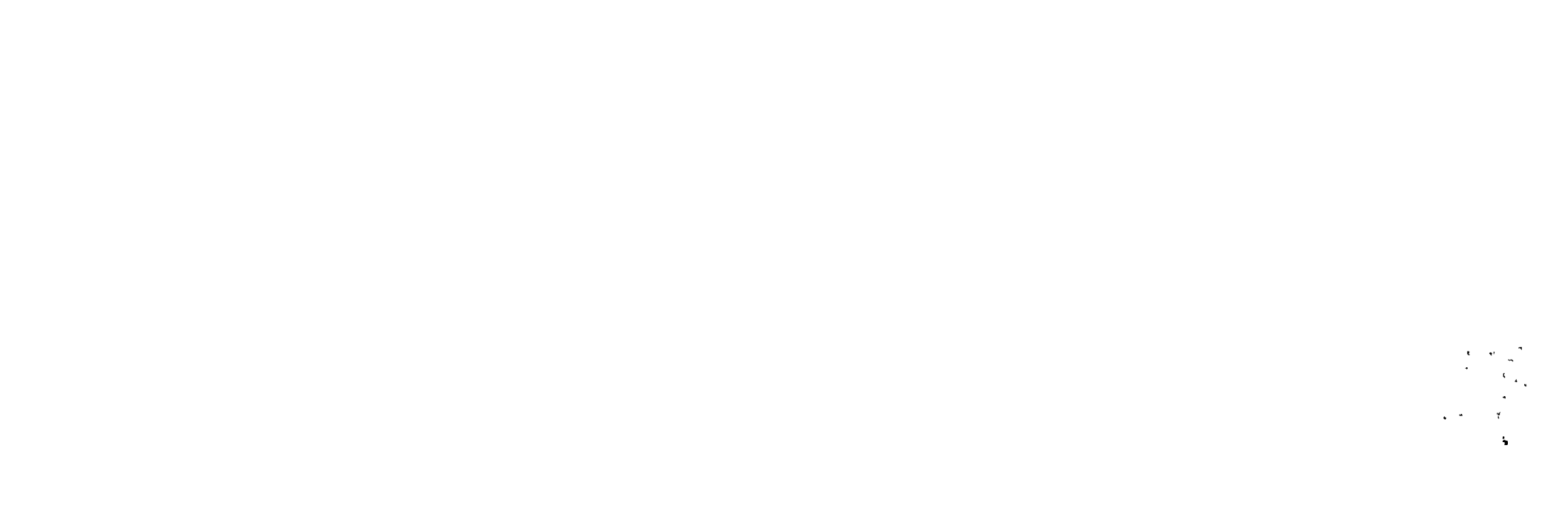
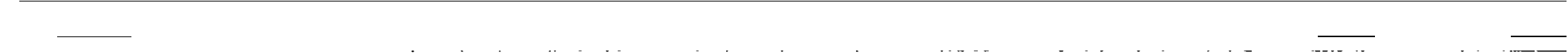
11 History: 1985 a. 29-1; 1987 a. 403 s. 256; 1993 a. 496; 1997 a. 40 ✓
 12 **SECTION 2.** 196.80 (1g) ✓ of the statutes is repealed.

13 **SECTION 3.** ~~196.805~~ ✓ of the statutes is repealed.

14 **SECTION 4. Initial applicability.**

15 (1) This act first applies to mergers, consolidations, acquisitions, sales, leases
 16 or rentals that have not been approved by the federal communications commission
 17 on the effective date of this subsection. ✓

(END) ✓



1000

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0853/1dn

MDK:.....

WLJ
+
JLJ

196

Representative Black:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. The bill requires prior PSC approval of mergers, consolidations and certain other transactions that involve "telecommunications utilities", which is defined under s. 196.01 (10), stats., to *not* include telecommunications carriers. Is this okay?

2. The bill repeals s. 196.805, stats., because, under the bill, telecommunications utilities are subject to s. 196.80, stats. It may be advisable to contact the PSC to determine whether this repeal has any unintended consequences. In particular, I am concerned about the 2nd sentence of s. 196.805 (1) ~~(196.80)~~, stats., which states that the PSC "shall retain continuing supervisory jurisdiction over the telecommunications utility, as necessary to enforce ss. 196.204 and 196.219". Although I don't think that repealing this sentence is inconsistent with your intent, it may be advisable to seek the PSC's input. Please contact me if you want to pursue this issue.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
266-0131

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0853/1dn
MDK:wlj&jlg:km

November 24, 1998

Representative Black:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

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If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
266-0131

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/24/98

To: Representative Black

Relating to LRB drafting number: LB-0853

Topic

Repeal telecommunications utility exemption from PSC merger or consolidation approval

Subject(s)

Public Util. - telco and cable

1. **JACKET** the draft for introduction _____

in the **Senate** or **the Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached attached on draft.

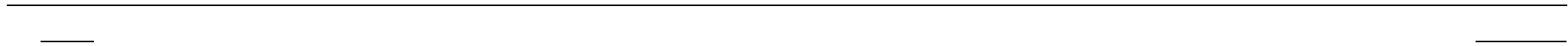
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me

Mark D. Kunkel, Legislative Attorney
Telephone: (608) 266-0131



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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MDK:wlj&jlg:km

November 24, 1998

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If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
2664131



1999 BILL

1 **AN ACT** to *repeal* 196.80 (lg) and 196.805; and to *amend* 196.195 (5) of the
2 statutes; **relating to:** requiring public service commission approval of mergers,
3 consolidations and certain other transactions involving telecommunications
4 utilities.

Analysis by the Legislative Reference Bureau

Under current law, the following transactions involving public utilities, except for telecommunications utilities, require the prior written approval of the public service commission (PSC): mergers, consolidations or stock acquisitions or sales, acquisitions, leases or rentals of certain types of plant or property. PSC approval is not required if the transaction involves a telecommunications utility. However, a telecommunications utility must provide notice to the PSC no more than ten business days after such a transaction is completed.

Under this bill, transactions involving telecommunications utilities require the same prior PSC approval that is required for transactions involving other public utilities under current law.

For further information see the ***state and local*** 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:

BILL

SECTION 1. 196.195 (5) of the statutes is amended to read:

196.195 **(5)** COMMISSION ACTION. If after the proceedings under subs. (2), (3) and (4) the commission has determined that effective competition exists in the market for the telecommunications service which justifies a lesser degree of regulation and that lesser regulation in that market will serve the public interest, the commission may, by order, suspend any of the following provisions of law, except as provided under subs. (7) and (8): ch. 200 and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s. 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s. 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (7); s. 196.21; s. 196.22; s. 196.26; s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s. 196.78; and s. 196.79; and s. 196.805.

SECTION 2. 196.80 (lg) of the statutes is repealed.

SECTION 3. 196.805 of the statutes is repealed.

SECTION 4. Initial applicability.

(1) This act first applies to mergers, consolidations, acquisitions, sales, leases or rentals that have not been approved by the federal communications commission on the effective date of this subsection.

(END)

delete
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Please red-act -
Only want sections 2 + 4

D-NOTE

1999 BILL

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gen cat.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0853/2dn

MDK:.....

JK

Representative Black:

This version is identical to LRB-0853/1, except the treatment of s. 198.805 is eliminated.

Mark D. Kunkel
Legislative Attorney
266-0131



DRAFTER'S Nom
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0853/2dn
MDK:wlj&jlg:hmh

Monday, November 30, 1998

Representative Black:

This version is identical to LRB-0853/1, except the treatment of s. 198.805 is eliminated.

Mark D. Kunkel
Legislative Attorney
266-0131



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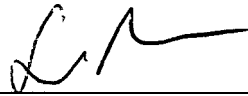
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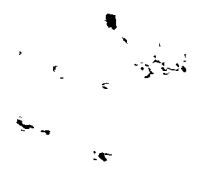
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