

**1999 DRAFTING REQUEST**

**Bill**

Received: **10/8/98**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8593**

By/Representing: **Holden**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

**Topic:**

DOA:.....Holden - Public inspections of filings with PSC; paperwork reduction

**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>Required</u>
/P1	kunkemd 11/17/98 kunkemd 01/28/99	wjackson 11/18/98 jgeller 01/28/99	lpaasch 11/19/98	_____	lrb_docadmin 11/19/98		State
/1	kunkemd 02/8/99	wjackson 02/8/99	lpaasch 01/29/99	_____	gretskl 01/29/99		State
/2			hhagen 02/8/99	_____	lrb_docadmin 02/8/99		State

FE Sent For:

<END>

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/P1	kunkemd 11/17/98	wjackson 11/18/98	lpaasch 11/19/98	_____	lrb_docadmin 11/19/98		State
	kunkemd 01/28/99	ygeller 01/28/99		_____			
/1		1/2 wlj 2/8 1/2 jlg 2/8	lpaasch 01/29/99 4/2/98	_____	gretskl 01/29/99		State

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/P1	kunkemd 11/17/98	wjackson 11/18/98	lpaasch 11/19/98	_____	lrb_docadmin 11/19/98		State

*11/28 jlg*  
*1-29LP*  
~~*1-29LP*~~  
*IS*

FE Sent For:

<END>

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1/?	kunkemd	11-11-98 JG	11-19 LP	11-19 JF			

FE Sent For:

<END>



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

Mailing Address:  
Post Office Box 7864  
Madison, WI 53707-7864



TOMMY G. THOMPSON  
GOVERNOR  
MARK D. BUGHER  
SECRETARY

**Date:** October 8, 1998

**Priority:** Medium

**To:** Steve Miller  
Legislative Reference Bureau

**From:** Kerry Holden, SBO, 6-8593

**Subject:** Draft for Governor's 1999-2001 Budget Bill – Telecommunications Laws

Please draft the following for inclusion in the Governor's 1999-2001 budget bill.

I have attached five drafting proposals relating to telecommunications laws. These include proposals pertaining to:

- 0630 1. Unequal regulation of local exchange telecommunications utilities and competitors.
- 0631 2. Substantiating complaints against local exchange telecommunications utilities.
- 0632 3. Uniform filing requirements for local exchange telecommunications utilities and competitors.
- 0633 4. Alternative regulatory plan requirements and specific statutes to be suspended.
- 0634/5. Guidance for implementing the federal rural exemption and suspension/modification processes to decide 47 USC 251(f) questions.

I have also included some additional background information on these proposals. Please call me with any questions. Thanks.

## EXECUTIVE SUMMARY

The following is a summary of the major issues that were identified as requiring legislative change. For each stated issue, examples are given, the impact on traditional local exchange telecommunications utilities (telcos) and their customers is provided, and a brief statement of the required statutory change(s) is listed.

### **Issue 1: PSC requires telcos to adhere to more regulation than its competitor, which puts them at a competitive disadvantage.**

- Example(s): Under present statutes Telcos are not able to change their prices to respond to competition; telcos and their affiliates are constrained from marketing services to their customers; competitors can selectively serve an area (i.e., niche marketing) while traditional telcos must serve all customers in its service area; telcos must file rates with the PSC; and many others.
- Impact(s): Customers, which competitors have no desire to serve, are forced to pay higher rates without being offered a choice of local providers. Telcos cannot respond rapidly to the pricing strategies of its competitors. Restrictions on telco affiliates prevent them from providing competitive services. Telcos can lose substantial market share, which may impact their ability to meet their mortgage requirements and fiduciary obligations.
- Statutory Change(s): Regulate a telco at the same level as its competitors. When a competitor is certified to serve an area, or a fixed wireless provider is operating in a telco's territory, require the same level of regulation for all competitors in the area.

### **Issue 2: Provide for a means to avoid costly and time consuming PSC investigations of unsubstantiated complaints filed by competitors against a telecommunications utility.**

- Example(s): The PSC staff investigates extensively numerous complaints filed by competitors. One current complaint against a small telco cooperative in its provision of CATV service, is based on unsubstantiated allegations filed by a large national cable company. Responding to the investigation has cost the cooperative heavily in management costs, legal and accounting fees.
- Impact(s): Telcos incur substantial costs to defend against the allegations; diverts management resources from operating the company; telcos may have to suspend operations; telco pays full cost for investigation; deters the telco from providing other competitive services; and deters other small telcos from entering related markets.
- Statutory Change(s): Statutorily define an unsubstantiated complaint; require the PSC to determine if there is sufficient cause to investigate; mandate a penalty for competitors filing an unsubstantiated complaint; and require complainant to pay all costs, including attorney fees, when the complaint is not found to be substantiated.

**Issue 3: Statutes adopted during the era of no competition permit the PSC to require the filing of information that is unnecessary, irrelevant and burdensome and to deny confidential treatment of competitively sensitive information.**

- **Example(s):** For almost 90 years of regulation no local competition existed. Numerous rules and procedures developed which require local telephone companies to provide extensive information to the PSC. Further, the PSC has denied confidential treatment to almost all of that information. WSTA has queried PSC staff on numerous occasions as to their need for such information, but the staff responds it is within their power to require the information and that it may be needed sometime in the future. Also, WSTA has officially requested confidential treatment of plant-specific, usage, and other information only to be denied by the PSC. Competitors of our local telcos are not required to provide such extensive information and the information they do provide is kept confidential.
- **Impact(s):** Allowing competitors to know this operational information of a telco permits the competitor to selectively target the more lucrative areas; to set prices slightly below tariffed prices of the traditional telco; and to learn of the type, capability, extent of facilities and service of the traditional telco. The cost and management time to prepare the information is significant. Usually small telcos must hire outside consultants to prepare the information.
- **Statutory Change(s):** Statutorily require the same reporting requirements for telcos and their competitors and mandate that all information filed by both be maintained confidentially unless explicitly designated to be made public; and require that the reporting requirements mandated by the PSC be approved by a separate government agency in order to reduce the amount of paperwork.

**Issue 4: In alternative regulation plans the PSC staff has required telcos to commit to unreasonable requirements to obtain PSC approval.**

- **Example(s):** PSC staff have insisted that the plans have provision that (1) increase their level of regulation; (2) lack flexibility to respond to competition that may enter during the term of the plan; (3) impose penalties for failing to achieve a higher quality of service than the national standards; (4) invest a substantial amount of money into its network, regardless of need.
- **Impact(s):** Telcos are reluctant to file alternative regulatory plans that run counter to the legislative intent. In 4 years only 7 have been submitted and only 5 approved. Telcos are required to spend capital on unnecessary upgrades. Additional regulations are imposed on small telcos which does not exist under the small telco law contrary to the terms of the 1994 Rewrite Act. Telco's territories are being open to competition but the fixed-term alternative regulation plans do not permit flexibility for telco to respond.

- Statutory Change(s): Statutorily mandate the specific legislative intent and terms of an alternative regulatory plan and identify the specific statutes that will be suspended.

**Issue 5: Provide guidance for implementing the federal rural exemption and suspension/modification processes (47 USC § 251(f) issues).**

- Example(s): PSC has issued conflicting guidance in three separate rural exemption proceedings and has used different standards to determine the bona fide nature of various interconnection requests.
- Impact(s): Lack of consistent guidance creates confusion regarding what information the PSC seeks for a telco to maintain its rights afforded to it under federal law.
- Statutory Change(s): Create a new statute, similar to some other states, setting forth specific guidelines to decide 47 USC § 251(f) questions. The guidelines should include the contents of a bona fide request and the criteria the PSC must consider for it to make a finding to remove the rural exemption or to suspend/modify an obligation under the federal law. Also, the statutes need to set 47 USC §253(f) standards to determine appropriate competitor serving areas.

RJR:bw

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1 **DRAFT - CONFIDENTIAL**

2 Issue 3

3 Filing Requirements

4 **Section 1.** 196.14 is amended to read:

5 **Public record exception.** The commission ~~may~~ shall withhold from public inspection any  
6 information which would aid a competitor of a public utility in competition with the public  
7 utility, including any information filed with the commission by a public utility which is  
8 designated by the public utility as confidential.

9  
10 **Section 2.** 196.141 is created to read:

11 **Paperwork reduction requirement.** (1) As used in this section -

12 (a) the term "burden" means time, effort, or financial resources expended by persons to  
13 generate, maintain, or provide information to or for the Commission;

14 (b) the term "practical utility" means the ability of an agency to use information, particularly  
15 the capability to process such information in a timely and useful fashion;

16 (2) The commission shall ~~carry out its information resources management activities to~~  
17 improve agency productivity, efficiency, and effectiveness. The commission shall ~~manage~~ <sup>to the extent</sup> <sub>practicable,</sub>

September 8, 1998 (2:32PM)

~~and~~ reduce required filings.  
1 information resources to reduce information collection burdens on the public, including public  
2 utilities, and to increase program efficiency and effectiveness.

3 (3) Before requesting that information be filed by a public utility, the commission shall <sup>may not</sup> certify  
4 that such information - require information to be filed by a public utility, unless  
the information

5 (a) is necessary for the proper performance of the ~~functions of the~~ commission,  
6 including that the information has practical utility;

7 (b) is not unnecessarily duplicative of information otherwise reasonably accessible to  
8 the commission;

9 (c) reduces to the extent practicable and appropriate the burden on persons who shall  
10 provide information to or for the commission.

11 (4) Within six months after the effective date of this legislation the commission shall  
12 promulgate rules to implement this section.

13  
14 **Section 3. Nonstatutory Provisions.**

15 **Intent.** The intent of this legislation is to reduce the unnecessary information that  
16 telecommunications providers file with the Commission; to treat all telecommunications  
17 providers equally with regard to the filing of information; and to keep such business  
18 information confidential.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0632/P1

MDK./:....

WLJ + Jg

NOTE

DOA:.....Holden – Public inspections of filings with PSC; paperwork reduction  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

WPO: please check A.R.

Do Not  
GEN CAT

1 AN ACT .;. relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

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:*

2 SECTION 1. 196.02 (7m)<sup>x</sup> of the statutes is created to read:

3 196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)  
4 3., (6) or (7):

5 1. The commission<sup>✓</sup> may require a public utility to submit information to the  
6 commission only if the commission reduces, to the extent practicable, any burden on  
7 the public utility that results from complying with the requirement.

1           2. A public utility is not required to provide any information to the commission  
2 unless the commission certifies each of the following:

3           a. The information is necessary for the commission to enforce a requirement  
4 under this chapter.

5           b. The information is not unnecessarily duplicative of information that is in the  
6 commission's possession.

7           (b) The commission shall promulgate rules that establish requirements and  
8 procedures for making a certification specified in par. (a) 2.✓

9           **SECTION 2.** 196.14<sup>✓</sup> of the statutes is amended to read:

10           **196.14 Public record exception.** The commission ~~may~~ shall withhold from  
11 public inspection any information ~~which would~~ that the commission determines may  
12 aid a competitor of a public utility in competition with the public utility or that is  
13 designated as confidential by a public utility when the public utility submits the  
14 information to the commission.

15 History: 1983 a. 53; 1985 a. 236, 297.

15           **SECTION 9141.**<sup>✓</sup> **Nonstatutory provisions; public service commission.**

16           ~~#~~  
16           (1) SUBMITTAL OF INFORMATION.

17           (a) The public service commission shall submit in proposed form the rules  
18 required under section <sup>✓</sup>196.02 (7m) (b) <sup>✓</sup> of the statutes, as created by this act, to the  
19 legislative council staff under section <sup>✓</sup>227.15 (1) <sup>✓</sup> of the statutes no later than the  
20 effective date of this paragraph.

21           (b) Using the procedure under section <sup>✓</sup>227.24 <sup>✓</sup> of the statutes, the public service  
22 commission may promulgate rules under section 196.02 (7m) (b) <sup>✓</sup> of the statutes, as  
23 created by this act, for the period before the effective date of the permanent rules  
24 promulgated under section 196.02 (7m) (b) <sup>✓</sup> of the statutes, as created by this act, but

1 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
 2 Notwithstanding section 227.24 (1) and (3) of the statutes, the commission is not  
 3 required to make a finding of emergency.

4 **SECTION 9341. Initial applicability; public service commission**

5 <sup>#</sup>(1) SUBMITTAL OF INFORMATION. The treatment of section 196.02 (7m) of the  
 6 statutes first applies to information that is required to be submitted on the effective  
 7 date of this subsection.

8 <sup>#</sup>(2) PUBLIC RECORD EXCEPTION. The treatment of section 196.14 of the statutes  
 9 first applies to information that is submitted on the effective date of this subsection.

10 **SECTION 944<sup>1</sup>. Effective dates; public service commission**

11 (1) SUBMITTAL OF INFORMATION. The treatment of sections 196.02 (7m) and  
 12 196.14 of the statutes and <sup>A.R.</sup>SECTIONS 9141 (1) <sup>a.f.</sup>(a) and <sup>AMR.</sup>9341 of this act take <sup>the</sup>effect on  
 13 first day of the 6th month beginning after the effective date of this subsection.

14 (END)

*NOTE*

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

LRB-0632/P1dn

MDK:/:....

WLJ + Jlg

Kerry Holden:

Some of this draft's provisions differ from the suggested language. For example, I do not think that it is necessary to define "burden". Therefore, please review the draft very carefully to make sure that it achieves your intent. In particular, please note the following:

1. The draft applies to information that the PSC requires *any* public utility to submit. I am not sure whether this is consistent with your intent. Should the draft apply only to telecommunications utilities or local exchange carriers, as suggested in the material submitted with your suggested language? Also, the suggested language refers to competitors. However, the PSC generally does not have jurisdiction over competitors that are not public utilities. How do you want to treat such competitors? On a related note, the statement of legislative intent included with your suggested language refers to treating all telecommunications utilities equally, but I am not certain about the meaning of this requirement and it does not otherwise appear in your suggested language. Also, what is your intent regarding the involvement of another state agency in reducing paperwork? This requirement does not appear in your suggested language, so it is not included in the draft.

2. The proposed amendment of s. 196.14, <sup>✓</sup>stats., requires the PSC to treat as confidential any information that is designated as such by a public utility. Is this okay, or should a public utility be required to show that disclosure of the information will in some way harm the public utility? In addition, this requirement applies only to information submitted by public utilities. Do you want the draft to address the confidentiality of information submitted by entities that are not public utilities?

3. The LRB generally does not include statements of legislative intent in drafts because they are redundant and they may have unintended consequences. Instead, it is preferable to make sure that the draft itself accomplishes your intent. Please contact me if you want to discuss this issue.

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

Mark D. Kunkel  
Legislative Attorney  
266-0131

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

LRB-0632/P1dn  
MDK:wlj&jlg:lp

November 18, 1998

Kerry Holden:

Some of this draft's provisions differ from the suggested language. For example, I do not think that it is necessary to define "burden". Therefore, please review the draft very carefully to make sure that it achieves your intent. In particular, please note the following:

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Legislative Attorney  
266-0131

SOON

O-NOTE

1

DOA:.....Holden - Public inspections of filings with PSC; paperwork reduction

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

INSERT A ✓

RM NOT RUN

1 do not gen  
AN ACT ...; relating to: the budget.

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STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

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

2 SECTION 1. 196.02 (7m) of the statutes is created to read:

3 196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)

4 3., (6) or (7):



INSERT 2-11 ✓

telecommunications ✓

1

1. The commission may require a ~~public~~ utility to submit information to the commission only if the commission reduces, to the extent practicable, any burden on the ~~public~~ utility that results from complying with the requirement.

3

4

2. A ~~public~~ utility is not required to provide any information to the commission unless the commission certifies each of the following:

5

6

a. The information is necessary for the commission to enforce a requirement under this chapter.

7

8

b. The information is not unnecessarily duplicative of information that is in the commission's possession.

9

10

(b) The commission shall promulgate rules that establish requirements and procedures for making a certification specified in par. (a) 2.

11

12

SECTION 2. 196.14 of the statutes is amended to read:

13

~~196.14 Public record exception. The commission may shall withhold from public inspection any information which would that the commission determines may aid a competitor of a public utility in competition with the public utility or that is designated as confidential by a public utility when the public utility submits the information to the commission.~~

14

15

16

17

18

SECTION 9141. Nonstatutory provisions; public service commission.

19

(1) SUBMITTAL OF INFORMATION.

20

(a) The public service commission shall submit in proposed form the rules required under section 196.02 (7m) (b) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the effective date of this paragraph.

21

22

23

24

(b) Using the procedure under section 227.24 of the statutes, the public service commission may promulgate rules under section 196.02 (7m) (b) of the statutes, as

25

and the creation of section 196.14(2) of the statutes

1 created by this act, for the period before the effective date of the permanent rules  
2 promulgated under section 196.02 (7m) (b) of the statutes, as created by this act, but  
3 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
4 Notwithstanding section 227.24 (1) and (3) of the statutes, the commission is not  
5 required to make a finding of emergency.

6 **SECTION 9341. Initial applicability; public service commission.**

7 (1) SUBMITTAL OF INFORMATION. The treatment of section 196.02 (7m) of the  
8 statutes first applies to information that is required to be submitted on the effective  
9 date of this subsection.

✓ renumbering and amendment

10 (2) PUBLIC RECORD EXCEPTION. The treatment of section 196.14 of the statutes  
11 first applies to information that is submitted on the effective date of this subsection.

12 **SECTION 9441. Effective dates; public service commission.**

13 (1) SUBMITTAL OF INFORMATION. The treatment of sections 196.02 (7m)  
14 ~~196.02~~ of the statutes and SECTIONS 9141 (1) (a) and 9341 of this act take effect on  
15 the first day of the 6th month beginning after the effective date of this subsection.

16 (END) ✓

✓ the renumbering and amendment of section 196.14 of the statutes, the creation of section 196.14(2) of the statutes

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0632/lins  
MDK:.....

1

**INSERT A:**

Under current law, the public service commission (PSC) may, under certain circumstances, obtain from any public utility any information necessary for the PSC to perform its duties and order a public utility to produce certain records. Under this bill, the PSC may require a telecommunications utility to submit information only if the PSC reduces, to the extent practicable, any burden on the telecommunications utility that results from complying with the requirement. In addition, a telecommunications utility is not required to provide information to the PSC unless the PSC certifies that the information is necessary for the PSC to enforce a statutory requirement and that the information is not unnecessarily duplicative of information that is already in the PSC's possession. The bill requires the PSC to promulgate rules for making the certification required under the bill.

Also under current law, the PSC is allowed to withhold from public inspection any information that aids a competitor of a public utility. Under this bill, the PSC is required to withhold such information from public inspection. The PSC is also required to withhold from public inspection any information that is designated as confidential by a public utility when it is submitted to the PSC and which the public utility shows to the satisfaction of the PSC may aid a competitor of the public utility. *that*

2

**INSERT 2-11:**

3

**SECTION 1.** 196.14<sup>X</sup> of the statutes is renumbered 196.14 (intro.) and amended

4

to read:

5

**196.14** (intro.) **Public record exception.**<sup>✓</sup> The commission ~~may~~ shall

6

withhold from public inspection any ~~information which would~~ of the following:

7

(1) Any information that commission determines may<sup>✓</sup> aid a competitor of a

8

public utility in competition with the public utility.

9

History: 1983 a. 53; 1985 a. 236, 297.

**SECTION 2.** 196.14<sup>X</sup> (2) of the statutes is created to read:

10

**196.14 (2)** Any information that is designated as confidential by a public utility

11

when the public utility submits the information to the commission and ~~which~~ <sup>that</sup>

12

public utility shows to the satisfaction of the commission may aid a competitor of the

13

public utility.

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

LRB-0632/1dn

MDK: A:...

JG

Kerry Holden:

This version is identical to LRB-0632/P1, except that proposed s. 196.02 (7m)✓ applies only to telecommunications utilities, rather than to any public utility, and proposed s. 196.14 (2)✓ requires the PSC to withhold information that is designated as confidential by a public utility only if the public utility shows to the satisfaction of the PSC that the information may aid a competitor of the public utility.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

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

LRB-0632/1dn  
MDK:jlg:lp

January 29, 1999

Kerry Holden:

This version is identical to LRB-0632/P1, except that proposed s. 196.02 (7m) applies only to telecommunications utilities, rather than to any public utility, and proposed s. 196.14 (2) requires the PSC to withhold information that is designated as confidential by a public utility only if the public utility shows to the satisfaction of the PSC that the information may aid a competitor of the public utility.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)

*O-NOTE*

*2*

DOA:.....Holden - Public inspections of filings with PSC; paperwork reduction

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

*RM  
NOT  
RUN*

*Dont  
Gen Cat*

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Under current law, the public service commission (PSC) may, under certain circumstances, obtain from any public utility any information necessary for the PSC to perform its duties and order a public utility to produce certain records. Under this bill, the PSC may require a telecommunications utility to submit information only if the PSC reduces, to the extent practicable, any burden on the telecommunications utility that results from complying with the requirement. In addition, a telecommunications utility is not required to provide information to the PSC unless the PSC certifies that the information is necessary for the PSC to enforce a statutory requirement and that the information is not unnecessarily duplicative of information that is already in the PSC's possession. The bill requires the PSC to promulgate rules for making the certification required under the bill.

Also under current law, the PSC is allowed to withhold from public inspection any information that aids a competitor of a public utility. Under this bill, the PSC is required to withhold such information from public inspection. The PSC is also required to withhold from public inspection any information that is designated as confidential by a public utility when it is submitted to the PSC and that the public utility shows to the satisfaction of the PSC may aid a competitor of the public utility.

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:*

1           **SECTION 1.** 196.02 (7m) of the statutes is created to read:

2           196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)  
3           3., (6) or (7):

4           1. The commission may require a telecommunications utility to submit  
5           information to the commission only if the commission reduces, to the extent  
6           practicable, any burden on the telecommunications utility that results from  
7           complying with the requirement.

8           2. A telecommunications utility is not required to provide any information to  
9           the commission unless the commission certifies each of the following:

10          a. The information is necessary for the commission to enforce a requirement  
11          under this chapter.

12          b. The information is not unnecessarily duplicative of information that is in the  
13          commission's possession.

14          (b) The commission shall promulgate rules that establish requirements and  
15          procedures for making a certification specified in par. (a) 2.

16           **SECTION 2.** 196.14 of the statutes is renumbered 196.14 (intro.) and amended  
17           to read:

18           **196.14 Public record exception.** (intro.) The commission ~~may~~ shall  
19           withhold from public inspection any ~~information which would~~ of the following:

20           (1) Any information that commission determines may aid a competitor of a  
21           public utility in competition with the public utility.

1           **SECTION 3.** 196.14 (2) of the statutes is created to read:

2           196.14 (2) Any information that is designated as confidential by a public utility  
3           when the public utility submits the information to the commission and that the  
4           public utility shows to the satisfaction of the commission may aid a competitor of the  
5           public utility.

6           **SECTION 9141. Nonstatutory provisions; public service commission.**

7           (1) SUBMITTAL OF INFORMATION.

8           (a) The public service commission shall submit in proposed form the rules  
9           required under section 196.02 (7m) (b) of the statutes, as created by this act, to the  
10          legislative council staff under section 227.15 (1) of the statutes no later than the  
11          effective date of this paragraph.

12          (b) Using the procedure under section 227.24 of the statutes, the public service  
13          commission may promulgate rules under section 196.02 (7m) (b) of the statutes, as  
14          created by this act, for the period before the effective date of the permanent rules  
15          promulgated under section 196.02 (7m) (b) of the statutes, as created by this act, but  
16          not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.

17          ~~Notwithstanding section 227.24 (1) and (3) of the statutes, the commission is not~~  
18          ~~required to make a finding of emergency.~~      ✓ (INSEPT 3-17)

19          **SECTION 9341. Initial applicability; public service commission.**

20          (1) SUBMITTAL OF INFORMATION. The treatment of section 196.02 (7m) of the  
21          statutes first applies to information that is required to be submitted on the effective  
22          date of this subsection.

23          (2) PUBLIC RECORD EXCEPTION. The renumbering and amendment of section  
24          196.14 of the statutes and the creation of section 196.14 (2) of the statutes first apply  
25          to information that is submitted on the effective date of this subsection.





1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0632/2ins  
MDK.....

1

INSERT 3-17:

2

*No ff*

Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the commission

3

is not required to provide evidence that promulgating a rule under this paragraph

4

as an emergency rule is necessary for the preservation of the public peace, health,

5

safety or welfare and is not required to provide a finding of emergency for a rule

6

promulgated under this paragraph.

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

LRB-0632/2dn

MDK:/:....

Wlj  
+  
JLg

**Kerry Holden:**

This version is identical to LRB-0632/1, except for a technical change to the wording of the nonstatutory provision regarding emergency rules.

**Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)**

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

LRB-0632/2dn  
MDK:wlj&jlg:hmh

Monday, February 8, 1999

Kerry Holden:

This version is identical to LRB-0632/1, except for a technical change to the wording of the nonstatutory provision regarding emergency rules.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0632/2  
MDK:wlj&jlg:hmh

DOA:.....Holden - Public inspections of filings with PSC; paperwork  
reduction

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Under current law, the public service commission (PSC) may, under certain circumstances, obtain from any public utility any information necessary for the PSC to perform its duties and order a public utility to produce certain records. Under this bill, the PSC may require a telecommunications utility to submit information only if the PSC reduces, to the extent practicable, any burden on the telecommunications utility that results from complying with the requirement. In addition, a telecommunications utility is not required to provide information to the PSC unless the PSC certifies that the information is necessary for the PSC to enforce a statutory requirement and that the information is not unnecessarily duplicative of information that is already in the PSC's possession. The bill requires the PSC to promulgate rules for making the certification required under the bill.

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

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

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2           196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)  
3 3., (6) or (7):

4           1. The commission may require a telecommunications utility to submit  
5 information to the commission only if the commission reduces, to the extent  
6 practicable, any burden on the telecommunications utility that results from  
7 complying with the requirement.

8           2. A telecommunications utility is not required to provide any information to  
9 the commission unless the commission certifies each of the following:

10           a. The information is necessary for the commission to enforce a requirement  
11 under this chapter.

12           b. The information is not unnecessarily duplicative of information that is in the  
13 commission's possession.

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15 procedures for making a certification specified in par. (a) 2.

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3 when the public utility submits the information to the commission and that the  
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7           (1) SUBMITTAL OF INFORMATION.

8           (a) The public service commission shall submit in proposed form the rules  
9 required under section 196.02 (7m) (b) of the statutes, as created by this act, to the  
10 legislative council staff under section 227.15 (1) of the statutes no later than the  
11 effective date of this paragraph.

12           (b) Using the procedure under section 227.24 of the statutes, the public service  
13 commission may promulgate rules under section 196.02 (7m) (b) of the statutes, as  
14 created by this act, for the period before the effective date of the permanent rules  
15 promulgated under section 196.02 (7m) (b) of the statutes, as created by this act, but  
16 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
17 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the commission  
18 is not required to provide evidence that promulgating a rule under this paragraph  
19 as an emergency rule is necessary for the preservation of the public peace, health,  
20 safety or welfare and is not required to provide a finding of emergency for a rule  
21 promulgated under this paragraph.

22           **SECTION 9341. Initial applicability; public service commission.**

23           (1) SUBMITTAL OF INFORMATION. The treatment of section 196.02 (7m) of the  
24 statutes first applies to information that is required to be submitted on the effective  
25 date of this subsection.

1 (2) PUBLIC RECORD EXCEPTION. The renumbering and amendment of section  
2 196.14 of the statutes and the creation of section 196.14 (2) of the statutes first apply  
3 to information that is submitted on the effective date of this subsection.

4 **SECTION 9441. Effective dates; public service commission.**

5 (1) SUBMITTAL OF INFORMATION. The treatment of sections 196.02 (7m) of the  
6 statutes, the renumbering and amendment of section 196.14 of the statutes, the  
7 creation of section 196.14 (2) of the statutes and SECTIONS 9141 (1) (a) and 9341 of this  
8 act take effect on the first day of the 6th month beginning after the effective date of  
9 this subsection.

10 (END)