

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/27/99**

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. - telco and cable**

Extra Copies:

**Topic:**

DOA:.....Holden - Eliminate 10-day waiting period for certain tariff filings by telecommunications utilities

**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>
/1	kunkemd 01/27/99	ygeller 01/27/99	martykr 01/27/99	_____	lrb_docadmin 01/27/99		

FE Sent For:

<END>

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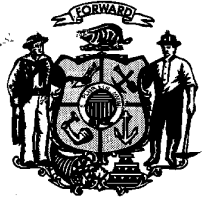
See Attached

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1/?	kunkemd	1/27 jlg	km/27	yp/27	km/27		

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

TOMMY G. THOMPSON  
GOVERNOR  
MARK D. BUGHER  
SECRETARY

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



-2027

**Date:** January 25, 1999

**To:** Steve Miller  
Legislative Reference Bureau

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

**Subject:** Draft for Governor's 1999-2001 Budget Bill - Eliminate 10-day waiting period

Please draft the attached for inclusion in the Governor's 1999-2001 budget bill. This statutory language request will eliminate the 10-day waiting period imposed on telecommunications utilities when they file a tariff with the PSC to offer new services or promotions.

Please call me with any questions. Thank you.

**PRIVILEGED AND CONFIDENTIAL  
DRAFT PREPARED FOR DISCUSSION PURPOSES ONLY**

Statutory Amendment to Eliminate 10 Day Notice

**NEW SERVICES:**

Amend s. 196.19(1m)(b) as follows:

- AM
- (b) A telecommunications utility may not offer a new telecommunications service to the public without first filing a tariff for that offering with the commission. A proposed tariff offering a new telecommunications service shall be effective on the date specified in the tariff ~~but not earlier than 10 days after the date on which the tariff is filed with the commission~~, unless the commission, either upon complaint or upon its own motion, suspends the operation of the new tariff by serving written notice of the suspension on the telecommunications utility within 10 days after the date of filing. The notice shall include a statement of the reason under par. (c) upon which the commission believes the tariff may be modified.

RP Delete s. 196.196(1m)(e).

**PROMOTIONS:**

Amend s. 196.77:

Except as provided in this section, nothing in this chapter prohibits a telecommunications utility from filing a tariff to make a limited offering of promotional rates. A promotional rate under this section shall take effect automatically at the time specified in the tariff ~~but not earlier than 10 days after the date the tariff is filed with the commission~~ unless the commission ~~authorizes an earlier effective date or~~ suspends the tariff within 10 days after the date on which it is filed. The commission may suspend a tariff if it believes that the tariff violates s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall investigate and resolve the matter within 60 days after the date on which the tariff is suspended or the tariff shall be effective as filed.

*No X-regs / Secs 204, 209, 219  
OK*

**RATIONALE:**

The effect of this amendment is to permit a utility to file a tariff for a new service or a promotion to be available immediately. It permits customers to obtain the benefits of a new service or promotion immediately, without waiting for the 10 day period to pass. This places telecommunications utilities on the same competitive footing as other telecommunications providers, who are able to offer new services or promotions immediately, without being required by the statutes to give advance notice to the commission or their competitors.

However, the commission continues to have the power to suspend the tariff for the reasons set forth in the statutes if the commission acts within 10 days of the filing. This is the same regulatory power that exists under the current statutes, although since

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these provisions became effective in 1994, the commission has not exercised its powers under these provisions. As a result, the utility will run the risk that a tariff effective before the end of the 10 day period for commission action will be suspended by the commission. The utility would not be able to offer the service or promotion to additional customers during the suspension period, and any new service offering or promotion would be subject to modifications ordered by the commission as a result of the suspension. Any customers who obtained the service prior to the suspension could continue to receive the service pending final commission action, but their service would be changed if the commission orders modifications.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2027/1

MDK:.....

WPO -  
Fix request  
sheet

VERY SOON

JLg

DOA:.....Holden - Eliminate 10<sup>hyphen</sup> day waiting period for certain tariff filings  
by telecommunications utilities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

Under current law, a tariff filed with the public service commission (PSC) in which a telecommunications utility offers either a new telecommunications service or promotional rates may not take effect before 10<sup>hyphen</sup> days after the tariff is filed. Under certain specified circumstances, the PSC may also suspend the effectiveness of such a tariff. This bill provides that such a tariff is effective on the date specified in the tariff, unless the PSC suspends the effectiveness of the tariff as allowed under current law.

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

2 SECTION 1. 196.19 (1m) (b) of the statutes is amended to read:

3 196.19 (1m) (b) A telecommunications utility may not offer a new  
4 telecommunications service to the public without first filing a tariff for that offering

1 with the commission. A proposed tariff offering a new telecommunications service  
2 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~  
3 ~~the date on which the tariff is filed with the commission,~~ unless the commission,  
4 either upon complaint or upon its own motion, suspends the operation of the new  
5 tariff by serving written notice of the suspension on the telecommunications utility  
6 within 10 days after the date of filing. The notice shall include a statement of the  
7 reason under par. (c) upon which the commission believes the tariff may be modified.

8 History: 1983 a. 53 ss. 28, 35; 1985 a. 297; 1993 a. 496.

8 **SECTION 2.** 196.19 (1m) (e) of the statutes is repealed.

9 **SECTION 3.** 196.77 of the statutes is amended to read:

10 **196.77 Promotional rates.** Except as provided in this section, nothing in this  
11 chapter prohibits a telecommunications utility from filing a tariff to make a limited  
12 offering of promotional rates. A promotional rate under this section shall take effect  
13 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~  
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17 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall  
18 investigate and resolve the matter within 60 days after the date on which the tariff  
19 is suspended or the tariff shall be effective as filed.

20 History: 1985 a. 297; 1987 a. 403; 1993 a. 496.

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

21 (1) TARIFF FILINGS. The treatment of sections 196.19 (1m) (b) and (e) and 196.77  
22 of the statutes first applies to tariffs filed on the effective date of this subsection.

23 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2027/1  
MDK:jlg:km

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