

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB475)**

Received: 10/04/2001

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Lorraine Seratti (608) 266-3780

By/Representing: Tim Fiocchi

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Survey of affected customers regarding petition for extended area telephone service

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**Instructions:**

See Attached

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**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 10/04/2001	jdye 10/04/2001	jfrantze 10/05/2001	_____	lrb_docadmin 10/05/2001	lrb_docadmin 10/05/2001	

FE Sent For:

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1?	kunkemd	1/10/4 jld	10/6	3ell 10/6			

FE Sent For:

<END>

## Kunkel, Mark

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**From:** Fiocchi, Tim  
**Sent:** Thursday, October 04, 2001 12:22 PM  
**To:** Kunkel, Mark  
**Subject:** Amendment to AB 475 FW: EAS bill - technical changes

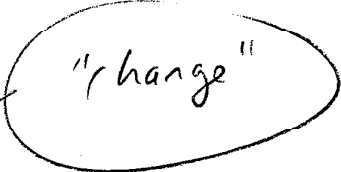
Hi Mark,

We're holding a hearing and want to exec AB 475 out of committee on Tuesday but PSC found a couple problems in the draft. We'd like to do a simple amendment to make the requested changes. In addition to those they've asked for, please change the word "increase" in red below to "change." If there are any problems or if you have any questions feel free to call.

Thanks,

Tim

Tim Fiocchi  
Research Assistant  
Rep. Lorraine Seratti's Office  
Phone: (608) 266-3780  
Fax: (608) 282-3636



"change"

-----Original Message-----

**From:** Nelson, Paul \*PSC  
**Sent:** Wednesday, October 03, 2001 2:50 PM  
**To:** Fiocchi, Tim  
**Cc:** Evenson, Gary; Mahan, Joyce  
**Subject:** FAS bill - technical changes

1. A small point, but in (2)(a) at lines 10 through 12, we suggest changing the sentence to read, "The survey shall be approved by the commission and distributed to all customers who would may [alternative: "could"] experience a rate increase if the petition were granted."

That's the language the Commission used in the most recent rewrite of the rule (old rule reads "would"). The reason: in some cases, whether someone will actually see a rate increase depends on their calling patterns. We don't want to get caught in the argument that we have to determine whose calling patterns will result in an increase before sending out surveys, or that a survey is invalid because some were distributed to people whose rates don't go up. If a survey is required by statute/rule, this new suggested language ensures that all customers get a survey.

2. In 2(a), lines 7 through 10, we suggest making the following change:

In determining whether a petition will be granted if traffic between applicable exchanges meets thresholds defined by rule [alternative: "established by the commission"], and after determining the rate increments necessary to support such service, the commission shall require the affected telecommunications utilities to conduct a survey of customer willingness to pay any rate increments made necessary by the provision of the extended area telephone service.

These changes would avoid the unintended consequences of the current language that we believe could be interpreted to require a customer survey every time a petition is submitted, even where traffic volumes between the exchanges are demonstrated to be minimal.

Current traffic volumes in the rule require that the customers in at least one of the exchanges place an average of not fewer than 5 messages per month, per customer, to the exchange with which extended area service is requested; and 50% of the customers in at least one of the exchanges place not fewer than 3 messages per month to the exchange with which extended area service is requested. Under the current rules if these traffic thresholds are not met the petition must be denied. No economic study is undertaken and no surveys are distributed.

These traffic volumes are unrelated to the ballot thresholds, and the Commission believes they are reasonable, objective and measurable minimums required to warrant further action on a petition.

Thanks for considering these changes.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0709/1

MDK: ^:...

jld

D-NOTE

SOON

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 475

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 7: delete the material beginning with "In determining whether"  
3 and ending with <sup>"granted."</sup> ~~the period~~ on ~~page 2~~ line 12 and substitute <sup>g</sup> ~~NO~~ ~~FF~~

4 "If traffic between the applicable exchanges meets thresholds established in  
5 rules promulgated by the commission, and after determining the rate increments  
6 necessary to support the extended area service, the commission shall require the  
7 affected telecommunications utilities to conduct a survey of customer willingness to  
8 pay the rate increments. The survey shall be approved by the commission and  
9 distributed to all customers who may experience a rate change if the petition were  
10 granted."

11 (END)

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

LRBa0709/1dn

MDK:.....

*JL*

Representative Seratti:

In addition to making the changes requested by the PSC, this amendment makes a slight change to the end of the second sentence in proposed s. 196.197 (2) (a). I think the additional change is consistent with the PSC's request, and it makes the sentence less wordy.

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**

LRBa0709/1dn  
MDK:jld:jf

October 5, 2001

Representative Seratti:

In addition to making the changes requested by the PSC, this amendment makes a slight change to the end of the second sentence in proposed s. 196.197 (2) (a). I think the additional change is consistent with the PSC's request, and it makes the sentence less wordy.

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