

2001 DRAFTING REQUEST

Bill

Received: 10/29/2001

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Gregg Underheim (608) 266-2254

By/Representing: Sandy Lonergan

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

Pre Topic:

No specific pre topic given

Topic:

Notification for unusually high telephone bills

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 11/12/2001	gilfokm 11/12/2001	rschluet 11/12/2001	_____	gretskl 11/12/2001		S&L
	kunkemd 12/07/2001	gilfokm 12/07/2001		_____			
/2			pgreensl 12/07/2001	_____	lrb_docadmin 12/07/2001	lrb_docadminS&L 01/02/2002	

FE Sent For:

L At intro

<END>

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FE Sent For:

*12-12/7
kmg*

*12/7
Pg*

*P8/R2
<END>*

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1?	kunkemd	<i>1/2 mg</i>	<i>[Signature]</i>	<i>[Signature]</i>			

11-12-1

FE Sent For:

<END>

Kunkel, Mark

- 4139

From: Lonergan, Sandra
Sent: Tuesday, October 23, 2001 3:50 PM
To: Kunkel, Mark
Subject: FW: telephone company drafting request

Hi Mark,

It's me again checking on another drafting request. Are you waiting on information from me for this one? I honestly cannot remember what's going on with this request. Sorry about that. Please advise.

Thanks,
Sandy

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

From: Lonergan, Sandra
Sent: Friday, May 11, 2001 3:37 PM
To: Kunkel, Mark
Subject: telephone company drafting request

Hi Mark,

Does your issue area include telephone companies? If so, would you please draft the following bill for Gregg Underheim?

One of Gregg's constituents had a problem with their computer accidentally getting hooked into some website which somehow accessed their long distance telephone carrier. They ended up with over \$4,000 in long distance charges. Therefore, Gregg would like to require that telephone companies must notify customers when there is unusually high utilization on someone's account. The companies would be required to notify the customer both in writing & by phone and they must make the notification to the customer within 2 weeks of the unusually high utilization.

If this isn't your issue area, would you let me know to whom I should direct this? Call or email if you have any questions.

Thanks,
Sandy
(Underheim's office)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4139/1

MDK: /:....
Kang

By Thurs
11/15

D-NOTE

2001 BILL

Gen. Cat

FE-S&L

1 AN ACT ...; relating to: requiring telecommunications providers to make certain
2 notifications to residential customers and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a telecommunications provider to notify a residential customer, in writing and by telephone, if the residential customer accumulates \$500 or more in charges for telephone calls in a billing period. The notification must be made no later than 14 business days after \$500 or more is accumulated. A telecommunications provider that violates the requirement is subject to a forfeiture of between \$25 and \$5,000.

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

3 SECTION 1. 196.202 (2) of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
6 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that
7 a commercial mobile radio service provider is subject to s. 196.218 (3) if the

BILL**SECTION 1**

1 commission promulgates rules that designate commercial mobile radio service
2 providers as eligible to receive universal service funding under both the federal and
3 state universal service fund programs, and is subject to s. 196.219 (3m). If the
4 commission promulgates such rules, a commercial mobile radio service provider
5 shall respond, subject to the protection of the commercial mobile radio service
6 provider's competitive information, to all reasonable requests for information about
7 its operations in this state from the commission necessary to administer the
8 universal service fund.

History: 2001 a. 16.

9 **SECTION 2.** 196.203 (3) (d) of the statutes is amended to read:

10 196.203 (3) (d) ~~Section~~ Sections 196.219 (3m) and 196.50 (1) (b) ~~applies~~ apply
11 to an alternative telecommunications utility except for a provider of cable television
12 service.

History: 1985 a. 297; 1993 a. 496; 1997 a. 140; 1999 a. 150.

13 **SECTION 3.** 196.219 (3m) of the statutes is created to read:

14 196.219 (3m) NOTICE TO RESIDENTIAL CUSTOMERS. A telecommunications
15 provider shall notify a residential customer in writing and by telephone if, at any
16 time during a billing period, the residential customer accumulates \$500 or more in
17 charges for telephone calls in that period. Notice under this subsection must be made
18 no later than 14 business days, as defined in s. 421.301 (6), after \$500 or more in
19 charges is accumulated. A telecommunications provider that violates this
20 subsection may be required to forfeit not less than \$25 nor more than \$5,000.

21 **SECTION 4. Initial applicability.**

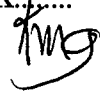
22 (1) The treatment of section 196.219 (3m) of the statutes first applies to billing
23 periods commencing on the effective date of this subsection.

24 **SECTION 5. Effective date.**

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

LRB-4139/1dn

MDK:.....



Representative Underheim:

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

1. Is the \$500 amount okay?
2. The forfeiture amount is the same as the general forfeiture for a violation of ch. 196, stats., for which an amount is not otherwise specified. It is necessary to include a forfeiture in this bill because the general forfeiture only applies to public utilities, and this bill applies to telecommunications providers who may or may not be public utilities. Is the forfeiture okay?
3. I added a short delayed effective date to give people notice and time to make any changes to their business practices that are necessary to comply with the bill. Is the length of the delay (about 2 months) okay?

**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-4139/1dn
MDK:kmg:rs

November 12, 2001

Representative Underheim:

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

1. Is the \$500 amount okay?
2. The forfeiture amount is the same as the general forfeiture for a violation of ch. 196, stats., for which an amount is not otherwise specified. It is necessary to include a forfeiture in this bill because the general forfeiture only applies to public utilities, and this bill applies to telecommunications providers who may or may not be public utilities. Is the forfeiture okay?
3. I added a short delayed effective date to give people notice and time to make any changes to their business practices that are necessary to comply with the bill. Is the length of the delay (about 2 months) okay?

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

Kunkel, Mark

From: Petri, Tom
Sent: Thursday, November 29, 2001 11:36 AM
To: Kunkel, Mark
Subject: LRB 4139/1 + LRB 3020/2

Mark,

Thanks for completing LRB 4139/1 in a timely fashion. To answer the questions you posed in your drafter's note dated November 12th:

1. \$500 is o.k.
 2. The forfeiture is o.k.
 3. Two months is o.k.
- } no changes*

With that in mind, Rep. Underheim also requests that you add to the LRB draft, some of the same language you earlier included in LRB 3020/2 for Sen. Lazich.

Particularly, Rep. Underheim would like to include the provisions in her bill that state that the PSC and DATCAP must promulgate rules for telco and ISP providers.

Rep. Underheim believes that rules should be on the books to help resolve intrastate telephone call disputes, and the burden of proof should be on the provider not the customer. He would like those portions of the Lazich draft incorporated into his.]

FYI - He did not want to introduce a companion bill to 3020/2 because he's not too high on all of the mandates and prohibitions the Lazich draft places on the telco provider. Instead, he would like to introduce his own bill that will address the problem, but not one that looks to eliminate it.

Thanks for your help and call or e-mail if you have further questions.

Tom in Rep. Underheim's office

2

WED
12/12

2001 BILL

Rm not
RMN

D-NOTE

INSERT 1A

1 **AN ACT to amend** 196.202 (2) and 196.203 (3) (d); and **to create** 196.219 (3m)
 2 of the statutes; **relating to:** requiring telecommunications providers to make
 3 certain notifications to residential customers and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a telecommunications provider to notify a residential customer, in writing and by telephone, if the residential customer accumulates \$500 or more in charges for telephone calls in a billing period. The notification must be made no later than 14 business days after \$500 or more is accumulated. A telecommunications provider that violates the requirement is subject to a forfeiture of between \$25 and \$5,000.

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.** 196.202 (2) of the statutes, as affected by 2001 Wisconsin Act 16,
 5 is amended to read:

6 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
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BILL

1 a commercial mobile radio service provider is subject to s. 196.218 (3) if the
2 commission promulgates rules that designate commercial mobile radio service
3 providers as eligible to receive universal service funding under both the federal and
4 state universal service fund programs, and is subject to s. 196.219 (3m). If the
5 commission promulgates such rules, a commercial mobile radio service provider
6 shall respond, subject to the protection of the commercial mobile radio service
7 provider's competitive information, to all reasonable requests for information about
8 its operations in this state from the commission necessary to administer the
9 universal service fund.

10 **SECTION 2.** 196.203 (3) (d) of the statutes is amended to read:

11 196.203 (3) (d) ~~Section~~ Sections 196.219 (3m) and 196.50 (1) (b) ~~applies~~ apply
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17 time during a billing period, the residential customer accumulates \$500 or more in
18 charges for telephone calls in that period. Notice under this subsection must be made
19 no later than 14 business days, as defined in s. 421.301 (6), after \$500 or more in
20 charges is accumulated. A telecommunications provider that violates this
21 subsection may be required to forfeit not less than \$25 nor more than \$5,000.

22 **SECTION 4. Initial applicability.**

23 (1) The treatment of section 196.219 (3m) of the statutes first applies to billing
24 periods commencing on the effective date of this subsection.

25 **SECTION 5. Effective date.**

INSERT 2-21

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4139/2ins
MDK:.....

1

INSERT 1A:

The bill also requires the public service commission (PSC) to promulgate rules for telecommunications providers and residential customers to resolve disputes over service for intrastate telephone calls by alternative dispute resolution, including disputes over charges for access numbers to Internet service providers. The rules must require that a telecommunications provider ~~has~~ the burden of disproving a residential customer's allegation regarding the service. Until the procedures in the rules have been exhausted, a telecommunications provider or residential customer may not bring an action in court.

have

2

INSERT 2-21:

3

SECTION 1. 196.219 (5) of the statutes is renumbered 196.219 (5) (a) and amended to read:

4

5

196.219 (5) (a) The commission shall ~~establish by rule~~ promulgate rules that provide for a procedure for alternative dispute resolution to be available for complaints filed against a telecommunications utility or provider.

6

7

History: 1993 a. 496; 1997 a. 218; 2001 a. 16.

8

SECTION 2. 196.219 (5) (b) of the statutes is created to read:

9

196.219 (5) (b) The rules promulgated under par. (a) shall include procedures for telecommunications providers and residential customers to resolve disputes over orders and bills for service for intrastate telephone calls, including disputes over charges for access numbers to Internet service providers. The rules shall require that a telecommunications provider ~~has~~ the burden of disproving a residential customer's allegation regarding an order or a term or condition of service. No telecommunications provider or residential customer may bring an action regarding a dispute described in this paragraph until the telecommunications provider or residential customer has exhausted the procedures included in the rules.

13

have

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4139/2dn

MDK:.....

mg

Representative Underheim:

This version is identical to the previous version, except for the changes to s. 196.219 (5) regarding rules for dispute resolution.

Note that the rules apply to disputes between telecommunications providers and customers, including a dispute regarding an access number for an Internet service provider. However, an Internet service provider is not subject to the rules, unless it is also a telecommunications provider. Internet service providers historically have not been subject to the jurisdiction of the PSC, and I assumed that you did not want to enlarge the PSC's jurisdiction to cover them. If I am wrong, let me know, and I will make the appropriate changes.

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-4139/2dn
MDK:kmg:pg

December 7, 2001

Representative Underheim:

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Note that the rules apply to disputes between telecommunications providers and customers, including a dispute regarding an access number for an Internet service provider. However, an Internet service provider is not subject to the rules, unless it is also a telecommunications provider. Internet service providers historically have not been subject to the jurisdiction of the PSC, and I assumed that you did not want to enlarge the PSC's jurisdiction to cover them. If I am wrong, let me know, and I will make the appropriate changes.

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



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 7, 2001

MEMORANDUM

To: Representative Underheim

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-4139/2 Notification for unusually high telephone bills

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.