

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4772/1dn
MDK:jld:pg

January 25, 2002

Representative Schoof:

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

1. I made the deadline the same as the deadline under federal law for Milwaukee (i.e., November 22, 2002). I did so to avoid logical inconsistencies with the federal law. Is that okay?
2. Do you want to revise the bill to impose penalties on a wireless telecommunications provider that fails to comply with the bill? Because a wireless telecommunications provider is not a public utility, the general forfeitures of ch. 196, stats., do not apply. (See s. 196.66 (1), stats., which imposes a forfeiture of between \$25 and \$5,000 for a violation by a public utility that is not subject to a specific penalty.)
3. It could be argued that the bill is preempted under federal law. However, although federal law prohibits states from regulating wireless rates, states are allowed to regulate "other terms and conditions" of wireless service. See 47 USC s. 332 (c) (3) (A). A court might be asked to determine whether number portability is a term or condition that states can regulate. Please let me know if you want me to look further into this issue.

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