

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0349/1dn
MDK:cjs:jf

March 4, 2002

Representative Montgomery:

This substitute amendment is identical to AB 889, except for the following:

1. The 911 wireless board is attached to the department of commerce, not the PSC.
2. Proposed s. 100.207 (3g) (a) (intro.) is revised as suggested by DATCP.
3. DATCP must promulgate rules for distinguishing billed services under proposed s. 100.207 (3g) (b) 1.
4. Proposed s. 100.207 (3m) (b) is revised as suggested by DATCP.
5. Proposed s. 100.207 (5g) is revised in manner slightly different than that suggested by DATCP.
6. Proposed s. 100.207 (6) (br) is eliminated.
7. The surcharge must be identified as the "Wireless 911 Surcharge", not the "Wisconsin Wireless 911 Surcharge". See proposed s. 146.70 (3m) (d) 1.
8. Proposed s. 196.196 (1) (em) is eliminated.
9. Commercial mobile radio service providers (CMRSPs) must provide number portability as required under the FCC's regulations. See proposed s. 196.202 (6). Note that the reference to the Code of Federal Regulations is intended to incorporate any subsequent changes to the federal regulations, because it does not refer to a dated version of the federal regulations. Therefore, if the FCC amends the regulations to extend the deadline for compliance, the state law will refer to the amended regulations and the extended deadline. Note that it is uncertain whether the attorney general is authorized to enforce this provision. The attorney general is authorized to enforce requirements regarding telecommunications providers, such as CMRSPs, under s. 196.44 (2) (b), stats. However, s. 196.202 (2) (intro.) contains a general rule that CMRSPs are not subject to ch. 196, stats. As drafted, I'm not sure whether or not a court would conclude that the attorney general can enforce number portability. Please let me know if you want to resolve this uncertainty. Also note that the general forfeiture provisions of s. 196.66, stats., apply only to public utilities, and a CMRSP is not a public utility. Therefore, no forfeiture applies to a CMRSP's violation of the number portability requirements.

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