

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 889**

March 5, 2002 – Offered by COMMITTEE ON INFORMATION POLICY AND TECHNOLOGY.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 3: after the semicolon insert “retail and wholesale  
3 telecommunications standards;”.

4 **2.** Page 13, line 24: after that line insert:

5 “**SECTION 27m.** 196.219 (3m) of the statutes is created to read:

6 196.219 (**3m**) RETAIL AND WHOLESALE SERVICES. (a) *Definitions.* In this  
7 subsection:

8 1. “Large price-regulated telecommunications utility” means a  
9 price-regulated telecommunications utility that has more than 500,000 access lines  
10 in use in this state at the time of electing to become price regulated.

1           2. “Price-regulated telecommunications utility” means a price-regulated  
2 telecommunications utility with 50,000 or more access lines in this state on the  
3 effective date of this subdivision .... [revisor inserts date].

4           3. “Retail services” means basic residential and business telecommunications  
5 services.

6           4. “Wholesale services” means telecommunications services, products, or  
7 facilities, provided by a telecommunications utility to a telecommunications  
8 provider, including preordering, ordering and provisioning, maintenance and repair,  
9 network performance, unbundled elements, operator services and directory  
10 assistance, system performance, service center availability, billing, and any other  
11 service that the commission specifies by order.

12           (b) *Retail services.* 1. No later than 90 days after the effective date of this  
13 subdivision .... [revisor inserts date], after notice and reasonable opportunity for  
14 hearing, the commission shall issue an order establishing standards for retail  
15 services applicable to a large price-regulated telecommunications utility.

16           2. The commission may issue an order establishing standards for retail services  
17 applicable to a price-regulated telecommunications utility other than a large  
18 price-regulated telecommunications utility only if the commission finds, after notice  
19 and reasonable opportunity for hearing, that the price-regulated  
20 telecommunications utility has engaged in a demonstrable pattern of poor retail  
21 service that was not caused by poor wholesale service from a telecommunications  
22 utility, or has intentionally violated any state or federal law, rule, regulation, or order  
23 relating to retail service.

24           3. The commission may, by order under s. 196.37, require a price-regulated  
25 telecommunications utility subject to the standards under subd. 1. or 2. to make

1 payments to the commission or issue credits to retail customers who are affected by  
2 the utility's failure to comply with the standards. Any payments to the commission  
3 under this subdivision shall be credited to the appropriation under s. 20.155 (1) (Lm).

4 4. Any standards established under this paragraph shall expire 3 years after  
5 they are established and will not apply thereafter unless renewed by the commission  
6 in an order issued after notice and reasonable opportunity for hearing.

7 (c) *Wholesale service standards.* 1. A price-regulated telecommunications  
8 utility shall provide wholesale services, including interconnection, collocation, and  
9 network elements, to telecommunications providers in a manner that promotes the  
10 maximum development of competitive telecommunications offerings in this state.

11 2. The commission shall issue an order establishing standards for wholesale  
12 services applicable to a large price-regulated telecommunications utility. The  
13 standards must be designed to facilitate the provision of reasonable and  
14 nondiscriminatory wholesale services.

15 3. The commission may issue an order establishing standards for wholesale  
16 services applicable to a price-regulated telecommunications utility other than a  
17 large price-regulated telecommunications utility only if the commission finds, after  
18 notice and reasonable opportunity for hearing, that the price-regulated  
19 telecommunications utility has engaged in a demonstrable pattern of poor wholesale  
20 service or has intentionally violated any state or federal law, rule, regulation, or  
21 order relating to wholesale service.

22 4. The commission may, by order under s. 196.37, require a price-regulated  
23 telecommunications utility subject to the standards under subd. 2. or 3. to make  
24 payments to the commission or to a telecommunications provider who is affected by  
25 the utility's failure to comply with the standards. The commission may require the

1 payments be made automatically upon the price-regulated telecommunications  
2 utility's filing of reports showing the utility's failure to meet the standards. Any  
3 payments to the commission under this subdivision shall be credited to the  
4 appropriation under s. 20.155 (1) (Lm).”.

5 **3.** Page 18, line 16: after that line insert:

6 “**SECTION 34m.** 227.01 (13) (cm) of the statutes is created to read:

7 227.01 **(13)** (cm) Is an order under s. 196.219 (3m) (a) 4., (b), or (c).”.

8 **(END)**