

PSC 160.05(1)(c) and 160.125(1)

Voice Mail for the Homeless

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter PSC 160

UNIVERSAL SERVICE SUPPORT FUNDING AND PROGRAMS

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PSC 160.01 Scope and purpose. (1) **PURPOSE.** Chapter PSC 160 is designed to effectuate and implement s. 196.218, Stats., and parts of other sections of the Wisconsin statutes, authorizing the commission to establish a universal service fund and programs to further the goal of providing a basic set of essential telecommunications services and access to advanced service capabilities to all customers of the state.

(2) **SCOPE AND EXCEPTION.** (a) The requirements of ch. PSC 160 shall be observed by the telecommunications providers subject to the jurisdiction of the commission as indicated in this chapter, except insofar as any exemption may be made by the commission. Except as otherwise expressly provided by law, s. 196.218, Stats., and the requirements of this chapter apply to telecommunications providers certified under s. 196.203 (2), Stats.

(b) Nothing in this chapter shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances involved, the adoption of requirements as to individual providers or services that may be lesser, greater, other or different than those provided in this chapter.

(3) **DISPUTES.** Disputes not resolved between the affected parties regarding assessment or support amounts or the eligibility to receive or the liability to pay under this chapter shall be referred to the commission for resolution.

(4) **ENFORCEMENT.** The manner of enforcing ch. PSC 160 is prescribed in ss. 196.218, 196.499 (17) and 196.66, Stats., and includes such other means as provided in statutory sections administered by the commission.

(5) **ORDERS.** The commission may issue orders it deems necessary to assist in the implementation or interpretation of this chapter. Except for declaratory rulings under s. 227.41, Stats., which require the opportunity for a hearing, and commission determinations not subject to judicial review under ss. 227.52 and 227.53, Stats., orders shall be issued only after notice and an opportunity for comment by interested parties including the universal service fund council.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96, am. (2) (a) and (5), Register, April, 2000, No. 532, eff. 5-1-00.

PSC 160.02 Definitions. The definitions in s. 196.01, Stats., apply in this chapter. In addition, in this chapter:

(1g) "Calculated charge" means the charge calculated by converting a per call charge into a per minute charge. The conversion to a per minute charge shall be accomplished by dividing the per call charge by the telecommunications provider's average residential call duration. If there are multiple per call charges within

one local calling area, the weighted average shall be used as the per call charge.

(1m) "Contributory provider" means a telecommunications provider that pays monies to the universal service fund.

(2) "Disability" means a physical or sensory impairment that limits or curtails an individual's access to or usage of telecommunications services. "Disability" includes a speech, vision or hearing impairment and motion impairments that limit an individual's ability to handle telecommunications equipment.

(3) "Emergency service numbers" mean 9-1-1 where available and fire, emergency medical services, law enforcement, and poison center emergency numbers where 9-1-1 is not available.

(4g) "Federal high cost program" means any program established by the federal communications commission under 47 CFR 54 subpt. D.

(4m) "Institutions" means:

(a) Not-for-profit schools, which includes each school in a school district as defined by s. 115.01 (3), Stats., private schools as defined by s. 115.001 (3r), Stats., charter schools as defined by s. 118.40, Stats., colleges and universities as defined by s. 36.05 (13), Stats., and technical college districts as defined by s. 38.01 (5), Stats.

(b) Public libraries.

(c) Not-for-profit hospitals.

(5) "Lifeline" means the program that provides reduced monthly service rates for low-income customers.

(6) "Link-Up" means the program that waives service connection charges for low-income customers.

(7) "Local exchange service provider" means any commercial mobile radio service provider that has been designated as an eligible telecommunications carrier under s. PSC 160.13, or a telecommunications utility or any other provider of basic local exchange service or standard business lines and usage.

(8) "Low-income" means a household that receives benefits from one or more of the following programs:

(a) Wisconsin works under ss. 49.141 to 49.161, Stats.

(b) Medical assistance under 42 USC 1395.

(c) Supplemental security income under 42 USC 1381 to 1385c.

(d) Food stamps under 7 USC 2011 to 2029.

(e) The low income household energy assistance program under s. 16.385, Stats.

(f) The Wisconsin homestead tax credit under ss. 71.51 to 71.55, Stats.

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(4) **PUBLIC NOTIFICATION AND EDUCATION.** A local exchange service provider shall make all reasonable efforts to inform customers within its service areas of the availability of, and eligibility requirements for cost-free toll blocking services, 900 and 976 number blocking services and extended community calling blocking services. The local exchange service provider shall also make reasonable efforts to instruct eligible customers requesting the service in use of the equipment or service.

(5) **PETITION FOR WAIVER.** A local exchange service provider seeking a waiver of its blocking obligations under this section shall submit to the commission the following information:

- (a) The provider's name and address.
- (b) An explanation of why a waiver is being requested and of why the provider considers implementation of blocking to be an unreasonable expense for the provider and its customers.
- (c) Costs of hardware, software, programming, customer education, installation, maintenance and any other costs, on a per-customer basis, for blocking capability using customer premises equipment.
- (d) Costs of hardware, software, programming, customer education, installation, maintenance and any other costs, on a per customer basis, for blocking equipment installed in a central office, providing a separate calculation for each exchange for which an exemption is requested.
- (e) An estimate of the number of customers, by exchange, expected to request the service.

(6) The commission staff shall review the waiver request and issue a letter to the provider granting or denying the application.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96, am. (1), Register, April, 2000, No. 532, eff. 5-1-00.

PSC 160.05 Universal service fund programs. Universal service fund monies may be used for fund administration; for the purpose of informing the public regarding the universal service fund, its existence, purpose, intent and areas of use; and for the following purposes:

(1) For the following programs as adopted by the commission under the appropriation in s. 20.155 (1) (q), Stats.:

- (a) Link-Up America, as specified in s. PSC 160.061.
- (b) Lifeline assistance, as specified in s. PSC 160.062.
- (c) Voice mail service for the homeless, as specified in s. PSC 160.125 (1).
- (d) Telecommunications equipment purchase program (TEPP) vouchers, as specified in s. PSC 160.071 (1).
- (e) Telecommunications customer assistance program, as specified in s. PSC 160.08.
- (f) High rate assistance credits, as specified in s. PSC 160.09.
- (g) Alternative universal service protection plans, as specified in s. PSC 160.092.
- (h) Rate shock mitigation, as specified in s. PSC 160.10.
- (i) Assistance to institutions, as specified in s. PSC 160.11.
- (j) Intralata toll service provider of last resort, as specified in s. PSC 160.14.
- (k) Funding for programs or projects approved under s. PSC 160.125 (2).
- (l) Public interest pay telephones, as specified in s. PSC 160.073.
- (m) Outreach for low-income assistance programs, as specified in s. PSC 160.063.
- (n) Eligible telecommunications carriers designated under s. PSC 160.13 (5) (c).
- (o) Advanced service capabilities, as specified in s. PSC 160.035.
- (p) Second line for 2 line voice carryover, as specified in s. PSC 160.071 (6) (b).

(q) Medical telecommunications equipment program, as specified in s. 196.218 (4u), Stats.

(r) Payments by the department of public instruction to extend its contract with the National Federation of the Blind for the Newsline electronic information service, as specified in s. 9139 (1d), 1999 Wis. Act 9, and s. 196.218 (5) (a) 8, Stats.

(s) Other programs consistent with the purposes identified in s. 196.218 (5) (a) 1. and 2., Stats., as they are approved by the commission on an interim basis.

Note: The text of s. 196.218 (5) (a) 1. and 2., Stats., appears in a note after s. PSC 160.125 (2) (a).

(2) For payments by the technology for educational achievement in Wisconsin board for educational telecommunications access support, as specified in s. 196.218 (5) (a) 5., Stats., under the appropriation in s. 20.275 (1) (s), (t), (tm) and (tu), Stats., and for payments under the appropriation in s. 20.865 (4) (u), Stats.

(3) For payments to the department of administration for telecommunications services provided to the campuses of the university of Wisconsin system at River Falls, Stout, Superior and Whitewater, as specified in s. 196.218 (5) (a) 6., Stats., under the appropriation in s. 20.285 (1) (q), Stats.

(4) For grants awarded by the technology for educational achievement in Wisconsin board prior to July 1, 2002, as specified in s. 196.218 (5) (a) 7., Stats., under the appropriation in s. 20.275 (1) (s), Stats.

(5) For payments by the department of public instruction to contract for periodical and reference information databases as specified in s. 115.28 (26), Stats., under the appropriation in s. 20.255 (3) (q), Stats.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96, emerg. am. (intro.), renum. (1) to (10) to be (1) (a) to (j), cr. (2) to (4), eff. 2-27-98, am. (intro.), renum. (1) to (10) to be (1) (a) to (j), cr. (2) to (4), Register, October, 1998, No. 514, eff. 1-1-98, am. (intro.), (1) (c), (d), (f) and (2), cr. (1) (k) to (s) and (5), Register, April, 2000, No. 532, eff. 5-1-00.

PSC 160.06 Eligibility for low-income programs.

(1) **LOW-INCOME ASSISTANCE ELIGIBILITY.** Local exchange service providers shall verify an applicant's eligibility for low-income assistance programs by making timely queries of the applicable databases of the Wisconsin department of workforce development, the Wisconsin department of revenue, or other state agencies. Applicant eligibility shall be verified by finding the applicant to be any of the following:

(a) An active client of at least one of the programs listed in s. PSC 160.02 (8).

(b) A member of the active client's household whose low income qualifies the client for benefits under at least one of the programs listed in s. PSC 160.02 (8).

(c) A recipient of the Wisconsin homestead tax credit for the most recently completed tax year. If the applicant's tax filing for the most recently completed tax year has not been posted to the records of the Wisconsin department of revenue and if application for low-income assistance is made on or before June 30th, then the tax year prior to the most recently completed tax year may be used to determine eligibility.

(2) **ELIGIBILITY RECONFIRMATION.** Eligibility shall be reconfirmed on at least an annual basis for all customers receiving lifeline assistance.

(3) **ELIGIBILITY INQUIRY.** Local exchange service providers shall inquire of the customer regarding eligibility of that customer for low-income programs on each order for initial or moved residential service and, orally or in writing, in the first contact with a customer during a year concerning disconnection or payment arrangements.

(4) **QUERY AUTHORIZATION.** Local exchange service providers shall comply with client authorization requirements of the Wisconsin department of workforce development, the Wisconsin department of revenue, or other state agencies for database queries necessary for eligibility verification. Customers shall complete

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2. Serves federally designated health professional shortage areas as defined in 42 USC 254e(a)(1), medically underserved areas, or medically underserved populations, and

3. Does one or both of the following:

a. Provides services to all patients regardless of insurance status.

b. Uses a sliding fee scale for uninsured patients based on income status.

(c) "Public health agency" includes the department of health and family services, any local health department as defined in s. 250.01 (4), Stats., and any health care facility or program operated by a tribe or tribal organization under the Indian Self-Determination Act (25 USC 450f et seq.)

(2) Funding may be available to non-profit medical clinics and public health agencies for the purchase of telecommunications equipment for any of the following purposes:

(a) To promote technologically advanced medical services.

(b) To enhance access to medical care in rural or underserved areas of the state, or both.

(c) To enhance access to medical care by underserved populations or persons with disabilities in the state, or both.

(3) A maximum of \$500,000 in universal service fund support may be dispersed under this section per state fiscal year.

(4) (a) An application for universal service fund support under this section may not involve dispersment of support during multiple state fiscal years.

(b) All applications shall become public documents upon filing.

(5) Applications shall include all of the following:

(a) A description of the telecommunications equipment for which universal service fund support is requested.

(b) An explanation of how the applicant's purchase of such telecommunications equipment will support the purposes identified in sub. (2).

(c) Identification of the vendor that will supply the telecommunications equipment.

(d) A description of how the portion of the purchase price not covered by universal service fund support, if any, will be paid for.

(e) A description of the steps taken to secure the telecommunications equipment at reasonable prices.

(f) A statement certifying that the universal service fund support will be used for the purpose granted.

(g) Any other information that the commission deems necessary.

(6) (a) The commission shall evaluate all applications submitted under this section. Provided that funds remain for this purpose, the commission may approve an application if it includes the information required under sub. (5) and if the commission determines the following:

1. The applicant is a non-profit medical clinic or public health agency located in Wisconsin.

2. The applicant's purchase of telecommunications equipment will support the purposes identified in sub. (2).

3. The applicant will be able to pay for the portion of the cost of the equipment not funded under this section.

4. The medical clinic or public health agency has taken steps to secure the equipment at reasonable prices.

(b) Public health agencies and non-profit organizations that operate more than one location may receive universal service fund support for telecommunications equipment at more than one location, but before approving an application involving an additional location, the commission shall consider how much total universal service fund support has been received by such agency or organization during the state fiscal year and the total amount remaining available to be dispersed under this section during the fiscal

year. Preference may be given to initial applications filed by a public health agency or non-profit medical clinic.

(c) The commission may convene a panel of experts to assist in the evaluation of applications submitted under this section.

History: Cr. Register, April, 2000, No. 532, eff. 5-1-00.

PSC 160.125 Funding to promote access to telecommunications services. (1) VOICE-MAIL SERVICE FOR THE HOMELESS. (a) Any voice mail provider may be compensated for providing, on request, to a social services agency, a job service agency or other homeless shelter authority, voice-mail service without charge to be used by that agency or authority for the benefit of its homeless clients or residents.

(b) A voice-mail provider that is providing voice-mail boxes to a qualifying agency or authority at no charge may request and receive reimbursement only for its incremental usage and administrative costs of providing this service using available capacity. As an alternative, reimbursement may be requested and received from the fund at a standard rate set by the commission to cover expected incremental costs of providing this service using available capacity.

(c) A qualifying agency or authority administering or providing voice-mail service to homeless clients may request reimbursement for its costs directly attributable to administering and providing the voice-mail boxes for the benefit of its homeless clients.

(d) To evaluate the effectiveness of this program, the commission may monitor and obtain information on the offering of this service from the participating voice mail providers, social services agencies, job service agencies and homeless shelter authorities.

(e) A list of all individuals receiving voice mail under this section shall be maintained by the social services agencies, job service agencies or homeless shelter authorities participating in this program.

(2) ACCESS PROGRAMS OR PROJECTS BY NON-PROFIT GROUPS. (a) Partial funding may be available to non-profit groups for the facilitation of affordable access to telecommunications and information services through programs or projects, or both, not supported elsewhere in this chapter, but that are consistent with the purposes identified in s. 196.218 (5) (a) 1. and 2., Stats.

Note: As of November 1999, s. 196.218 (5) (a) 1. and 2., Stats., reads:

(5) USES OF THE FUND. (a) The commission shall require that moneys in the universal service fund be used only for any of the following purposes:

1. To assist customers located in areas of this state that have relatively high costs of telecommunications services, low-income customers and disabled customers in obtaining affordable access to a basic set of essential telecommunications services.

2. To assist in the deployment of advanced service capabilities of a modern telecommunications infrastructure throughout this state.

(b) Any non-profit group may apply for universal service funding to fund any portion of a program or project or both. Funding shall be provided on a state fiscal year basis. Applications for funding in the following fiscal year shall be submitted by November 15th. The commission shall issue a list of approved programs or projects, or both, by April 15th, with funding for those programs or projects, or both, to begin that July 1st. All applications shall become public documents upon filing.

(c) Applications shall include:

1. A description of a public need which is not being met at present;

2. A description of how the program or project is consistent with the purposes identified in s. 196.218 (5) (a) 1. and 2., Stats.

3. A description of the program or project proposed, including a description of how the public need described in subd. 1. may be met through affordable access to telecommunications or information services;

4. A showing that the proposed program or project meets the described public need in a least cost manner. This requirement can

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EMAIL

To: David.Austin@legis.state.wi.us
From: Bob Chernow
Date: August 28, 2001

David, please distribute my comments relating to use of "Universal Service Fund money to provide voice mail for the homeless" to the Joint Committee for Review of Administrative Rules (August 30, 2001, 1:00PM, PSC 160.05(1)(c) and 160.125(1)).

The proposed program is very dear to my heart and I appreciate the opportunity to share my views. As a former long-term leader of the Milwaukee Veterans Standdown for Homeless Vets I have more than a modest familiarity with some of the problems of the homeless.

A primary problem the homeless face in seeking employment is that they have no address or phone contact. Therefore, when they apply for a job, a potential employer has no way to contact them, except through a post office box. My own experience as an employer tells me that few people are contacted via a post office box.

The concept of a voice mailbox message system for the homeless has always appealed to me as voice mail provides a personalized location where employers can leave a message. An individual can retrieve these messages from any telephone. I tried over the years to raise funds for this type of a project. However, it was hard enough raising the \$7,000 to \$8,000 to sustain the Standdown, much less the additional \$3,000 to \$5,000 needed for voice mail in Milwaukee County.

The way I see the program administered would be through Veterans Job Service or State Job Service when a homeless vet uses their services. The voice mail would be for a limited period of time, six months at most. Costs would average \$21 a month per user, and the service could be canceled immediately upon the veteran (or other user) securing a job or for non-cooperation with Job Service.

We estimated a need in the state of 250 or 300 people. (Please note that some homeless live from home to home or have other forms of temporary shelter, such as the dormitories at the VA Hospital in Milwaukee.)

Let me give you an example of how voice mail would work. A Korean War vet truck driver had broken his glasses on the job. His employer fired him for not having a second pair of glasses as he had no money to purchase a new pair. The Standdown got him a new pair of glasses and he was able to obtain a job only by using one of the volunteer's phones to receive calls from potential employers. He had, however, no funds to get to the location on

Ryan Road to pick up his truck. I remember this clearly because I drove him to his new job during a blizzard. This is just one of many stories I could tell to demonstrate the type of needs that exist in our state.

A voice mail messaging system for the homeless is a good idea for the Universal Service Fund and a step forward for the telecommunications industry. It allows those who want to work to hear from potential employers, in a cost effective way consistent with the Universal Service Fund's mission statement.

I am a businessman, who helps clients manage money, and the part owner of several businesses. In addition, I serve as a trustee in River Hills and chair the Regional Telecommunication Commission (RTC) and the North Shore Cable Commission (NSCC). I served on several state commissions, and chaired the Milwaukee River South Watershed Commission.

Respectfully submitted, Bob Chernow

PSC. HOUSING
1
100125(1)

Joseph K. Leibham

STATE REPRESENTATIVE • 26TH DISTRICT

City of Sheboygan Wards 1-3, 5 6,9, 11-16; Town of Sheboygan; Village of Kohler;
City of Sheboygan Falls; Town of Sheboygan Falls Ward 4

August 30, 2001

Dear Co-Chairman Grothman, Co-Chairman Robson and Committee Members:

As Co-Chairman of the Legislative Joint Audit Committee, I am pleased to present some information regarding a recent audit of the Universal Service Fund (USF) and a provision that I introduced as part of the state budget process. I appreciate your interest in my testimony.

The audit of the UFS was released in December 2000. The audit reviewed the fund's financial statements for fiscal years (FY) 1999-00 and 1998-99. While the audit was able to provide an unqualified auditor's report on the financial statements, it did raise some questions regarding the amount of excess dollars available in the fund.

For instance, the audit found that since 1996, when the Public Service Commission (PSC) began to establish and operate these programs, their expenditures have been significantly less than the \$8.0 million that was budgeted for them annually. In FY 1999-2001, expenditures for the PSC-operated programs totaled only \$2.7 million.

In response to the lower expenditure levels, the assessments for PSC-related programs were suspended from January 1998 through July 2000. In August 2000, these assessments were reinstated. The PSC has budgeted \$6.9 million to support the Universal Service Fund programs it is operating during FY 2000-01.

Regardless of the audit, the PSC has submitted a program budget that calls for new programs and substantial increases in current program budgets. The budget motion I introduced was aimed at eliminating some questionable programs and decreasing some of the excessive funding increases. A copy of my motion is attached.

I appreciate your committee's interest in reviewing the expenditure of \$40,000 on a Voice Mail for the Homeless Program. My motion called for the deletion of this expenditure as well. Surely, it is justified to question whether this is the best use of valuable tax dollars.

I am working to draft legislation that will reduce the Universal Service Fund tax that is charged to telephone customers across the state. Reducing the funds available will force the PSC to expend the available dollars on truly worthy and necessary programs.

Thank you for your interest in my testimony. A copy of the audit summary is attached. Please contact me if I can provide any additional information. Thank you for your service to the State of Wisconsin!

Respectfully submitted,


Joseph K. Leibham
State Representative
26th Assembly District

*** Please note Rep. Leibham's new Sheboygan address: 3618 River Ridge Drive * Sheboygan, WI 53083 * **

LEIBHAM

Caucus Budget Amendment

PUBLIC SERVICE COMMISSION - UNIVERSAL SERVICE FUND

Motion:

Delete appropriations for the following Universal Service Fund programs:

Voice Mail for the Homeless

PSC 160.125(1)

FY 02 - \$20,000

FY 03 - \$20,000

TOTAL MOTION – DELETE \$40,000

New program – cut \$20,000 a year and eliminate program.

Lifeline

PSC 160.062

FY 02 - \$1,000,000

FY 02 - \$1,000,000

TOTAL MOTION – DELETE \$2,000,000

Budgeting \$1,750,000 per year for total of \$3,500,000. My motion would eliminate \$1,000,000 per year leaving \$750,000 per year or \$1.5 m total.

1999 Actual - \$299,651

2000 Expected - \$401,000

Link-Up

PSC 160.061

FY 02 - \$150,000

FY 02 - \$150,000

TOTAL MOTION – DELETE \$300,000

Budgeting \$450,000 per year for total of \$900,000. My motion would eliminate \$150,000 per year leaving \$300,000 per year or \$600,000 total.

1999 Actual - \$207,280

2000 Expected - \$211,000

Outreach for Low-Income Programs

PSC 160.063

Amended:

FY 02 - \$150,000

FY 02 - \$150,000

TOTAL AMENDED MOTION – DELETE \$300,000

Budgeting \$250,000 per year – new expenditure – for a total of \$500,000. My motion would eliminate \$150,000 per year leaving \$100,000 per year or \$200,000 total.

Non-Profit Groups – Access Programs or Projects

PSC 160.125 (2)

FY 02 - \$500,000

FY 02 - \$500,000

Total motion – Delete \$1,000,000

Deletes new provision/program.

Administration

PSC 160.05

FY 02 - \$103,000

FY 02 - \$103,000

Total Motion – Delete \$206,000

Budgeting \$250,000 each year or a total of \$500,000. My motion would delete \$103,000 per year or a total of \$206,000.

1999 Actual - \$141,755

2000 Actual \$140,000

This cut still provides for an increase each year of over 5%

Total Savings \$4,037,000 SEG

Amended TOTAL SAVINGS - \$3,846,000 SEG



**WISCONSIN LEGISLATIVE AUDIT BUREAU
AUDIT SUMMARY**

Report 00-15

December 2000

UNIVERSAL SERVICE FUND

The Universal Service Fund was established in 1993 to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. It is funded by assessments paid by telecommunications providers, which totaled \$14.1 million in fiscal year (FY) 1999-2000. The Fund supports telecommunications services and access programs that are provided by several state agencies, including the Public Service Commission (PSC), the Technology for Educational Achievement (TEACH) Board, the University of Wisconsin System, and the Department of Public Instruction. Expenditures from the Fund totaled \$13.0 million in FY 1999-2000.

We have audited the Universal Service Fund's financial statements for FYs 1999-2000 and 1998-99. We were able to issue an unqualified auditor's report on the financial statements.

Expenditures for PSC-Operated Programs Are Significantly Less Than Budgeted

The Universal Service Fund programs operated by the PSC help people with disabilities acquire special telecommunications equipment, lessen the financial effect of rate increases on users, and serve low-income individuals. However since 1996, when the PSC began to establish and operate these programs, their expenditures have been significantly less than the \$8.0 million that was budgeted for them annually. In FY 1999-2000, expenditures for the PSC-operated programs totaled only \$2.7 million.

In response to the lower expenditure levels, the assessments for the PSC-related programs were suspended from January 1998 through July 2000. In August 2000, these assessments were reinstated. A number of programmatic changes have also been made to the PSC-operated programs, which likely will change their future funding needs. The PSC has budgeted \$6.9 million to support the Universal Service Fund programs it is operating during FY 2000-01, including \$650,000 for promotion and outreach efforts to increase awareness and use of the programs.

Support for Internet Access Represents the Largest Fund Expenditures

The largest program currently funded by the Universal Service Fund is the Educational Telecommunications Access Program, which is operated by the TEACH Board. During FY 1999-2000, \$8.8 million, which is 67 percent of total fund expenditures, was expended on this program, which provides subsidies and grants for data lines and video links to schools, libraries, and others. As of June 30, 2000, subsidies and grants for 788 data lines and video links had been provided.

In contrast to the PSC-operated programs that have not met spending expectations, the Educational Telecommunications Access Program has required additional expenditure authority. The Governor requested an increase of \$10.5 million from the Universal Service Fund for the program in his 1999-01 biennial budget. To provide more control over the program's expenditures, the Legislature transferred one-half of the proposed funding increase to a reserve.

Voice Mail for the Homeless
PSC 160.125(1)
Joint Committee for Review of Administrative Rules
August 30, 2001

Ray J. Riordan, Executive Vice President on behalf of the Wisconsin State Telecommunications Association.

Voice Mail for the homeless is a social program. It was not the type of program that was intended to be funded when the Universal Service Fund was created. Further, the program has been a failure since its inception. The program was initiated and funded in 1996. It has been funded each year since. However, through the year 2000 no funds had ever been spent to provide any homeless person with voice mail.

USF Funds may be used for limited purposes. §196.218(5)(a) of the Wisconsin statutes identifies the purposes for which the funds may be used, and is attached to my testimony. Nothing in that subsection authorizes voice mail for the homeless. Funds may be used to assist certain customers in obtaining affordable access to a basic set of essential telecommunications services. However, the Commission has not identified voice mail as an essential service. Also, attached is the Wisconsin Administrative Code that identifies essential services.

The Commission has budgeted \$20,000 a year for this program. No one used the program for the years 1996 through 2000. It certainly does not appear that this program is filling any purpose, much less a purpose provided for in the statutes. It is my understanding that a little over \$4,000 has been committed for the year 2001, but I do not know if one homeless person is using the service.

There are other social programs that should not be funded by the Universal Service Fund. These are funded through a relatively new USF program entitled "Access Programs or Projects by Non-profit Groups." This program and the voice mail for the homeless program are in PSC 165.125, which is attached.

For example, in November the Commission granted Transitional Housing, Inc. \$4,664 to provide free long distance calling cards and telephone lines to the homeless. Another \$6,788 was provided in May.

\$30,000 was awarded in November to Community Advocates of Milwaukee to educate families regarding managing finances and to advocate for families against telephone companies and negotiate for those families to maintain their telephone service when they have not paid their bills. Another \$55,000 was awarded in May.

\$101,800 was awarded to the Coalition of Wisconsin Aging Groups. This is to provide video conferencing capability at their centers in Madison and four other sites.

Several other similar grants were awarded. In November of 2000 a total of \$193,645 was approved. Last May \$171,268 was approved.

The state Universal Service Fund was created to assist in providing affordable access to a basic set of essential telecommunications services to customers in high cost areas, low-income customers, and disabled customers. It is to also assist in the deployment of advanced service capabilities of a modern telecommunications infrastructure throughout the state.

It is not to provide added services that most customers do not have or provide computer training or to provide video conferencing to non-profit groups.

It's time this fund focuses on its real purpose rather than addressing these other societal concerns.

PURPOSES FOR WHICH UNIVERSAL SERVICE FUNDS MAY BE USED

(5) USES OF THE FUND. (a) The commission shall use the moneys in the universal service fund only for any of the following purposes:

1. To assist customers located in areas of this state that have relatively high costs of telecommunications services, low-income customers and disabled customers in obtaining affordable access to a basic set of essential telecommunications services.

2. To assist in the deployment of advanced service capabilities of a modern telecommunications infrastructure throughout this state.

4. To administer the universal service fund.

5. To pay costs incurred under contracts under s. 16.974 (7) to the extent that these costs are not paid under s. 44.73 (2) (d).

5m. To provide statewide access, through the Internet, to periodical reference information databases.

6. To pay the department of administration for telecommunications services provided under s. 16.973 (1) to the campuses of the University of Wisconsin System at River Falls, Stout, Superior and Whitewater.

7. To make grants awarded by the technology for educational achievement in Wisconsin board to school districts and private schools under s. 44.73 (6). This subdivision does not apply after June 30, 2002.

8. To promote access to information and library services to blind and visually handicapped individuals.

9. To make grants under sub. (4u).

(b) The commission shall promulgate rules to determine whether a telecommunications provider, the customers of a telecommunications provider or another person shall be assisted by the universal service fund for any use under par. (a) 1. to 4.

(c) The commission shall consider all of the following in establishing the services and equipment which may be assisted by the universal service fund:

1. The impact of the assistance on all members of the public and the telecommunications industry.

2. Eligibility requirements for assistance recipients.

3. The costs of administering the assistance.

4. Telecommunications plans and requirements established by the federal rural electrification administration.

5. The extent to which the fund preserves and promotes an available and affordable basic set of essential telecommunications services, encourages access to the advanced service capabilities of a modern telecommunications infrastructure throughout the state and promotes economic development.

(d) 1. In this paragraph, "Wisconsin works agency" has the meaning given in s. 49.001 (9).

2. The commission shall annually provide information booklets to all Wisconsin works agencies that describe the current assistance from the universal service fund that is available to low-income individuals who are served by the Wisconsin works agencies, including a description of how such individuals may obtain such assistance. The department of workforce development shall assist the commission in identifying the Wisconsin works agencies to which the commission is required to submit the information required under this subdivision.

ESSENTIAL TELECOMMUNICATIONS SERVICES

PSC 160.03 Essential telecommunications services. (1) Each local exchange service provider shall make available to all its customers at affordable prices all essential telecommunications services.

(2) "Essential telecommunications services" means all the following:

(a) Single-party voice-grade service with:

1. Line quality capable of facsimile transmission.
2. Line quality capable of data transmission as specified in s. PSC 160.031.
3. Dual-tone multi-frequency touch tone and rotary pulse dialing operability.
4. Access to emergency services numbers and 9-1-1 operability where requested by local authorities.
5. Equal access to interlata interexchange carriers subject to federal communications commission orders and rules.
6. Equal access to intralata interexchange carriers pursuant to schedules, terms and conditions imposed by commission orders and rules.
7. Single party revertive calling, if 2 or more pieces of customer premises equipment can be simultaneously active on the line or channel being used by the customer.
8. A reasonably adequate number of calls within a reasonably adequate local calling area as defined by the commission.
9. Connectivity with all public toll, local, wireline and wireless networks, and with various internet service providers.
10. Telecommunications relay service to facilitate communication between teletypewriter users and non-teletypewriter users.
11. Access to operator service.
12. Access to directory assistance.
13. Toll blocking, 900 and 976 number blocking and extended community calling blocking options as specified in s. PSC 160.04.
14. Intercept and announcements for vacant, changed, suspended and disconnected numbers in oral and TTY-readable formats.
15. A directory listing with the option for non-listed and non-published service.

(b) Annual distribution of a local telephone directory in accordance with s. PSC 165.055.

(c) Timely repair.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (2) (a) 7. to 10., and 14., r. (2) (c), resum. (2) (d) to be (2) (c), Register, April, 2000, No. 532, eff. 5-1-00; except (2) (a) 14. eff. 11-1-00.

VOICE MAIL FOR THE HOMELESS ACCESS PROGRAMS AND PROJECTS BY NON-PROFIT GROUPS

PSC 160.125 Funding to promote access to telecommunications services. (1) **VOICE-MAIL SERVICE FOR THE HOMELESS.** (a) Any voice mail provider may be compensated for providing, on request, to a social services agency, a job service agency or other homeless shelter authority, voice-mail service without charge to be used by that agency or authority for the benefit of its homeless clients or residents.

(b) A voice-mail provider that is providing voice-mail boxes to a qualifying agency or authority at no charge may request and receive reimbursement only for its incremental usage and administrative costs of providing this service using available capacity. As an alternative, reimbursement may be requested and received from the fund at a standard rate set by the commission to cover expected incremental costs of providing this service using available capacity.

(c) A qualifying agency or authority administering or providing voice-mail service to homeless clients may request reimbursement for its costs directly attributable to administering and providing the voice-mail boxes for the benefit of its homeless clients.

(d) To evaluate the effectiveness of this program, the commission may monitor and obtain information on the offering of this service from the participating voice mail providers, social services agencies, job service agencies and homeless shelter authorities.

(e) A list of all individuals receiving voice mail under this section shall be maintained by the social services agencies, job service agencies or homeless shelter authorities participating in this program.

(2) ACCESS PROGRAMS OR PROJECTS BY NON-PROFIT GROUPS.

(a) Partial funding may be available to non-profit groups for the facilitation of affordable access to telecommunications and information services through programs or projects, or both, not supported elsewhere in this chapter, but that are consistent with the purposes identified in s. 196.218 (5) (a) 1. and 2., Stats.

Note: As of November 1999, s. 196.218 (5) (a) 1. and 2., Stats., reads:

(5) **USES OF THE FUND.** (a) *The commission shall require that moneys in the universal service fund be used only for any of the following purposes:*

1. *To assist customers located in areas of this state that have relatively high costs of telecommunications services, low-income customers and disabled customers in obtaining affordable access to a basic set of essential telecommunications services.*

2. *To assist in the deployment of advanced service capabilities of a modern telecommunications infrastructure throughout this state.*

(b) Any non-profit group may apply for universal service funding to fund any portion of a program or project or both. Funding shall be provided on a state fiscal year basis. Applications for funding in the following fiscal year shall be submitted by November 15th. The commission shall issue a list of approved programs or projects, or both, by April 15th, with funding for those programs or projects, or both, to begin that July 1st. All applications shall become public documents upon filing.

(c) Applications shall include:

1. A description of a public need which is not being met at present;

2. A description of how the program or project is consistent with the purposes identified in s. 196.218 (5) (a) 1. and 2., Stats.

3. A description of the program or project proposed, including a description of how the public need described in subd. 1. may be met through affordable access to telecommunications or information services;

4. A showing that the proposed program or project meets the described public need in a least cost manner. This requirement can

be met by showing that the applicant carried out an appropriate request for proposals.

5. Identification of the providers of each portion of the telecommunications services or equipment and a specific description of the following components of the program or project:

a. The costs of telecommunications services and telecommunications equipment used by the program or project;

b. The cost of training for those who are served by the program or project so that they can utilize the services;

c. The administrative costs directly attributable to the program or project;

d. The cost of technical expertise required to complete the program or project; and

e. Revenue from services or training described in subd. 5.b.

(d) The commission shall evaluate all applications submitted. In evaluating the applications the commission shall consider information including, but not limited to, the following:

1. The basis of the public need to be met;

2. The extent to which other programs or projects, either funded under this section or otherwise under this chapter, meet that need; and

3. The overall cost of the proposed program or project.

(e) The universal service fund shall reimburse applicants for up to 50% of the cost of reimbursable portions of the program or project, or both. The reimbursable costs include those listed in par. (c) 5.a. to d.

(f) The programs or projects, or both, to be funded and the amount of reimbursement for each program or project shall be determined by the commission. The commission shall seek comments on the programs or projects to be funded, but shall not hold a hearing. A maximum of \$500,000 in funding may be dispersed under this subsection per state fiscal year.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; renum. from 160.063 (title), (1), (2), (3) and (4) to be 160.125 (1) (title), renum. (1) to (4) to be (1) (a), (b), (d) and (e), cz. (1) (c) and (2), Register, April, 2000, No. 532, eff. 5-1-00.



Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Mettner, Commissioner
Robert M. Garvin, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

August 30, 2001

Senator Judith Robson
Room 15 South
State Capitol
PO Box 7882
Madison, WI 53707-7882

Representative Glenn Grothman
Room 15 North
State Capitol
PO Box 8952
Madison, WI 53708-8952

Dear Senator Robson and Representative Grothman:

I am writing at the request of Senator Robert Welch to provide background on the issues which the Committee may wish to consider as it reviews the Public Service Commission's rules concerning the Universal Service Fund and its applicable provisions pertaining to the Voice Mail for the Homeless Program. Senator Welch has identified the process by which policy makers may pursue review and, where indicated, the suspension of certain provisions of the Commission's rules found in section Wis. Admin. Code ch. PSC 160.

The Universal Service Fund was created in Wis. Stat. § 196.218, with particular direction that the Commission promulgates rules that define the basic set of the essential telecommunications services under Wis. Stat. § 196.218(4). According to the dictates of that statute, the Commission has promulgated rules concerning the collection, administration and expenditure of the Universal Service Fund. Also according to that charge, the Commission has defined as a component of essential telecommunications services voice mail service for the homeless under Wis. Admin. Code §§ PSC 160.05(1)(c) and 160.125(1).

Each time the Universal Service Fund has been the subject of Commission-initiated Joint Finance Committee budgetary requests or review, the nominal amount designated for authorization to be spent on this program has remained at least \$20,000 per fiscal year. Actual spending on the program, however, has not exceeded \$3,200 in total during the existence of the Voice Mail for the Homeless Program. The foregoing amount has been spent pursuant to a grant awarded to Transitional Housing, Inc. (THI), to arrange for a basic access line and applicable equipment to enable clients at that institution to use landline service. The voice mail accounts accessed through the use of that landline service were donated by a telecommunications provider.

It would seem that the basic issue before this Committee is the proper definition of an essential telecommunications service in the context of the Voice Mail for the Homeless Program. As the Committee determines what is and, conversely, what is not an essential telecommunications service worthy of funding through the Universal Service appropriation, I offer for its consideration what I believe to be a debatable point, about which reasonable people

may differ, concerning the Voice Mail for the Homeless Program. For any customer currently subscribing to landline local exchange service, voice mail stands as a vertical feature like three-way calling, call forwarding and call waiting. These services for one who possesses basic residential service, and by necessary inference a residence, may be properly regarded as "wants" and not "needs." For one who has no residence and, accordingly, no fixed location for which landline service may be subscribed, the picture is markedly different. In this instance, voice mail stands merely as a device to receive messaged telecommunications service and is perhaps the only telecommunications service available. The use of that service may prove to be invaluable in maintaining contact with relatives, potential landlords or potential employers.

It goes without saying, that should it be the will of a majority of a quorum of this Committee to suspend those provisions of the Commission's Universal Service Fund rules that pertain to the Voice Mail for the Homeless Program, the Commission will abide by that decision. To the contrary, if the Voice Mail for the Homeless Program is retained, it is in serious need of good ideas for its proper application and promise. I thank the members of the Committee in advance for the valuable consideration which they may give this important issue.

Sincerely,

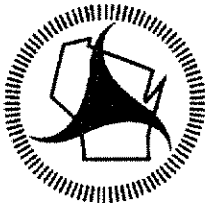


Joseph P. Mettner
Commissioner

JPM:aff

X:/Universal Service Fund letter - ds

cc: Joint Committee for Review of Administrative Rules Members



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCaillum
Governor

Thomas E. Carlsen, P.E.
Acting Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-257-6734
E-mail: ogc.exec@dot.state.wi.us

June 13, 2002

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 102

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 102. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: David Schmiedicke/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Roger Cross
Phil Alioto

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This rule making proposes to amend s. Trans 102.15, relating to Proof of Identification. The proposed changes will help ensure that driver licenses and identification cards go to people who are who they say they are.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Trans 102.15 specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification cards. The Department proposes removing identification documents that no longer exist and removing identification documents with poor security and integrity. The Department also proposes to add identity documents that are useful in verifying a person's, name, date of birth and identity.

STATUTORY AUTHORITY FOR THE RULE:

s. 343.14(2)(f), Stats.

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

Approximately 50 hours

Signed at Madison, Wisconsin, this 13 day
of June, 2002.


THOMAS E. CARLSEN, P.E.
Acting Secretary
Wisconsin Department of Transportation



P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-2253

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 30, 2001

The Honorable Fred Risser
Senate President
State Capitol Building, Room 220 South
Madison, WI 53702

The Honorable Scott Jensen
Assembly Speaker
State Capitol Building, Room 211 West
Madison, WI 53702

Dear President Risser and Speaker Jensen:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 29, 2001 and adopted the following motions:

TCB 1

Relating to: the administration and awarding of grants for tobacco control and establishing criteria for recipients of the grants.

Moved by Senator Robson, seconded by Senator Hansen that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends TCB 1 at the request of the Tobacco Control Board by 60 days.

Ayes: (9) Representatives Seratti, Gunderson,
Kreuser* and Turner; Senators Robson, Grobschmidt, Hansen,
Schultz and Cowles.
Noes: (1) Representative Grothman
Absent: (1) Representative Kreuser*

Motion Carried

9 Ayes, 1 No, 1 Absent. *voted by paper ballot

Emergency Rule NR 47

Relating to: the federal cost sharing program to suppress gypsy moths.

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends NR 47 at the request of Department of Natural Resources by 60 days.

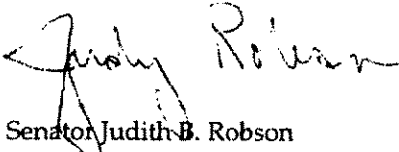
Ayes: (10) Representatives Grothman, Seratti,
Gunderson, Kreuser* and Turner; Senators Robson,
Grobschmidt, Hansen, Schultz and Cowles.
Noes: (0)
Absent: (1) Representative Kreuser*

Motion Carried

10 Ayes, 0 Noes, 1 Absent. *voted by paper ballot

Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to this emergency rule.

Sincerely,



Senator Judith B. Robson
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

JBR:GSG:mjg

SENATOR ROBERT H. WELSON
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-2253

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MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 29, 2001

Representative Jim Kreuser
208 North
State Capitol

Dear Representative Kreuser:

Enclosed, please find the roll call record for the executive session held by the Joint Committee for Review of Administrative Rules on March 29, 2001. If you have any questions, please feel free to contact me for clarifications. Thank you for your time.

1. Be it moved that, pursuant to s. 227.24(2)(a), stats, the Joint Committee for Review of Administrative Rules extend the effective period of TCB 1 and NR 47 by 60 days?

Aye No

Thank you,

Maggie Grimm
Office of Assembly Co-Chair Glenn Grothman
JCRAR Assembly Clerk

SENATOR JUDITH B. ROBSON
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-2253

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MADISON, WI 53708-8952
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

March 30, 2001

Darrell Bazzell, Secretary
Department of Natural Resources
101 South Webster Street
Madison, WI 53707-7921

Dear Secretary Bazzell:

The Joint Committee for the Review of Administrative Rules met in Executive Session on March 29, 2001 and adopted the following motion:

Emergency Rule NR 47

Relating to: the federal cost sharing program to suppress gypsy moths.

Moved by Representative Grothman, seconded by Representative Gunderson that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends NR 47 at the request of Department of Natural Resources by 60 days.

Ayes: (10) Representatives Grothman, Seratti,
Gunderson, Kreuser* and Turner; Senators Robson,
Grobschmidt, Hansen, Schultz and Cowles.

Noes: (0)

Absent: (1) Representative Kreuser*

Motion Carried

10 Ayes, 0 Noes, 1 Absent. *voted by paper ballot

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Senator Judith B. Robson
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

JBR:GSG:mjg

cc: Secretary of State Doug LaFollette
Revisor of Statutes Gary Poulson

SENATOR JUDITH B. ROBSON
CO-CHAIR



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 31, 2001

Darrell Bazzell, Secretary
Department of Natural Resources
101 South Webster Street
Madison, WI 53707-7921

Dear Secretary Bazzell:

The Joint Committee for the Review of Administrative Rules met in Executive Session on May 30, 2001 and adopted the following motion:

Emergency Rule NR 47

Relating to: the federal cost sharing program to suppress gypsy moths.

Moved by Representative Grothman, seconded by Representative Turner that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends NR 47 at the request of Department of Natural Resources by 60 days.

Ayes: (10) Representatives Grothman, Seratti,
Gunderson, Turner, and Hebl; Senators Robson, Grobschmidt,
Hansen, Schultz and Cowles.

Noes: (0)

Absent: (0)

Motion Carried

10 Ayes, 0 Noes, 0 Absent.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Senator Judith B. Robson
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

JBR:GSG:mjg

cc: Secretary of State Doug LaFollette
Revisor of Statutes Gary Poulson



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MADISON, WI 53708-8952
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 30, 2001

The Honorable Fred Risser
Senate President
State Capitol Building, Room 220 South
Madison, WI 53702

The Honorable Scott Jensen
Assembly Speaker
State Capitol Building, Room 211 West
Madison, WI 53702

Dear President Risser and Speaker Jensen:

The Joint Committee for the Review of Administrative Rules met in Executive Session on May 30, 2001 and adopted the following motions:

Emergency Rule DFI 5

Relating to: adopting for use in Wisconsin the Investment Advisor Registrar Depository.

Moved by Representative Grothman, seconded by Representative Turner that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends DFI 5 at the request of Department of Financial Institutions by 60 days.

Ayes: (10) Representatives Grothman, Seratti,
Gunderson, Turner, and Hebl; Senators Robson, Grobschmidt,
Hansen, Schultz and Cowles.

Noes: (0)
Absent: (0)

Motion Carried 10 Ayes, 0 Noes, 0 Absent.

Emergency Rule COMM 10

Relating to flammable and combustible liquids. Submitted by the Department of Commerce.

Moved by Representative Grothman, seconded by Representative Turner that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends Comm 10 at the request of Department of Commerce by 60 days.

Ayes: (10) Representatives Grothman, Seratti,
Gunderson, Turner, and Hebl; Senators Robson, Grobschmidt,
Hansen, Schultz and Cowles.

Noes: (0)
Absent: (0)

Motion Carried 10 Ayes, 0 Noes, 0 Absent.

Emergency Rule NR 47

Relating to: the federal cost sharing program to suppress gypsy moths.

Moved by Representative Grothman, seconded by Representative Turner that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extends NR 47 at the request of Department of Natural Resources by 60 days.

Ayes: (10) Representatives Grothman, Serati,
Gunderson, Turner, and Hebl; Senators Robson, Grobschmidt,
Hansen, Schultz and Cowles.

Noes: (0)


Absent: (0)


Motion Carried

10 Ayes, 0 Noes, 0 Absent.

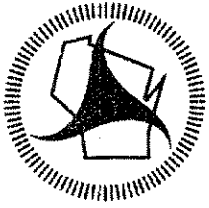
Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to this emergency rule.

Sincerely,


Senator Judith B. Robson
Senate Co-Chair


Representative Glenn Grothman
Assembly Co-Chair

JBR:GSG:mjg



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Thomas E. Carlsen, P.E.
Acting Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
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Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

September 26, 2002

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 114

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 114. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: David Schmiedicke/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Roger Cross
Anna Biermeier
John Alley

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

Chapter Trans 114 adopts the recommendations of the Council on Uniformity of Traffic Citations which includes the form or automated format of the uniform traffic citation, and other rules necessary for the implementation and operation of s. 345.11, Stats. With the advice of the Council on Uniformity of Traffic Citations, the Department proposes amending ch. Trans 114 to:

- ♦ Adopt a revised uniform traffic citation form.
- ♦ Adopt an automated format for the uniform traffic citation.
- ♦ Clarify that chs. 340 and 343, Stats., definitions apply in the chapter.
- ♦ Eliminate burdensome court certification requirements.
- ♦ Update references to previous versions of the form.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Changes to the format of the existing paper traffic citation form are largely made to speed transcription of the data included on the form when forms are submitted to DMV by courts. In addition, some of the information on the front of the form is substantially simplified. For example, the language, "You Are Notified To Appear, Is This A Mandatory Court Appearance YES NO (Read the reverse side of this citation for court information)," is reduced to "Appearance Required No Yes See back for court/point information." The language simplification allows the message to be carried in larger size print and more accurately describes the disclosures on the back of the citation.

The Division of State Patrol has field-tested electronic citation software and a prototype-automated format. The electronic format contains the information required by law on the uniform traffic citation. This rule adopts the format for the paper report, produced by an automated citation system, and given to the driver.

In addition, this rule making proposes to eliminate the requirement that a court clerk submit a signed, dated letter with each group of adjudicated citations indicating the dispositions entered on the citations are true and correct. The Department has concluded this requirement is unnecessarily burdensome and that it provides no real assurance of authenticity.

Increasingly court clerks are transmitting adjudicated citation data to the Department electronically. Obviously, no cover letter can be required to accompany an electronic

transfer of data. Rather, other security measures are in place to ensure that only clerks have the capacity to transmit citation data to the Department.

With regard to paper citations transmitted to the Department, the Department has found the current rule to be ineffective and burdensome. The rule does not require court clerks to detail the list of citation numbers and dispositions in the cover letter. The Department has not found it useful to retain these letters, and disposes of them upon receipt.

Requiring clerks to detail every citation in a cover letter would be a burdensome requirement that would not substantially add to the security of the reporting of paper citations. In addition, the Department would not have the resources to review such detailed transcriptions for their accuracy. The Department is not aware of any instance of courts submitting falsified copies of citations of conviction status reports to the Department. Errors occur. Deliberate falsification has not been a problem.

The current paper system relies on courts to submit the second part of the 4-part uniform citation form to the Department. There is little opportunity to falsify or tamper with this one portion of the 4-part form. Any tampering could be audited by reference to the copy of the citation issued to the individual or the police copy that is not in possession of the clerk. Accordingly, the Department believes there is no cost-justified reason to require a certification cover letter, and this rule making proposes to repeal that requirement from the existing rule.

This rule making also proposes to update s. Trans 114.07 to refer to more recently used versions of the uniform traffic citation. The current rule allows use of forms from 1989 that are no longer in circulation. The rule would be amended to permit use of the form adopted by this rule making and other recent versions of the citation, so that existing stocks of citation forms can be exhausted.

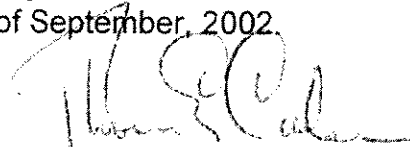
STATUTORY AUTHORITY FOR THE RULE:

Section 345.11(4), Stats.

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

35 hours

Signed at Madison, Wisconsin, this 25 day
of September, 2002.



Thomas E. Carlsen, P.E.

Acting Secretary

Wisconsin Department of Transportation

You Are Notified To Appear

Mandatory Appearance:

Date

Time

Form No. and Version CTL

CITATION NO.

Estimated Points

DEPOSIT

Cash-Card

Court Use

Defendant (Last Name, First, Middle), Street Address, P.O. Box, City, State, Zip Code

Birth Date

Sex

Race

HT.

WT.

Hair

Eyes

Driver License Number

State

Exp. Yr.

License Plate Number

Plate Type

State

Exp. Yr.

Vehicle Identification Number

US DOT No.

Placard No.

OPERATING AS:

Class

CDL Waiver

Vehicle Year

Make

Type

Color

Endorsements

CMV

Plaintiff

Ordinance Violated

Adopting State Statute

Violation Description

BAC

Overweight

Agency Space

Week Day

Date

Time

Actual Speed

Legal

Over

County

City/Village/Town

CN Hwy. No. and/or Street Name

Estimated Distance

FROM/AT Hwy. No. and/or Street Name

CPS Coordinates

Officer Name

Zone RR - Utility - School - Const

Accident Type

Officer ID

Department

Date Citation Served, Method

READ INSTRUCTIONS CAREFULLY

COURT APPEARANCE REQUIRED - If your citation is checked "yes" following "Appearance Required," you **MUST** appear in court. The "Court Appearance Not Required" instructions do not apply to you.

COURT APPEARANCE NOT REQUIRED - IF YOU WISH TO DISPUTE THE CITATION, you must either appear in court or enter a "not guilty" plea by mail prior to your court date. Please include a photocopy of your ticket and your correct mailing address OR your correct name and mailing address, citation number, court appearance date listed on the citation, offense, and arresting police agency. These should be mailed to the court address. Your trial will be before a judge, unless you demand a jury trial in writing within 10 days of the court date on your citation and enclose the proper fee. Make check payable to the Clerk of Court and forward it to the address shown above. Jury demands in Municipal Court can only be made for intoxicated driving charges.

If you have a disability and need help in court, please contact the above Clerk of Court's office.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, mail the "deposit" amount, by your court date, with a photocopy of your citation OR with your correct name and address, citation number, court appearance date listed on the citation, offense and arresting police agency. Make check payable to the Clerk of Court and mail it to the court address. You do not need to appear. The court will find you guilty and keep the "deposit" amount as payment for your citation.

IF YOU DO NOTHING, the court may issue a warrant for your arrest, or may find you guilty and suspend your driver license if you fail to pay your fine.

DEMERIT POINT, SUSPENSION AND REVOCATION INFORMATION - This charge may result in demerit points assessed against you. Accumulating 12 or more points within 12 consecutive months will be cause for suspending your driving privileges. If you have a probationary license, points for the second and subsequent convictions may be doubled. Depending on the circumstances and charge, conviction may result in a suspension or revocation of your driving privileges. Attending Traffic Safety School prior to conviction may be used to reduce points. For more information, contact the DMV.

FRONT
Ply 1,2,3,4

Appearance Required No Yes Date: _____

Y 818026 - 6

PLACE: CIRCUIT MUNICIPAL Time: _____

am
 pm

See back for court/point information

4 For Court Use Only
2 DEPOSIT BAIL 3 ESTIMATED
CASH CARD Points for
This Citation

Defendant	5 Non-Individual Name (Last, First, MI)		6 Street Address		Post Office		State		Zip		42 Agency Space						
	7 Driver License Number/Identification Card Number (DL#/ID #)		State		Exp. Yr.		8 HazMat No.		9 US DOT No.								
	13 Birth Date		14 Sex Race HT WT Hair Eyes		15 Holds CDL		16 Operating as Class		17 Endorsements								
	19 Vehicle License Plate or VIN		20 Plate Type		State		Exp. Yr.		23 Vehicle Year, Make Type Color		24 Waiver						
11 State of WI		12 County		13 City		14 Village		15 Town		27 Defendant Violated		28 Adopting State Statute No.					
26 Plaintiff		29 Description of Violation										30 Overweight		M 31 Actual Legal Over		32 Violation Zone	
34 Week Day		35 Month - Day - Year		36 Time		AM PM		37 County Name		38 CVT Code		CONST. RAILROAD SCHOOL UTILITY					
39 On Hwy		Street Name		40 Estimated		Pt W N E		M S		41 From/At Hwy		Street Name					
43 Print Officer Name		44 Dept		45 Officer ID No.		46 Date Citation Served		47 Accident Doc. No.									
Wisconsin Uniform Citation		MV4016 2/2001 (1)		s 345.11, Wis Stats		49 Passenger Under 16:		YES NO		Method By MAIL		IN PERSON		Severity FATAL P1 P0			

To show placement of sequential number.

BACKER

Ply 3

Pink

INSTRUCTIONS - READ CAREFULLY

----- COURT APPEARANCE REQUIRED -----

(See other side.) If your citation is checked "yes" following "Appearance Required", you **MUST** appear in court. The "Court Appearance Not Required" instructions do not apply to you.

----- COURT APPEARANCE NOT REQUIRED -----

(See other side.)

• **If you wish to dispute the citation**, you must either appear in court or enter a "not guilty" plea by mail prior to your court date. Please include a photocopy of your ticket and your correct mailing address OR your correct name and mailing address, citation number, court appearance date listed on the citation, offense, and arresting police agency. These should be mailed to the court address written under "**You Are Notified To Appear**" on the other side. Your trial will be before a judge, unless you demand a jury trial in writing within 10 days of the court date on your citation and enclose the proper fee. Make check payable to the Clerk of Court and forward it to address shown on the reverse side. Jury demands in Municipal Court can only be made for intoxicated driving charges.

• **If you do not wish to dispute the citation**, simply mail in the "deposit" amount indicated on the other side of the citation by your court date. You must include a photocopy of your citation OR your correct name and address, citation number, court appearance date listed on the citation, offense and arresting police agency. Make your check payable to the Clerk of Court and mail it to the court address written under "**You Are Notified To Appear**" on the other side. You do not need to appear. The court will find you guilty and keep the "deposit" amount as payment for your citation.

• **If you do nothing**, the court may issue a warrant for your arrest, or may find you guilty and suspend your driver license if you fail to pay your fine.

DEMERIT POINT, SUSPENSION & REVOCATION

INFORMATION - This charge may result in demerit points assessed against you. Accumulating 12 or more points within 12 consecutive months will be cause for revoking or suspending your driving privileges. **If you have a probationary license, points for the second and subsequent convictions may be doubled.** Depending on the circumstances and charge, conviction may result in revocation or suspension of your driving privileges. Traffic Safety School may be used to reduce points. For more information, contact the Division of Motor Vehicles.

If you have a disability and need help in court, please contact the Clerk of Court's office listed on the reverse side of this form.

