

2003 ASSEMBLY BILL 565

October 6, 2003 – Introduced by Representatives SCHOOFF, BALOW, KAUFERT, VRAKAS, PLOUFF, TURNER, PETROWSKI, BLACK, MUSSER, TRAVIS, SHILLING, M. LEHMAN, SERATTI, OTT, GRONEMUS and HUBER, cosponsored by Senators ROBSON, LASSA and RISSER. Referred to Committee on Energy and Utilities.

1 **AN ACT to amend** 196.202 (2); and **to create** 196.202 (6) of the statutes; **relating**
2 **to:** provision of telephone number portability by wireless telecommunications
3 providers.

Analysis by the Legislative Reference Bureau

Under current federal law, with certain exceptions, telecommunications providers are required to provide number portability in the 100 largest metropolitan statistical areas (MSAs) of the country. “Number portability” is defined as the ability of a customer to retain existing telephone numbers at the same location when switching telecommunications providers. The following are the only areas in Wisconsin that are included in the 100 largest MSAs: Milwaukee, Ozaukee, Washington, and Waukesha counties (which are included in the Milwaukee MSA) and Pierce and St. Croix counties (which are included in the Minneapolis–St. Paul MSA). Current federal law also requires, with certain exceptions, a telecommunications provider to provide number portability in an area outside the 100 largest MSAs within six months after another telecommunications provider requests number portability.

One of the exceptions to the above requirements applies to wireless telecommunications providers, which are referred to under federal and state law as commercial mobile radio service providers. Under current federal law, the Federal Communications Commission (FCC) has ordered wireless telecommunications providers to begin providing number portability in the 100 largest MSAs by November 24, 2003. After that date, a wireless telecommunications provider must

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provide number portability in an area outside the 100 largest MSAs within the same six-month deadline described above.

Under this bill, a wireless telecommunications provider must begin providing number portability in all areas of the state on November 24, 2003, unless a subsequent date is established under federal law as the FCC's deadline for providing number portability in the 100 largest MSAs. If such a subsequent date is established, the bill requires wireless telecommunications providers to begin providing number portability in all areas of the state on that date. The duty to provide number portability applies only if a customer of a wireless telecommunications provider switches to another telecommunications provider in the same area code. In addition, number portability must be provided in a manner that does not impair the quality or reliability of telecommunications services.

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

1 **SECTION 1.** 196.202 (2) of the statutes is amended to read:

2 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
3 is not subject to ch. 201 or this chapter, except as provided in ~~sub.~~ subs. (5) and (6),
4 and except that a commercial mobile radio service provider is subject to s. 196.218
5 (3) if the commission promulgates rules that designate commercial mobile radio
6 service providers as eligible to receive universal service funding under both the
7 federal and state universal service fund programs. If the commission promulgates
8 such rules, a commercial mobile radio service provider shall respond, subject to the
9 protection of the commercial mobile radio service provider's competitive
10 information, to all reasonable requests for information about its operations in this
11 state from the commission necessary to administer the universal service fund.

12 **SECTION 2.** 196.202 (6) of the statutes is created to read:

13 196.202 (6) NUMBER PORTABILITY. (a) In this subsection, "number portability"
14 means the ability of a customer of a commercial mobile radio service provider who
15 switches service to another telecommunications provider in the same area code to

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1 retain the telephone numbers that the customer used with that commercial mobile
2 radio service provider.

3 (b) Beginning on the date specified in par. (c), each commercial mobile radio
4 service provider shall provide number portability in all areas of the state in a manner
5 that does not impair the quality or reliability of telecommunications services.

6 (c) The duty to comply with par. (b) begins on November 24, 2003, unless a
7 subsequent date is established under federal law as the implementation deadline for
8 the federal communications commission's regulations on wireless local telephone
9 number portability. If such a date is established, the duty to comply with par. (b)
10 begins on that date.

11

(END)