

2003 DRAFTING REQUEST

Bill

Received: 12/30/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: John Gard (608) 266-3387

By/Representing: Bryon Wornson

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies: CMH

Submit via email: YES

Requester's email: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to: laura.rose@legis.state.wi.us
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

PSC deadline for partial deregulation of telecommunications services

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 12/30/2003	kgilfoy 12/30/2003		_____			State
/1			chaugen 01/05/2004	_____	sbasford 01/05/2004	Inorthro 01/05/2004	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mkunkel 01/06/2004	kgilfoy 01/06/2004	pgreensl 01/06/2004	_____	lemery 01/06/2004	lemery 01/06/2004	

FE Sent For:

AK
INTD.

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/30/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: John Gard (608) 266-3387

By/Representing: Bryon Wornson

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies: CMH

Submit via email: YES

Requester's email: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to: laura.rose@legis.state.wi.us
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

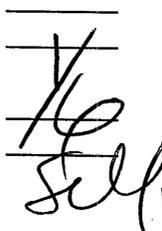
Topic:

PSC deadline for partial deregulation of telecommunications services

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 12/30/2003	kgilfoy 12/30/2003					State
/1		12-1/6 Kmg	chaugen 01/05/2004 1/6/06		sbasford 01/05/2004	Inorthro 01/05/2004	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/30/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: John Gard (608) 266-3387

By/Representing: Bryon Wornson

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies: CMH

Submit via email: YES

Requester's email: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to: laura.rose@legis.state.wi.us
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

PSC deadline for partial deregulation of telecommunications services

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 12/30/2003	kgilfoy 12/30/2003		_____			State
/1			chaugen 01/05/2004	_____	sbasford 01/05/2004		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/30/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: John Gard (608) 266-3387

By/Representing: Bryon Wornson

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies: CMH

Submit via email: YES

Requester's email: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

PSC deadline for partial deregulation of telecommunications services

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel	1-12/30 kmq	ck 1-5	ck 1-5 pb			

FE Sent For:

<END>

2003

Date (time) needed

TUES
1/6
pm

LRB - 3953 1 1

MDR: King:

RM NOT RUN

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *partial deregulation of telecommunications services.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

INSERT A ✓
FE-5

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

SECTION #.

INSERT B ✓
INSERT C ✓
(END)

ASSEMBLY BILL 655

INSERT A

administrative hearing is removed to a court, that court is required by the bill to review the evidence and examine witnesses, independent of DNR's evidence review and witness examination.

STRATEGIC ENERGY ASSESSMENTS

Current law requires the Public Service Commission (PSC) to prepare a strategic energy assessment every two years that evaluates the adequacy and reliability of the state's electricity supplies. An assessment must describe, among other things, large electric generating facilities and high-voltage transmission lines on which utilities plan to begin construction within three years. The bill requires an assessment to describe large electric generating facilities and high-voltage transmission lines on which utilities plan to begin construction within seven years, rather than three years.

PARTIAL DEREGULATION OF TELECOMMUNICATIONS SERVICES

Under current law, a person may petition the PSC to begin proceedings for determining whether to partially deregulate certain telecommunications services. The PSC may also begin such proceedings on its own motion. If the PSC makes certain findings regarding competition for such telecommunications services, the PSC may issue an order suspending specified provisions of law. Current law does not impose any deadlines on such proceedings.

The bill requires the PSC to complete the proceedings no later than 120 days after a person files a petition. In addition, if the PSC begins proceedings based on its own motion, the proceedings must be completed no later than 120 days after the PSC provides notice of its motion. If the PSC fails to complete the proceedings and, if appropriate, issue an order within the deadline, the bill provides for the suspension of any provisions of law that are specified in the petition or in the PSC's motion.

UTILITY PUBLIC BENEFITS FUND

Under current law, certain electric and gas utilities are required to make contributions to the PSC in each fiscal year. The PSC deposits the contributions in the utility public benefits fund (fund), which also consists of monthly fees paid by utility customers. The fund is used by DOA to make grants for low-income assistance, energy conservation and efficiency, environmental research and development, and renewable resource programs. The amount that each utility must contribute to the PSC is the amount that the PSC determines that the utility spent in 1998 on its own programs that are similar to the programs awarded grants by DOA.

Under this bill, the PSC may allow a utility to retain a portion of the amount that it is required to contribute in each fiscal year under current law. However, the PSC may allow a utility to do so only if the PSC determines that the portion is used by the utility for energy conservation programs for industrial, commercial, and agricultural customers in the utility's service area. Also, the programs must comply with rules promulgated by the PSC. The rules must specify annual energy savings targets that the programs must be designed to achieve. The rules must also require a utility to demonstrate that, within a reasonable period of time determined by the PSC, the economic benefits of such a program will be equal to the portion of the contribution that the PSC allows the utility to retain. If the PSC allows a utility to

Public Service Commission

This

END of INSERT
A

INSERT B

1 issuing a general or special order, or otherwise, the ratio of apprentices to
2 journeymen that an employer may have at a job site.

3 **SECTION 161.** ~~146.82 (2) (a) (intro.) of the statutes is amended to read:~~

4 ~~146.82 (2) (a) (intro.) Notwithstanding It is not a violation of sub. (1), to release
5 patient health care records shall be released upon request without informed consent
6 in the following circumstances:~~

7 **SECTION 162.** ~~146.82 (2) (a) 22. of the statutes is created to read:~~

8 ~~146.82 (2) (a) 22. For purposes of health care operations, as defined in 45 CFR
9 164.501, and as authorized under 45 CFR 164, subpart E.~~

10 **SECTION 163.** ~~196.195 (5m) of the statutes is created to read:~~

11 196.195 (5m) TIME LIMITATION ON COMMISSION ACTION. (a) No later than 120 days
12 after the filing of a petition under sub. (2) (a), the commission shall complete the
13 proceedings under subs. (2), (3), and (4), and, if appropriate, enter an order under
14 sub. (5). If the commission fails to complete the proceedings and, if appropriate, enter
15 an order before that deadline, the petition is considered to be granted without
16 condition by the commission and any provisions of law under sub. (5) that are
17 specified in the petition are considered to be suspended by the commission.

18 (b) No later than 120 days after the commission provides notice of its own
19 motion under sub. (2) (a), the commission shall complete the proceedings under subs.
20 (2), (3), and (4), and, if appropriate, enter an order under sub. (5). If the commission
21 fails to complete the proceedings and, if appropriate, enter an order before that
22 deadline, the motion is considered to be granted without condition by the commission
23 and any provisions of law under sub. (5) that are specified in the motion are
24 considered to be suspended by the commission.

25 **SECTION 164.** 196.195 (10) of the statutes is amended to read:

INSERT B (continued)

1 196.195 (10) REVOCATION OF DEREGULATION. If necessary to protect the public
2 interest, the commission, at any time by order, may revoke its order to suspend the
3 applicability of any provision of law suspended under sub. (5). This subsection does
4 not apply to any provision of law that is considered to be suspended under sub. (5m).

5 SECTION 165. 196.24 (3) of the statutes is amended to read:

6 196.24 (3) The commission may conduct any number of investigations
7 contemporaneously through different agents, and may delegate to any agent the
8 authority to take testimony bearing upon any investigation or at any hearing. The
9 decision of the commission shall comply with s. 227.46 and shall be based upon its
10 records and upon the evidence before it, except that, ~~notwithstanding s. 227.46 (4),~~
11 a decision maker may hear a case or read or review the record of a case if the record
12 includes a synopsis or summary of the testimony and other evidence presented at the
13 hearing that is prepared by the commission staff. Parties shall have an opportunity
14 to demonstrate to a decision maker that a synopsis or summary prepared under this
15 subsection is not sufficiently complete or accurate to fairly reflect the relevant and
16 material testimony or other evidence presented at a hearing.

17 SECTION 166. 196.374 (3) of the statutes is amended to read:

18 196.374 (3) In 2000, 2001 and 2002, the commission shall require each utility
19 to spend a decreasing portion of the amount determined under sub. (2) on programs
20 specified in sub. (2) and contribute the remaining portion of the amount to the
21 commission for deposit in the fund. ~~In Except as provided in sub. (3m), in each year~~
22 ~~after 2002, each utility shall contribute the entire amount determined under sub. (2)~~
23 ~~to the commission for deposit in the fund. The commission shall ensure in~~
24 ~~rate-making orders that a utility recovers from its ratepayers the amounts spent on~~
25 ~~programs or contributed to the fund under this subsection or retained under sub.~~

END OF INSERT B

INSERT C

1 department of natural resources shall submit to the joint committee for review of
2 administrative rules a report that contains all of the following:

3 (a) A description of all of this state's existing and pending state implementation
4 plans under 42 USC 7410 with an analysis of any rules or requirements included in
5 the plans that may not have been necessary to obtain federal environmental
6 protection agency approval but that are federally enforceable as a result of being
7 included in the plans.

8 (b) Recommendations for revisions of state implementation plans to remove
9 rules and other requirements that may not have been necessary to obtain federal
10 environmental protection agency approval

11 **SECTION 291. Initial applicability.**

12 (1) LAWSUITS CONCERNING CREDIT AGREEMENTS AND RELATED DOCUMENTS. The
13 treatment of section 241.02 (3) of the statutes first applies to actions commenced on
14 the effective date of this subsection.

15 (2) PARTIAL DEREGULATION OF TELECOMMUNICATIONS. The treatment of section
16 196.195 (5m) and (10) of the statutes first applies to proceedings initiated by
17 petitions filed with the public service commission, or by notices made on the public
18 service commission's own motion, on the effective date of this subsection.

19 (3) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section
20 16.957 (2) (b) 1. (intro.) of the statutes first applies to grants that are awarded on the
21 effective date of the rules promulgated under SECTION 290 (1) of this act.

22 (4) PROCESSING OF AIR PERMITS. The treatment of sections 285.61 (3), (5) (c), (7)
23 (a), (8) (b), and (11), 285.62 (3) (a) (intro.) and (c), (5) (a), (7) (b), and (9) (b), and 285.66
24 (3) (a) of the statutes, the renumbering and amendment of sections 285.61 (2) and

END OF INSERT C

Northrop, Lori

From: Nowak, Ellen
Sent: Monday, January 05, 2004 2:39 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3953/1 Topic: PSC deadline for partial deregulation of telecommunications services

It has been requested by <Nowak, Ellen> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3953/1 Topic: PSC deadline for partial deregulation of telecommunications services

Kunkel, Mark

From: Offerdahl, Mary
Sent: Monday, January 05, 2004 3:21 PM
To: Kunkel, Mark
Cc: Rose, Laura
Subject: FW: Draft review: LRB 03-3953/1 Topic: PSC deadline for partial deregulation of telecommunications services
Hi Mark,

In reviewing your draft LRB-3953/1, the provision identified by Legis. Fiscal Bureau as "PSC - Telecommunication Deregulation Approval Deadline" in LFB's 11/24/03 summary of AB 655 /SB 313 provisions, I see that your draft adds one bill section--perhaps mistakenly?--to those identified in the LFB memo as relevant to that provision.

LFB does not identify Section 165 of SB 313 [which amends s. 196.24 (3), Stats.] as relevant to the provision. Was it mistakenly included as Section 3 in LRB-3953/1 (in which case I can ignore it for the purposes of a chart section. I did summarizing the provision)? Thanks, Mary O.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Rose, Laura
Sent: Monday, January 05, 2004 2:31 PM
To: Offerdahl, Mary
Subject: FW: Draft review: LRB 03-3953/1 Topic: PSC deadline for partial deregulation of telecommunications services

-----Original Message-----

From: Basford, Sarah
Sent: Monday, January 05, 2004 2:09 PM
To: Rose, Laura
Subject: Draft review: LRB 03-3953/1 Topic: PSC deadline for partial deregulation of telecommunications services

Draft Requester: John Gard

Following is the PDF version of draft LRB 03-3953/1.

D-NOTE

Today
2pm

2003 BILL

gen cat

1 AN ACT to amend 196.195 (10) and 196.24 (3); and to create 196.195 (5m) of the
2 statutes; relating to: partial deregulation of telecommunications services.

Analysis by the Legislative Reference Bureau

Under current law, a person may petition the Public Service Commission (PSC) to begin proceedings for determining whether to partially deregulate certain telecommunications services. The PSC may also begin such proceedings on its own motion. If the PSC makes certain findings regarding competition for such telecommunications services, the PSC may issue an order suspending specified provisions of law. Current law does not impose any deadlines on such proceedings.

This bill requires the PSC to complete the proceedings no later than 120 days after a person files a petition. In addition, if the PSC begins proceedings based on its own motion, the proceedings must be completed no later than 120 days after the PSC provides notice of its motion. If the PSC fails to complete the proceedings and, if appropriate, issue an order within the deadline, the bill provides for the suspension of any provisions of law that are specified in the petition or in the PSC's motion.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 196.195 (5m) of the statutes is created to read:

BILL

1 196.195 (5m) TIME LIMITATION ON COMMISSION ACTION. (a) No later than 120 days
2 after the filing of a petition under sub. (2) (a), the commission shall complete the
3 proceedings under subs. (2), (3), and (4), and, if appropriate, enter an order under
4 sub. (5). If the commission fails to complete the proceedings and, if appropriate, enter
5 an order before that deadline, the petition is considered to be granted without
6 condition by the commission and any provisions of law under sub. (5) that are
7 specified in the petition are considered to be suspended by the commission.

8 (b) No later than 120 days after the commission provides notice of its own
9 motion under sub. (2) (a), the commission shall complete the proceedings under subs.
10 (2), (3), and (4), and, if appropriate, enter an order under sub. (5). If the commission
11 fails to complete the proceedings and, if appropriate, enter an order before that
12 deadline, the motion is considered to be granted without condition by the commission
13 and any provisions of law under sub. (5) that are specified in the motion are
14 considered to be suspended by the commission.

15 **SECTION 2.** 196.195 (10) of the statutes is amended to read:

16 196.195 (10) REVOCATION OF DEREGULATION. If necessary to protect the public
17 interest, the commission, at any time by order, may revoke its order to suspend the
18 applicability of any provision of law suspended under sub. (5). This subsection does
19 not apply to any provision of law that is considered to be suspended under sub. (5m).

20 **SECTION 3.** 196.24 (3) of the statutes is amended to read:

21 196.24 (3) The commission may conduct any number of investigations
22 contemporaneously through different agents, and may delegate to any agent the
23 authority to take testimony bearing upon any investigation or at any hearing. The
24 decision of the commission shall comply with s. 227.46 and shall be based upon its
25 records and upon the evidence before it, except that, notwithstanding s. 227.46 (4).

BILL

1 a decision maker may hear a case or read or review the record of a case if the record
2 includes a synopsis or summary of the testimony and other evidence presented at the
3 hearing that is prepared by the commission staff. Parties shall have an opportunity
4 to demonstrate to a decision maker that a synopsis or summary prepared under this
5 subsection is not sufficiently complete or accurate to fairly reflect the relevant and
6 material testimony or other evidence presented at a hearing.

SECTION 4. Initial applicability.

7
8 (1) PARTIAL DEREGULATION OF TELECOMMUNICATIONS. The treatment of section
9 196.195 (5m) and (10) of the statutes first applies to proceedings initiated by
10 petitions filed with the public service commission, or by notices made on the public
11 service commission's own motion, on the effective date of this subsection.

12 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3953/2dn

MDK:z...

King

Rep. Gard:

This version is identical to the previous version, except ^{that} it eliminates the amendment of s. 196.24 (3), stats., which was mistakenly included in the previous version.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us