

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2562/P1dn
MDK:kjf:pg

August 15, 2003

Sen. Kanavas:

Please review this bill to make sure that it achieves your intent. In particular, note the following differences between the bill and the model legislation that you provided to me:

1. The bill exempts broadband service from PSC regulation by excluding broadband service from the definition of "telecommunications service." Although the bill takes a different approach than that of the model legislation, the bill's approach is consistent with the way in which cable television operators are exempted from PSC regulation under current law. Also, I think the bill's approach results in a less ambiguous exemption than that of the model legislation.
2. The exemption from local government regulation is included in ch. 66, stats.
3. There is no need to state that property taxes aren't affected by the bill, because the bill does not affect property taxes.
4. The definition of "broadband service" refers to voice, data, audio, video, or other information, instead of only referring to information. This is similar to the references to voice, data, and other information in the definition under current law for "telecommunications service." In addition, I simplified other provisions of the model legislation (for example, there's no need to distinguish between upstream and downstream transmissions if they are both included in the definition).
5. Proposed s. 196.219 (2r) corresponds to the language in the instructions requiring incumbent exchange carriers to comply with federal law regarding unbundled access to network elements. However, it's not clear to me why you want state law to require compliance with federal law.

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