

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0019/1dn
MDK:cjs:jf

February 28, 2003

Representative Montgomery:

This substitute amendment is identical to the bill, except for the following:

1. The deadlines are changed as described in the chart prepared by John Stolzenberg. Please make sure the deadlines are accurate. Also note the new sunset date, which gives the PSC time to close out the program.
2. The surcharge must be identified as the “federal wireless 911 mandate fee.” Also, the PSC must require wireless providers to impose the “same” surcharge, rather than a “uniform” surcharge. This approach makes it clearer that the fee is a “flat fee.” (I’m reluctant to use the term “flat fee” because it’s not typically used in the statutes.)
3. In approving applications, the PSC must determine that costs will be incurred to promote a “cost-effective” system, rather than an “effective” system.
4. Grants are limited to actual costs that are incurred and the total amount of grants to an individual recipient may not exceed the estimated costs approved by the PSC.
5. The exemption from liability for wireless providers is **not** limited to wireless public safety answering points for which grants are made.
6. New entrants (i.e., wireless providers that do not begin providing service in this state until after the effective date of the bill) may apply for grants pursuant to rules promulgated by the PSC. Note that a new entrant’s grant is limited to costs incurred during the same reimbursement period that applies to other wireless providers. In addition, note that even if a new entrant does not apply for a grant, it must still impose the surcharge because the PSC’s rules must require “each wireless provider” to impose the surcharge without distinguishing between new entrants and other wireless providers.

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