

## BILL HISTORY FOR ASSEMBLY BILL 729 (LRB -3874)

An Act to create 196.50 (2) (i) of the statutes; relating to: petitions by certain telecommunications utilities regarding unbundled network or service elements. (FE)

2004

01-07.	A.	Introduced by Representative Gard.	
01-07.	A.	Read first time and referred to select committee on Job Creation	595
01-08.	A.	Public hearing held.	
01-12.	A.	Fiscal estimate received.	
01-13.	A.	Executive action taken.	
01-13.	A.	Report passage recommended by select committee on Job Creation, Ayes 5, Noes 3	601
01-13.	A.	Referred to Calendar	601
01-13.	A.	Read a second time	604
01-13.	A.	Refused to refer to committee on Energy and Utilities, Ayes 37, Noes 57	604
01-13.	A.	Ordered to a third reading	605
01-13.	A.	Rules suspended	605
01-13.	A.	Read a third time and passed, Ayes 57, Noes 37, Paired 4	605
01-13.	A.	Ordered immediately messaged	605
01-14.	S.	Received from Assembly	545
01-14.	S.	Read first time and referred to select committee on Job Creation	545
01-15.	S.	Public hearing held.	
02-03.	S.	Executive action taken.	
02-03.	S.	Report introduction and adoption of Senate Substitute Amendment 1 recommended by select committee on Job Creation, Ayes 3, Noes 2 (LRB s0327)	595
02-03.	S.	Report concurrence as amended recommended by select committee on Job Creation, Ayes 3, Noes 2	595
02-03.	S.	Available for scheduling.	
02-03.	S.	Placed on calendar 2-4-2004 by committee on Senate Organization.	
02-04.	S.	Senator Welch added as a cosponsor	602
02-04.	S.	Read a second time	602
02-04.	S.	Senator Darling added as a cosponsor	602
02-04.	S.	Senator Wirch added as a cosponsor	602
02-04.	S.	Senator M. Meyer added as a cosponsor	602
02-04.	S.	Senate substitute amendment 1 laid on table	602
02-04.	S.	Senate substitute amendment 2 offered by Senators Leibham, Panzer, Zien, Darling, Kanavas, Lazich, Stepp and Plale (LRB s0333)	602
02-04.	S.	Senate amendment 1 to Senate substitute amendment 2 offered by Senator Risser (LRB f135)	602
02-04.	S.	Senate amendment 1 to Senate substitute amendment 2 rejected, Ayes 20, Noes 13	602
02-04.	S.	Senator Jauch added as a coauthor of Senate substitute amendment 2	603
02-04.	S.	Senator Hansen added as a coauthor of Senate substitute amendment 2	603
02-04.	S.	Senate substitute amendment 2 adopted	603
02-04.	S.	Senator Wirch added as a coauthor of Senate substitute amendment 2	603
02-04.	S.	Ordered to a third reading	603
02-04.	S.	Rules suspended	603
02-04.	S.	Read a third time and concurred in as amended, Ayes 30, Noes 3	603
02-04.	S.	Ordered immediately messaged	603
02-05.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 2 adopted).	
02-05.	A.	Senate substitute amendment 2 concurred in, Ayes 97, Noes 1.	
02-05.	A.	Representative Zepnick added as a coauthor.	
02-05.	A.	Action ordered immediately messaged.	

**2003  
ENROLLED BILL**

03en AB-729

**ADOPTED DOCUMENTS:**

Orig     Engr    5 SubAmdt 2    03 50337

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Relay clause jobs

02/05/04    [Signature]  
Date                      Enrolling Drafter

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**SENATE SUBSTITUTE AMENDMENT 2,**

**TO 2003 ASSEMBLY BILL 729**

February 4, 2004 - Offered by Senators LEIBHAM, PANZER, ZIEN, DARLING, KANAVAS,  
LAZICH, STEPP and PLALE.

1     **AN ACT** *to create* 196.197 and 196.203 (3) (dm) of the statutes; **relating to:**  
2             petitions by certain telecommunications utilities regarding unbundled  
3             network or service elements.

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

4             **SECTION 1.** 196.197 of the statutes is created to read:

5             **196.197 Unbundled network elements.** (1) **APPLICABILITY.** This section  
6             applies to a petition to determine rates and costs of unbundled network elements or  
7             unbundled service elements under federal or state law, but does not apply to a  
8             petition for arbitration.

9             (2) **PETITIONS.** (a) A telecommunications provider may file a petition with the  
10            commission in the form and containing the information required by the commission.  
11            The commission shall determine that a petition is complete if the petition includes  
12            all of the following:

1           1. A request that the commission determine rates and costs of unbundled  
2 network elements or unbundled service elements, an identification of the particular  
3 rates and costs that are the subject of the petition, and an identification of the relief  
4 sought by the petitioner.

5           2. One or more cost studies upon which the petitioner relies to support the rates  
6 and costs sought by the petitioner.

7           3. Prefiled written direct testimony upon which the petitioner relies to support  
8 the petition and relief sought.

9           4. Any other information required by the commission.

10           (b) 1. No later than 30 days after the date on which a petition is filed under par.  
11 (a), the commission shall determine whether a petition is complete under par. (a) and  
12 notify the petitioner about the determination. If the commission fails to make a  
13 determination within the 30-day period, the petition is considered to be complete.  
14 If the commission determines that a petition filed under par. (a) is incomplete, the  
15 commission shall state the reason for the determination and identify the information  
16 that is needed to determine that the petition is complete.

17           2. A petitioner may supplement a petition that the commission has determined  
18 to be incomplete. No later than 15 days after a petitioner files a supplemented  
19 petition under this subdivision, the commission shall determine whether the  
20 supplemented petition is complete and notify the petitioner about the determination.  
21 The commission shall determine that a supplemented petition is complete if it  
22 contains the information identified in the determination under subd. 1. that is  
23 needed to determine that the petition is complete. If the commission fails to make  
24 a determination under this subdivision within the 15-day period, the petition is  
25 considered to be complete. If the commission determines that a petition

1 supplemented under this subdivision is not complete pursuant to this subdivision,  
2 the commission shall state the reason for the determination under this subdivision  
3 and identify the information that is needed to determine that the petition is complete  
4 under this subdivision. There is no limit on the number of times that a petitioner  
5 may supplement a petition under this subdivision.

6 (c) A petitioner shall provide a copy of a petition filed under par. (a) or  
7 supplemented under par. (b) 2. to any other telecommunications provider that may  
8 be affected by the petition at the same time that the petition is filed or supplemented.  
9 A telecommunications provider that may be affected by the petition may respond to  
10 the petition and provide the commission any additional information.

11 (3) TIME FRAME FOR FINAL DECISIONS. (a) 1. This paragraph applies to petitions  
12 to determine 100 or less rates.

13 2. The commission shall enter a final decision under sub. (4) on a petition  
14 within 180 days after the date on which the petition is determined or considered to  
15 be complete under sub. (2) (b), unless an extension is agreed to under subd.  
16 3. or granted under subd. 4.

17 3. With the approval of the commission, the petitioner may, within the 180-day  
18 period specified in subd. 2., agree to extend the time for a final decision.

19 4. The commission may, within the 180-day period specified in subd. 2. or  
20 within any extension approved under subd. 3., petition the circuit court for Dane  
21 County for an extension of time for entering a final decision on the petition. Within  
22 the 180-day period specified in subd. 2. or within any extension approved under  
23 subd. 3., the court may, upon a showing of good cause, grant an extension of not more  
24 than an additional 60 days. No more than one extension may be granted under this  
25 subdivision.

1 (b) 1. This paragraph applies to petitions to determine more than 100 rates.

2 2. The commission shall enter a final decision under sub. (4) on a petition  
3 within 270 days after the date on which the petition is determined or considered to  
4 be complete under sub. (2) (b), unless an extension is agreed to under subd.  
5 3. or granted under subd. 4.

6 3. With the approval of the commission, the petitioner may, within the 270-day  
7 period specified in subd. 2., agree to extend the time for a final decision.

8 4. The commission may, within the 270-day period specified in subd. 2. or  
9 within any extension approved under subd. 3., petition the circuit court for Dane  
10 County for an extension of time for entering a final decision on the petition. Within  
11 the 270-day period specified in subd. 2. or within any extension approved under  
12 subd. 3., the court may, upon a showing of good cause, grant an extension of not more  
13 than an additional 90 days. No more than one extension may be granted under this  
14 subdivision.

15 (4) FINAL DECISION. The commission may reject a petition, grant a petition, or  
16 approve a petition with modifications or conditions. The commission shall issue a  
17 final decision that determines rates for the unbundled network elements and  
18 unbundled service elements specified in the petition, except to the extent that the  
19 evidence in the record is not sufficient for making such a determination with respect  
20 to a particular rate, unbundled network element, or unbundled service element.

21 SECTION 2. 196.203 (3) (dm) of the statutes is created to read:

22 196.203 (3) (dm) Section 196.197 applies to an alternative telecommunications  
23 utility.

24 SECTION 3. Initial applicability.



## 2003 ASSEMBLY BILL 729

January 7, 2004 - Introduced by Representative GARD. Referred to Committee on Job Creation.

1 **AN ACT to create** 196.50 (2) (i) of the statutes; **relating to:** petitions by certain  
2 telecommunications utilities regarding unbundled network or service  
3 elements.

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### *Analysis by the Legislative Reference Bureau*

This bill creates deadlines for the Public Service Commission (PSC) to make decisions on petitions filed by certain telephone companies for a determination of rates or costs of unbundled network or service elements. The deadlines apply to petitions filed by companies that are certified by the PSC as "telecommunications utilities," but not those companies that are certified by the PSC as "alternative telecommunications utilities." Under federal law, the telecommunications utilities may be required to provide unbundled network elements to alternative telecommunications utilities that compete with the telecommunications utilities. In general, "unbundled network elements" refers to the facilities of a telecommunications utility that a competitor needs to provide local telephone service.

Under this bill, if a telecommunications utility files a petition with the PSC on or after the effective date of the bill to determine the rates or costs of unbundled network elements under federal or state law, the PSC must enter a final decision on the petition no later than 180 days after the petition is filed. For such a petition that is pending with the PSC on the effective date of the bill, the PSC must enter a decision no later than 180 days after the effective date of the bill. The bill's requirements also apply to petitions filed with the PSC regarding rates or costs of unbundled service elements under state or federal law.



**ASSEMBLY BILL 729**

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

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

1           **SECTION 1.** 196.50 (2) (i) of the statutes is created to read:

2           196.50 (2) (i) If a telecommunications utility certified under this subsection  
3 petitions the commission to determine rates or costs of unbundled network elements  
4 or unbundled service elements under federal or state law, the commission shall  
5 complete the proceedings and enter a final decision on the petition no later than 180  
6 days after the petition is filed with the commission, except that if such a petition is  
7 pending with the commission on the effective date of this paragraph .... [revisor  
8 inserts date], the commission shall complete the proceedings and enter a final  
9 decision on the petition no later than 180 days after the effective date of this  
10 paragraph .... [revisor inserts date].

11

(END)