

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 729**

February 3, 2004 – Offered by SELECT COMMITTEE ON JOB CREATION.

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 or costs of unbundled
2 network elements or unbundled service elements, an identification of the particular
3 rates or 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 or 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) No later than 30 days after the date on which a petition is filed under par.
11 (a) or supplemented under this paragraph, the commission shall determine whether
12 a petition is complete under par. (a) and notify the petitioner about the
13 determination. If the commission fails to make a determination within the 30 days,
14 the petition is considered to be complete. If the commission determines that a
15 petition filed under par. (a) or supplemented under this paragraph is incomplete, the
16 commission shall state the reason for the determination. A petitioner may
17 supplement a petition that the commission has determined to be incomplete. There
18 is no limit on the number of times that a petitioner may supplement a petition.

19 (c) A petitioner shall provide a copy of a petition filed under par. (a) or
20 supplemented under par. (b) to any other telecommunications provider that may be
21 affected by the petition at the same time the petition is filed or supplemented. A
22 telecommunications provider that may be affected by the petition may respond to the
23 petition and provide the commission any additional information.

24 **(3) TIME FRAME FOR DECISIONS.** (a) The commission shall enter a final decision
25 on a petition within 180 days after the date on which the petition is determined or

1 considered to be complete under sub. (2) (b), unless an extension is agreed to under
2 under par. (b) or granted under par. (c).

3 (b) With the approval of the commission, the petitioner may, within the
4 180–day period specified in par. (a), agree to extend the time for a final decision.

5 (c) The commission may, within the 180–day period specified in par. (a) or
6 within any extension approved under par. (b), petition the circuit court for Dane
7 County for an extension of time for entering a final decision on the petition. Within
8 the 180–day period specified in par. (a) or within any extension approved under par.
9 (b), the court may, upon a showing of good cause, grant an extension of not more than
10 an additional 60 days. No more than one extension may be granted under this
11 paragraph.

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

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

19 196.203 **(3)** (dm) Section 196.197 applies to an alternative telecommunications
20 utility.

21 **SECTION 3. Initial applicability.**

22 (1) The treatment of sections 196.197 and 196.203 (3) (dm) of the statutes first
23 applies to petitions that are filed on the effective date of this subsection.

24 **(END)**