

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB729)

Received: **01/30/2004**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Panzer (608) 266-7513**

By/Representing: **Tad Ottman**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Panzer@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Petitions for PSC to determine rates for unbundled network elements and service elements

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>
/?							
/1	mkunkel 01/30/2004	wjackson 01/30/2004	pgreensl 01/30/2004	_____	lemery 01/30/2004	lemery 01/30/2004	
/2	mkunkel 02/02/2004	jdyer 02/03/2004	jfrantze 02/03/2004	_____	mbarman 02/03/2004	mbarman 02/03/2004	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB729)

Received: 01/30/2004

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Mary Panzer (608) 266-7513

By/Representing: Tad Ottman

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: YES

Requester's email: Sen.Panzer@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Petitions for PSC to determine rates for unbundled network elements and service elements

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>
/?							
/1	mkunkel 01/30/2004	wjackson 01/30/2004	pgreensl 01/30/2004	_____	lemery 01/30/2004	lemery 01/30/2004	

1/23 jld
 1/23 [Signature]
 1/23 [Signature]

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB729)

Received: 01/30/2004

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Mary Panzer (608) 266-7513

By/Representing: Tad Ottman

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: YES

Requester's email: Sen.Panzer@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Petitions for PSC to determine rates for unbundled network elements and service elements

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 wlj 1/30	1/30 ps	1/30 sub			

FE Sent For:

<END>

1/29/04

Attn: Mark
Kunkel

50327

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

2

3 **196.197 Unbundled Network Elements.** (1) **APPLICABILITY.** This section applies to a
4 petition to determine rates and costs of unbundled network elements or unbundled service
5 elements under federal or state law, but does not apply to a petition for arbitration. →

6

7 (2) **PETITIONS AND FURTHER INFORMATION.** (a) A petition may be filed with the
8 commission by a telecommunications provider. A petition shall be in the form required
9 by the commission. A petition shall be determined complete if it includes all of the
10 following:

- 11 1. A request that the commission determine rates or costs of unbundled network
12 elements or unbundled service elements, an identification of the particular rates or costs
13 that are the subject of the petition, and identification of the relief sought by petitioner.
- 14 2. One or more cost studies that the petitioner wishes to rely upon in support of the rates
15 or costs sought by petitioner.
- 16 3. Pre-filed written direct testimony that the petitioner wishes to rely upon in support of
17 the petition and relief sought.
- 18 4. Any additional information required by the commission.

19

20 (b) The commission shall determine whether a petition is complete pursuant to par. (a)
21 and, no later than 30 days after the date on which the petition is filed or supplemented
22 under this paragraph, notify the petitioner about the determination. If the commission
23 fails to make a determination within the 30 days, the petition is considered to be

1

Please draft a as a substitute amendment
to SB 370 and AB 729 for Senator
Panzer.

T. Hanks

TAD OTTMAN
266-7513

1 complete. If the commission determines that the petition is incomplete, the commission
2 shall state the reasons for the determination. A petitioner may supplement a petition that
3 the commission has determined to be incomplete. There is no limit on the number of
4 times that a petitioner may supplement a petition.

5

6 (c) A petitioner shall provide a copy of a petition, to any other telecommunications
7 provider that may be affected by the petition at the same time the petition is filed with the
8 commission. A telecommunications provider that may be affected by the petition may
9 respond to the petition and if so, shall provide the commission any additional
10 information.

11

12 (3) TIMEFRAME FOR DECISION. (a) The commission shall enter a final decision on the
13 petition within 180 days after the date on which the petition is determined or considered
14 to be complete under sub. (2)(b) unless, within the 180-day period, an extension is agreed
15 to under par. (b) or granted under par. (c).

16

17 (b) With the approval of the commission and within the 180-day period, the petitioner
18 may agree to extend the time for a final decision.

19

20 (c) The commission, within the 180-day period, or within any extension approved under
21 par. (b), may petition the circuit court for Dane County for an extension of time for
22 entering a final decision on the petition. Upon a showing of good cause, the court, within
23 the 180-day period, or within any extension approved under par. (b), may grant an

1 extension of no more than an additional 60 days. No more than one extension may be
2 granted under this paragraph.

3

4 (4) FINAL DECISION. The commission may grant the petition, reject the petition, or
5 approve the petition with modifications or conditions. In its final decision, the
6 commission shall determine the rates for the unbundled network elements and unbundled
7 service elements specified in the petition except to the extent the evidence in the record is
8 insufficient for purposes of making such a determination with respect to a particular rate,
9 unbundled network element or unbundled service element.

10

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

12

13 **196.203 (3) (dm)** Section 196.197 applies to an alternative telecommunications utility.

14

15 **SECTION 3. Initial Applicability**

16

17 (1) The creation of sections 196.197 and 196.203(3)(dm) first apply to petitions
18 filed on the effective date of this paragraph.

19

20

(end)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0327/1
MDK:/:....
WLj

Total
Mon. 9:47 AM

SENATE SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 729

1 AN ACT ^{GEN} ...; relating to: petitions by certain telecommunications utilities
2 regarding unbundled network or service elements.

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

3 SECTION 1. 196.197[✓] of the statutes is created to read:

4 **196.197 Unbundled network elements.** (1) APPLICABILITY. This section
5 applies to a petition to determine rates and costs of unbundled network elements or
6 unbundled service elements under federal or state law, but does not apply to a
7 petition for arbitration.

8 (2) PETITIONS. (a) A telecommunications provider may file a petition with the
9 commission in the form and containing the information required by the commission.
10 The commission shall determine that a petition is complete if the petition includes
11 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. If the commission does not reject
14 a petition, the commission shall issue a final decision that determines rates for the
15 unbundled network elements and unbundled service elements specified in the
16 petition, except to the extent that the evidence in the record is not sufficient for
17 making such a determination with respect to a particular rate, unbundled network
18 element, or unbundled service element.

19 SECTION 2. 196.203 (3) (dm)[✓] of the statutes is created to read:

20 196.203 (3) (f) Section 196.197[✓] applies to an alternative telecommunications
21 utility. *dm*

22 SECTION 3. Initial applicability.

23 (1) The treatment of sections 196.197 and 196.203 (3) (f)^{dm} of the statutes first
24 applies to petitions that are filed on the effective date of this subsection.[✓]

25 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0327/1dn

MDK.:.....

Wlj

Sen. Panzer:

Please note that I made minor changes to the language that was suggested.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0327/1dn
MDK:wlj:pg

January 30, 2004

Sen. Panzer:

Please note that I made minor changes to the language that was suggested.

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

Kunkel, Mark

From: Ottman, Tad
Sent: Monday, February 02, 2004 11:33 AM
To: Kunkel, Mark
Subject: RE: Sub. amendment to AB 729

Hi Mark,

I just found out we need a change to both subs, s0329 and s0327. On page 3, line 13, we need to delete "If the commission does not reject a petition,"

Please call or email me with any questions.

Tad Ottman
Senator Mary Panzer
266-7513

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

From: Kunkel, Mark
Sent: Friday, January 30, 2004 2:47 PM
To: Ottman, Tad
Subject: Sub. amendment to AB 729

Tad:

The sub should be done later this afternoon.

Do you also need a sub to the Senate companion (i.e., SB 370)?

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0327/1
MDK:wlj:pg

Handwritten initials: L+JL

Handwritten in a circle: TUES 2/3 10am

SENATE SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 729

Handwritten in a circle: RM HAS BEEN ~~RUN~~ RUN

Regen

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. ~~If the commission does not reject~~
14 a petition, the commission shall issue a final decision that determines rates for the
15 unbundled network elements and unbundled service elements specified in the
16 petition, except to the extent that the evidence in the record is not sufficient for
17 making such a determination with respect to a particular rate, unbundled network
18 element, or unbundled service element.

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

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

22 **SECTION 3. Initial applicability.**

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

25 (END)

Barman, Mike

From: Barman, Mike
Sent: Tuesday, February 03, 2004 10:23 AM
To: Sen.Panzer
Subject: Requested Subs Attached (per MDK)



03s0327/2



03s0329/2

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200
Madison, WI 53703