

**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.**

