

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB729)

Received: **02/04/2004**

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 02/04/2004	wjackson 02/04/2004		_____			
/1			pgreensl 02/04/2004	_____	mbarman 02/04/2004	mbarman 02/04/2004	

FE Sent For:

<END>

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/?	mkunkel		2/4 ps	2/4 ps			

FE Sent For:

<END>

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

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

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

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

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

1. A request that the commission determine rates or costs of unbundled network elements or unbundled service elements, an identification of the particular rates or costs that are the subject of the petition, and an identification of the relief sought by the petitioner.
2. One or more cost studies upon which the petitioner relies to support the rates or costs sought by the petitioner.
3. Prefiled written direct testimony upon which the petitioner relies to support the petition and relief sought.
4. Any other information required by the commission.

(b) 1. No later than 30 days after the date on which a petition is filed under par. (a), the commission shall determine whether a petition is complete under par. (a) and notify the petitioner about the determination. If the commission fails to make a determination within the 30 days, the petition is considered to be complete. If the commission

Superseded
by
2/4
email



determines that a petition filed under par. (a) is incomplete, the commission shall state the reason for the determination and, with specificity, the information needed in order to render the petition complete.



2. A petitioner may supplement a petition that the commission has determined to be incomplete. ^{suppl'd} ^{filed} No later than 15 days after a petition is supplemented under this subdivision,



the commission shall determine whether the supplemented petition is complete and notify the petitioner about the determination. The commission shall determine that a supplemented petition is complete if it contains the information needed in order to render the petition complete as specified in the determination under subd. 1. If the commission fails to make a determination under this subdivision within the 15 days, the petition is considered to be complete. If the commission determines that a petition supplemented under this subdivision does not contain the information needed in order to render the petition complete as specified in the determination under subd. 1, the commission shall state the reason for the determination under this subdivision and, with specificity, the information needed in order to satisfy the determination under subd. 1. There is no limit on the number of times that a petitioner may supplement a petition.

add 15 days?

can this subdivision

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

(3) TIME FRAME FOR FINAL DECISIONS. (a) This paragraph applies to petitions to determine 100 rates or fewer.

Steve Beck
262-498-4011

1. The commission shall enter a final decision pursuant to sub. 4 on a petition within 180 days after the date on which the petition is determined or considered to be complete

under sub. (2) (b), unless an extension is agreed to under subd. 2 or granted under subd.

3.

2. With the approval of the commission, the petitioner may, within the 180-day period specified in subd. 1, agree to extend the time for a final decision.

3. The commission may, within the 180-day period specified in subd. 1 or within any extension approved under subd. 2, petition the circuit court for Dane County for an extension of time for entering a final decision on the petition. Within the 180-day period specified in subd. 1 or within any extension approved under subd. 2, the court may, upon a showing of good cause, grant an extension of not more than an additional 60 days. No more than one extension may be granted under this paragraph.

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

1. The commission shall enter a final decision pursuant to sub. 4 on a petition within 270 days after the date on which the petition is determined or considered to be complete

under sub. (2) (b), unless an extension is agreed to under subd. 2 or granted under subd.

3.

2. With the approval of the commission, the petitioner may, within the 270-day period specified in subd. 1, agree to extend the time for a final decision.

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a showing of good cause, grant an extension of not more than an additional 90 days. No more than one extension may be granted under this paragraph.

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

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

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

SECTION 3. Initial applicability.

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

(END)

Kunkel, Mark

From: BECK, STEVE (Legal) [sb3679@sbc.com]
Sent: Wednesday, February 04, 2004 9:49 AM
To: 'mark.kunkel@legis.state.wi.us'
Subject: Redline re completeness



compromise bill
draft III redl...

<<compromise bill draft III redlined against draft II.doc>>

Steve Beck
Senior Counsel
SBC Wisconsin

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

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

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

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

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

1. A request that the commission determine rates or costs of unbundled network elements or unbundled service elements, an identification of the particular rates or costs that are the subject of the petition, and an identification of the relief sought by the petitioner.
2. One or more cost studies upon which the petitioner relies to support the rates or costs sought by the petitioner. ✓
3. Prefiled written direct testimony upon which the petitioner relies to support the petition and relief sought. ✓
4. Any other information required by the commission. ✓

(b) 1. No later than 30 days after the date on which a petition is filed under par. (a), the commission shall determine whether a petition is complete under par. (a) and notify the petitioner about the determination. If the commission fails to make a determination within the 30 days, the petition is considered to be complete. If the commission

determines that a petition filed under par. (a) is incomplete, the commission shall state the reason for the determination and identify, with specificity, the information needed in order to render-determine the petition complete.

2. A petitioner may supplement a petition that the commission has determined to be incomplete. No later than 15 days after a petition is supplemented under this subdivision, the commission shall determine whether the supplemented petition is complete and notify the petitioner about the determination. The commission shall determine that a supplemented petition is complete if it contains the information identified in the determination under subd. 1 as needed in order to render the petition complete-as specified in the determination under subd. 1. If the commission fails to make a determination under this subdivision within the 15 days, the petition is considered to be complete. If the commission determines that a petition supplemented under this subdivision ~~does not contain the information is not needed in order to render the petition complete pursuant to this subdivision-as specified in the determination under subd. 1,~~ the commission shall state the reason for the determination under this subdivision and, ~~with specificity,~~ identify the information needed in order to determine the petition complete under this subdivisionsatisfy the determination under subd. 1. There is no limit on the number of times that a petitioner may supplement a petition.

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

(3) TIME FRAME FOR FINAL DECISIONS. (a) This paragraph applies to petitions to determine 100 rates or fewer.

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

2. With the approval of the commission, the petitioner may, within the 180-day period specified in subd. 1, agree to extend the time for a final decision.

3. The commission may, within the 180-day period specified in subd. 1 or within any extension approved under subd. 2, petition the circuit court for Dane County for an extension of time for entering a final decision on the petition. Within the 180-day period specified in subd. 1 or within any extension approved under subd. 2, the court may, upon a showing of good cause, grant an extension of not more than an additional 60 days. No more than one extension may be granted under this paragraph.

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

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

2. With the approval of the commission, the petitioner may, within the 270-day period specified in subd. 1, agree to extend the time for a final decision.

3. The commission may, within the 270-day period specified in subd. 1 or within any extension approved under subd. 2, petition the circuit court for Dane County for an

extension of time for entering a final decision on the petition. Within the 270-day period specified in subd. 1 or within any extension approved under subd. 2, the court may, upon a showing of good cause, grant an extension of not more than an additional 90 days. No more than one extension may be granted under this paragraph.

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

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

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

SECTION 3. Initial applicability.

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

(END)

O-NOTE

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NOT
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SENATE SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 729

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 ~~and~~ ^{and} costs of unbundled
2 network elements or unbundled service elements, an identification of the particular
3 rates ~~and~~ ^{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~~ ^{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) 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~~ ^{day period}
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. ^{(9) do} A petitioner may
17 supplement a petition that the commission has determined to be incomplete. ^{INSERT 2-17} There
18 is no limit on the number of times that a petitioner may supplement a petition ^{under this}
19 ^{subdivision}

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

25 (3) TIME FRAME FOR DECISIONS. (a) ^{(9) do} The commission shall enter a final decision ^{under sub (4)}
on a petition within 180 days after the date on which the petition is determined or

(CS) FINAL

INSERT 2-24

INSERT 2-16

INSERT 2-17

under sub (4)

1 considered to be complete under sub. (2) (b), unless an extension is agreed to under
(2) under ~~part (b)~~ or granted under ~~part (c)~~ ^{subd 30} ~~part (c)~~ ^{subd 4}

3 3. ~~(b)~~ With the approval of the commission, the petitioner may, within the
4 180-day period specified in ~~part (a)~~ ^{subd 20}, agree to extend the time for a final decision.

5 4. ~~(c)~~ The commission may, within the 180-day period specified in ~~part (a)~~ ^{subd 20} or
6 within any extension approved under ~~part (b)~~ ^{subd 30}, 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 ~~part (a)~~ ^{subd 20} or within any extension approved under ~~part~~
9 ~~(b)~~ ^{subd 30}, 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 ~~provision~~ ^{Subdivision}

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.

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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)
INSERT 3-11

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0333/lins
MDK:.....

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INSERT 2-16:

and identify the information that is needed to determine that the petition is complete

INSERT 2-17:

No later than 15 days after a petitioner files a supplemented petition under this subdivision, the commission shall determine whether the supplemented petition is complete and notify the petitioner about the determination. The commission shall determine that a supplemented petition is complete if it contains the information identified in the determination under subd. 1. that is needed to determine that the petition is complete. If the commission fails to make a determination under this subdivision within the 15-day period, the petition is considered to be complete. If the commission determines that a petition supplemented under this subdivision is not complete pursuant to this subdivision, the commission shall state the reason for the determination under this subdivision and identify the information that is needed to determine that the petition is complete under this subdivision.

INSERT 2-24:

1. This paragraph applies to petitions to determine 100 or less rates.

INSERT 3-11:

(b) 1. This paragraph applies to petitions to determine more than 100 rates.
2. The commission shall enter a final decision under sub. (4) on a petition within 270 days after the date on which the petition is determined or considered to be complete under sub. (2) (b), unless an extension is agreed to under subd. 3. or granted under subd. 4.

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

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

10

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0333/1dn

MDK:/:...

Wlj

Sen. Panzer:

Note that I made minor changes to the language provided. Please contact me if you have questions.

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

**DRAFTER'S NOTE
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LRBs0333/1dn
MDK:wlj:pg

February 4, 2004

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