

**SENATE AMENDMENT 1,
TO 2003 SENATE BILL 272**

November 11, 2003 – Offered by COMMITTEE ON TRANSPORTATION AND INFORMATION
INFRASTRUCTURE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: delete “LOCAL GOVERNMENT CABLE TELEVISION SYSTEM COSTS.

3 Except” and substitute “MUNICIPAL CABLE TELEVISION SYSTEM COSTS. (a) Except”.

4 **2.** Page 2, line 3: delete “or county”.

5 **3.** Page 2, line 5: delete “or county”.

6 **4.** Page 2, line 7: delete “(a)” and substitute “1.”.

7 **5.** Page 2, line 8: delete “(b)” and substitute “2.”.

8 **6.** Page 2, line 9: after that line insert:

9 “(b) Paragraph (a) does not apply to a municipality if all of the following
10 conditions apply:

11 1. On November 1, 2003, the public service commission has determined that
12 the municipality is an alternative telecommunications utility under s. 196.203.

1 2. A majority of the governing board of the municipality votes to submit the
2 question of supporting the operation of a cable television system by the municipality
3 to the electors in an advisory referendum and a majority of the voters in the
4 municipality voting at the advisory referendum vote to support the operation of a
5 cable television system by the municipality.”.

6 **7.** Page 3, line 5: delete “county,”.

7 **8.** Page 3, line 23: after that line insert:

8 “(3) Subsection (2) does not apply to a local government if all of the following
9 conditions apply:

10 (a) On November 1, 2003, the public service commission has determined that
11 the local government is an alternative telecommunications utility under s. 196.203.

12 (b) A majority of the governing board of the local government votes to submit
13 the question of supporting the operation of the facility for providing cable service,
14 telecommunications service, or Internet access service, directly or indirectly to the
15 public, by the local government to the electors in an advisory referendum and a
16 majority of the voters in the local government voting at the advisory referendum vote
17 to support operation of such a facility by the local government.”.

18 **9.** Page 4, line 6: delete lines 6 to 18 and substitute:

19 “**SECTION 4g.** 196.204 (5) (a) of the statutes is renumbered 196.204 (5) (ar) 1.
20 and amended to read:

21 196.204 (5) (ar) 1. In addition to the other requirements of this section, each
22 telecommunications service, relevant group of services and basic network function
23 offered or used by a telecommunications utility shall be priced to exceed its total
24 service long-run incremental cost. The commission may waive the applicability of

1 this paragraph subdivision to a nongovernmental telecommunications utility's basic
2 local exchange service if the commission determines that a waiver is consistent with
3 the factors under s. 196.03 (6).

4 **SECTION 4r.** 196.204 (5) (ar) 2. of the statutes is created to read:

5 196.204 (5) (ar) 2. For purposes of subd. 1., the total service long-run
6 incremental cost of a local government telecommunications utility shall take into
7 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,
8 rights-of-way, licenses, and similar costs that are incurred by nongovernmental
9 telecommunications utilities. This subdivision does not apply to a
10 telecommunications service, relevant group of services, or basic network function if
11 all of the following conditions apply:

12 a. On November 1, 2003, the commission has determined that the local
13 government telecommunications utility is an alternative telecommunications utility
14 under s. 196.203.

15 b. A majority of the governing board of the local government
16 telecommunications utility votes to submit the question of supporting the operation
17 of the local government telecommunications utility to the electors in an advisory
18 referendum and a majority of the voters in the local government telecommunications
19 utility voting at the advisory referendum vote to support operation of the local
20 government telecommunications utility.”.

21 **10.** Page 4, line 21: delete “or”.

22 **11.** Page 4, line 22: delete “county”.

23 **12.** Page 5, line 17: delete lines 17 to 19.

24 (END)