

2003 DRAFTING REQUEST**Senate Amendment (SA-SB272)**Received: **11/06/2003**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**By/Representing: **Matt Phillips**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Public Util. - telco**

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Kedzie@legis.state.wi.us**Carbon copy (CC:) to: **matt.phillips@legis.state.wi.us
david.lovell@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

"Grandfather" provisions

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 11/06/2003	wjackson 11/06/2003					
/1	chanaman 11/06/2003	chanaman 11/06/2003 csicilia	chaugen 11/06/2003		lemery 11/06/2003	lemery 11/06/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

11/06/2003

/2

chaugen _____
11/06/2003 _____

lemery _____
11/06/2003 _____

lemery _____
11/06/2003 _____

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB272)

Received: 11/06/2003

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Matt Phillips**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Public Util. - telco**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **matt.phillips@legis.state.wi.us
david.lovell@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

"Grandfather" provisions

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 11/06/2003	wjackson 11/06/2003		_____			
/1		1/2 cjs 11/6 03	chaugen 11/06/2003 On 11-06	_____ 11-06	lemery 11/06/2003	lemery 11/06/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB272)

Received: **11/06/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Matt Phillips**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Public Util. - telco**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **matt.phillips@legis.state.wi.us
david.lovell@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

"Grandfather" provisions

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 11/6	OK 11-6	OK 11-6 JF			

FE Sent For:

<END>

now

D-NOTE

FWJ
a 1756/1

SENATE AMENDMENT,
TO 2003 SENATE BILL 272

RM
NOT
PKW

INSERT 1-2

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

2 1. Page 2, line 2: before "Except" insert "(a)"

3 2. Page 2, line 7: delete "(a)" and substitute "1."

4 3. Page 2, line 8: delete "(b)" and substitute "2."

5 4. Page 2, line 9: after that line insert:

6 "(b) Paragraph (a) does not apply to a municipality ~~or county~~ if, on the effective
7 date of this paragraph [revisor inserts date], any of the following conditions
8 applies:

9 1. The municipality ~~or county~~ operates a cable television system or owns or
10 operates an entity that operates a cable television system.

11 2. The governing body of the municipality ~~or county~~ has authorized a feasibility
12 study on whether to operate a cable television system or to own or operate, in whole
13 or in part, an entity that operates a cable television system."

1 **5.** Page 3, line 23: after that line insert:

2 “(3) Subsection (2) does not apply to a local government if, on the effective date
3 of this subsection [revisor inserts date], any of the following conditions applies:

4 1. The local government operates a facility for providing cable service,
5 telecommunications service, or Internet access service, directly or indirectly, to the
6 public.

7 2. The governing body of the local government has authorized a feasibility
8 study on whether to operate a facility for providing cable service,
9 telecommunications service, or Internet access service, directly or indirectly, to the
10 public.”.

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

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

14 196.204 (5) (ar) 1. In addition to the other requirements of this section, each
15 telecommunications service, relevant group of services and basic network function
16 offered or used by a telecommunications utility shall be priced to exceed its total
17 service long-run incremental cost. The commission may waive the applicability of
18 this ~~paragraph~~ subdivision to a ^{nongovernmental} telecommunications utility's basic local exchange
19 service if the commission determines that a waiver is consistent with the factors
20 under s. 196.03 (6).

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

22 196.204 (5) (ar) 2. For purposes of subd. 1., the total service long-run
23 incremental cost of a local government telecommunications utility shall take into
24 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,

1 rights-of-way, licenses, and similar costs that are incurred by nongovernmental
2 telecommunications utilities. This subdivision does not apply to a
3 telecommunications service, relevant group of services, or basic network function if,
4 on the effective date of this subdivision [revisor inserts date], any of the following
5 conditions applies:

6 a. The local government telecommunications utility offers or uses the
7 telecommunications service, relevant group of services, or basic network function.

8 b. The governing body of the local government telecommunications utility has
9 authorized a feasibility study on whether to offer or use the telecommunications
10 service, relevant group of services, or basic network function.”

11 **7.** Page 5, line 17: delete lines 17 to 19.

12

(END)

INSERT 3-4 ✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1756/lins
MDK:.....

1
2
3
4
5
6
7
8

INSERT 1-2:

CS
SYSTEM

- ✓ 1. Page 2, line 2: delete "LOCAL GOVERNMENT CABLE TELEVISION COSTS. Except" and substitute "MUNICIPAL CABLE TELEVISION COSTS. (a) Except".
- ✓ 2. Page 2, line 3: delete "or county".
- ✓ 3. Page 2, line 5: delete "or county".

INSERT 3-4:

the commission has determined under s. 196.203 that the local government telecommunications utility is an alternative telecommunications utility and

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1756/1dn

MDK:.....

Wlj

Sen. Kedzie:

This amendment is similar to LRBa1743/1, except for the following:

1. The references to counties operating cable television systems have been removed from the bill. Under current law, counties are not allowed to operate such systems.
2. The exception to the TSLRIC requirements applies only if a local government is an alternative telecommunications utility, as determined by the PSC. The PSC uses this determination to authorize CLECs.
3. The PSC is only allowed to waive the requirements of s. 196.204 (5) (a) for nongovernmental telecommunications utilities.

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

LRBa1756/1dn
MDK:wlj:ch

November 6, 2003

Sen. Kedzie:

This amendment is similar to LRBa1743/1, except for the following:

1. The references to counties operating cable television systems have been removed from the bill. Under current law, counties are not allowed to operate such systems.
2. The exception to the TSLRIC requirements applies only if a local government is an alternative telecommunications utility, as determined by the PSC. The PSC uses this determination to authorize CLECs.
3. The PSC is only allowed to waive the requirements of s. 196.204 (5) (a) for nongovernmental telecommunications utilities.

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

Now

SENATE AMENDMENT,
TO 2003 SENATE BILL 272

2M
has
been
pma
& CS

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 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 ~~the effective date of~~
10 this paragraph [revisor inserts date] ~~any~~ ^{all} of the following conditions ^{apply} applies:

11 ~~1. The municipality operates a cable television system or owns or operates an~~
12 ~~entity that operates a cable television system.~~

INSERT 1-10
INSERT 1-12

ON November 1, 2003

INSERT 1-12

INSERT 2-6

INSCPT 2-4

1 ~~2. The governing body of the municipality has authorized a feasibility study on~~
2 ~~whether to operate a cable television system or to own or operate, in whole or in part,~~
3 ~~an entity that operates a cable television system."~~

4 7. Page 3, line 23: after that line insert:

5 "(3) Subsection (2) does not apply to a local government if, on the effective date
6 of this subsection [revisor inserts date], ^{all} any of the following conditions ^{apply} applies:

7 ~~50. The local government operates a facility for providing cable service,~~
8 ~~telecommunications service, or Internet access service, directly or indirectly, to the~~
9 ~~public.~~ INSERT 2-9

10 ~~2. The governing body of the local government has authorized a feasibility~~
11 ~~study on whether to operate a facility for providing cable service,~~
12 ~~telecommunications service, or Internet access service, directly or indirectly, to the~~
13 ~~public."~~

14 8. Page 4, line 6: delete lines 6 to 18 and substitute:

15 "SECTION 4g. 196.204 (5) (a) of the statutes is renumbered 196.204 (5) (ar) 1.
16 and amended to read:

17 196.204 (5) (ar) 1. In addition to the other requirements of this section, each
18 telecommunications service, relevant group of services and basic network function
19 offered or used by a telecommunications utility shall be priced to exceed its total
20 service long-run incremental cost. The commission may waive the applicability of
21 this paragraph subdivision to a nongovernmental telecommunications utility's basic
22 local exchange service if the commission determines that a waiver is consistent with
23 the factors under s. 196.03 (6).

24 SECTION 4r. 196.204 (5) (ar) 2: of the statutes ^{local gov.} ~~is~~ ^{leave} created to read:
_{leave as typed}

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

7 ~~on the effective date of this subdivision [revisor inserts date], the commission has~~
 8 ~~determined under s. 196.203 that the local government telecommunications utility~~
 9 ~~is an alternative telecommunications utility and any of the following conditions~~

10 ~~a. ^{applies} The local government telecommunications utility offers or uses the~~
 11 ~~telecommunications service, relevant group of services, or basic network function.~~
 12 ~~b. The governing body of the local government telecommunications utility has~~
 13 ~~authorized a feasibility study on whether to offer or use the telecommunications~~
 14 ~~service, relevant group of services, or basic network function."~~

apply:

15 ~~service, relevant group of services, or basic network function."~~

9. Page 5, line 17: delete lines 17 to 19.

(END)

INSEAT 3 -
15

INSEAT 3-10

INSEAT 3-10

all
non-November, 2003,

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1756/2ins
MDK:.....

1

INSERT 1-10:

2

1. On November 1, 2003, the ^{public service} commission has determined that the municipality is an alternative telecommunications utility under s. 196.203. ✓

3

4

INSERT 1-12:

5

~~or the governing body of the municipality has authorized a feasibility study on whether to operate a cable television system or to own or operate, in whole or in part, an entity that operates a cable television system.~~

6

7

8

~~2. Not later than 1 year after the effective date of this subdivision ... [revisor~~

9

~~inserts date],~~ a majority of the governing board of the municipality votes to submit the question of supporting the operation of a cable television system by the municipality to the electors in an advisory referendum and a majority of the voters in the municipality voting at the advisory referendum vote to support the operation of a cable television system by the municipality. ✓ ✓

10

11

12

13

14

~~(c) An advisory referendum under par. (b) 3. shall be held at any general or regular election that is held not less than 42 days nor more than 47 days from the date on which a majority of the governing board of the municipality votes to submit the question to the electors, except that, if no general or regular election is held within such period, the governing body of the municipality shall order the holding of a special election to be held not less than 42 days from the date on which the majority of the governing board of the municipality votes to submit the question to the electors." ✓~~

15

16

17

18

19

20

21

22

INSERT 2-4:

23

1. Page 3, line 5: delete "county," ✓

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

INSERT 2-6:

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

INSERT 2-9:

or the governing body of the local government has authorized a feasibility study on whether to operate a facility for providing cable service, telecommunications service, or Internet access service, directly or indirectly to the public.

^b (c) ~~No later than 1 year after the effective date of this paragraph~~ [reviser inserts date] a majority of the governing board of the local government votes to submit the question of supporting the operation of the facility for providing cable service, telecommunications service, or Internet access service, directly or indirectly to the public, by the local government to the electors in an advisory referendum and a majority of the voters in the local government voting at the advisory referendum vote to support operation of such a facility by the local government.

(4) An advisory referendum under sub. (3) (c) shall be held at any general or regular election that is held not less than 42 days nor more than 47 days from the date on which a majority of the governing board of the local government votes to submit the question to the electors, except that, if no general or regular election is held within such period, the governing body of the local government shall order the holding of a special election to be held not less than 42 days from the date on which the majority of the governing board of the local government votes to submit the question to the electors."

INSERT 3-10:

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

4 **INSERT 3-12:**

5 or the governing body of the local government telecommunications utility has
 6 authorized a feasibility study on whether to offer or use the telecommunications
 7 service, relevant group of services, or basic network functions.

8 ~~b.c. No later than 1 year after the effective date of this subd. 2. c. [reviser~~
 9 ~~inserts date],~~ a majority of the governing board of the local government
 10 telecommunications utility votes to submit the question of supporting the operation
 11 of the local government telecommunications utility to the electors in an advisory
 12 referendum and a majority of the voters in the local government telecommunications
 13 utility voting at the advisory referendum vote to support operation of the local
 14 government telecommunications utility. ✓/✓

15 3. An advisory referendum under subd. 2. c. shall be held at any general or
 16 regular election that is held not less than 42 days nor more than 47 days from the
 17 date on which a majority of the governing board of the local government
 18 telecommunications utility votes to submit the question to the electors, except that,
 19 if no general or regular election is held within such period, the governing body of the
 20 local government telecommunications utility shall order the holding of a special
 21 election to be held not less than 42 days from the date on which the majority of the
 22 governing board of the local government telecommunications utility votes to submit
 23 the question to the electors."

24 **INSERT 3-15:**

1

2. Page 4, line 21: delete "or". ✓

2

3. Page 4, line 22: delete "county". ✓



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

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

Prepared by the Legislative Reference Bureau
(February 19, 2004)

1. Page 3, line 3: delete that line and substitute "the factors under s. 196.03 (6).".
2. Page 3, line 3: after that line insert:
"9m. Page 5, line 3: after that line insert:".
3. Page 3, line 4: delete that line and substitute:
"SECTION 5r. 196.204 (5) (ar) 2. of the statutes is created to read:".

(END)