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1 **SECTION 32.** 196.01 (12g) of the statutes is created to read:

2 196.01 (12g) "Video service" has the meaning given in s. 66.0420 (2) (y).

3 **SECTION 33.** 196.01 (12r) of the statutes is created to read:

4 196.01 (12r) "Video service provider" has the meaning given in s. 66.0420 (2)
5 (zg), and also includes an interim cable operator, as defined in s. 66.0420 (2) (n).

6 **SECTION 34.** 196.04 (4) (a) (intro.) and 2. (intro.) of the statutes are
7 consolidated, renumbered 196.04 (4) (a) (intro.) and amended to read:

8 196.04 (4) (a) (intro.) In this subsection: 2. "Sewerage, sewerage system
9 operator" means any of the following:

10 **SECTION 35.** 196.04 (4) (a) 1. of the statutes is repealed.

11 **SECTION 36.** 196.04 (4) (a) 2. a. to e. of the statutes are renumbered 196.04 (4)
12 (a) 1. to 5.

13 **SECTION 37.** 196.04 (4) (b) of the statutes is amended to read:

14 196.04 (4) (b) If the parties cannot agree and the commission finds that public
15 convenience and necessity or the rendition of reasonably adequate service to the
16 public requires that a public utility, telecommunications provider, sewerage system
17 operator, or ~~cable operator~~ video service provider be permitted to extend its lines on,
18 over or under the right-of-way of any railroad, or requires that the tracks of any
19 railroad be extended on, over or under the right-of-way of any public utility,
20 telecommunications provider, sewerage system operator, or ~~cable operator~~ video
21 service provider, the commission may order the extension by the public utility,
22 telecommunications provider, sewerage system operator, ~~cable operator~~ video
23 service provider, or railroad on, over or under the right-of-way of the other if it will
24 not materially impair the ability of the railroad, telecommunications provider,
25 sewerage system operator, ~~cable operator~~ video service provider, or public utility, on,

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1 over or under whose right-of-way the extension would be made, to serve the public.
2 The commission shall prescribe lawful conditions and compensation which the
3 commission deems equitable and reasonable in light of all the circumstances.

4 **SECTION 38.** 196.195 (5) of the statutes is amended to read:

5 196.195 (5) COMMISSION ACTION. If after the proceedings under subs. (2), (3) and
6 (4) the commission has determined that effective competition exists in the market
7 for the telecommunications service which justifies a lesser degree of regulation and
8 that lesser regulation in that market will serve the public interest, the commission
9 may, by order, suspend any of the following provisions of law, except as provided
10 under subs. (7) and (8): ch. 201 and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s.
11 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s.
12 196.194; s. 196.196 (1) or (5); s. 196.20; ~~s. 196.204 (7)~~; s. 196.21; s. 196.22; s. 196.26;
13 s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s.
14 196.78; s. 196.79; and s. 196.805.

15 **SECTION 39.** 196.203 (1m) of the statutes is amended to read:

16 196.203 (1m) Any person claiming to be a cable television telecommunications
17 service provider under this section shall annually file with the commission any
18 information required by the commission to determine the gross income of the person
19 which is derived from the operation of a cable television system.

20 **SECTION 40.** 196.203 (3) (b) (intro.) of the statutes is amended to read:

21 196.203 (3) (b) (intro.) The commission may not deny a petition filed under par.
22 (a) by a provider of cable ~~television~~ service for alternative telecommunications utility
23 status in a particular geographical area as not being in the public interest if basic
24 local exchange service is provided in the same geographical area by any of the
25 following:

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1 **SECTION 41.** 196.203 (3) (b) 2. of the statutes is amended to read:

2 196.203 (3) (b) 2. Subject to par. (c), a telecommunications utility with 50,000
3 or less access lines in use in this state which also provides cable television service in
4 that geographical area, if provision of cable television service began after September
5 1, 1994.

6 **SECTION 42.** 196.203 (3) (c) of the statutes is amended to read:

7 196.203 (3) (c) Paragraph (b) 2. shall not apply if the telecommunications
8 utility's provision of cable television service is limited to the provision of satellite
9 cable programming, as defined in s. 943.47 (1) (b).

10 **SECTION 43.** 196.203 (3) (d) of the statutes is amended to read:

11 196.203 (3) (d) Section 196.50 (1) (b) applies to an alternative
12 telecommunications utility except for a provider of cable television service.

13 **SECTION 44.** 196.203 (3) (e) 1. (intro.) of the statutes is amended to read:

14 196.203 (3) (e) 1. (intro.) If a provider of cable television service files a petition
15 under par. (a) for alternative telecommunications status to offer local exchange
16 service, as defined in s. 196.50 (1) (b) 1., in a geographical area served by a
17 telecommunications utility with less than 50,000 access lines in use in this state on
18 September 1, 1994, or at any time thereafter, the commission may not deny the
19 petition as not being in the public interest and shall do any of the following:

20 **SECTION 45.** 196.204 (7) of the statutes is repealed.

21 **SECTION 46.** 196.50 (1) (b) 2. e. of the statutes is amended to read:

22 196.50 (1) (b) 2. e. The holder of the permit and the applicant are both providers
23 of cable television video service, if the holder's provision of cable television video
24 service began after September 1, 1994. ~~This subd. 2. e. does not apply if the holder's~~

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1 ~~provision of cable television service is limited to the provision of satellite cable~~
2 ~~programming, as defined in s. 943.47 (1) (b).~~

3 **SECTION 47.** 196.50 (1) (c) of the statutes is amended to read:

4 196.50 (1) (c) Any provision in an agreement or municipal franchise that
5 prohibits entry into the telecommunications or cable television video services market
6 after September 1, 1994, is void. ~~Paragraph (b) and this paragraph do not invalidate~~
7 ~~an ordinance enacted under s. 66.0419 which requires a provider of cable television~~
8 ~~services to obtain a franchise before offering those services.~~

9 **SECTION 48.** 196.85 (1m) (b) of the statutes is amended to read:

10 196.85 (1m) (b) For the purpose of direct assessment under sub. (1) of expenses
11 incurred by the commission in connection with its activities under s. 196.04 (4), the
12 term "public utility" includes a ~~cable operator, as defined in s. 66.0419 (2) (b)~~ video
13 service provider.

14 **SECTION 49.** 943.46 (title) of the statutes is amended to read:

15 **943.46 (title) Theft of cable television video service.**

16 **SECTION 50.** 943.46 (1) (a) of the statutes is renumbered 943.46 (1) (c) and
17 amended to read:

18 943.46 (1) (c) "~~Cable television~~ Video service" has the meaning given in s.
19 196.01 (1p). ~~"Cable television 66.0420 (2) (y), except that "video service" does not~~
20 include signals received by privately owned antennas that are not connected to a
21 ~~cable television system~~ video service network whether or not the same signals are
22 provided by a ~~cable television company~~ video service provider.

23 **SECTION 51.** 943.46 (1) (d) of the statutes is created to read:

24 943.46 (1) (d) "Video service network" has the meaning given in s. 66.0420 (2)
25 (zb).

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1 **SECTION 52.** 943.46 (1) (e) of the statutes is created to read:

2 943.46 (1) (e) "Video service provider" has the meaning given in s. 66.0420 (2)
3 (zg), and also includes an interim cable operator, as defined in s. 66.0420 (2) (n).

4 **SECTION 53.** 943.46 (2) (a) of the statutes is amended to read:

5 943.46 (2) (a) Obtain or attempt to obtain ~~cable television~~ video service from
6 a ~~company~~ provider by trick, artifice, deception, use of an illegal device or illegal
7 decoder or other fraudulent means with the intent to deprive that ~~company~~ provider
8 of any or all lawful compensation for rendering each type of service obtained. The
9 intent required for a violation of this paragraph may be inferred from the presence
10 on the property and in the actual possession of the defendant of a device not
11 authorized by the ~~cable television company~~ video service provider, the major purpose
12 of which is to permit reception of ~~cable television~~ video services without payment.
13 This inference is rebutted if the defendant demonstrates that he or she purchased
14 that device for a legitimate use.

15 **SECTION 54.** 943.46 (2) (b) of the statutes is amended to read:

16 943.46 (2) (b) Give technical assistance or instruction to any person in
17 obtaining or attempting to obtain any ~~cable television~~ video service without payment
18 of all lawful compensation to the ~~company~~ provider providing that service. This
19 paragraph does not apply if the defendant demonstrates that the technical
20 assistance or instruction was given or the installation of the connection, descrambler
21 or receiving device was for a legitimate use.

22 **SECTION 55.** 943.46 (2) (c) of the statutes is amended to read:

23 943.46 (2) (c) Make or maintain a connection, whether physical, electrical,
24 mechanical, acoustical or by other means, with any cables, wires, components or
25 other devices used for the distribution of ~~cable television~~ video services for the

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1 purpose of distributing ~~cable television~~ video service to any other dwelling unit
2 without authority from a ~~cable television company~~ video service provider.

3 **SECTION 56.** 943.46 (2) (d) of the statutes is amended to read:

4 943.46 (2) (d) Make or maintain a connection, whether physical, electrical,
5 mechanical, acoustical or by other means, with any cables, wires, components or
6 other devices used for the distribution of ~~cable television~~ video services for the
7 purpose of obtaining ~~cable television~~ video service without payment of all lawful
8 compensation to the ~~company~~ provider providing that service. The intent required
9 for a violation of this paragraph may be inferred from proof that the ~~cable~~ video
10 service to the defendant's residence or business was connected under a service
11 agreement with the defendant and has been disconnected by the ~~cable television~~
12 ~~company~~ video service provider and that thereafter there exists in fact a connection
13 to the ~~cable system~~ video service network at the defendant's residence or business.

14 **SECTION 57.** 943.46 (2) (e) of the statutes is amended to read:

15 943.46 (2) (e) Make or maintain any modification or alteration to any device
16 installed with the authorization of a ~~cable television company~~ video service provider
17 for the purpose of intercepting or receiving any program or other service carried by
18 that ~~company~~ provider which that person is not authorized by that ~~company~~ provider
19 to receive. The intent required for a violation of this paragraph may be inferred from
20 proof that, as a matter of standard procedure, the ~~cable television company~~ video
21 service provider places written warning labels on its converters or decoders
22 explaining that tampering with the device is a violation of law and the converter or
23 decoder is found to have been tampered with, altered or modified so as to allow the
24 reception or interception of programming carried by the ~~cable television company~~
25 video service provider without authority to do so. The trier of fact may also infer that

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1 a converter or decoder has been altered or modified from proof that the cable
2 television company video service provider, as a matter of standard procedure, seals
3 the converters or decoders with a label or mechanical device, that the seal was shown
4 to the customer upon delivery of the decoder and that the seal has been removed or
5 broken. The inferences under this paragraph are rebutted if the cable television
6 company video service provider cannot demonstrate that the intact seal was shown
7 to the customer.

8 **SECTION 58.** 943.46 (2) (f) of the statutes is amended to read:

9 943.46 (2) (f) Possess without authority any device or printed circuit board
10 designed to receive from a cable television system video service network any cable
11 television video programming or services offered for sale over that cable television
12 system video service network, whether or not the programming or services are
13 encoded, filtered, scrambled or otherwise made unintelligible, or perform or
14 facilitate the performance of any of the acts under pars. (a) to (e) with the intent that
15 that device or printed circuit be used to receive that cable television company's video
16 service provider's services without payment. Intent to violate this paragraph for
17 direct or indirect commercial advantage or private financial gain may be inferred
18 from proof of the existence on the property and in the actual possession of the
19 defendant of a device if the totality of circumstances, including quantities or
20 volumes, indicates possession for resale.

21 **SECTION 59.** 943.46 (2) (g) of the statutes is amended to read:

22 943.46 (2) (g) Manufacture, import into this state, distribute, publish,
23 advertise, sell, lease or offer for sale or lease any device, printed circuit board or any
24 plan or kit for a device or for a printed circuit designed to receive the cable television
25 video programming or services offered for sale over a cable television system video

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1 service network from a ~~cable television system~~ video service network, whether or not
2 the programming or services are encoded, filtered, scrambled or otherwise made
3 unintelligible, with the intent that that device, printed circuit, plan or kit be used for
4 the reception of that ~~company's~~ provider's services without payment. The intent
5 required for a violation of this paragraph may be inferred from proof that the
6 defendant has sold, leased or offered for sale or lease any device, printed circuit
7 board, plan or kit for a device or for a printed circuit board in violation of this
8 paragraph and during the course of the transaction for sale or lease the defendant
9 expressly states or implies to the buyer that the product will enable the buyer to
10 obtain ~~cable television~~ video service without charge.

11 **SECTION 60.** 943.46 (5) of the statutes is amended to read:

12 943.46 (5) EXCEPTION. This section does not affect the use by a person of ~~cable~~
13 ~~television~~ video services if the services have been paid for and the use is exclusive to
14 the person's dwelling unit. This subsection does not prohibit a board or council of any
15 city, village or town from specifying the number and manner of installation of outlets
16 used by any such person for ~~cable television~~ video services and does not prohibit a
17 ~~cable television company~~ video service provider, in any written contract with a
18 subscriber, from requiring the ~~company's~~ provider's approval for any increase in the
19 number of those outlets used.

20 **SECTION 61. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) The treatment of sections 100.195 (1) (c) 2. and (h) 1. and 165.25 (4) (ar) of
23 the statutes takes effect on April 1, 2007, or on the day after publication, whichever
24 is later.

25 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2192/1dn
MDK:.....

Sen. Plale:

This is a companion bill to LRB-1914/3.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2192/1dn
MDK:cjs:rs

March 9, 2007

Sen. Plale:

This is a companion bill to LRB-1914/3.

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Duerst, Christina

From: Hodgson, Amber
Sent: Friday, March 09, 2007 4:16 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2192/1 Topic: Video service provider franchises

Please Jacket LRB 07-2192/1 for the SENATE.