

**SENATE AMENDMENT 4,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2007 SENATE BILL 107**

April 20, 2007 – Offered by COMMITTEE ON COMMERCE, UTILITIES AND RAIL.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 5, line 9: delete ““Department”” and substitute “Except as provided in  
3 sub. (8) (ag), “department””.

4 **2.** Page 8, line 4: delete “has provided” and substitute “has been providing”.

5 **3.** Page 8, line 9: delete lines 9 to 11 and substitute “individually or together  
6 with its affiliates or parent company, is one of the 10 largest cable operators in the  
7 United States as determined by data collected and reported by the FCC or  
8 determined by information available to the public through a national trade  
9 association representing cable operators.”.

10 **4.** Page 8, line 20: delete lines 20 to 22 and substitute:

11 “(w) “Video franchise area” means the area or areas described in an application  
12 for a video service franchise under sub. (3) (d) 2.”.

1           **5.** Page 9, line 22: after “par. (c)” insert “and sub. (11)”.

2           **6.** Page 12, line 1: delete “\$1,000” and substitute “\$2,000, or, if the applicant  
3 is applying for a modified video service franchise as required under par. (j), an  
4 application fee of \$100”.

5           **7.** Page 13, line 10: delete “telecommunications utility” and substitute “large  
6 telecommunications video service provider”.

7           **8.** Page 13, line 14: delete “telecommunications utility” and substitute “large  
8 telecommunications video service provider”.

9           **9.** Page 14, line 6: delete “willfully and knowingly”.

10          **10.** Page 14, line 12: delete the material beginning with “A revocation” and  
11 ending with “ch. 227.” on line 13 and substitute “The department must, before  
12 revoking any video service franchise, afford a video service provider full due process  
13 that, at a minimum, must include a proceeding before a hearing officer during which  
14 the video service provider must be afforded the opportunity for full participation,  
15 including the right to be represented by counsel, to introduce evidence, to require the  
16 production of evidence, and to question or cross-examine witnesses under oath. A  
17 transcript shall be made of any such hearing. A video service provider may bring an  
18 action to appeal the decision of the department.”.

19          **11.** Page 14, line 19: delete lines 19 to 21 and substitute “video service, the  
20 video service provider shall apply to the department for a modified video service  
21 franchise under par. (d). A video service”.

22          **12.** Page 14, line 23: delete “2.,”.

1           **13.** Page 18, line 22: delete the material beginning with that line and ending  
2 with page 19, line 3, and substitute:

3           “(d) *Duties of interim cable providers and video service providers.* 1. If a  
4 municipality requires an interim cable operator or video service provider to provide  
5 capacity for PEG channels under par. (a), the interim cable operator or video service  
6 provider shall be required to provide transmission capacity sufficient to connect the  
7 interim cable operator’s or video service provider’s headend or video hub office to the  
8 municipality’s PEG access channel origination points existing as of the effective date  
9 of this subdivision .... [revisor inserts date]. A municipality shall permit the interim  
10 cable operator or video service provider to determine the most economically and  
11 technologically efficient means of providing such transmission capacity. If a  
12 municipality requests that such a PEG access channel origination point be relocated,  
13 the interim cable operator or video service provider shall be required to provide only  
14 the first 200 feet of transmission line that is necessary to connect the interim cable  
15 operator or video service provider’s headend or video hub office to such origination  
16 point. A municipality shall be liable for the costs of construction of such a  
17 transmission line beyond the first 200 feet and for any construction costs associated  
18 with additional origination points, but not for the costs associated with the  
19 transmission of PEG programming over such line. The interim cable operator or  
20 video service provider may recover its costs to provide transmission capacity under  
21 this subdivision by identifying and collecting a “PEG Transport Fee” as a separate  
22 line item on customer bills.”.

23           **14.** Page 22, line 8: delete that line and substitute:

1           “(8) DISCRIMINATION; ACCESS TO SERVICES. (ag) *Definition*. In this subsection,  
2 “department” means the department of agriculture, trade and consumer protection.

3           (am) *Discrimination prohibited*. 1. No”.

4           **15.** Page 23, line 10: delete “(a) 2.” and substitute “(am) 2.”.

5           **16.** Page 26, line 9: delete lines 9 to 15 and substitute “No later than 15 days  
6 after the transfer is complete, the successor-in-interest shall apply for a video  
7 service franchise under sub. (3) (d) and comply with sub. (3) (e) 1. The  
8 successor-in-interest may provide video service in the video franchise area during  
9 the period that the department reviews the application.”.

10           **17.** Page 26, line 17: delete “department” and substitute “department of  
11 financial institutions”.

12           **18.** Page 26, line 18: before the period insert “and the department of  
13 agriculture, trade and consumer protection may not promulgate rules interpreting  
14 or establishing procedures for sub. (8)”.

15           **19.** Page 27, line 1: delete lines 1 and 2 and substitute:

16           “(c) The department shall enforce this section, except sub. (8). The department  
17 may bring an action to recover any fees that are due and owing under this section or  
18 to enjoin a violation of this section, except sub. (8), or any rule promulgated under  
19 sub. (3) (f) 4. An action shall be commenced under this paragraph within 3 years after  
20 the occurrence of the unlawful act or practice or be barred.”.

21           **20.** Page 42, line 2: after that line insert:

22           “**SECTION 69m. Fiscal changes.**

23           (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
24 to the department of financial institutions under section 20.144 (1) (g) of the statutes,

1 as affected by the acts of 2005 and 2007, the dollar amount is increased by \$20,000  
2 for fiscal year 2006–07 to increase funding for the purposes for which the  
3 appropriation is made.

4 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation  
5 to the department of financial institutions under section 20.144 (1) (g) of the statutes,  
6 as affected by the acts of 2007, the dollar amount is increased by \$100,000 for fiscal  
7 year 2007–08 and the dollar amount is increased by \$100,000 for fiscal year 2008–09  
8 to increase funding for the purposes for which the appropriation is made.

9 **SECTION 70m. Effective dates.** This act takes effect on the day after  
10 publication, except as follows:

11 (1) SECTION 69m (2) of this act takes effect on the day after publication of the  
12 2007–09 biennial budget act.”.

13

(END)