

**SENATE AMENDMENT 5,
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 12, line 17: after “municipality” insert “, the amount and type of
3 monetary support for access facilities for PEG channels required of incumbent cable
4 operators as described in sub. (7) (em),”.

5 **2.** Page 17, line 20: after “PEG channel” insert “, or monetary support for
6 access facilities for PEG channels pursuant to sub. (7) (em),”.

7 **3.** Page 17, line 22: delete “par. (a)” and substitute “pars. (a) and (d) and sub.
8 (7) (em)”.

9 **4.** Page 19, line 23: after “par. (b)” insert “and the monetary support for access
10 facilities for PEG channels described in par. (em)”.

11 **5.** Page 21, line 24: after that line insert:

1 “(em) *PEG channel monetary support*. 1. This subdivision applies to an
2 incumbent cable operator whose cable franchise is terminated under sub. (3) (b) 2.
3 b. The obligation that is actually imposed by a municipality prior to April 18, 2007,
4 on such an incumbent cable operator to provide monetary support for access facilities
5 for PEG channels and that is contained in a cable franchise existing on the effective
6 date of this subdivision [revisor inserts date], shall continue until the earlier of
7 the following:

8 a. The first day of the 36th month beginning after the effective date of this subd.

9 1. a. [revisor inserts date].

10 b. The date on which the cable franchise would have expired if the cable
11 franchise had not terminated under sub. (3) (b) 2. b.

12 2. The duty of an interim cable operator to provide monetary support for access
13 facilities for PEG channels that is contained in a cable franchise existing on the
14 effective date of this subdivision [revisor inserts date], shall continue until the
15 cable franchise expires.

16 3. Each video service provider providing video service in a municipality shall
17 have the same obligation to provide monetary support for access facilities for PEG
18 channels as the incumbent cable operator with the most subscribers in the
19 municipality as of the effective date of this subdivision [revisor inserts date]. To
20 the extent that such incumbent cable operator provides such support in the form of
21 a percentage of gross revenues or a per subscriber fee, any other video service
22 provider shall pay the same percentage of gross revenues or per subscriber fee to the
23 municipality as the incumbent cable operator. To the extent that such incumbent
24 cable operator provides such support in the form of a lump sum payment without an
25 offset to its franchise fee or video service provider fee, any other video service

1 provider that commences service in the municipality shall pay the municipality a
2 sum equal to the pro rata amount of such lump sum payment based on its proportion
3 of video service customers in such municipality.

4 4. For purposes of this paragraph, the proportion of video service customers of
5 a video service provider shall be determined based on the relative number of
6 subscribers as of the end of the prior calendar year as reported by all incumbent cable
7 operators and holders of video service authorizations.”.

8 **6.** Page 22, line 2: after “provider fee” insert “and any fee imposed for monetary
9 support for access facilities for PEG channels as described in par. (em)”.

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(END)