

3

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: MDF) (Date: 04/13/07)



Please transfer the drafting file for

2005 LRB _____ to the drafting file

for 2007 LRB _____

Handwritten initials: MB

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--- OR ---

Please copy the drafting file for

2007 LRB a 0259 / 1 (include the version) and place it in the

drafting file for 2007 LRB s 0061

For research purposes, because the original 2007 draft was incorporated into another 2007 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

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ASSEMBLY AMENDMENT
TO 2007 ASSEMBLY BILL 207

✓
[INSERT 9-19:]

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

2 1. Page 9, line 19: after that line insert:

3 SECTION 6m. 66.0419 (4) and (5) of the statutes are repealed.

[END OF INSERT 9-19]

4 2. Page 14, line 5: delete "committee,"

INSERT
16-13

5 3. Page 16, line 14: delete lines 14 to 19 and substitute:

6 (c) *Other providers.* A person, other than an incumbent cable operator, who
7 was providing video service immediately before the effective date of this paragraph
8 ... [revisor inserts date], may provide video service without a video service franchise
9 issued by the department. This paragraph ceases to apply to such a person if the
10 person does not apply for a video service franchise no later than the first day of the
11 2nd month beginning after the effective date of this paragraph ... [revisor inserts
12 date].

[END OF INSERT 16-13]

✓ 13 4. Page 18, line 20: before "days" insert "business".

[REPEATED/STRIKED INSERT 15]

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

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(Request Made By: MOT) (Date: 4, 13, 07)



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Please copy the drafting file for

2007 LRB a0291/1 (include the version) and place it in the

drafting file for 2007 LRB S0061/1

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**ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 207**

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

2 **1.** Page 2, line 2: before the period insert "and granting rule-making
3 authority". ✓

4 **2.** Page 14, line 2: after that line insert:

5 (sm) "Qualified cable operator" means any of the following:

6 1. A cable operator that has provided cable service in this state for at least 3
7 years prior to applying for a video service franchise and that has never had a cable
8 franchise revoked by a municipality.

9 2. An affiliate of a cable operator specified in subd. 1.

10 3. A cable operator that, on the date that it applies for a video service franchise,
11 is one of the 10 largest video service providers in the United States as measured by
12 the total number of video service subscribers nationally.

13 4. A parent corporation of a cable operator specified in subd. 3. *ee*

INSERT
14-2

END OF INSERT
14-2

INSERT 14-6:

1 3. Page 14, line 6: after that line insert: ✓

2 (um) "Telecommunications utility" has the meaning given in s. 196.01 (10). ✓

END OF INSERT 14-6

INSERT 17-42:

3 4. Page 17, line 12: after that line insert:

4 5. A description of the services that the applicant proposes to provide.

5 6. An application fee of \$1,000. ✓

END OF INSERT 17-12 ✓

6 5. Page 18, line 6: delete "10 business days" and substitute "15 business days". ✓

7 6. Page 18, line 10: delete lines 10 to 15 and substitute:

INSERT 18-9:

8 2. No later than 15 business days after the filing of an application that the
9 department has determined is complete, the department shall determine whether
10 an applicant is legally, financially, and technically qualified to provide video service.
11 If the department determines that an applicant is legally, financially, and technically
12 qualified to provide video service, the department shall issue a video service
13 franchise to the applicant. If the department determines that an applicant is not
14 legally, financially, and technically qualified to provide video service, the department
15 shall reject the application and shall state the reasons for the determination. If the
16 department fails to make the determination, the department shall be considered to
17 have issued a video service franchise to the applicant, unless the applicant
18 withdraws the application or agrees with the department to an extension of time.

19 3. If an applicant is a telecommunications utility or qualified cable operator,
20 the department shall determine that the applicant is legally, financially, and
21 technically qualified to provide video service. The department shall promulgate
22 rules for determining whether an applicant that is not a telecommunications utility
23 or qualified cable operator is legally, financially, and technically qualified to provide
24 video service. ✓

Notwithstanding subd. 2.)

(9) 4.

END OF INSERT 18-9

1 **7.** Page 18, line 23: delete that line and substitute:

2 "~~(i) Expiration and revocation of video service franchise. 1. Except as provided~~
3 in subd. 2., a video service franchise issued to a".

4 **8.** Page 19, line 2: after that line insert:

INSERT
19-2:

5 ~~6~~ 2. The department may revoke a video service franchise issued to a video
6 service provider if the department determines that the video service provider has
7 willfully and knowingly repeatedly failed to substantially meet a material
8 requirement imposed upon it by this section and the department has not otherwise
9 acquiesced in such noncompliance through a waiver. Before commencing a
10 revocation proceeding, the department shall provide the video service provider
11 written notice of the department's intention to revoke the franchise and the
12 department's reasons for the revocation and afford the video service provider a
13 reasonable opportunity to cure any alleged violation. Before revoking a video service
14 franchise, the department shall afford a video service provider full due process,
15 including a proceeding before a hearing officer during which the video service
16 provider is afforded the opportunity for full participation, including the right to be
17 represented by counsel, introduce evidence, require the production of evidence, and
18 question or cross-examine witnesses under oath. A transcript shall be made of any
19 proceeding or hearing under this subdivision. A decision of the department is subject
20 to judicial review under ch. 227.

A revocation proceeding under this subdivision is a contested case under ch. 227.

INSERT 19-10:

21 **9.** Page 19, line 10: after the period insert "A video service provider that makes
22 a notification regarding a change in the information specified in par. (d) 2., 3., 4., or
23 5., shall include with the notification a fee of \$100. No fee is required for a notification
24 regarding a change in the information specified in par. (d) 1."

END OF INSERT 19-10

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(Request Made By: MDR) (Date: 4/11/07)



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---OR---

Please copy the drafting file for
2007 LRB 20226 1 1 (include the version) and place it in the
drafting file for 2007 LRB 50061/1

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INSERT 29-10

2007 - 2008 LEGISLATURE

LRBa0226/1

MDK:kjf:rs

ASSEMBLY AMENDMENT,
TO 2007 ASSEMBLY BILL 207

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

2 1. Page 29, line 10: after that line insert:

3 ^{ca}(9m) LOCAL BROADCAST STATIONS. (a) In this subsection, a "noncable video
4 service provider" means a video service provider that is not a cable operator.

5 (b) If a local broadcast station is authorized to exercise against a cable operator
6 the right to require mandatory carriage under 47 USC 534, or the right to grant or
7 withhold retransmission consent under 47 USC 325 (b), the local broadcast station
8 may exercise the same right against a noncable video service provider to the same
9 extent as the local broadcast station may exercise such right against a cable operator
10 under federal law.

11 (c) A noncable video service provider shall transmit, without degradation, the
12 signals that a local broadcast station delivers to the noncable video service provider,

INSERT 29-10
(cont'd)

1 but is not required to utilize the same or similar reception technology as the local
2 broadcast station or the programming providers of the local broadcast station.

3 (d) A noncable video service provider may not do any of the following:

4 1. Discriminate among or between local broadcast stations, or programming
5 providers of local broadcast stations, with respect to the transmission of their
6 signals.

7 2. Delete, change, or alter a copyright identification transmitted as part of a
8 local broadcast station's signal. *ell*

9 (END)

END of INSERT
29-10

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

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(Request Made By: MDTC) (Date: 4/13/07)

↑ ↑ ↑ ↑

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Done

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-- OR --

Please copy the drafting file for

2007 LRB a0283 12 (include the version) and place it in the

drafting file for 2007 LRB 50061/1

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**ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 207**

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

2 **1.** Page 19, line 13: after "s. 66.0425" insert "and except as provided in s.
3 182.017".

4 **2.** Page 26, line 15: delete "or any permit fee" and substitute "or,
5 notwithstanding s. 182.017, any permit fee".

6 **3.** Page 34, line 6: after that line insert:

7 **SECTION 28b.** 182.017 (1) of the statutes is renumbered 182.017 (1r) and
8 amended to read:

9 182.017 (1r) RIGHT-OF-WAY FOR. Any domestic corporation organized to furnish
10 telegraph or telecommunications service or transmit heat, power or electric current
11 to the public or for public purposes, an independent system operator, as defined in
12 s. 196.485 (1) (d), an independent transmission owner, as defined in s. 196.485 (1)
13 (dm), or a cooperative association organized under ch. 185 or 193 to furnish telegraph

INSERT
34-6

INSERT 34-6 (cont'd):

1 or telecommunications service or a cooperative organized under ch. 185 to transmit
2 heat, power or electric current to its members, company may, subject to ss. 30.44
3 (3m), 30.45, 86.16, and 196.491 (3) (d) 3m. and to reasonable regulations made by any
4 city, village or town municipality through which its transmission lines or systems
5 may pass, construct and maintain such lines or systems with all necessary
6 appurtenances in, across or beneath any public highway or bridge or any stream or
7 body of water, or upon any lands of any owner consenting thereto, and for such
8 purpose may acquire lands or the necessary easements; and may connect and operate
9 its lines or system with other lines or systems devoted to like business, within or
10 without this state, and charge reasonable rates for the transmission and delivery of
11 messages or the furnishing of heat, power, or electric light.

12 **SECTION 28f.** 182.017 (1g) of the statutes is created to read:

13 182.017 **(1g)** DEFINITIONS. In this section:

14 (a) "Commission" means the public service commission.

15 (b) "Company" means any of the following:

16 1. A domestic corporation organized to furnish telegraph or
17 telecommunications service or transmit heat, power, or electric current to the public
18 or for public purposes.

19 2. An independent system operator, as defined in s. 196.485 (1) (d).

20 3. An independent transmission owner, as defined in s. 196.485 (1) (dm).

21 4. A cooperative association organized under ch. 185 or 193 to furnish telegraph
22 or telecommunications service.

23 5. A cooperative association organized under ch. 185 to transmit heat, power,
24 or electric current to its members.

25 6. An interim cable operator, as defined in s. 66.0420 (2) (n).

(IN SEAT 34-6 (cont'd)):

1 7. A video service provider, as defined in s. 66.0420 (2) (zg).

2 (c) "Municipality" means a city, village, or town.

3 SECTION 28k. 182.017 (3) of the statutes is amended to read:

4 182.017 (3) ABANDONED LINES REMOVED. The public-service commission after a
5 public hearing as provided in s. 196.26, and subject to the right of review as provided
6 in ch. 227, may declare any line to have been abandoned or discontinued, if the facts
7 warrant such finding. Whenever such a finding shall have been made the
8 ~~corporation~~ company shall remove such line, and on failure for 3 months after such
9 finding of abandonment or discontinuance, any person owning land over, through or
10 upon which such line shall pass, may remove the same, or the supervisors of any town
11 within which said lines may be situated, may remove the said lines from the limits
12 of its highways, and such person or supervisors shall be entitled to recover from the
13 company owning the lines the expense for labor involved in removing the property.

14 SECTION 28p. 182.017 (5) of the statutes is amended to read:

15 182.017 (5) TREE TRIMMING. Any ~~such corporation~~ company which shall in any
16 manner destroy, trim or injure any shade or ornamental trees along any such lines
17 or systems, or, in the course of tree trimming or removal, cause any damage to
18 buildings, fences, crops, livestock or other property, except by the consent of the
19 owner, or after the right so to do has been acquired, shall be liable to the person
20 aggrieved in 3 times the actual damage sustained, besides costs.

21 SECTION 28s. 182.017 (6) of the statutes is amended to read:

22 182.017 (6) MUNICIPAL FRANCHISE REQUIRED. No lighting or heating corporation
23 or cooperative association shall have any right hereunder in any city, village or town
24 municipality until it has obtained a franchise or written consent for the erection or
25 installation of its lines from such ~~city, village or town~~ municipality.

lighting or heating

INSEAT 34-6
(Cont'd):

1 SECTION 28w. 182.017 (8) of the statutes is created to read:

2 182.017 (8) COMMISSION REVIEW. Upon complaint by a company that a
3 regulation by a municipality under sub. (1r) is unreasonable, the commission shall
4 set a hearing and, if the commission finds that the regulation is unreasonable, the
5 regulation shall be void.

6 SECTION 28y. 182.017 (9) of the statutes is created to read:

7 182.017 (9) TIME LIMIT FOR PERMITS. If a municipality establishes a permit
8 process under sub. (1r), the municipality shall approve or deny a permit application
9 no later than 60 days after receipt of the application. If a municipality denies a
10 permit application, the municipality shall provide the applicant a written
11 explanation of the reasons for the denial at the time that the municipality denies the
12 application.

13 END OF INSEAT 34-6
(END)

and if the municipality fails to do so, the municipality shall be considered to have approved the application and granted the permit

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0061/1ins
MDK:.....

1

~~4~~ **INSERT 38-13:**

2

SECTION 48m. 196.85 (1m) (d) of the statutes is created to read:

3

196.85 (**1m**) (d) For the purpose of direct assessment under sub. (1) of expenses

4

incurred by the commission in connection with its activities under s. 182.017, the

5

term "public utility" includes a company, as defined in s. 182.017 (1g) (b).

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--OR--

Please copy the drafting file for
2007 LRB a0728/1/1 (include the version) and place it in the
drafting file for 2007 LRB s006/1/1

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---OR---

Please copy the drafting file for
2007 LRB a028511 (include the version) and place it in the
drafting file for 2007 LRB s006111

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

LRBs0061/1dn
MDK:.....

gs

Rep. Montgomery:

This substitute makes the following changes to AB 207:

1. It incorporates, without change, the following amendments to AB 207: LRBa0226/1, LRBa0227/1, LRBa0228/1, and LRBa0259/1.
2. It incorporates the following amendments, with changes requested by David Lovell and John Stolzenberg, as well as a change requested by Adam Raschka regarding automatic issuance of rights-of-way permits: LRBa0283/2, LRBa0285/1, and LRBa0291/1.
3. It makes certain other changes requested by David Lovell and John Stolzenberg.

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

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

LRBs0061/1dn
MDK:cjs:jf

April 13, 2007

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3. It makes certain other changes requested by David Lovell and John Stolzenberg.

Mark D. Kunkel
Senior Legislative Attorney
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