

**ASSEMBLY AMENDMENT 9,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 24, 2007 – Offered by Representative MONTGOMERY.

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:

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

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

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

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

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

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

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

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

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

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

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

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

