

## 2007 DRAFTING REQUEST

### Assembly Amendment (AA-ASA1-AB207)

Received: 04/23/2007

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Adtl. Drafters:

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

---

#### Topic:

Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

---

#### Instructions:

See Attached

---

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 04/23/2007	jdyer 04/24/2007		_____			
/1			jfrantze 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/2	mkunkel 04/24/2007	wjackson 04/24/2007	pgreensl 04/24/2007	_____	mbarman 04/24/2007	mbarman 04/24/2007	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mkunkel 04/24/2007	wjackson 04/24/2007	sherritz 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/4	mkunkel 04/24/2007	wjackson 04/24/2007	rschlue 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/5	mkunkel 04/24/2007	wjackson 04/24/2007	rschlue 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	

FE Sent For:

**<END>**

**2007 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB207)**

Received: **04/23/2007**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 04/23/2007	jdyer 04/24/2007		_____			
/1			jfrantze 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/2	mkunkel 04/24/2007	wjackson 04/24/2007	pgreensl 04/24/2007	_____	mbarman 04/24/2007	mbarman 04/24/2007	

Handwritten signature and date 4/24/07

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mkunkel 04/24/2007	wjackson 04/24/2007	sherritz 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/4	mkunkel 04/24/2007	wjackson 04/24/2007	rschlue 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	

15 wly 4/24

FE Sent For:

<END>

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB207)

Received: 04/23/2007

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Mark Gottlieb (608) 267-2369

By/Representing: Denise Solie

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gottlieb@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 04/23/2007	jdyer 04/24/2007		_____			
/1			jfrantze 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/2	mkunkel 04/24/2007	wjackson 04/24/2007	pgreensl 04/24/2007	_____	mbarman 04/24/2007	mbarman 04/24/2007	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mkunkel 04/24/2007	wjackson 04/24/2007	sherritz 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	

*1/4 wly 4/29*

FE Sent For:

**<END>**

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB207)

Received: 04/23/2007

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Mark Gottlieb (608) 267-2369

By/Representing: Denise Solie

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gottlieb@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 04/23/2007	jdyer 04/24/2007		_____			
/1			jfrantze 04/24/2007	_____	lparisi 04/24/2007	lparisi 04/24/2007	
/2	mkunkel 04/24/2007	wjackson 04/24/2007	pgreensl 04/24/2007	_____	mbarman 04/24/2007	mbarman 04/24/2007	

13 Wj 4/24 sh 4/24 sh/ra 4/24

FE Sent For:

<END>



2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB207)

Received: 04/23/2007

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Mark Gottlieb (608) 267-2369

By/Representing: Denise Solie

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gottlieb@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 04/23/2007	jdyer 04/24/2007					
/1		1/2 Wlj 4/24	jfrantze 04/24/2007	<i>[Handwritten initials]</i>	lparisi 04/24/2007	lparisi 04/24/2007	

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB207)**

Received: 04/23/2007

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

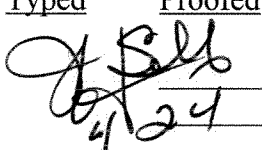
---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel	1/4/24 jld					

FE Sent For:

<END>

## Kunkel, Mark

---

**From:** Solie, Denise  
**Sent:** Monday, April 23, 2007 6:31 PM  
**To:** Kunkel, Mark  
**Subject:** RE: LRB 07a0376 Topic: Termination of existing cable franchises

OK. Will do.

BTW, if you need text for a drafting request on that other amendment, here it is:

Allow a municipality to charge a video service provider a permit fee for work being done in a right of way. Require that the amount of franchise fees, paid by a video service provider to a municipality, be reduced by the amount of permit fees charged by a municipality.

denise

---

**From:** Kunkel, Mark  
**Sent:** Monday, April 23, 2007 6:18 PM  
**To:** Solie, Denise  
**Subject:** RE: LRB 07a0376 Topic: Termination of existing cable franchises

Tomorrow morning is fine. It won't be ready to go until 9 am.

---

**From:** Solie, Denise  
**Sent:** Monday, April 23, 2007 6:13 PM  
**To:** Kunkel, Mark  
**Subject:** RE: LRB 07a0376 Topic: Termination of existing cable franchises

Sorry. Forgot.  
Will send it over with a page ASAP, which is probably tomorrow morning.  
Thanks, Mark!

denise

---

**From:** Kunkel, Mark  
**Sent:** Monday, April 23, 2007 6:12 PM  
**To:** Solie, Denise  
**Subject:** RE: LRB 07a0376 Topic: Termination of existing cable franchises

Denise:

If you haven't done so already, please return the jacket for the amendment on Tuesday morning. The amendment should be ready to go as soon as the jacket is returned and our front office personnel processes the amendment Tues. morning.

-- Mark

---

**From:** Solie, Denise  
**Sent:** Monday, April 23, 2007 4:37 PM  
**To:** Kunkel, Mark  
**Subject:** FW: LRB 07a0376 Topic: Termination of existing cable franchises  
**Importance:** High

We would like a /2, please.

Please change the language in the amendment from "if another video service provider is providing video service in the municipality that granted the cable franchise to the incumbent cable operator" to "if another video service provider has been granted a state franchise in the municipality that granted the cable franchise to the incumbent cable

operator."

denise

---

**From:** Basford, Sarah  
**Sent:** Monday, April 23, 2007 12:15 PM  
**To:** Rep.Gottlieb  
**Subject:** LRB 07a0376 Topic: Termination of existing cable franchises

The attached proposal has been jacketed for introduction.

A copy has also been sent to:

<< File: LRB a0376\_1 >>

Stays *R* + *JL*

9040211

RM  
NOT  
RM

TUES  
4-24  
9am

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

AA to AS41 to AB207

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

2 **1.** Page 22, line 6: delete "notwithstanding s. 182.017" and substitute "except  
3 as provided in a regulation under s. 182.017 (1r)".

4 (END)

INSERT 1-1

**2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0402/1ins  
MDK:.....

1  
2  
3  
4  
5  
6  
7

**INSERT 1-1:**

**1.** Page 19, line 20: delete “subd. 2.” and substitute “subds. 2. and 2m.”. ✓

**2.** Page 20, line 12: after that line insert:

“2m. ✓ If a municipality requires a video service provider to pay a fee under a  
regulation under s. 182.017 (1r) ✓ in a calendar quarter, the video service provider may  
deduct the amount of the fee from the video service provider fee that is due for that  
calendar quarter under ✓ subd. 1.”. ✓

## Kunkel, Mark

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 12:13 PM  
**To:** Kunkel, Mark  
**Subject:** FW: LRB 07a0402 Topic: Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

**Importance:** High

**Attachments:** LRB a0402\_1

Mark,

We need a re-draft. Lines 6 & 7 delete "for that calendar quarter under subd. 1."

Insert "at any future time." instead.

We don't care when in the future they get the credit, just that they do.

Call me on my cell phone (239-6754) if you need to speak with me.

denise

---

**From:** Parisi, Lori  
**Sent:** Tuesday, April 24, 2007 8:49 AM  
**To:** Rep.Gottlieb  
**Subject:** LRB 07a0402 Topic: Allow municipalities to charge fee for work in rights-of-way, but require deduction of such fees from video service provider fees paid to the municipality

The attached proposal has been jacketed for introduction.

A copy has also been sent to:



07a04021.pdf (10  
KB)

*stays*

*RM  
has  
been  
run*

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

*at any future  
time*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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

**1.** Page 19, line 20: delete "subd. 2." and substitute "subds. 2. and 2m."

**2.** Page 20, line 12: after that line insert:

"2m. If a municipality requires a video service provider to pay a fee under a regulation under s. 182.017 (1r) in a calendar quarter, the video service provider may deduct the amount of the fee from the video service provider fee that is due ~~for that~~ ~~calendar quarter under subd. 1c~~".

*STET  
Period*

**3.** Page 22, line 6: delete "notwithstanding s. 182.017" and substitute "except as provided in a regulation under s. 182.017 (1r)".

(END)



## Kunkel, Mark

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 4:40 PM  
**To:** Kunkel, Mark  
**Subject:** Drafting request: AB 207 amendment LRB 0402/3

**Importance:** High

Mark,

After discussing the /2 with all parties involved, we need a /3 please. We need Section 2 of 0402/2 to become as follows:

Page 20, line 12: after that line insert:

(a) If a municipality requires a video service provider to pay a cost-based permit fee under a regulation under s. 182.017 (1r) in a calendar quarter, the video service provider may deduct the amount of the fee from any other compensation that is due to the municipality for that calendar quarter under subd. 1, including under s. ~~66.0420(7)~~.

(b) insert the complete text of (admin code) PSC 130.05 [renumber, as necessary].

✓ Page 22, line 6: delete "notwithstanding s. 182.017" and substitute "except as provided in a regulation under s. 182.017 (1r)".

[Do whatever you need to with respect to renumbering and in section 1 as well:

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

Page 19, line 20: delete "subd. 2." and substitute "subds. 2. and 2m.".]

✓  
Please call me on my cell, or send me an email if you have questions...I'll be on the floor. Thanks.

Denise Solie  
Rep. Mark Gottlieb  
Cell: 239.6754  
608.267.2370

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

## Chapter PSC 130

### MUNICIPAL REGULATION OF MUNICIPAL RIGHTS-OF-WAY

PSC 130.01	Definitions.
PSC 130.02	Scope.
PSC 130.03	Special design and construction conditions.
PSC 130.04	Discrimination.
PSC 130.05	Management function costs.
PSC 130.06	Bonds and insurance.
PSC 130.07	Restoration.

PSC 130.08	Compliance with existing law.
PSC 130.09	Permanent relocation of utility facilities.
PSC 130.10	Advanced excavation work plans.
PSC 130.11	Facilities mapping.
PSC 130.12	Abandonment.
PSC 130.13	Municipal regulation challenges.

#### PSC 130.01 Definitions. In this chapter:

(1) "Actual cost" means identifiable costs that are reasonably incurred by a municipality, but does not include a contribution of surplus income to general revenues.

(2) "Municipal regulation" includes any ordinance or resolution adopted by the governing body of a municipality relating to utility use of municipal rights-of-way or any contract entered into by a municipality and a utility relating to utility use of municipal rights-of-way.

(3) "Municipal right-of-way" means a right-of-way owned or controlled by a municipality.

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

(5) "Transmission and distribution facilities" includes any utility pipe, pipeline, wire, cable, duct, conduit, fiber optics or radio signal transmission equipment, and associated utility plant and equipment, whether underground or above ground, in a municipal right-of-way.

(6) "Utility" means a public utility, as defined in s. 196.01 (5), Stats., and includes a telecommunications carrier, as defined in s. 196.01 (8m), Stats.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.02 Scope.** This chapter applies to complaints involving utility access to and use of municipal rights-of-way within a municipality under ss. 196.499 (14) and 196.58 (4), Stats.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.03 Special design and construction conditions.** (1) Except as provided in sub. (2), a municipal regulation that requires a utility to install, at the utility's expense, transmission or distribution facilities which are not consistent with the utility's practice for design or construction of utility facilities is unreasonable unless there is an adequate health, safety, or public welfare justification for the requirement. Aesthetics alone is not an adequate basis to justify a requirement to install facilities underground.

(2) Subsection (1) does not apply if all of the following conditions are met:

(a) The municipality or a third party agrees to reimburse the utility for the difference in cost between the standard design or construction techniques of the utility and any special design or construction requirement sought by the municipality.

(b) The special design or construction requirement is consistent with safe and reliable utility construction practices.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.04 Discrimination.** Unless there is an adequate health, safety, or public welfare justification, it is unreasonable for a municipality to deny a utility access to a municipal right-of-way or to discriminate between utilities seeking access to municipal rights-of-way.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.05 Management function costs.** (1) A municipal regulation is unreasonable if it requires a utility to pay more than the actual cost of functions undertaken by the municipality to manage utility access to and use of municipal rights-of-way. These management functions include all of the following:

(a) Registering utilities, including the gathering and recording of information necessary to conduct business with a utility.

(b) Except as provided in sub. (2), issuing, processing, and verifying excavation or other utility permit applications, including supplemental applications.

(c) Inspecting utility job sites and restoration projects.

(d) Maintaining, supporting, protecting, or moving utility equipment during work in municipal rights-of-way.

(e) Undertaking restoration work inadequately performed by a utility after providing notice and the opportunity to correct the work.

(f) Revoking utility permits.

(g) Maintenance of databases.

(h) Scheduling and coordinating highway, street, and right-of-way work relevant to a utility permit.

(2) A municipal regulation is unreasonable if it requires a utility to be responsible for fees under s. 182.0175 (1m) (bm), Stats., that may be assessed to a municipality as a member of the one-call system under s. 182.0175, Stats.

(3) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under sub. (1) (a), (b), (c), and (g) through a pre-excavation permit fee.

(4) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under sub. (1) (d), (e), and (f) only from the utility that is responsible for causing the municipality to incur the costs.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.06 Bonds and insurance.** A municipal regulation may impose reasonable bonding and insurance requirements on a utility seeking a permit to use a municipal right-of-way, provided the municipality has reasonable grounds to question the financial responsibility or compliance ability of the utility.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.07 Restoration.** A municipal regulation is unreasonable if it requires a utility to restore a municipal right-of-way to a condition that improves upon the pre-excavation condition.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03.

**PSC 130.08 Compliance with existing law.** A municipal regulation is unreasonable if it is not in substantial compliance with state statutes, including ss. 66.0831 and 66.1005 (2), Stats.

History: CR 01-077: cr. Register June 2003 No. 570, eff. 7-1-03; correction made under s. 13.93 (2m) (b) 7., Stats.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBa0402/20  
MDK:wlj&jld:pg (3)  
stays RM  
has  
been  
run

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

cost-based  
permit

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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

1. Page 19, line 20: delete "subd. 2." and substitute "subds. 2. and 2m."

2. Page 20, line 12: after that line insert:

"2m. If a municipality requires a video service provider to pay a fee under a regulation under s. 182.017 (1r) in a calendar quarter, the video service provider may deduct the amount of the fee from the ~~video service provider fee that is due at any future time.~~"

3. Page 22, line 6: delete "notwithstanding s. 182.017" and substitute "except as provided in a regulation under s. 182.017 (1r)".

(END)

INSERT 1-7

INSERT 1-10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**INSERT 1-7:**

~~from~~ any other compensation that is due to the municipality for that calendar quarter under subd. 1

**INSERT 1-10:**

~~1.~~ Page 32, line 21: before "Upon" insert "(a)".

~~2.~~ Page 32, line 24: after that line insert:

"(b) A municipal regulation is unreasonable if it requires a company to pay more than the actual cost of functions undertaken by the municipality to manage company access to and use of municipal rights-of-way. These management functions include all of the following:

1. Registering companies, including the gathering and recording of information necessary to conduct business with a company.
2. Except as provided in provided in par. (c), issuing, processing, and verifying excavation or other company permit applications, including supplemental applications.
3. Inspecting company job sites and restoration projects.
4. Maintaining, supporting, protecting, or moving company equipment during work in municipal rights-of-way.
5. Undertaking restoration work inadequately performed by a company after providing notice and the opportunity to correct the work.
6. Revoking company permits.
7. Maintenance of databases.

1           8. Scheduling and coordinating highway, street, and right-of-way work  
2 relevant to a company permit.

3           (c) A municipal regulation is unreasonable if it requires a company to be  
4 responsible for fees under s. 182.0175 (1m) (bm) that may be assessed to a  
5 municipality as a member of the one-call system under s. 182.0175.

6           (d) It is reasonable for a municipal regulation to provide for the recovery of costs  
7 incurred under par. (b) 1., 2., 3, and 7. through a pre-excavation permit fee.

8           (e) It is reasonable for a municipal regulation to provide for the recovery of costs  
9 incurred under par. (b) 4., 5., and 6. only from the company that is responsible for  
10 causing the municipality to incur the costs.”

## Kunkel, Mark

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 5:49 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Drafting request: AB 207 amendment LRB 0402/4

Mark read the draft. I neglected to make two changes that he wanted:  
On page 1 line 5, delete "in a calendar quarter" ✓  
And again on line 7, delete "for that calendar quarter" ✓

We want to drop the time requirement cOmpletely..

Please email or call (239-6754), if you have questions.

Thanks, denise

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 4:40 PM  
**To:** Kunkel, Mark  
**Subject:** Drafting request: AB 207 amendment LRB 0402/3  
**Importance:** High

Mark,

After discussing the /2 with all parties involved, we need a /3 please. We need Section 2 of 0402/2 to become as follows:

Page 20, line 12: after that line insert:

(a) If a municipality requires a video service provider to pay a cost-based permit fee under a regulation under s. 182.017 (1r) in a calendar quarter, the video service provider may deduct the amount of the fee from any other compensation that is due to the municipality for that calendar quarter under subd. 1, including under s.66.0420(7)".

(b) insert the complete text of (admin code) PSC 130.05 [renumber, as necessary].

Page 22, line 6: delete "notwithstanding s. 182.017" and substitute "except as provided in a regulation under s. 182.017 (1r)".

[Do whatever you need to with respect to renumbering and in section 1 as well:  
At the locations indicated, amend the substitute amendment as follows:  
Page 19, line 20: delete "subd. 2." and substitute "subds. 2. and 2m.".]

Please call me on my cell, or send me an email if you have questions...I'll be on the floor. Thanks.

Denise Solie  
Rep. Mark Gottlieb  
Cell: 239.6754  
608.267.2370

9  
stays  
RM has  
been  
seen

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

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

2 **1.** Page 19, line 20: delete “subd. 2.” and substitute “subds. 2. and 2m.”

3 **2.** Page 20, line 12: after that line insert:

4 “2m. If a municipality requires a video service provider to pay a cost-based  
5 permit fee under a regulation under s. 182.017 (1r) in a calendar quarter, the video  
6 service provider may deduct the amount of the fee from any other compensation that  
7 is due to the municipality for that calendar quarter under subd. 1.”

8 **3.** Page 22, line 6: delete “notwithstanding s. 182.017” and substitute “except  
9 as provided in a regulation under s. 182.017 (1r)”.

10 **4.** Page 32, line 21: before “Upon” insert “(a)”.

11 **5.** Page 32, line 24: after that line insert:

1           “(b) A municipal regulation is unreasonable if it requires a company to pay  
2 more than the actual cost of functions undertaken by the municipality to manage  
3 company access to and use of municipal rights-of-way. These management  
4 functions include all of the following:

5           1. Registering companies, including the gathering and recording of information  
6 necessary to conduct business with a company.

7           2. Except as provided in provided in par. (c), issuing, processing, and verifying  
8 excavation or other company permit applications, including supplemental  
9 applications.

10          3. Inspecting company job sites and restoration projects.

11          4. Maintaining, supporting, protecting, or moving company equipment during  
12 work in municipal rights-of-way.

13          5. Undertaking restoration work inadequately performed by a company after  
14 providing notice and the opportunity to correct the work.

15          6. Revoking company permits.

16          7. Maintenance of databases.

17          8. Scheduling and coordinating highway, street, and right-of-way work  
18 relevant to a company permit.

19           (c) A municipal regulation is unreasonable if it requires a company to be  
20 responsible for fees under s. 182.0175 (1m) (bm) that may be assessed to a  
21 municipality as a member of the one-call system under s. 182.0175.

22           (d) It is reasonable for a municipal regulation to provide for the recovery of costs  
23 incurred under par. (b) 1., 2., 3, and 7. through a preexcavation permit fee.



1           (e) It is reasonable for a municipal regulation to provide for the recovery of costs  
2 incurred under par. (b) 4., 5., and 6. only from the company that is responsible for  
3 causing the municipality to incur the costs.”.

4   (END)

## Kunkel, Mark

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 8:13 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Drafting request: AB 207 amendment LRB 0402/5

I PROMISE this is the last request.

Page 1, line 7, after the word "municipality" insert "including the video service provider fee" to read: Municipality insert including the video service provider fee under subd. 1."

This will be the last (for us, at least), and the stripes are on their way back.

Thanks!

denise

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 5:49 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Drafting request: AB 207 amendment LRB 0402/4

Mark read the draft. I neglected to make two changes that he wanted:  
On page 1 line 5, delete "in a calendar quarter"  
And again on line 7, delete "for that calendar quarter"

We want to drop the time requirement c0mpletely..

Please email or call (239-6754), if you have questions.

Thanks, denise

---

**From:** Solie, Denise  
**Sent:** Tuesday, April 24, 2007 4:40 PM  
**To:** Kunkel, Mark  
**Subject:** Drafting request: AB 207 amendment LRB 0402/3  
**Importance:** High

Mark,

After discussing the /2 with all parties involved, we need a /3 please. We need Section 2 of 0402/2 to become as follows:

Page 20, line 12: after that line insert:

(a) If a municipality requires a video service provider to pay a cost-based permit fee under a regulation under s. 182.017 (1r) in a calendar quarter, the video service provider may deduct the amount of the fee from any other compensation that is due to the municipality for that calendar quarter under subd. 1, including under s.66.0420(7)".

(b) insert the complete text of (admin code) PSC 130.05 [renumber, as necessary].

Page 22, line 6: delete "notwithstanding s. 182.017" and substitute "except as provided in a regulation under s. 182.017 (1r)".

[Do whatever you need to with respect to renumbering and in section 1 as well:

At the locations indicated, amend the substitute amendment as follows:  
Page 19, line 20: delete "subd. 2." and substitute "subds. 2. and 2m.".]

Please call me on my cell, or send me an email if you have questions...I'll be on the floor. Thanks.

Denise Solie  
Rep. Mark Gottlieb  
Cell: 239.6754  
608.267.2370

↑  
stays

(5)

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

including the  
video service  
provider fee

- 1           At the locations indicated, amend the substitute amendment as follows:
- 2           **1.** Page 19, line 20: delete “subd. 2.” and substitute “subds. 2. and 2m.”.
- 3           **2.** Page 20, line 12: after that line insert:
- 4           “2m. If a municipality requires a video service provider to pay a cost-based
- 5           permit fee under a regulation under s. 182.017 (1r), the video service provider may
- 6           deduct the amount of the fee from any other compensation that is due to the
- 7           municipality under subd. 1.”.
- 8           **3.** Page 22, line 6: delete “notwithstanding s. 182.017” and substitute “except
- 9           as provided in a regulation under s. 182.017 (1r)”.
- 10          **4.** Page 32, line 21: before “Upon” insert “(a)”.
- 11          **5.** Page 32, line 24: after that line insert:

1           “(b) A municipal regulation is unreasonable if it requires a company to pay  
2 more than the actual cost of functions undertaken by the municipality to manage  
3 company access to and use of municipal rights-of-way. These management  
4 functions include all of the following:

5           1. Registering companies, including the gathering and recording of information  
6 necessary to conduct business with a company.

7           2. Except as provided in provided in par. (c), issuing, processing, and verifying  
8 excavation or other company permit applications, including supplemental  
9 applications.

10          3. Inspecting company job sites and restoration projects.

11          4. Maintaining, supporting, protecting, or moving company equipment during  
12 work in municipal rights-of-way.

13          5. Undertaking restoration work inadequately performed by a company after  
14 providing notice and the opportunity to correct the work.

15          6. Revoking company permits.

16          7. Maintenance of databases.

17          8. Scheduling and coordinating highway, street, and right-of-way work  
18 relevant to a company permit.

19           (c) A municipal regulation is unreasonable if it requires a company to be  
20 responsible for fees under s. 182.0175 (1m) (bm) that may be assessed to a  
21 municipality as a member of the one-call system under s. 182.0175.

22           (d) It is reasonable for a municipal regulation to provide for the recovery of costs  
23 incurred under par. (b) 1., 2., 3, and 7. through a preexcavation permit fee.

1 (e) It is reasonable for a municipal regulation to provide for the recovery of costs  
2 incurred under par. (b) 4., 5., and 6. only from the company that is responsible for  
3 causing the municipality to incur the costs.”.

4 (END)