

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

April 17, 2007 - Offered by COMMITTEE ON ENERGY AND UTILITIES.

INSERT 30-3.

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

2 **1.** Page 24, line 21: delete "No video" and substitute "Except as provided in s.
3 100.209, no video".

4 **2.** Page 30, line 4: delete lines 4 to 12 and substitute:

5 **SECTION 27d.** 100.209 (title) of the statutes is amended to read:

6 **100.209 (title) Cable television Video programming service subscriber**
7 **rights.**

8 **SECTION 27h.** 100.209 (1) (a) and (b) of the statutes are repealed.

9 **SECTION 27k.** 100.209 (1) (c) and (d) of the statutes are created to read:

10 100.209 (1) (c) "Multichannel video provider" means an interim cable operator,
11 as defined in s. 66.0420 (2) (n), video service provider, as defined in s. 66.0420 (2) (zg),
12 or multichannel video programming distributor, as defined in 47 USC 522 (13).

INSERT 30-3 (cont'd):

1 (d) "Video programming" has the meaning given in s. 66.0420 (2) (x).

2 **SECTION 27p.** 100.209 (2) of the statutes is amended to read:

3 100.209 (2) RIGHTS. (a) A ~~cable operator~~ multichannel video provider shall
4 repair ~~cable~~ video programming service within 72 hours after a subscriber reports
5 a service interruption or requests the repair if the service interruption is not the
6 result of a natural disaster.

7 (b) Upon notification by a subscriber of a service interruption, a ~~cable operator~~
8 multichannel video provider shall give the subscriber a credit for one day of ~~cable~~
9 video programming service if ~~cable~~ video programming service is interrupted for
10 more than 4 hours in one day and the interruption is caused by the ~~cable operator~~
11 multichannel video provider.

12 (bm) Upon notification by a subscriber of a service interruption, a ~~cable~~
13 ~~operator~~ multichannel video provider shall give the subscriber a credit for each hour
14 that ~~cable~~ video programming service is interrupted if ~~cable~~ video programming
15 service is interrupted for more than ~~4~~ 24 hours ~~in one day~~ and the interruption is
16 not caused by the ~~cable operator~~ multichannel video provider.

17 (c) A ~~cable operator~~ multichannel video provider shall give a subscriber at least
18 30 days' advance written notice before deleting a program service from its ~~cable~~ video
19 programming service. A ~~cable operator~~ multichannel video provider is not required
20 to give the notice under this paragraph if the ~~cable operator~~ multichannel video
21 provider makes a channel change because of circumstances beyond the control of the
22 ~~cable operator~~ multichannel video provider.

23 (d) A ~~cable operator~~ multichannel video provider shall give a subscriber at least
24 30 days' advance written notice before instituting a rate increase.

INSERT 30-3 (cont'd):

1 (e) 1. A ~~cable operator~~ multichannel video provider may not disconnect a
2 subscriber's ~~cable~~ video programming service, or a portion of that service, for failure
3 to pay a bill until the unpaid bill is at least 45 days past due.

4 2. If a ~~cable operator~~ multichannel video provider intends to disconnect a
5 subscriber's ~~cable~~ video programming service, or a portion of that service, the ~~cable~~
6 ~~operator~~ multichannel video provider shall give the subscriber at least 10 days'
7 advance written notice of the disconnection. A ~~cable operator~~ multichannel video
8 provider is not required to give the notice under this subdivision if the disconnection
9 is requested by the subscriber, is necessary to prevent theft of ~~cable~~ video
10 programming service or is necessary to reduce or prevent signal leakage, as
11 described in 47 CFR 76.611.

12 SECTION 27t. 100.209 (3) of the statutes is amended to read:

13 100.209 (3) RULES AND LOCAL ORDINANCES ORDERS ALLOWED. This section does
14 not prohibit the department from promulgating a rule or from issuing an order
15 consistent with its authority under this chapter that gives a subscriber greater rights
16 than the rights under sub. (2) or prohibit a city, village or town from enacting an
17 ordinance that gives a subscriber greater rights than the rights under sub. (2)."

18 (END)

END of INSERT
30-3

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 17, 2007 - Offered by COMMITTEE ON ENERGY AND UTILITIES.

INSERT 5-23:

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

2 **1.** Page 5, line 14: before the comma insert ", or received from advertisers".

3 **2.** Page 5, line 23: after that line insert:

4 f. Revenues received from the provision of home shopping or similar
5 programming.

6 g. All revenue, except for refunds, rebates, and discounts, derived by the video
7 service provider for advertising over its video service network to subscribers within
8 a municipality. If such revenue is derived under a regional or national compensation
9 contract or arrangement between the video service provider and one or more
10 advertisers or advertising representatives, the amount of revenue derived for a
11 municipality shall be determined by multiplying the total revenue derived under the
12 contract or arrangement by the percentage resulting from dividing the number of

INSERT 5-23

1 subscribers in the municipality by the total number of regional or national
2 subscribers that potentially receive the advertising under the contract or
3 arrangement. 9 END OF INSERT 5-23

4 ~~3. Page 6, line 7; delete that line.~~

5 ~~4. Page 6, line 17: delete "and billed to video service subscribers".~~

6 ~~5. Page 21, line 20: delete "3" and substitute "4".~~

7 (END)

**ASSEMBLY AMENDMENT 5,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 24, 2007 - Offered by Representatives MOULTON and WOOD.

INSERT 12-17:

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). *END OF INSERT 12-17*

5 **2.** Page 17, line 20: after "PEG channel" insert, *INSERT 17-20:*
6 access facilities for PEG channels pursuant to sub. (7) (em). *END OF INSERT 17-20*

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, *INSERT 19-23:*
10 facilities for PEG channels described in par. (em). *END OF INSERT 19-23*

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

INSERT 21-24

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

INSERT 21-24 (cont'd):

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.

END OF INSERT 21-24

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)"

INSERT 22-2

END OF INSERT 22-2

10

(END)

**ASSEMBLY AMENDMENT 8,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 24, 2007 - Offered by Representatives MASON and MONTGOMERY.

INSERT 30-13:

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

1. Page 30, line 4: after that line insert:

^{of} SECTION 28c. 134.43 (1) of the statutes is renumbered 134.43 (1m) and amended to read:

134.43 (1m) (a) Upon the request of the a subscriber, ~~each cable television connection capable of transmitting a message from the cable~~ the subscriber's equipment shall be fitted with a device under the control of the subscriber that enables the subscriber to prevent reception and transmission of messages identified in par. (b) by the subscriber's ~~cable~~ equipment.

(b) The device in par. (a) shall control all messages received and transmitted by the subscriber's ~~cable~~ equipment except messages recurring at constant intervals, including those related to security, fire, and utility service.

INSERT 30-13 (cont'd)

1 (c) ~~Each cable television~~ Each multichannel video provider shall notify each
2 subscriber shall be notified in writing by the person providing the cable television
3 service of the opportunity to request the device under par. (a).

4 (d) No ~~cable television~~ subscriber may be required to pay any extra fee for the
5 installation and operation of a device requested under par. (a).

6 **SECTION 28g.** 134.43 (1g) of the statutes is created to read:

7 134.43 **(1g)** In this section:

8 (a) "Equipment" means equipment provided by a multichannel video provider
9 that enables a subscriber to receive video programming.

10 (b) "Multichannel video provider" means an interim cable operator, as defined
11 in s. 66.0420 (2) (n), video service provider, as defined in s. 66.0420 (2) (zg), or
12 multichannel video programming distributor, as defined in 47 USC 522 (13).

13 (c) "Subscriber" means a person who subscribes to video programming provided
14 by a multichannel video provider.

15 (d) "Video programming" has the meaning given in s. 66.0420 (2) (x).

16 **SECTION 28n.** 134.43 (1m) (e) of the statutes is created to read:

17 134.43 **(1m)** (e) This subsection does not apply to a multichannel video provider
18 that provides video programming via Internet protocol technology.

19 **SECTION 28r.** 134.43 (2) (a) of the statutes is amended to read:

20 134.43 **(2)** (a) Monitor the subscriber's ~~cable~~ equipment or the use of it, except
21 to verify the system's integrity or to collect information for billing of pay services.

22 **SECTION 28w.** 134.43 (2m) (a) of the statutes is amended to read:

23 134.43 **(2m)** (a) A person may supply the name, address, or other information
24 identifying a ~~cable television~~ subscriber or member of the subscriber's household to
25 another person if the person receiving the information uses it only for billing of pay

INSEAT 30 -13 (cont'd)

1 services or to send listings of cable television video programming programs to the
2 subscriber and if the subscriber is notified in writing of that supplying of
3 information, given the opportunity to object to that supplying and does not object to
4 that supplying. *see*

END OF INSEAT 30-13

(END)

5

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

April 24, 2007 - Offered by Representative MONTGOMERY.

INSERT 8-8.

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. See

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

END OF INSERT 8-8

INSERT 8-20

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.

END OF INSERT 8-20

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

INSERT 12-1

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 \$1000.

END OF INSERT 12-1

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".

INSERT 14-12

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.

END OF INSERT 14-12

INSERT 14-18

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

END OF INSERT 14-18

INSEAT 18-21

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.

END OF INSEAT 18-21

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

INSERT 22-8:

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 ~~22-8~~ *END OF INSERT 22-8*

4 ~~15.~~ Page 23, line 10: delete "(a) 2." and substitute "(am) 2."

INSERT 26-8:

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. *END OF INSERT 26-8*

10 ~~17.~~ Page 26, line 17: delete "department" and substitute "department of
11 financial institutions". *INSERT 26-18:*

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)". *END OF INSERT 26-18*

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

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. *END OF INSERT 27-1*

**ASSEMBLY AMENDMENT 20,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 24, 2007 – Offered by Representatives STONE and MONTGOMERY.

INSERT 32-24:

1 At the locations indicated, amend the substitute amendment as follows:
2 **1.** Page 32, line 24: after "void," insert ^{or} "If the commission determines that a
3 municipal regulation that was in effect on January 1, 2007, and immediately prior
4 to the effective date of this subsection [revisor inserts date], or that a community
5 standard, as demonstrated through consistent practice and custom in the
6 municipality, that was in effect on January 1, 2007, and immediately prior to the
7 effective date of this subsection [revisor inserts date], is substantially the same
8 as the municipal regulation complained of, there is a rebuttable presumption that
9 the latter regulation is reasonable. A municipal regulation is unreasonable if it has
10 the effect of creating a moratorium on the placement of company lines or systems

INSERT 32-24 (cont'd):

1 under sub. (1r) or on the entrance into the municipality of a video service provider,
2 as defined in s. 66.0420 (2) (zg), or is inconsistent with the purposes of s. 66.0420.

3

(END)

END OF INSERT
32-24

**ASSEMBLY AMENDMENT 28,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 24, 2007 - Offered by Representatives GOTTlieb and MONTGOMERY.

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:

INSERT 20-12:

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 including the video service provider fee under subd. 1. *EMU SPENSE T-12*

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:

(INSERT 32 -25)

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.

INSERT 32-25 (encl. 14):

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. *ce*

4

(END)

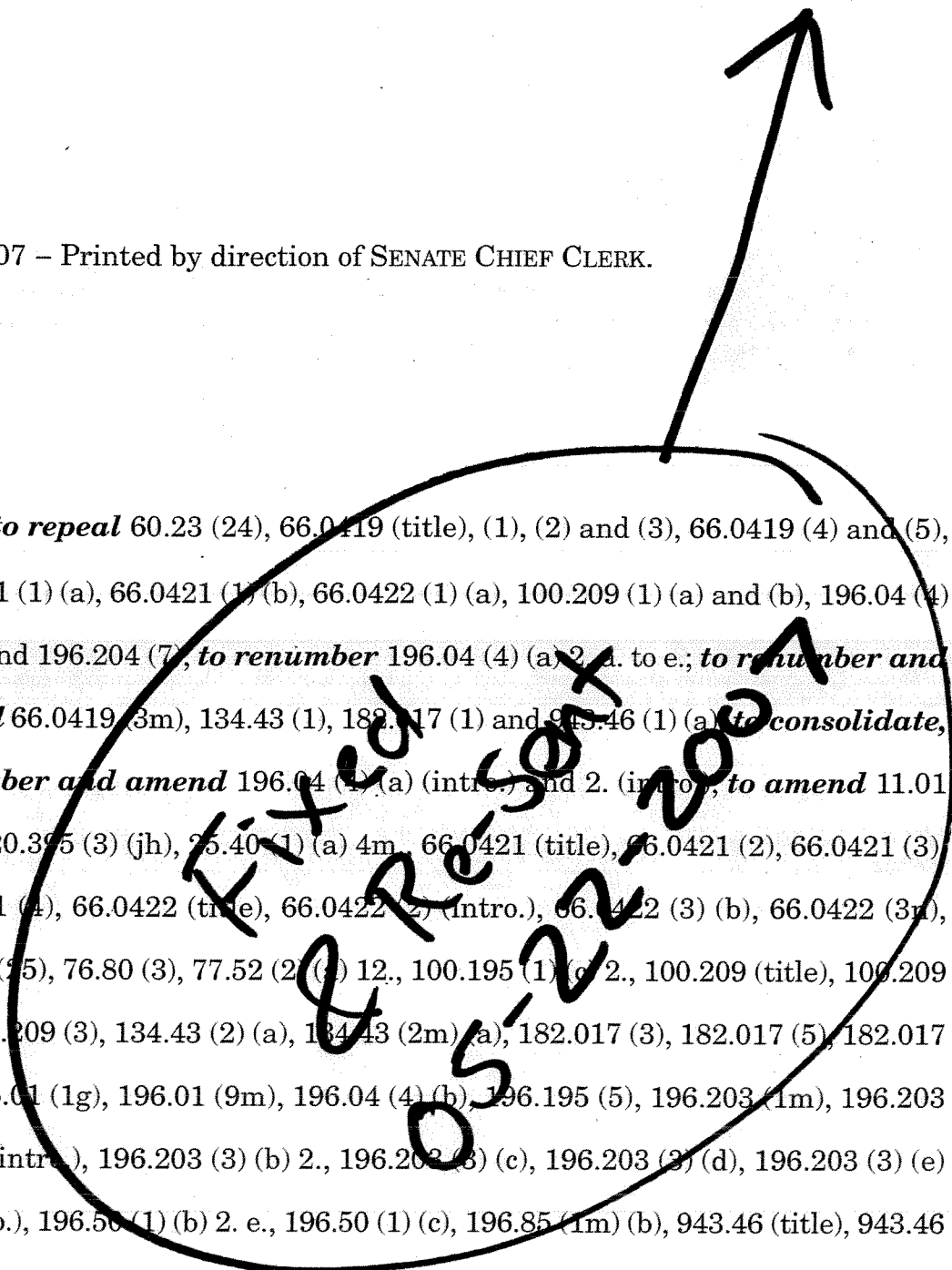
END of INSERT
32-25



ENGROSSED 2007 ASSEMBLY BILL AB-207

May 14, 2007 - Printed by direction of SENATE CHIEF CLERK.

1 AN ACT *to repeal* 60.23 (24), 66.0419 (title), (1), (2) and (3), 66.0419 (4) and (5),
 2 66.0421 (1) (a), 66.0421 (1) (b), 66.0422 (1) (a), 100.209 (1) (a) and (b), 196.04 (4)
 3 (a) 1. and 196.204 (7), *to renumber* 196.04 (4) (a) 2. 1. to e.; *to renumber and*
 4 *amend* 66.0419 (3m), 134.43 (1), 182.017 (1) and 943.46 (1) (a); *to consolidate,*
 5 *renumber and amend* 196.04 (1) (a) (intro.) and 2. (intro.), *to amend* 11.01
 6 (17g), 20.395 (3) (jh), 25.40 (1) (a) 4m., 66.0421 (title), 66.0421 (2), 66.0421 (3),
 7 66.0421 (4), 66.0422 (title), 66.0422 (2) (intro.), 66.0422 (3) (b), 66.0422 (3m),
 8 70.111 (5), 76.80 (3), 77.52 (2) (b) 12., 100.195 (1) (c) 2., 100.209 (title), 100.209
 9 (2), 100.209 (3), 134.43 (2) (a), 134.43 (2m) (a), 182.017 (3), 182.017 (5), 182.017
 10 (6), 196.01 (1g), 196.01 (9m), 196.04 (4) (b), 196.195 (5), 196.203 (1m), 196.203
 11 (3) (b) (intro.), 196.203 (3) (b) 2., 196.203 (3) (c), 196.203 (3) (d), 196.203 (3) (e)
 12 1. (intro.), 196.50 (1) (b) 2. e., 196.50 (1) (c), 196.85 (1m) (b), 943.46 (title), 943.46
 13 (2) (a), 943.46 (2) (b), 943.46 (2) (c), 943.46 (2) (d), 943.46 (2) (e), 943.46 (2) (f),
 14 943.46 (2) (g) and 943.46 (5); *to repeal and recreate* 100.195 (1) (h) 1. and



CCC to
2007
Engrossed/Assembly Bill 207

#. Page 11, line 13: delete "act" and
substitute "subdivision"⊙

NOTE: Corrects terminology consistent with
LRB drafting style and with usage
in remainder of the statutory unit⊙

(END)

10-29

LRB-2728/1

LMK:



State of Wisconsin
2007-2008 LEGISLATURE

CORRECTIONS IN:

ENGROSSED 2007 ASSEMBLY BILL 207

Prepared by the Legislative Reference Bureau
(October 29, 2007)

1. Page 11, line 13: delete "act" and substitute "subdivision".

NOTE: Corrects terminology consistent with LRB drafting style and with usage in remainder of the statutory unit.

(END)