

2007 DRAFTING REQUEST

Senate Amendment (SA-AB207)

Received: 10/28/2007

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Kathleen Vinehout (608) 266-8546

By/Representing: Joel Nilsestuen

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: Sen.Vinehout@legis.wisconsin.gov

Carbon copy (CC:) to: david.lovell@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exemption for municipally regulated cable operators

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 10/28/2007	lkunkel 10/29/2007		_____			
/1			pgreensl 10/29/2007	_____	sbasford 10/29/2007	sbasford 10/29/2007	

FE Sent For:

<END>

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FE Sent For:

<END>

Kunkel, Mark




From: Nilsestuen, Joel
Sent: Friday, October 26, 2007 3:07 PM
To: Kunkel, Mark; Lovell, David
Subject: amendments

Mark and David,

First, thank you for lending your time and talent, it is very much appreciated.

Due to recent changes, the substitute will not see consideration before JFC on Wed and floor action also does not seem likely. For a variety of reasons, I'd like continue work on the substitute amendment and memo after JFC action on Wed...until then we can put it on the back burner.

My boss and Sen. Miller are interested in addressing four areas of SB 107 and developing motions for consideration on Wed.

1. 
2. Maintain municipality's regulatory authority under current law until a competitor provides service. See LRBa0374/1dn
3. 
4. 

I have copies and LRB numbers from the amendments previously drafted. Please let me know if they'd be helpful.

Again, thank you for all of you hard work and attention to this matter. -Joel

Joel Nilsestuen
Office of Sen. Kathleen Vinehout

PO Box 7882
Madison, WI 53707-7882

(608) 266-8546
Joel.Nilsestuen@legis.wisconsin.gov

2007 ⁷ Date (time) needed MONDAY

LRBa 0802 / 1

AMENDMENT

^{PM}
10/29

MDK : lmk :
swlj

See form **AMENDMENTS — COMPONENTS & ITEMS.**

dn

S A AMENDMENT

~~TO S A AMENDMENT (LRBa /),~~

~~TO S A SUBSTITUTE AMENDMENT (LRBs /),~~

~~TO 2005 SB SJR SR (AB) AJR AR 207 (LRB- /)~~

2007

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

(fill ONLY if "engrossed" or "as shown by")

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

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

① ~~At the locations indicated, amend the substitute amendment as follows.~~

2 **1.** Page ~~27~~³⁰, line ~~2~~¹⁴: after that line insert:

3 “(14) EXEMPTION. (a) If an incumbent cable operator was providing cable service
4 in a municipality immediately before the effective date of this paragraph [revisor
5 inserts date], and no other person was providing video service in the municipality
6 immediately before the effective date of this paragraph [revisor inserts date], this
7 section, ~~except sub. (12)~~^{except sub. (12)} does not apply to the incumbent cable operator until a video
8 service provider, other than the incumbent cable operator, provides video service in
9 that municipality. If such a video service provider provides video service in the
10 municipality after the effective date of this paragraph [revisor inserts date], the
11 incumbent cable operator may continue to provide cable service in the municipality

1 under the cable franchise granted by the municipality, or may terminate that cable
2 franchise and apply for a video service franchise under sub. (3) (b) 2. b. ✓

3 (b) During the period that this section, except sub. (12), does not apply to an
4 incumbent cable operator under par. (a), the municipality may regulate the
5 incumbent cable operator, including by doing any of the following:

6 1. Revoking, modifying, reissuing, or extending the incumbent cable operator's
7 cable franchise.

8 2. Regulating the operation of the incumbent cable operator's cable franchise.

9 3. Requiring the payment of franchise fees which, notwithstanding s. 66.0611,
10 may be based on the income or gross revenues of the incumbent cable operator's cable
11 system or measured by such income or gross revenues.

12 4. Establishing rates and regulating services of the incumbent cable operator
13 to the extent provided under federal law.".

14 (END)

dh

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0802/1dn

MDK:.....

Imk

(date)

✓
Sen. Vinehout:

This amendment allows municipalities to continue to regulate cable operators until a competitor obtains a franchise under the bill. ✓ It is based on LRBa0374/1.

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

LRBa0802/1dn
MDK:lmk:pg

October 29, 2007

Sen. Vinehout:

This amendment allows municipalities to continue to regulate cable operators until a competitor obtains a franchise under the bill. It is based on LRBa0374/1.

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