



1           **SECTION 14.** 66.0421 (1) (d) of the statutes is created to read:

2           66.0421 (1) (d) "Video service provider" means a municipally regulated cable  
3 operator, as defined in s. 66.0420 (2) (o), or a video service franchisee, as defined in  
4 s. 66.0420 (2) (y).

5           **SECTION 15.** 66.0421 (2) of the statutes is amended to read:

6           66.0421 (2) INTERFERENCE PROHIBITED. The owner or manager of a multiunit  
7 dwelling under common ownership, control or management or of a mobile home park  
8 or the association or board of directors of a condominium may not prevent a cable  
9 operator video service provider from providing cable video service to a subscriber who  
10 is a resident of the multiunit dwelling, mobile home park or of the condominium or  
11 interfere with a ~~cable operator~~ video service provider providing cable video service  
12 to a subscriber who is a resident of the multiunit dwelling, mobile home park or of  
13 the condominium.

14           **SECTION 16.** 66.0421 (3) of the statutes is amended to read:

15           66.0421 (3) INSTALLATION IN MULTIUNIT BUILDING. Before installation, a cable  
16 operator video service provider shall consult with the owner or manager of a  
17 multiunit dwelling or with the association or board of directors of a condominium to  
18 establish the points of attachment to the building and the methods of wiring. A cable  
19 operator video service provider shall install facilities to provide cable video service  
20 in a safe and orderly manner and in a manner designed to minimize adverse effects  
21 to the aesthetics of the multiunit dwelling or condominium. Facilities installed to  
22 provide cable video service may not impair public safety, damage fire protection  
23 systems or impair fire-resistive construction or components of a multiunit dwelling  
24 or condominium.

25           **SECTION 17.** 66.0421 (4) of the statutes is amended to read:

1           66.0421 (4) REPAIR RESPONSIBILITY. A ~~cable operator~~ video service provider is  
2 responsible for any repairs to a building required because of the construction,  
3 installation, disconnection or servicing of facilities to provide ~~eable~~ video service.

4           **SECTION 18.** 66.0422 (title) of the statutes is amended to read:

5           **66.0422 (title) ~~Cable television~~ Video service, telecommunications, and**  
6 **broadband facilities.**

7           **SECTION 19.** 66.0422 (1) (a) of the statutes is repealed.

8           **SECTION 20.** 66.0422 (1) (d) of the statutes is created to read:

9           66.0422 (1) (d) "Video service" has the meaning given in s. 66.0420 (2) (v).

10          **SECTION 21.** 66.0422 (2) (intro.) of the statutes is amended to read:

11          66.0422 (2) (intro.) Except as provided in subs. (3), (3d), (3m), and (3n), no local  
12 government may enact an ordinance or adopt a resolution authorizing the local  
13 government to construct, own, or operate any facility for providing ~~eable~~ video  
14 service, telecommunications service, or broadband service, directly or indirectly, to  
15 the public, unless all of the following are satisfied:

16          **SECTION 22.** 66.0422 (3) (b) of the statutes is amended to read:

17          66.0422 (3) (b) A majority of the governing board of the local government votes  
18 to submit the question of supporting the operation of the facility for providing ~~eable~~  
19 video service, telecommunications service, or Internet access service, directly or  
20 indirectly to the public, by the local government to the electors in an advisory  
21 referendum and a majority of the voters in the local government voting at the  
22 advisory referendum vote to support operation of such a facility by the local  
23 government.

24          **SECTION 23.** 66.0422 (3n) of the statutes is amended to read:

1           66.0422 (3n) Subsection (2) does not apply to a local government that, on March  
2 1, 2004, was providing ~~cable~~ video service to the public.

3           **SECTION 24.** 70.111 (25) of the statutes is amended to read:

4           70.111 (25) DIGITAL BROADCASTING EQUIPMENT. Digital broadcasting equipment  
5 owned and used by a radio station, television station, or ~~cable television system~~ video  
6 service network, as defined in s. ~~66.0419 (2) (d)~~ 66.0420 (2) (z).

7           **SECTION 25.** 76.80 (3) of the statutes is amended to read:

8           76.80 (3) “Telecommunications services” means the transmission of voice,  
9 video, facsimile or data messages, including telegraph messages, except that  
10 “telecommunications services” does not include ~~cable television~~ video service, as  
11 defined in s. 66.0420 (2) (v), radio, one-way radio paging or transmitting messages  
12 incidental to transient occupancy in hotels, as defined in s. 254.61 (3).

13           **SECTION 26.** 77.52 (2) (a) 12. of the statutes is amended to read:

14           77.52 (2) (a) 12. The sale of cable television system services, or video services,  
15 as defined in s. 66.0420 (2) (v), including installation charges.

16           **SECTION 27.** 100.195 (1) (c) 2. of the statutes, as created by 2005 Wisconsin Act  
17 458, is amended to read:

18           100.195 (1) (c) 2. Telecommunications services or ~~cable television~~ services.

19           **SECTION 28.** 100.195 (1) (h) 1. of the statutes, as created by 2005 Wisconsin Act  
20 458, is repealed and recreated to read:

21           100.195 (1) (h) 1. Video service, as defined in s. 66.0420 (2) (v).

22           **SECTION 29.** 100.209 of the statutes is repealed and recreated to read:

23           **100.209 Video service standards; privacy protection. (1) DEFINITIONS.**

24           In this section:

25           (a) “Basic video service” has the meaning given in s. 66.0420 (2) (b).

1 (b) "Cable or video provider" means a municipally regulated cable operator or  
2 a video service franchisee.

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

4 (d) "Municipally regulated cable operator" has the meaning given in s. 66.0420  
5 (2) (o).

6 (e) "Normal business hours" means, with respect to a business, those hours  
7 during which most similar businesses in a municipality are open to serve customers.

8 (f) "Normal operating conditions" means, with respect to a video provider, those  
9 service conditions that are within the control of the video programming provider.  
10 "Normal operating conditions" includes special promotions; pay-per-view events;  
11 regular, peak, or seasonal demand periods; and maintenance or upgrade of a service  
12 network. "Normal operating conditions" does not include natural disasters, civil  
13 disturbances, power outages, telephone network outages, or severe or unusual  
14 weather conditions.

15 (g) "Service interruption" means the loss of picture or sound on one or more  
16 video channels.

17 (h) "Service line drop" means the point of connection between a premises and  
18 the facilities of a cable or video provider that enables the premises to receive video  
19 service.

20 (i) "Video programming provider" means <sup>a</sup>multichannel video programming  
21 distributor, as defined in 47 USC 522 (13), but does not include a landlord whose  
22 provision of video service is limited to providing video service to a single-family home  
23 or other residential dwelling consisting of 4 units or less.

24 (j) "Video service" means multiple channels of video programming, as defined  
25 in 47 USC 522 (20).

1 (k) "Video service area" has the meaning given in s. 66.0420 (2) (w).

2 (L) "Video service franchisee" has the meaning given in s. 66.0420 (2) (y).

3 (m) "Video service network" has the meaning given in s. 66.0420 (2) (z).

4 **(2) APPLICABILITY.** Notwithstanding sub. (1) (b), a video programming provider  
5 that provides video service through a master antenna television, satellite master  
6 antenna television, direct broadcast satellite, or multipoint distribution service is  
7 subject to this section only to the extent permitted by federal law.

8 **(3) GENERAL CUSTOMER SERVICE STANDARDS.** (a) *In general.* Video programming  
9 providers shall establish general standards related to customer service, including  
10 relating to all of the following:

- 11 1. Installation, disconnection, service, and repair obligations.
- 12 2. Appointment hours and employee identification requirements.
- 13 3. Customer service telephone numbers and hours.
- 14 4. Procedures for billing, charges, deposits, refunds, and credits.
- 15 5. Procedures for termination of service.
- 16 6. Notice of deletion of programming service.
- 17 7. Changes related to transmission of programming.
- 18 8. Changes or increases in rates.
- 19 9. The use and availability of parental control or lock-out devices.
- 20 10. If applicable, the use and availability of an A/B switch.
- 21 11. Complaint and bill dispute resolution procedures.
- 22 12. Rights and remedies available to consumers if the video programming  
23 provider does not materially meet their customer service standards.
- 24 13. Special services for customers with visual, hearing, or mobility disabilities.

1           (b) *Public availability.* A video programming provider shall make available to  
2 the public, and display clearly and conspicuously on its Internet Web site, the video  
3 programming providers' rates for each level of service, rules, and regulations, and  
4 the standards established under par. (a). If a promotional price or a price for a  
5 specified period of time is offered, the programming video provider shall clearly and  
6 conspicuously display the promotional price or price for the specified period of time  
7 together with the price that applies at the end of the promotional period or specified  
8 period of time.

9           (c) *Notice.* A video programming provider shall provide notice concerning its  
10 general customer service standards to all customers. The notice shall be offered  
11 when service is first activated and annually thereafter. The information in the notice  
12 shall include all of the standards established under par. (a) and all of the following:

13           1. A listing of services offered by the video programming provider, which clearly  
14 describes programming for all services and all levels of service.

15           2. The rates for all services and levels of service.

16           3. Telephone numbers through which customers may subscribe to, change, or  
17 terminate service, request customer service, or seek general or billing information.

18           4. Instructions on the use of the video services.

19           5. A description of rights and remedies that the video programming provider  
20 shall make available to their customers if the video programming provider does not  
21 materially meet the general customer service standards described in this paragraph.

22           **(4) GENERAL CUSTOMER SERVICE OBLIGATIONS.** (a) A video programming provider  
23 shall render reasonably efficient service, promptly make repairs, and interrupt  
24 service only as necessary and for good cause, during periods of minimum use of the  
25 system and for no more than 24 hours.

1 (b) All service representatives or any other person who contacts customers or  
2 potential customers on behalf of a video programming provider shall have a visible  
3 identification card with their name and photograph and shall orally identify  
4 themselves upon first contact with a customer. Customer service representatives  
5 shall orally identify themselves to callers immediately following the greeting during  
6 each telephone contact with the public.

7 (c) A video programming provider shall do one of the following:

8 1. Maintain a customer service facility that is located within a municipality in  
9 which the video programming provider provides video service and that is staffed by  
10 customer service representatives that have the capacity to accept payment; adjust  
11 bills; respond to repair, installation, reconnection, disconnection, or other service  
12 calls; and distribute or receive converter boxes, remote control units, digital stereo  
13 units, or other equipment related to the provision of video service.

14 2. Provide customers with bill payment facilities through retail, financial, or  
15 other commercial institutions located within the boundaries of a municipality.

16 3. Provide an address, toll-free telephone number, or electronic address to  
17 accept bill payments and correspondence, and provide secure collection boxes that  
18 receive bill payments and returned equipment and that provide a printed receipt  
19 when items are deposited.

20 4. Provide an address, toll-free telephone number, or electronic address to  
21 accept bill payments and correspondence, and provide a method for customers to  
22 return equipment to the video programming provider at no cost to the customer.

23 (5) CUSTOMER CONTACTS. In each contact with a customer, the service  
24 representatives of a video programming provider, or any other person who contacts  
25 customers or potential customers on behalf of the video programming provider, shall

1 state the estimated cost of the service, repair, or installation orally prior to delivery  
2 of the service or before any work is performed, and shall provide the customer with  
3 an oral statement of the total charges before terminating the telephone call or other  
4 contact in which a service is ordered, whether in person or over the Internet, and  
5 shall provide a written statement of the total charges before leaving the location at  
6 which the work was performed. If the cost of service is a promotional price or is for  
7 a limited period of time, the cost of service at the end of the promotion or limited  
8 period of time shall be disclosed.

9 (6) NOTICES. A video programming provider shall provide customers a  
10 minimum of 30 days' written notice before increasing rates or eliminating  
11 transmission of programming and shall submit the notice to the municipality in  
12 advance of distribution to customers, except that if the elimination of transmission  
13 of programming is outside the control of the video programming provider, the video  
14 programming provider shall use reasonable efforts to provide as much notice as  
15 possible and any rate decrease related to the elimination of transmission of  
16 programming shall be applied as of the date of the elimination.

17 (7) RECEPTION. A video programming provider shall provide clear visual and  
18 audio reception that meets or exceeds applicable federal communications  
19 commission technical standards. If a customer experiences poor video or audio  
20 reception due to the equipment of the video programming provider, the video  
21 programming provider shall promptly repair the problem at its own expense.

22 (8) BILLS, PAYMENT AND TERMINATION. (a) A video programming provider shall  
23 render monthly bills that are clear, accurate, and understandable.

24 (b) Every residential customer who pays bills directly to a video programming  
25 provider shall have at least 28 days from the date of the bill to pay the listed charges.

1 (c) A video programming provider shall promptly post customer payments. If  
2 payment is sent by United States mail, payment is considered paid on the date it is  
3 postmarked.

4 (d) A video programming provider may not terminate residential service for  
5 nonpayment of a bill unless the video programming provider furnishes notice of the  
6 delinquency and impending termination at least 21 days prior to the proposed  
7 termination. Notice of proposed termination shall be mailed to the customer to whom  
8 service is billed. Notice of proposed termination shall not be mailed until the 29th  
9 day after the date of the bill for services. Notice of delinquency and impending  
10 termination may be part of a billing statement only if the notice is presented in a  
11 different color than the bill and is designed to be conspicuous. A video programming  
12 provider may not assess a late fee prior to the 29th day after the date of the bill for  
13 service.

14 (e) A video programming provider shall include with every notice of impending  
15 termination the name and address of the customer; the amount of delinquency; the  
16 date on which payment is required to avoid termination; and the telephone number  
17 of the video programming provider's service representative to make payment  
18 arrangements and to provide additional information about any charges for failure  
19 to return equipment and for reconnection. No customer may be charged a fee for  
20 termination or disconnection of service, regardless of whether the customer or the  
21 video programming provider initiated termination or disconnection.

22 (f) A video programming provider may terminate service only on those days  
23 when the customer is able to reach, in person or by telephone, a service  
24 representative of the video programming provider.

1 (g) Any service terminated by a video programming provider without good  
2 cause shall be restored without any reconnection fee, charge, or penalty. Good cause  
3 for termination includes failure to pay a bill by the date specified in the notice of  
4 impending termination, payment by check for which there are insufficient funds,  
5 theft of service, abuse of equipment or personnel, or other similar customer actions.

6 (h) A video programming provider shall cease charging a customer for any or  
7 all services within one business day after it receives a request to immediately  
8 terminate service or on the day requested by the customer if such a date is at least  
9 5 days from the date requested by the customer. Nothing in this paragraph shall  
10 prohibit a video programming provider from billing for charges that the customer  
11 incurs prior to the date of termination. A video programming provider shall issue  
12 a credit, a refund, or return a deposit within 10 business days after the close of the  
13 customer's billing cycle following the request for termination or the return of  
14 equipment, if any, whichever is later.

15 (i) A video programming provider shall allow its customers to disconnect their  
16 service at any time within the first 60 days after subscribing to or upgrading the  
17 service. Within such 60-day period, a video programming provider shall not charge  
18 or impose any fees or penalties on the customer for disconnecting service, including  
19 any installation charge or early termination charge, except that a video  
20 programming provider may impose a charge or fee to offset any rebates or credits  
21 received by the customer, and may impose monthly service or maintenance charges,  
22 including pay-per-view and premium services charges, during such 60-day period.

23 (j) A video programming provider shall guarantee customer satisfaction for  
24 new or upgraded service and the customer shall receive a pro rata credit in an  
25 amount equal to the pro rata charge for the remaining days of service being

1 disconnected or replaced upon the customers request if the customer is dissatisfied  
2 with the service and requests to discontinue the service within the first 60 days after  
3 subscribing to the upgraded service.

4 (9) RESPONSE TO CUSTOMER INQUIRIES. (a) A video programming provider shall  
5 maintain a toll-free telephone access line that is available to customers 24 hours a  
6 day, 7 days a week, to accept calls regarding installation, termination, service, and  
7 complaints. Trained, knowledgeable, and qualified service representatives of a video  
8 programming provider shall be available to respond to customer telephone inquiries  
9 during normal business hours. Customer service representatives shall be able to  
10 provide credits, waive fees, schedule appointments, and change billing cycles. Any  
11 difficulties that cannot be resolved by the customer service representatives shall be  
12 referred to a supervisor who shall make best efforts to resolve the issue immediately.  
13 If the supervisor does not resolve the issue to the customer's satisfaction, the  
14 customer shall be informed of the video programming provider's complaint  
15 procedures and procedures for billing dispute resolutions and given a description of  
16 the rights and remedies available to customers to enforce the terms of this section,  
17 including the customer's rights to have the complaint reviewed by the municipality  
18 to request mediation, and to review in a court.

19 (b) After normal business hours, the toll-free telephone access line specified  
20 in par. (a) may be answered by a service or an automated response system, including  
21 an answering machine. Inquiries received by telephone or electronic mail after  
22 normal business hours shall be responded to by a trained service representative on  
23 the next business day. A video programming provider shall respond to a written  
24 billing inquiry within 10 days of receipt of the inquiry.

1 (c) A video programming provider shall provide customers seeking  
2 nonstandard installations with a total installation cost estimate and an estimated  
3 date of completion. The actual charge to the customer may not exceed 110 percent  
4 of the estimated cost without the written consent of the customer.

5 (d) If a video programming provider receives notice that an unsafe condition  
6 exists with respect to its equipment, the video programming provider shall  
7 investigate such condition immediately, and shall take such measures as are  
8 necessary to remove or eliminate the unsafe condition. The video programming  
9 provider shall promptly inform the municipality in which the unsafe condition  
10 exists, but no later than 2 hours after it receives notification of an unsafe condition  
11 that it has not remedied.

12 (e) 1. Except as provided in subd. 2., under normal operating conditions,  
13 telephone answer time by a video programming provider's customer representative,  
14 including wait time, may not exceed 30 seconds when the connection is made. Except  
15 as provided in subd. 2., if the call needs to be transferred, transfer time shall not  
16 exceed 30 seconds.

17 2. The standards under subd. 1. shall be met no less than 90 percent of the time  
18 under normal operating conditions, measured on a quarterly basis.

19 (f) Under normal operating conditions, a video programming provider's  
20 customers may not receive a busy signal more than 3 percent of the time.

21 **(10) INSTALLATIONS, OUTAGES, AND SERVICE CALLS.** Under normal operating  
22 conditions, a video programming provider shall meet each of the following standards  
23 no less than 95 percent of the time measured on a quarterly basis:

24 (a) Standard installations shall be performed within 7 business days after an  
25 order has been placed. For purposes of this paragraph, "standard installations"

1 means those installations that are located no more than 125 feet away from the video  
2 programming provider's existing distribution system.

3 (b) Excluding conditions beyond the control of the video programming provider,  
4 the video programming provider shall do all of the following:

5 1. Begin working on service interruptions promptly and in no event later than  
6 24 hours after the service interruption is reported by the customer or otherwise  
7 becomes known to the video programming provider.

8 2. Begin actions to correct other service problems the next business day after  
9 notification of the service problem.

10 3. Correct service interruptions and other service problems within 48 hours  
11 after service interruptions and other service problems are reported by customers.

12 (c) A video programming provider shall schedule appointments with customers  
13 for installations, service calls, and other installation activities for a specific time, or  
14 within a time block that does not exceed 4 hours, except that a video programming  
15 provider may otherwise schedule such appointments as specified by the customer for  
16 the customer's convenience.

17 (d) A video programming provider may not cancel an appointment with a  
18 customer after 5:00 p.m. on the business day prior to the scheduled appointment.  
19 If a video programming provider's representative is running late for an appointment  
20 with a customer and is not be able to keep the appointment as scheduled, the video  
21 programming provider shall contact the customer and, as necessary, reschedule the  
22 appointment at a time that is convenient for the customer, even if the rescheduled  
23 appointment is not within normal business hours.

1           **(11) PUBLIC BENEFIT OBLIGATION.** (a) In this subsection, “eligible building”  
2 means a building used by a municipality for governmental purposes; a public library;  
3 or a public primary or secondary school, including a charter school.

4           (b) 1. Except as otherwise provided in this subsection, a video programming  
5 provider shall provide a free service line drop and free basic video service to all  
6 current and future eligible buildings within one of the following:

7           a. If the cable or video provider is a municipally regulated cable operator, the  
8 municipality that grants a cable franchise to the cable or video provider.

9           b. If the cable or video provider is a video service franchisee, the video service  
10 area of the cable or video provider.

11           2. Service provided under subd. 1. shall be used in a manner consistent with  
12 the governmental purpose of the eligible building and shall not be resold.

13           (c) Paragraph (b) only applies to those cable or video providers whose video  
14 service networks are located in a manner that is capable of providing video service  
15 to eligible buildings and whose video service is generally available to residential  
16 customers in the municipality in which the eligible building is located.

17           (d) The burden of providing service required under par. (b) at an eligible  
18 building shall be shared by all cable and video providers whose video service  
19 networks are located in a manner that is capable of providing video service to the  
20 eligible buildings and shall be shared in an equitable and competitively neutral  
21 manner. The cable or video providers operating in a municipality shall determine  
22 amongst themselves who will provide the service to an eligible building required  
23 under par. (b). If the cable or video providers are unable to reach agreement on the  
24 determination, the municipality in which the eligible building is located shall  
25 determine which cable or video providers must serve the eligible building. A

1 municipality may not require duplicative installations by more than one cable or  
2 video provider at an eligible building.

3 (e) A municipality shall bear the costs of any inside wiring, or video equipment  
4 costs, that are incurred in providing service required under par. (b) at an eligible  
5 building, if the cable or video provider does not ordinarily provide the wiring or  
6 equipment at no cost to customer's of the video programming provider's basic video  
7 service.

8 (12) REPORTS. (a) A video programming provider shall make an annual report  
9 to the department, the municipality in which the video programming provider  
10 provides video service, and the public service commission regarding its compliance  
11 with this section. The report shall include documentation that is sufficient to  
12 demonstrate compliance with subs. (9) (e) and (f) and (10) (a) and (b). The report shall  
13 also identify the number of complaints the video programming provider received  
14 during the prior year in the state and specify the number of such complaints related  
15 to each of the following:

- 16 1. Billing, charges, refunds, or credits.
- 17 2. Installation or termination of service.
- 18 3. Quality of service and repair.
- 19 4. Programming.
- 20 5. Other complaints not specified in subs. 1. to 4.

21 (b) Information in the report under par. (a) shall be broken down for each  
22 municipality or telephone ~~service~~ exchange ~~area~~ in which the cable or video provider  
23 has customers.

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1 (c) The report under par. (a) is first due one year after a video programming  
2 provider begins to offer video service or on the first day of the 12th month beginning  
3 after the effective date of this paragraph .... [revisor inserts date], whichever is later.

4 (13) RATES; CHARGES; CONTRACTS. (a) To the extent consistent with federal law:

5 1. A video programming provider shall offer the lowest-cost basic video service  
6 as a stand-alone service to residential customers at reasonable rates. A video  
7 programming provider shall not require the subscription to any service other than  
8 the lowest-cost basic service or to any telecommunications or information service,  
9 as a condition of access to video service, including programming offered on a per  
10 channel or per program basis. A video programming provider shall not discriminate  
11 between customers of the lowest-cost basic service, customers of other video  
12 services, and other customers with regard to the rates charged for video  
13 programming offered on a per channel or per program basis.

14 2. A video programming provider shall ensure that charges for changes in a  
15 customer's selection of services or equipment shall be based on the cost of such  
16 change and shall not exceed nominal amounts if the system's configuration permits  
17 changes in service tier selection to be effected solely by coded entry on a computer  
18 terminal or by other similarly simple method.

19 3. A video programming provider shall have a rate structure for the provision  
20 of video service that is uniform throughout the area within the boundaries of a  
21 municipality, except that a video programming provider may provide bulk discounts  
22 to multiple dwelling units or reasonable discounts to senior citizens or other  
23 economically disadvantaged groups.

24 4. A video programming provider may not charge a customer for any service or  
25 equipment that the customer has not explicitly requested by name. For purposes of



explicit ✓

1 this subdivision, a customer's failure to refuse a video programming provider's  
2 proposal to provide service or equipment is not an affirmative request for such  
3 service or equipment.

4 (b) No contract or service offering video services or any bundle including such  
5 services may be for a term longer than one year. If a contract or service offering is  
6 made for a specified term at a discounted price, no termination fee may exceed the  
7 amount of the discount from which the customer benefited.

8 (14) IMPAIRED CUSTOMERS. A video programming provider may not discriminate  
9 in the provision of services for the hearing and visually impaired and shall comply  
10 with 47 USC 613. A video programming provider shall deliver and pick up, or provide  
11 customers with prepaid shipping and packaging for the return of, converters and  
12 other necessary equipment at the home of customers with disabilities. A video  
13 programming provider shall provide free use of a converter or remote control unit to  
14 mobility impaired customers.

15 (15) OBSCENE OR INDECENT PROGRAMMING. (a) To the extent consistent with  
16 federal law, a video programming provider shall comply with 47 USC 532 (h) and (j).  
17 A video programming provider may not exercise any editorial control over any  
18 programming or in any other way consider the content of programming in  
19 determining whether to transmit programming, except that a video programming  
20 provider may refuse to transmit any leased access program or portion of a leased  
21 access program which contains obscenity, indecency, or nudity and may consider  
22 such content to the minimum extent necessary to establish a reasonable price for the  
23 commercial use of designated channel capacity by a person that is not an affiliate of  
24 the video programming provider. A video programming provider may enforce  
25 prospectively a written and published policy of prohibiting programming that the

1 video programming provider reasonably believes describes or depicts sexual or  
2 excretory activities or organs in a patently offensive manner as measured by  
3 contemporary community standards.

4 (b) A video programming provider shall, without charge, fully scramble or  
5 otherwise fully block the audio and video programming of any channel requested by  
6 the customer.

7 (c) In providing sexually explicit adult programming or other programming  
8 that is indecent on any channel of a video programming provider's service that is  
9 primarily dedicated to sexually oriented programming, the video programming  
10 provider shall fully scramble or otherwise fully block the video and audio portion of  
11 such channel so that a nonsubscriber to such channel or programming does not  
12 receive it.

13 (d) For purposes of pars. (b) and (c), "scramble" means to rearrange the content  
14 of the signal of programming so that the programming cannot be viewed or heard in  
15 an understandable manner.

16 **(16) SERVICE AVAILABILITY LISTING.** A video programming provider shall  
17 maintain a listing, specific to the level of street address, of the areas where its video  
18 services are available. A video programming provider shall inform customers who  
19 inquire about purchasing video service about whether the service is currently  
20 available to them at their specific location.

21 **(17) PRIVACY PROTECTIONS.** A video programming provider may not disclose the  
22 name, address, telephone number, or other personally identifying information of a  
23 video service customer to be used in mailing lists or to be used for other commercial  
24 purposes not reasonably related to the conduct of its business, unless the video  
25 programming provider has provided to the customer a notice, separately or included

1 in any other customer service notice, that clearly and conspicuously describes the  
 2 customer's ability to prohibit the disclosure. A video programming provider shall  
 3 provide an address and telephone number for a customer to use without toll charge  
 4 to prevent disclosure of the customer's name and address in mailing lists or for other  
 5 commercial purposes not reasonably related to the conduct of its business to other  
 6 businesses or affiliates of the video programming provider. A video programming  
 7 provider shall comply with all other privacy laws, including 47 USC 551, that are in  
 8 effect on the effective date of this subsection .... [revisor inserts date].

9 (18) CONSUMER COMPLAINTS; MEDIATION. A video programming provider shall  
 10 implement an informal process for handling inquiries from municipalities and  
 11 customers concerning billing issues, service issues, privacy concerns, and other  
 12 consumer complaints. If an issue is not resolved through such informal process, a  
 13 municipality or customer may request nonbinding mediation with the video  
 14 programming provider, with each party bearing its own costs of such mediation.  
 15 Selection of a mediator shall be by mutual agreement and preference shall be given  
 16 to mediation services that do not charge a consumer for their services. If the informal  
 17 process does not produce a satisfactory result to the customer or municipality,  
 18 enforcement may be pursued as provided in sub. (19) (e). *e f*

19 (19) ENFORCEMENT. (a) ~~The department may enforce this section.~~ A  
 20 municipality may enforce this section with respect to complaints received from  
 21 residents within the municipality, but the municipality may not impose or require  
 22 compliance with any additional or different customer service or performance  
 23 standards than those specified in this section.

INSERT 48-19

1 (b) A municipality may enact an ordinance that provides a schedule of ✓  
2 forfeitures for any material violation of this section by video programming providers  
3 that are in addition to the penalties provided under this chapter, except as follows:

4 1. No forfeitures may be assessed for a material violation if it is out of the  
5 reasonable control of a video programming provider or its affiliate.

6 2. The forfeitures shall apply on a competitively neutral basis to all providers  
7 of video service within the municipality.

8 3. The forfeitures may not exceed \$750 for each day of the material violation,  
9 and may not exceed \$25,000 for each occurrence of a material violation per customer.

10 (c) The department or a municipality shall give a video programming provider ✓  
11 written notice of any alleged material violations of this section and allow such  
12 provider at least 30 days from receipt of the notice to remedy the specified material  
13 violation.

14 (d) For purposes of this subsection, "material violation" means any substantial ✓  
15 failure of a video programming provider to comply with this section and, for purposes  
16 of assessing forfeitures, a material violation is considered to have occurred for each  
17 day that a material violation has not been remedied by a video programming  
18 provider after the expiration of the period specified in par. (c). ✓

19 (e) The department and, subject to sub. (18), a municipality or customer may ✓  
20 bring an action against a video programming provider for violation of this section,  
21 except that a municipality may bring an action only if a customer residing in the  
22 municipality is adversely affected by the violation and a customer may bring an  
23 action only if the customer is adversely affected by the violation. A video  
24 programming provider may bring an action to review a municipality's assessment of  
25 forfeitures against the video programming provider. A municipality is immune from

1 civil liability for its acts or omissions related to the enforcement or review of any  
2 terms, conditions, or rights under this section, except that a court may require the  
3 return of any forfeiture that the municipality incorrectly assessed against a video  
4 programming provider.

5 (20) CREDITS. (a) A video programming provider shall credit customers for  
6 violations of this section in the amounts specified in par. (b). The credits shall be  
7 applied on the statement issued to the customer for the next monthly billing cycle  
8 following the violation or following the discovery of the violation. A video  
9 programming provider is responsible for providing the credits and a customer is not  
10 required to request the credit. If a customer is no longer taking service from a video  
11 programming provider, the video programming provider shall refund the credit  
12 amount to the customer by check within 30 days of the termination of service. A  
13 municipality may enact an ordinance that requires a video programming provider  
14 to give credits directly to customers for violating this section, if the ordinance applies  
15 on a competitively neutral basis to all video programming providers in the  
16 municipality, and except that the credits may not exceed the credits specified in par.  
17 (b).

18 (b) A video programming provider shall give customers the following credits for  
19 the following violations of this section:

20 1. Failure to provide notice of customer service standards upon initiation of  
21 service, \$25.

22 2. Failure to install service within 7 days, waiver of 50 percent of the  
23 installation fee or the monthly fee for the lowest-cost basic service, whichever is  
24 greater.

1           3. Failure to install service within 14 days, waiver of 100 percent of the  
2 installation fee or the monthly fee for the lowest-cost basic service, whichever is  
3 greater.

4           4. Failure to remedy service interruptions or poor video or audio service quality  
5 within 48 hours, a pro rata credit of total regular monthly charges equal to the  
6 number of days of the service interruption.

7           5. Failure to keep an appointment or to notify the customer prior to the close  
8 of business on the business day prior to the scheduled appointment, \$25.

9           6. Violation of privacy protections, \$150.

10          7. Failure to comply with scrambling requirements, \$50 per month.

11          8. Violation of customer service and billing standards in sub. (8) or (9), \$25 per  
12 violation.

13          9. Violation of the prohibition under sub. (13) (a) 1. against requiring  
14 subscription to other services as a condition of access to video service, \$25 per month.

15          **SECTION 30.** 182.017 (1) of the statutes is amended to read:

16          182.017 (1) RIGHT-OF-WAY FOR. Any domestic corporation organized to furnish  
17 telegraph or telecommunications service or transmit heat, power or electric current  
18 to the public or for public purposes, ~~an~~ any independent system operator, as defined  
19 in s. 196.485 (1) (d), ~~an~~ any independent transmission owner, as defined in s. 196.485  
20 (1) (dm), ~~or a~~ any cooperative association organized under ch. 185 or 193 to furnish  
21 telegraph or telecommunications service ~~or a~~ any cooperative organized under ch.  
22 185 to transmit heat, power or electric current to its members, any municipally  
23 regulated cable operator, as defined in s. 66.0420 (2) (o), and any video service  
24 franchisee, as defined in s. 66.0420 (2) (y) may, subject to ss. 30.44 (3m), 30.45, 86.16  
25 and 196.491 (3) (d) 3m. and to reasonable regulations made by any city, village or

INSERT 51-14 ✓

1 town through which its transmission lines or systems may pass, construct and  
2 maintain such lines or systems with all necessary appurtenances in, across or  
3 beneath any public highway or bridge or any stream or body of water, or upon any  
4 lands of any owner consenting thereto, and for such purpose may acquire lands or  
5 the necessary easements; and may connect and operate its lines or system with other  
6 lines or systems devoted to like business, within or without this state, and charge  
7 reasonable rates for the transmission and delivery of messages or the furnishing of  
8 heat, power or electric light.

9 **SECTION 31.** 196.01 (1g) of the statutes is amended to read:

10 196.01 (1g) "Basic local exchange service" means the provision to residential  
11 customers of an access facility, whether by wire, cable, fiber optics or radio, and  
12 essential usage within a local calling area for the transmission of high-quality  
13 2-way interactive switched voice or data communication. "Basic local exchange  
14 service" includes extended community calling and extended area service. "Basic  
15 local exchange service" does not include additional access facilities or any  
16 discretionary or optional services that may be provided to a residential customer.  
17 "Basic local exchange service" does not include cable television service or services  
18 provided by a commercial mobile radio service provider.

19 **SECTION 32.** 196.01 (1p) of the statutes is repealed and recreated to read:

20 196.01 (1p) "Cable service" has the meaning given in 47 USC 522 (6).

21 **SECTION 33.** 196.01 (9m) of the statutes is amended to read:

22 196.01 (9m) "Telecommunications service" means the offering for sale of the  
23 conveyance of voice, data or other information at any frequency over any part of the  
24 electromagnetic spectrum, including the sale of service for collection, storage,  
25 forwarding, switching and delivery incidental to such communication and including

1 the regulated sale of customer premises equipment. "Telecommunications service"  
2 does not include cable ~~television~~ service or broadcast service.

3 **SECTION 34.** 196.01 (12g) of the statutes is created to read:

4 196.01 (12g) "Video service" has the meaning given in s. 66.0420 (2) (v).

5 **SECTION 35.** 196.01 (12m) of the statutes is created to read:

6 196.01 (12m) "Video service franchisee" has the meaning given in s. 66.0420  
7 (2) (y).

8 **SECTION 36.** 196.01 (12r) of the statutes is created to read:

9 196.01 (12r) "Video service provider" means a municipality regulated cable  
10 operator, as defined in s. 66.0420 (2) (o), or a video service franchisee.

11 **SECTION 37.** 196.04 (4) (a) (intro.) and 2. (intro.) of the statutes are  
12 consolidated, renumbered 196.04 (4) (a) (intro.) and amended to read:

13 196.04 (4) (a) (intro.) In this subsection: ~~2.~~ "Sewerage, sewerage system  
14 operator" means any of the following:

15 **SECTION 38.** 196.04 (4) (a) 1. of the statutes is repealed.

16 **SECTION 39.** 196.04 (4) (a) 2. a. to e. of the statutes are renumbered 196.04 (4)  
17 (a) 1. to 5.

18 **SECTION 40.** 196.04 (4) (b) of the statutes is amended to read:

19 196.04 (4) (b) If the parties cannot agree and the commission finds that public  
20 convenience and necessity or the rendition of reasonably adequate service to the  
21 public requires that a public utility, telecommunications provider, sewerage system  
22 operator, or ~~cable operator~~ video service provider be permitted to extend its lines on,  
23 over or under the right-of-way of any railroad, or requires that the tracks of any  
24 railroad be extended on, over or under the right-of-way of any public utility,  
25 telecommunications provider, sewerage system operator, or ~~cable operator~~ video

1 service provider, the commission may order the extension by the public utility,  
2 telecommunications provider, sewerage system operator, ~~cable operator~~ video  
3 service provider, or railroad on, over or under the right-of-way of the other if it will  
4 not materially impair the ability of the railroad, telecommunications provider,  
5 sewerage system operator, ~~cable operator~~ video service provider, or public utility, on,  
6 over or under whose right-of-way the extension would be made, to serve the public.  
7 The commission shall prescribe lawful conditions and compensation which the  
8 commission deems equitable and reasonable in light of all the circumstances.

9 **SECTION 41.** 196.195 (5) of the statutes is amended to read:

10 196.195 (5) COMMISSION ACTION. If after the proceedings under subs. (2), (3) and  
11 (4) the commission has determined that effective competition exists in the market  
12 for the telecommunications service which justifies a lesser degree of regulation and  
13 that lesser regulation in that market will serve the public interest, the commission  
14 may, by order, suspend any of the following provisions of law, except as provided  
15 under subs. (7) and (8): ch. 201 and s. 196.02 (2); s. 196.05; s. 196.06; s. 196.07; s.  
16 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing requirements under s.  
17 196.194; s. 196.196 (1) or (5); s. 196.20; ~~s. 196.204 (7)~~; s. 196.21; s. 196.22; s. 196.26;  
18 s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58; s. 196.60; s. 196.604; s. 196.77; s.  
19 196.78; s. 196.79; and s. 196.805.

20 **SECTION 42.** 196.203 (1m) of the statutes is amended to read:

21 196.203 (1m) Any person claiming to be a cable television telecommunications  
22 service provider under this section shall annually file with the commission any  
23 information required by the commission to determine the gross income of the person  
24 which is derived from the operation of a cable television system.

25 **SECTION 43.** 196.203 (3) (b) (intro.) of the statutes is amended to read:

1           196.203 (3) (b) (intro.) The commission may not deny a petition filed under par.  
2           (a) by a provider of cable ~~television~~ service for alternative telecommunications utility  
3           status in a particular geographical area as not being in the public interest if basic  
4           local exchange service is provided in the same geographical area by any of the  
5           following:

6           **SECTION 44.** 196.203 (3) (b) 2. of the statutes is amended to read:

7           196.203 (3) (b) 2. Subject to par. (c), a telecommunications utility with 50,000  
8           or less access lines in use in this state which also provides cable ~~television~~ service in  
9           that geographical area, if provision of cable ~~television~~ service began after September  
10          1, 1994.

11          **SECTION 45.** 196.203 (3) (c) of the statutes is amended to read:

12          196.203 (3) (c) Paragraph (b) 2. shall not apply if the telecommunications  
13          utility's provision of cable ~~television~~ service is limited to the provision of satellite  
14          cable programming, as defined in s. 943.47 (1) (b).

15          **SECTION 46.** 196.203 (3) (d) of the statutes is amended to read:

16          196.203 (3) (d) Section 196.50 (1) (b) applies to an alternative  
17          telecommunications utility except for a provider of cable ~~television~~ service.

18          **SECTION 47.** 196.203 (3) (e) 1. (intro.) of the statutes is amended to read:

19          196.203 (3) (e) 1. (intro.) If a provider of cable ~~television~~ service files a petition  
20          under par. (a) for alternative telecommunications status to offer local exchange  
21          service, as defined in s. 196.50 (1) (b) 1., in a geographical area served by a  
22          telecommunications utility with less than 50,000 access lines in use in this state on  
23          September 1, 1994, or at any time thereafter, the commission may not deny the  
24          petition as not being in the public interest and shall do any of the following:

25          **SECTION 48.** 196.204 (7) of the statutes is repealed.

1           **SECTION 49.** 196.44 (1) of the statutes is amended to read:

2           196.44 (1) DUTY OF COMMISSION. The commission shall inquire into the neglect  
3 or violation of the laws of this state by public utilities and of s. 66.0420, except for s.  
4 66.0420 (9) (c) and (d), by video service franchisees, or by their officers, agents or  
5 employees or by persons operating public utilities or video service franchisees, and  
6 shall enforce all laws relating to public utilities, and report all violations to the  
7 attorney general.

8           **SECTION 50.** 196.44 (2) of the statutes is amended to read:

9           196.44 (2) DUTIES OF ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon request  
10 of the commission, the attorney general or the district attorney of the proper county  
11 shall aid in any investigation, hearing or trial had under this chapter, and shall  
12 institute and prosecute all necessary actions or proceedings for the enforcement of  
13 s. 66.0420, except for s. 66.0420 (9) (c) and (d), and all laws relating to public utilities  
14 or telecommunications providers, and for the punishment of all violations.

15           **SECTION 51.** 196.50 (1) (b) 2. e. of the statutes is amended to read:

16           196.50 (1) (b) 2. e. The holder of the permit and the applicant are both providers  
17 of ~~cable television~~ video service, if the holder's provision of ~~cable television~~ video  
18 service began after September 1, 1994. ~~This subd. 2. e. does not apply if the holder's~~  
19 ~~provision of cable television service is limited to the provision of satellite cable~~  
20 ~~programming, as defined in s. 943.47 (1) (b).~~

21           **SECTION 52.** 196.50 (1) (c) of the statutes is amended to read:

22           196.50 (1) (c) Any provision in an agreement or municipal franchise that  
23 prohibits entry into the telecommunications or ~~cable television~~ video services market  
24 after September 1, 1994, is void. ~~Paragraph (b) and this paragraph do not invalidate~~

1 ~~an ordinance enacted under s. 66.0419 which requires a provider of cable television~~  
2 ~~services to obtain a franchise before offering those services.~~

3 **SECTION 53.** 196.85 (1m) (b) of the statutes is amended to read:

4 196.85 (1m) (b) For the purpose of direct assessment under sub. (1) of expenses  
5 incurred by the commission in connection with its activities under s. 196.04 (4), the  
6 term "public utility" includes a ~~cable operator, as defined in s. 66.0419 (2) (b)~~ video  
7 service provider.

8 **SECTION 54.** 196.85 (1m) (d) of the statutes is created to read:

9 196.85 (1m) (d) For the purpose of direct assessment under sub. (1) of expenses  
10 incurred by the commission in connection with its activities under s. 66.0420, the  
11 term "public utility" includes an applicant for a video service franchise, as defined  
12 in s. 66.0420 (2) (x), or a video service franchisee, as defined in s. 66.0420 (2) (y).

13 **SECTION 55.** 943.46 (title) of the statutes is amended to read:

14 **943.46 (title) Theft of cable television video service.**

15 **SECTION 56.** 943.46 (1) (a) of the statutes is renumbered 943.46 (1) (c) and  
16 amended to read:

17 943.46 (1) (c) "~~Cable television~~ Video service" has the meaning given in s.  
18 196.01 (1p). "~~Cable television 66.0420 (2) (v), except that "video service"~~ does not  
19 include signals received by privately owned antennas that are not connected to a  
20 ~~cable television system~~ video service network whether or not the same signals are  
21 provided by a ~~cable television company~~ video service provider.

22 **SECTION 57.** 943.46 (1) (d) of the statutes is created to read:

23 943.46 (1) (d) "Video service network" has the meaning given in s. 66.0420 (2)  
24 (z).

25 **SECTION 58.** 943.46 (1) (e) of the statutes is created to read:

1           943.46 (1) (e) "Video service provider" means a municipality regulated cable  
2 operator, as defined in s. 66.0420 (2) (o), or a video service franchisee, as defined in  
3 s. 66.0420 (2) (y).

4           **SECTION 59.** 943.46 (2) (a) of the statutes is amended to read:

5           943.46 (2) (a) Obtain or attempt to obtain ~~cable television~~ video service from  
6 a ~~company~~ provider by trick, artifice, deception, use of an illegal device or illegal  
7 decoder or other fraudulent means with the intent to deprive that ~~company~~ provider  
8 of any or all lawful compensation for rendering each type of service obtained. The  
9 intent required for a violation of this paragraph may be inferred from the presence  
10 on the property and in the actual possession of the defendant of a device not  
11 authorized by the ~~cable television company~~ video service provider, the major purpose  
12 of which is to permit reception of ~~cable television~~ video services without payment.  
13 This inference is rebutted if the defendant demonstrates that he or she purchased  
14 that device for a legitimate use.

15           **SECTION 60.** 943.46 (2) (b) of the statutes is amended to read:

16           943.46 (2) (b) Give technical assistance or instruction to any person in  
17 obtaining or attempting to obtain any ~~cable television~~ video service without payment  
18 of all lawful compensation to the ~~company~~ provider providing that service. This  
19 paragraph does not apply if the defendant demonstrates that the technical  
20 assistance or instruction was given or the installation of the connection, descrambler  
21 or receiving device was for a legitimate use.

22           **SECTION 61.** 943.46 (2) (c) of the statutes is amended to read:

23           943.46 (2) (c) Make or maintain a connection, whether physical, electrical,  
24 mechanical, acoustical or by other means, with any cables, wires, components or  
25 other devices used for the distribution of ~~cable television~~ video services for the

1 purpose of distributing ~~cable television~~ video service to any other dwelling unit  
2 without authority from a ~~cable television company~~ video service provider.

3 **SECTION 62.** 943.46 (2) (d) of the statutes is amended to read:

4 943.46 (2) (d) Make or maintain a connection, whether physical, electrical,  
5 mechanical, acoustical or by other means, with any cables, wires, components or  
6 other devices used for the distribution of ~~cable television~~ video services for the  
7 purpose of obtaining ~~cable television~~ video service without payment of all lawful  
8 compensation to the ~~company~~ provider providing that service. The intent required  
9 for a violation of this paragraph may be inferred from proof that the ~~cable~~ video  
10 service to the defendant's residence or business was connected under a service  
11 agreement with the defendant and has been disconnected by the ~~cable television~~  
12 ~~company~~ video service provider and that thereafter there exists in fact a connection  
13 to the ~~cable system~~ video service network at the defendant's residence or business.

14 **SECTION 63.** 943.46 (2) (e) of the statutes is amended to read:

15 943.46 (2) (e) Make or maintain any modification or alteration to any device  
16 installed with the authorization of a ~~cable television company~~ video service provider  
17 for the purpose of intercepting or receiving any program or other service carried by  
18 that ~~company~~ provider which that person is not authorized by that ~~company~~ provider  
19 to receive. The intent required for a violation of this paragraph may be inferred from  
20 proof that, as a matter of standard procedure, the ~~cable television company~~ video  
21 service provider places written warning labels on its converters or decoders  
22 explaining that tampering with the device is a violation of law and the converter or  
23 decoder is found to have been tampered with, altered or modified so as to allow the  
24 reception or interception of programming carried by the ~~cable television company~~  
25 video service provider without authority to do so. The trier of fact may also infer that

1 a converter or decoder has been altered or modified from proof that the cable  
2 television company video service provider, as a matter of standard procedure, seals  
3 the converters or decoders with a label or mechanical device, that the seal was shown  
4 to the customer upon delivery of the decoder and that the seal has been removed or  
5 broken. The inferences under this paragraph are rebutted if the cable television  
6 company video service provider cannot demonstrate that the intact seal was shown  
7 to the customer.

8 **SECTION 64.** 943.46 (2) (f) of the statutes is amended to read:

9 943.46 (2) (f) Possess without authority any device or printed circuit board  
10 designed to receive from a cable television system video service network any cable  
11 television video programming or services offered for sale over that cable television  
12 system video service network, whether or not the programming or services are  
13 encoded, filtered, scrambled or otherwise made unintelligible, or perform or  
14 facilitate the performance of any of the acts under pars. (a) to (e) with the intent that  
15 that device or printed circuit be used to receive that cable television company's video  
16 service provider's services without payment. Intent to violate this paragraph for  
17 direct or indirect commercial advantage or private financial gain may be inferred  
18 from proof of the existence on the property and in the actual possession of the  
19 defendant of a device if the totality of circumstances, including quantities or  
20 volumes, indicates possession for resale.

21 **SECTION 65.** 943.46 (2) (g) of the statutes is amended to read:

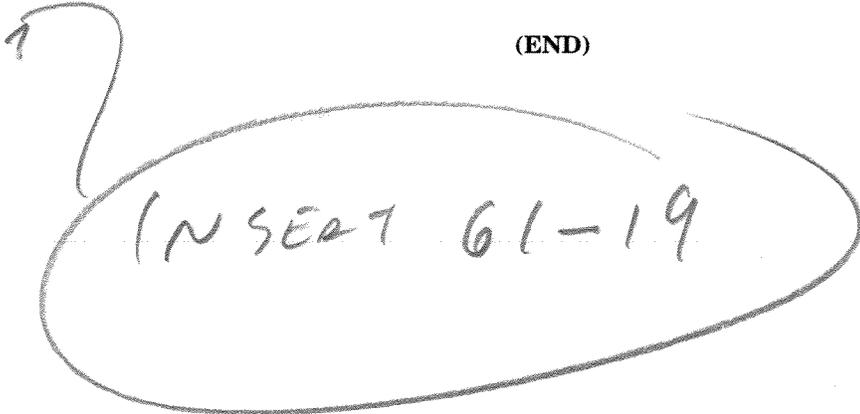
22 943.46 (2) (g) Manufacture, import into this state, distribute, publish,  
23 advertise, sell, lease or offer for sale or lease any device, printed circuit board or any  
24 plan or kit for a device or for a printed circuit designed to receive the cable television  
25 video programming or services offered for sale over a cable television system video

1 ~~service network~~ from a ~~cable television system~~ video service network, whether or not  
2 the programming or services are encoded, filtered, scrambled or otherwise made  
3 unintelligible, with the intent that that device, printed circuit, plan or kit be used for  
4 the reception of that ~~company's~~ provider's services without payment. The intent  
5 required for a violation of this paragraph may be inferred from proof that the  
6 defendant has sold, leased or offered for sale or lease any device, printed circuit  
7 board, plan or kit for a device or for a printed circuit board in violation of this  
8 paragraph and during the course of the transaction for sale or lease the defendant  
9 expressly states or implies to the buyer that the product will enable the buyer to  
10 obtain ~~cable television~~ video service without charge.

11 **SECTION 66.** 943.46 (5) of the statutes is amended to read:

12 943.46 (5) EXCEPTION. This section does not affect the use by a person of ~~cable~~  
13 ~~television~~ video services if the services have been paid for and the use is exclusive to  
14 the person's dwelling unit. This subsection does not prohibit a board or council of any  
15 city, village or town from specifying the number and manner of installation of outlets  
16 used by any such person for ~~cable television~~ video services and does not prohibit a  
17 ~~cable television company~~ video service provider, in any written contract with a  
18 subscriber, from requiring the ~~company's~~ provider's approval for any increase in the  
19 number of those outlets used.

20 (END)



INSERT 61-19

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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**INSERT 2-11:**

**SECTION 1.** 20.115 (1) (jb) of the statutes is amended to read:

20.115 (1) (jb) *Consumer protection, information, and education.* The amounts in the schedule for consumer protection and consumer information and education. All moneys received under ~~s.~~ ss. 66.0420 (4) (L) and 100.261 (3) (b) shall be credited to this appropriation account, subject to the limit under s. 100.261 (3) (c).

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38, 133, 326, 327; 2005 a. 25.

✓  
**INSERT 14-7:**

(L) *Annual fees.* Upon issuance of a video service franchise to a video service franchisee, and annually thereafter, the video service franchisee shall pay a fee of \$2,000 to the department of agriculture, trade and consumer protection.

**INSERT 48-19:**

✓  
(a) The department may do any of the following:

1. Exercise its authority under <sup>ss.</sup> 93.14, 93.15, and 93.16 to investigate violations of this section.

2. Commence an <sup>except as provided in subd. 4.)</sup> action in the name of the state to restrain by temporary injunction a violation of this section. Before entry of a final judgment, the court may make any necessary orders to restore to a person any pecuniary loss suffered by the person because of the violation.

3. Commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of this section.

5 4. After public hearing, issue a special order under s. 93.18 against a video programming provider enjoining the provider from employing practices that violate

INSERT 1-20

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

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1  
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**INSERT 1-20:**

4. Commence an action in the name of the state to recover a forfeiture to the state of not more than \$50,000 for a person's first violation of sub. (17) and of not more than \$100,000 for each 2nd or subsequent violation of sub. (17) by a person.

1 this section and requiring the provider to employ practices or take actions that are  
2 determined by the department to be in compliance with this section.

3 **INSERT 51-14:**

4 **SECTION 2.** 100.261 (3) (c) of the statutes is amended to read:

5 100.261 (3) (c) The amount credited under par. (b) to the appropriation account  
6 under s. 20.115 (1) (jb) may not exceed \$185,000 in each fiscal year.

7 History: 1999 a. 9; 2001 a. 16; 2003 a. 33, 139, 326.

8 **SECTION 3.** 134.43 of the statutes, as affected by 2007 Wisconsin Act 20, is  
repealed.

9 **INSERT 61-19:**

10 **SECTION 67. Nonstatutory provisions.**

11 (1) POSITION AUTHORIZATION. The authorized FTE positions for the department  
12 of agriculture, trade and consumer protection are increased by 1.0 PR position, to be  
13 funded from the appropriation under section 20.115 (1) (jb) of the statutes, as affected  
14 by this act, for the purpose of carrying out the department's duties under section  
15 100.209 of the statutes, as affected by this act.

16 **SECTION 68. Fiscal changes.**

17 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
18 to the department of agriculture, trade and consumer protection under section  
19 20.115 (1) (jb) of the statutes, as affected by the acts of 2007, the dollar amount is  
20 increased by \$65,000 for fiscal year 2007-08 and the dollar amount is increased by  
21 \$65,000 for fiscal year 2008-09 for the purpose for which the appropriation is made.

22 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation  
23 to the public service commission under section 20.155 (1) (g) of the statutes, as  
24 affected by the acts of 2007, the dollar amount is increased by \$100,000 for fiscal year

*These should be auton numbers, not hard numbers*

*to increase funding*

*to increase  
funding*

- 1 2007-08 and the dollar amount is increased by \$100,000 for fiscal year 2008-09 for
- 2 the purpose for which the appropriation is made.

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

LRBs0128/2dn

MDK:}.....

js

Sen. Vinehout:

This version is identical to the previous version, except as follows:

1. This version includes enforcement language requested by DATCP in s. 100.209 (19) (a). Note that this language includes forfeitures of between \$100 and \$10,000 for each violation. Therefore, there is no need to incorporate s. 100.209 (4) (a) of current law into this version. ✓
2. This version repeals s. 134.43. ✓
3. This version gives the PSC, rather than DATCP, enforcement authority under s. 66.0420 (9). ✓
4. This version requires video service franchisees to pay an annual \$2,000 fee to DATCP. The fee is first due upon issuance of a video service franchise. ✓
5. This version authorizes 1.0 FTE position for DATCP, and increases expenditure authority under DATCP's and the PSC's appropriations by the amounts mentioned in DFI's fiscal estimate and DATCP's revised fiscal estimate. (Note that the PSC takes the place of DFI.) ✓
6. This version is a substitute for AB 207, rather than SB 107. ✓
7. This version corrects several errors noted by David Lovell at our meeting on November 6. ✓

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

LRBs0128/2dn  
MDK:cjs:rs

November 7, 2007

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