

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

LRBa1825/1dn  
MDK:cjs:jf

March 12, 2010

Rep. Zepnick:

This amendment is the Assembly companion to LRBa1698/1. Here are the points I made in the drafter's note to LRBa1698/1:

1. Rather than repeat the phrase, "including an alternative telecommunications utility," in s. 196.191, I created s. 196.191 (1) which defines "telecommunications utility" to include an alternative telecommunications utility.
2. As requested, I deleted the reference to rates, etc., that are "in force" from s. 196.191 (2) (a) and (c) (intro.). However, note that there is a reference to a tariff as may be "in force" in s. 196.191 (8). Is that reference okay, or should it be deleted or revised?
3. Instead of creating s. 196.203 (1r), I revised s. 196.203 (1g) to specify that an alternative telecommunications utility may elect to subject itself to s. 196.191. I am hesitant to use the suggested language that an alternative telecommunications utility may elect to tariff services as provided in s. 196.191, because the word "tariff" is generally used as a noun in ch. 196, not a verb. In any event, I think I achieved the intended result.
4. Regarding s. 196.203 (2) (c), note that I eliminated the reference to certification under s. 196.203 (3), as s. 196.203 (3) doesn't deal with certification. Based on your response to the previous version of this amendment, it appears that s. 196.203 (2) (c) should itself be the basis for recertification, so there is no need to refer to certification under another provision of law. Also note that that I revised the language to refer to imposing the provisions of ch. 196 **that are specified in s. 196.203 (4m)** and which are imposed on all alternative telecommunications utilities under s. 196.203 (3). Based on the foregoing revision, you don't need to specify in s. 196.203 (2) (c) that a recertified alternative telecommunications utility is subject to s. 196.203 (1g), because s. 196.203 (1g) will apply to any alternative telecommunications utility, regardless of whether recertification occurs under s. 196.203 (2) (c). If you disagree, let me know.
5. Regarding s. 196.50 (2) (j) 1. b., note that, to be consistent with the revision described in item 4 above, I revised the language to refer to imposing only those provisions of ch. 196 **that are specified in s. 196.203 (4m)** and which are imposed on all alternative telecommunications utilities under s. 196.203 (3). Also, you provided new language that says a recertified telecommunications utility is subject to s. 196.203 (1g). I don't

think that language works, as s. 196.203 (1g) refers to alternative telecommunications utilities. Instead, my language says that a recertified telecommunications utility is considered to be an alternative telecommunications for purposes of s. 196.203 (1g). (Also, as noted above, I included your s. 196.203 (1r) into my s. 196.203 (1g).)

6. In s. 196.50 (2) (j) 1. b., you changed “issuance” of recertification to “granting” of recertification. For the sake of consistency, I made a similar change in s. 196.203 (2) (c).

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