



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 696**

March 30, 2010 – Offered by Representatives ZEPNICK and ZIGMUNT.

- 1 At the locations indicated, amend the amendment as follows:
- 2 **1.** Page 1, line 7: after that line insert:
- 3 “4g. Page 8, line 11: after that line insert:
- 4 “**SECTION 5m.** 196.01 (12w) of the statutes is created to read:
- 5 196.01 **(12w)** (a) “Wholesale telecommunications service” means, except as
- 6 provided in par. (b), a service that satisfies all of the following:
- 7 1. The service is provided by a telecommunications provider to another
- 8 telecommunications provider other than an affiliated interest, as defined in s. 196.52
- 9 (1).
- 10 2. The service is subject to regulation by the commission under this chapter.
- 11 3. The service is subsequently used in the provision of a telecommunications
- 12 service to retail end user customers.

1 (b) “Wholesale telecommunications service” does not include switched access
2 service.”.

3 4r. Page 8, line 21: after that line insert:

4 “**SECTION 6m.** 196.016 of the statutes is created to read:

5 **196.016 Relationship to certain federal telecommunications law.**

6 Except as provided in s. 196.50 (2) (j) 2. and 3., nothing in this chapter is intended
7 to either reduce or expand the scope and application of the federal
8 Telecommunications Act of 1996, P.L. 104–104, including the jurisdiction and
9 authority granted to the commission thereunder and the commission may take any
10 action that the commission is authorized to take under that federal act.”.

11 **2.** Page 6, line 7: delete the material beginning with “. and except that” and
12 ending with “196.37” on line 9.

13 **3.** Page 6, line 18: delete the material beginning with that line and ending with
14 “sub. (3)” on line 19 and substitute “in this paragraph”.

15 **4.** Page 6, line 21: delete “only”.

16 **5.** Page 6, line 22: after “(4m)” insert “(a)”.

17 **6.** Page 6, line 23: after “sub. (3).” insert “The commission may impose a
18 provision of this chapter specified in sub. (4m) (b) or (c) if required by the public
19 interest.”.

20 **7.** Page 7, line 10: after that line insert:

21 “16m. Page 20, line 14: after “provision” insert “of this chapter specified in sub.
22 (4m) (a)”.”.

23 **8.** Page 7, line 12: after that line insert:

24 “17m. Page 21, line 1: after “**(4m)**” insert “(a)”.”.

1 **9.** Page 7, line 15: after that line insert:

2 “20m. Page 21, line 5: after that line insert:

3 “(b) The commission may, with respect only to switched access services, impose
4 s. 196.03 (1) or (6) or 196.37 on an alternative telecommunications utility.

5 (c) The commission may, with respect only to wholesale telecommunications
6 service, impose s. 196.03 (1) or (6), 196.219 (4), 196.28, or 196.37, on an alternative
7 telecommunications utility certified under sub. (2) (a) or (c).

8 (d) An alternative telecommunications utility certified pursuant to s. 196.50 (2)
9 (j) 1. a. shall be subject, with respect only to wholesale telecommunications services,
10 to all provisions in pars. (a) and (c).”.”.

11 **10.** Page 7, line 19: before “196.025 (6)” insert “196.016,”.

12 **11.** Page 7, line 20: before “196.025 (6)” insert “196.016,”.

13 **12.** Page 8, line 21: after that line insert:

14 “**SECTION 71g.** 196.219 (2m) of the statutes is repealed.”.

15 **13.** Page 9, line 5: after that line insert:

16 “32m. Page 27, line 7: delete that line and substitute:

17 “**SECTION 74m.** 196.28 (4) of the statutes is amended to read:

18 196.28 (4) This section does not apply to rates, tolls or charges of a
19 telecommunications cooperative, an unincorporated telecommunications
20 cooperative association, or a small telecommunications utility ~~except as provided in~~
21 ~~s. 196.205 or 196.215 (2).~~”.”.

22 **14.** Page 9, line 8: after that line insert:

23 “33m. Page 27, line 18: delete that line and substitute:

24 “**SECTION 77m.** 196.37 (4) of the statutes is amended to read:

1 196.37 (4) This section does not apply to rates, tolls or charges of a
2 telecommunications cooperative, an unincorporated telecommunications
3 cooperative association, or a small telecommunications utility ~~except as provided in~~
4 ~~s. 196.205 or 196.215 (2).~~”.”.

5 **15.** Page 10, line 3: delete lines 3 and 4 and substitute:

6 “37m. Page 28, line 21: delete lines 21 and 22 and substitute “exempt from all
7 provisions of ch. 201 and is exempt from ss. 196.02 (2); 196.03, except with respect
8 to wholesale telecommunications services; 196.05; 196.06; 196.07; 196.09; 196.10;
9 196.12; 196.13; 196.19; 196.20; 196.21; 196.22; 196.28, except with respect to
10 wholesale telecommunications services; 196.37, except with respect to wholesale
11 telecommunications services; 196.49; 196.52; 196.58; 196.60;”.”.

12 **16.** Page 10, line 5: delete “196.78, and 196.79,” and substitute “196.78; and
13 196.79;”.

14 **17.** Page 10, line 8: delete “196.03 and” and substitute “196.03; and except
15 that”.

16 **18.** Page 11, line 2: delete “The granting” and substitute “Except as provided
17 in subds. 4. and 5., the granting”.

18 **19.** Page 11, line 6: delete the material beginning with “s. 196.203” and ending
19 with “s. 196.203 (3)” on line 7 and substitute “this paragraph”.

20 **20.** Page 11, line 10: delete “only”.

21 **21.** Page 11, line 11: after “(4m)” insert “(a)”.

22 **22.** Page 11, line 13: after “196.206,” insert “and except as provided in subds.
23 4. and 5.,”.

1 **23.** Page 11, line 20: delete “The granting” and substitute “Except as provided
2 in subds. 4. and 5., the granting”.

3 **24.** Page 12, line 15: delete “(2).” and substitute “(2).”.

4 **25.** Page 12, line 15: after that line insert:

5 “4. Regardless of whether a telecommunications utility certified under this
6 subsection takes an action allowed under subd. 1., the telecommunications utility is
7 subject, with respect to its wholesale telecommunications services, to all provisions
8 specified in s. 196.203 (4m) (a) and (c).

9 5. This paragraph does not terminate any order of the commission regarding
10 interconnection, unbundling, collocation, or any other obligation under 47 USC 251,
11 or regarding wholesale telecommunications services.”.

12

(END)