

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MDK:cjs:ph

March 30, 2010

Rep. Zepnick:

I made this a preliminary draft because I have the following questions:

1. Section 196.01 (12w) (a) 2. uses the following language: “the service may be regulated by the commission under this chapter.” I’m not sure what is meant by “may be regulated.” Are you authorizing the PSC to regulate the service, or are you referring to service that the PSC regulates under ch. 196? Also note that the PSC has varying degrees of regulatory authority over certain services. Are you referring to any regulatory authority?
2. I changed the language inserted at the end of s. 196.016. Please review.
3. Section 196.203 (4m) (c) refers to an alternative telecommunications utility (ATU) certified under s. 196.203 (2) (c) and (3). However, s. 196.203 (3) does not mention certification. Instead, s. 196.203 (3) allows the PSC to impose provisions of ch. 196 on a person providing or proposing to provide service as an ATU. As a result, I’m not sure what you’re trying to achieve with the reference to s. 196.203 (3).
4. Section 196.203 (4m) (d) provides that an ATU certified under s. 196.50 (2) (j) 1. a. is subject, with respect to its wholesale telecommunications services, to all provisions in s. 196.203 (4m) (a) and (c). However, s. 196.203 (4m) (a) and (c) allow, but do not require, the PSC to impose specified provisions. Is your intent that the specified provisions apply, even if the PSC does not impose them under s. 196.203 (4m) (a) or (c)? Or is your intent that the provisions apply only if the PSC has imposed them under s. 196.203 (4m) (a) or (c)? Also, shouldn’t s. 196.203 (4m) (d) refer to an ATU certified **pursuant** to s. 196.50 (2) (j) 1. a., rather than **under** s. 196.50 (2) (j) 1. a.? Note that s. 196.50 (2) (j) 1. a. allows the PSC to certify a telecommunications utility as an ATU “under s. 196.203.”
5. Section 196.50 (2) (j) 4. provides that a telecommunications utility is subject to all provisions specified in s. 196.203 (4m) (a) and (c). As noted above, s. 196.203 (4m) (a) and (c) allow, but do not require the PSC to impose provisions. Therefore, I have the same question about your intent that is described in item 4 of this drafter’s note.

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