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## ASSEMBLY AMENDMENT 4, TO 2009 ASSEMBLY BILL 696

April 19, 2010 - Offered by Representatives Smith and Zepnick.

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- 2 **1.** Page 2, line 8: after "utilities," insert "telecommunications provider of last resort obligations,".
  - **2.** Page 29, line 19: after that line insert:
  - **"Section 88m.** 196.503 of the statutes is created to read:
- 196.503 Telecommunications provider of last resort obligations. (1)
  DEFINITIONS. In this section:
  - (a) "Basic voice service" means the provision to residential and small business customers of 2-way voice communication within a local calling area. "Basic voice service" includes extended community calling and extended area service. "Basic voice service" does not include the offering of Internet access service or any discretionary or optional services that may be provided to a residential or small business customer.

- 1 (b) "Incumbent local exchange carrier" has the meaning given in 47 USC 251 2 (h).
  - (c) "Small business customer" means a business having 3 or fewer telephone numbers assigned to it.
  - (2) Incumbent local exchange carrier obligations. (a) Notwithstanding any other provision in this chapter, and except as provided in sub. (3), an incumbent local exchange carrier shall make basic voice service available to all residential and small business customers within a local exchange area in which it operates as an incumbent local exchange carrier. In making basic voice service available to a customer under this paragraph, an incumbent local exchange carrier shall provide the customer the ability to utilize a dial—up Internet access service or an equivalent service and an incumbent local exchange carrier may, but is not required to, offer Internet access service or any discretionary or optional services in a bundle or a package.
  - (b) An incumbent local exchange carrier may satisfy its obligations under par.(a) through an affiliate and through the use of interconnected voice over Internet protocol service or any available technology or mode.
  - (3) Waivers. (a) An incumbent local exchange carrier may apply to the commission for a waiver from compliance with sub. (2) (a) in a local exchange area.
  - (b) The commission shall grant a waiver requested under par. (a) for a local exchange area if any of the following are satisfied:
  - 1. The commission finds that the incumbent local exchange carrier demonstrates that the waiver is in the public interest or that effective competition exists for basic voice service in the local exchange.

- 2. The commission has made a previous finding of effective competition under s. 196.195 (2) for basic local exchange service in the local exchange. The commission may not grant a waiver under this subdivision until after May 1, 2011.
- (c) The commission's review of a waiver requested under par. (a) shall be strictly limited to determining whether any of the criteria specified in par. (b) 1. or 2. is satisfied.
- (d) 1. Within 120 days of the filing of a waiver request based on par. (b) 1., the commission shall grant or deny the request and, if denied, the commission shall issue a written decision identifying the reasons for its denial. If the commission fails to grant or deny the waiver request within 120 days of its filing, the commission is considered to have granted the waiver.
- 2. The commission shall grant a waiver based on par. (b) 2. as soon as the commission verifies that the commission has previously made the finding specified in par. (b) 2.
- (4) EFFECT ON OTHER REQUIREMENTS. (a) Notwithstanding any other provision of this chapter, a commission decision prior to the effective date of this paragraph .... [LRB inserts date], eliminating an incumbent local exchange carrier's provider of last resort obligations, by operation of law or otherwise, remains in force and in effect as to the elimination of those obligations.
- (b) Except to enforce this section, nothing in this section provides the commission with any authority to regulate, or any jurisdiction over, incumbent local exchange carriers and the rates, terms, and conditions of their services that the commission does not otherwise have under this chapter.
  - (5) SUNSET. This section does not apply after April 30, 2015.".