

Kunkel, Mark

From: Vick, Jason
Sent: Monday, April 11, 2011 2:41 PM
To: Kunkel, Mark
Subject: Final Revisions to 1625/2 draft
Attachments: ~~Revisions to Draft Legislation 4.11.DOC~~; ~~Revised language 196.212 v. 3.DOC~~, 2011 Bill Revised 4.11 DOC.DOC; ~~2011 Bill Revised 4.11 (clean).DOC~~

Mark,

Attached are the changes to the bill I sent you on Friday. The fourth document is the entire clean version, that essentially replaces what I sent you on Friday. I am not sure how far along you are in the process, so I am including the other documents in case they may be helpful to you. This should constitute the final changes that we will ask for in the bill.

Over the weekend, there were some negotiated revisions to the bill.

Attached are four new documents to aid drafting and incorporating these changes:

- (1) *The first document is a redline of all changes made on the draft since it was sent on Friday, other than the changes to 196.212 (the switched access piece) – this includes changes to 196.206 (3)(a)-(b), 196.191(1) (to give carriers 90 days to file a switched access tariff) and 19.203(2)(c), 196.50(2)(j)1.a. and 196.50(2)(j)1.b.*
- (2) *The second document is a redline showing changes to 196.212 (the switched access piece) since the draft sent on Friday.*
- (3) *The third document is a new "redline" from the prior LRB draft reflecting all changes made to the prior draft, including those made since Friday.*
- (4) *The fourth is a clean version of the bill, including all changes made since Friday.*

Jason Vick

Office of Rep. Mark Honadel
 21st Assembly District
608-266-0611

Revisions to Draft Legis 4.11

Section 47 196.203 (2) (c) of the statutes is created to read:

196.203 (2) (c) . . . unless in its notice to the commission seeking recertification under this section the alternative telecommunications utility requests to remain subject to one or more requirements of its prior certification, provided that those requirements do no violate the alternative telecommunications utility's requirements or obligations under this Chapter and provided that the commission does not deny the request to remain subject to those requirements in the recertification order.

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Section 101 196.50 (2) (j) of the statutes is created to read:

196.50 (2) (j) 1. A telecommunications utility certified under this subsection may do any of the following:

a. . . . unless in its notice to the commission seeking recertification under s. 196.203 the telecommunications utility requests to remain subject to one or more requirements of its prior certification, provided that those requirements do no violate the telecommunications utility's requirements or obligations under this Chapter and provided that the commission does not deny the request to remain subject to those requirements in the recertification order.

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b. . . . unless in its notice to the commission seeking recertification under this section the telecommunications utility requests to remain subject

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to one or more requirements of its prior certification, provided that those requirements do no violate the telecommunications utility's requirements or obligations under this Chapter and provided that the commission does not deny the request to remain subject to those requirements in the recertification order.

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Section 68 196.206 of the statutes is created to read:

196.206 Interconnected voice over Internet protocol service.

...

(3) Intrastate Switched Access Rates.

(a) Unless otherwise provided under federal law, an entity that provides an interconnected voice over Internet protocol service shall pay intrastate switched access rates in connection with the interconnected voice over internet protocol services that it provides to the same extent that any telecommunications provider is obligated to pay intrastate switched access rates in connection with the telecommunications services that it provides.

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(b) Unless otherwise provided under federal law, an entity that provides an intrastate switched access service in connection with interconnected voice over Internet protocol services shall be subject to s. 196.191 with respect to such intrastate switched access service and may charge intrastate switched access rates to the same extent that any

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telecommunications provider may charge intrastate switched access rates in connection with the intrastate switched access services that it provides.

Section 22. 196.191 of the statutes is created to read:

196.191 Telecommunications utility and alternative telecommunications utility tariffs.

(1) No later than 90 days after the effective date of this subsection

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[LRB inserts date], any telecommunications utility or alternative telecommunications utility that provides intrastate switched access service within this state shall at all times have on file with the commission a tariff showing all rates, tolls and charges which it has established and which are in force at the time for such intrastate switched access service. The absence of such a tariff during this 90-day period shall not prohibit a telecommunications utility or alternative telecommunications utility from charging intrastate switched access rates for any intrastate switched access service that it provides, or limit or excuse any entity from its obligation to pay intrastate switched access rates, provided that such intrastate switched access rates comply with the requirements of s. 196.219(2r) and 196.212. A telecommunications utility or alternative telecommunications utility may not withdraw a tariff for switched access service once in effect. Except if permitted in this section or to comply with the requirements of s.

196.219(2r) and 196.212, the telecommunications utility or alternative telecommunications carrier may not file to change the rates, tolls and charges shown in such a tariff.

Section 26. 196.195 of the statutes is repealed and recreated to read:

196.195 Alternative Regulation. Any telecommunications provider that as of the effective date of this section [LRB insert date] is subject to an alternative regulation plan approved by the commission shall remain regulated pursuant to such alternative regulation plan to the extent that the alternative regulation plan is not inconsistent with ss. 196.191 and 196.212, unless the telecommunications provider terminates the alternative regulation plan pursuant to its terms and conditions. If such an inconsistency exists, the requirements of ss. 196.191 and 196.212 shall control the intrastate switched access rates and intrastate switched access service tariff filings of such a telecommunications provider.

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Revised language 196.212 v 3.

Section 1. 196.212 of the statutes is created to read:

196.212 Switched access rates. (1) DEFINITIONS. In this section:

(a) "Affiliate" means any person, corporation, company, cooperative, unincorporated cooperative association, partnership, association, or other entity that is controlled by, or is under common control with, a telecommunications provider or telecommunications utility.

(b) "Large incumbent local exchange carrier" means an incumbent local exchange carrier that, with any affiliates that are incumbent local exchange carriers operating in the state, in total had 150,000 or more access lines in use in this state as of January 1, 2010.

(c) "Large Nonincumbent" means a telecommunications provider that is not an incumbent local exchange carrier and had 10,000 or more access lines in use in this state as of January 1, 2010.

(d) "New Nonincumbent" means a telecommunications provider that is not an incumbent local exchange carrier and that was not granted an initial certification by the commission pursuant to either s.196.203 or 196.50, prior to January 1, 2011. New nonincumbent does

Deleted: , except that a telecommunications provider that operated in this state and which had

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pursuant to 196.50(2)(j) 1. a.

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(e) "Small Nonincumbent" means a telecommunications provider that is not
an incumbent local exchange carrier and that had fewer than 10,000 access lines in
use in this state as of January 1, 2010.

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(f) "Small incumbent local exchange carrier" means an incumbent local
exchange carrier that, with any affiliates that are incumbent local exchange carriers
operating in the state, in total had fewer than 150,000 access lines in use in this
state as of January 1, 2010.

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(2) REQUIREMENTS FOR NONINCUMBENTS. (a) Within 30 days of
the effective date of this section . . . [LRB to insert date], a new nonincumbent may
not charge intrastate switched access rates that are higher than its interstate
switched access rates.

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(b) Except as provided in 196.191(2)(d) 2 a, a large nonincumbent may not
increase its intrastate switched access rates or charge intrastate switched access
rates higher than the amount the large nonincumbent charged for intrastate
switched access services on January 1, 2011. Large nonincumbents certificated
prior to January 1, 2011 shall reduce their intrastate switched access rates as

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its intrastate switched access rates to no
higher than the nonincumbent's rates for
interstate switched access services as
follows:

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date of this section . . . [LRB to insert
date], a nonincumbent certificated by the
commission after January 1, 2011 shall
mirror its interstate switched access rates
and may not charge intrastate switched
access rates that are higher than its
interstate switched access rates.

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provided in paras. (1)-(3).

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1. No later than four years after the effective date of this paragraph

[LRB inserts date], the large nonincumbent shall reduce its intrastate switched access rates by an amount equal to 33 percent of the difference between its intrastate switched access rates in effect prior to the reduction and its interstate switched access rates in effect prior to the reduction.

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2. No later than five years after the effective date of this paragraph

[LRB inserts date], the large nonincumbent shall further reduce its intrastate switched access rates by an amount equal to 50 percent of the difference between its intrastate switched access rates in effect prior to the reduction and its interstate switched access rates in effect prior to the reduction.

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3. No later than six years after the effective date of this paragraph

[LRB inserts date], the large nonincumbent shall reduce its intrastate switched access rates to mirror its interstate switched access rates in effect prior to the reduction and, beginning no later than that date, may not charge intrastate switched access rates that are higher than its interstate switched access rates.

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(3) REDUCTIONS FOR LARGE INCUMBENT LOCAL EXCHANGE

CARRIERS. A large incumbent local exchange carrier shall reduce its intrastate switched access rates to no higher than the large incumbent local exchange

carrier's rates for interstate switched access services as follows:

(a) Beginning on the effective date of this paragraph [LRB inserts date], the large incumbent local exchange carrier may not increase its intrastate switched access rates or charge intrastate switched access rates higher than the amount it charged for intrastate switched access services on January 1, 2011.

(b) No later than one year after the effective date of this paragraph [LRB inserts date], the large incumbent local exchange carrier shall reduce its intrastate switched access rates by an amount equal to 25 percent of the difference between its intrastate switched access rates in effect prior to the reduction and its interstate switched access rates in effect prior to the reduction.

(c) No later than 2 years after the effective date of this paragraph [LRB inserts date], the large incumbent local exchange carrier shall further reduce its intrastate switched access rates by an amount equal to 33 percent of the difference between its intrastate switched access rates in effect prior to the reduction and its interstate switched access rates in effect prior to the reduction.

(d) No later than 3 years after the effective date of this paragraph [LRB inserts date], the large incumbent local exchange carrier shall further reduce its intrastate switched access rates by an amount equal to 50 percent of the difference between its intrastate switched access rates in effect prior to the reduction and its

interstate switched access rates in effect prior to the reduction.

(e) No later than 4 years after the effective date of this paragraph [LRB inserts date], the large incumbent local exchange carrier shall reduce its intrastate switched access rates to mirror its interstate switched access rates in effect prior to the reduction and, beginning no later than that date, may not charge intrastate switched access rates that are higher than its interstate switched access rates.

(4) COMMISSION REVIEW LIMITED. (a) Notwithstanding any other provision of this chapter, subs. (2) and (3) govern the rates that large nonincumbents, new nonincumbents and large incumbent local exchange carriers may charge for intrastate switched access services. Except as required to enforce this section, the commission may not review or set the rates for intrastate switched access services of large nonincumbents, new nonincumbents and large incumbent local exchange carriers.

(b) Notwithstanding any other provision of this chapter except to enforce 196.191(2)(d) 2. and 196.219(2r), during the 4-year period beginning on the effective date of this paragraph [LRB inserts date], the commission may not review or set the rates for intrastate switched access services of small incumbent local exchange carriers.

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(c) Notwithstanding any other provision of this chapter except to enforce 196.191(2)(d) 2. a. and 196.219(2r), during the 3-year period beginning on the

effective date of this paragraph ... [LRB inserts date], the commission may not review or set the rates for intrastate switched access services of small nonincumbents.

(5) Enforcement. Notwithstanding any other provision of this chapter, the commission shall have jurisdiction to enforce payment of intrastate switched access rates set forth in a tariff required pursuant to s. 196.191(1) or a contract for intrastate switched access service allowed by 196.191(6).