



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1901/PL  
MDK:wj&jld:ph

P2

Stays

O-NOTE

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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1 AN ACT *to repeal* 196.09 (9), 196.19 (1m), 196.19 (5), 196.194 (title), 196.194 (1),  
2 196.196, 196.198 (2) (b), 196.20 (1m), 196.20 (2) (am), 196.20 (2r), 196.20 (3),  
3 196.20 (5), 196.20 (6), 196.203 (3) (b), 196.203 (3) (c), 196.203 (3) (d), 196.203 (3)  
4 (dm), 196.203 (3) (e), 196.203 (4), 196.204 (1), 196.204 (2), 196.204 (3), 196.204  
5 (4), 196.204 (5) (b), 196.204 (6), 196.205, 196.213, 196.215, 196.219 (2m),  
6 196.219 (3) (h), 196.26 (4), 196.49 (1) (ag), 196.49 (3) (d), 196.50 (1) (b) 1. and  
7 2., 196.50 (2) (g) 3., 196.50 (2) (h), 196.52 (5) (b), 196.60 (2), 196.77, 196.79 (2),  
8 196.805 and 201.15; *to renumber* 196.50 (1) (b) 3. and 196.52 (5) (a); *to*  
9 *renumber and amend* 196.04 (1) (a) 1., 196.194 (2), 196.198 (2) (a), 196.203  
10 (1), 196.203 (2), 196.203 (3) (a), 196.204 (5) (ag), 196.204 (5) (ar), 196.79 (1) and  
11 196.975 (1); *to amend* 66.0420 (2) (v), 93.01 (1m), 133.07 (2), 196.01 (9m),  
12 196.02 (2), 196.04 (1) (b) 1., 196.04 (2), 196.09 (1), 196.13 (2), 196.198 (3) (intro.),  
13 196.198 (3) (a), 196.198 (3) (b) (intro.), 196.20 (1), 196.20 (2) (a) (intro.), 196.20  
14 (2m), 196.202 (2), 196.203 (5), 196.218 (3) (a) 3m., 196.218 (3) (f), 196.218 (5r)  
15 (a) 4., 196.219 (1) (b), 196.219 (2) (a), 196.25 (1), 196.25 (2), 196.25 (3), 196.26

**INSERT ANALYSIS**

SEE  
LRB-1901/P1MSA

1 (1) (a), 196.28 (4), 196.31 (1m), 196.37 (3), 196.37 (4), 196.49 (3) (b) (intro.),  
 2 196.50 (title), 196.50 (2) (b), 196.50 (2) (e) 1., 196.50 (2) (f), 196.52 (3) (b) 1.,  
 3 196.52 (3) (c) (intro.), 196.52 (6), 196.52 (9) (e), 196.60 (1) (a), 196.604 and  
 4 196.975 (2); **to repeal and recreate** 196.195, 196.204 (title) and 196.218 (4);  
 5 and **to create** 66.0420 (2) (ug), 182.017 (1g) (cq), 196.01 (1d) (g), 196.01 (2s),  
 6 196.01 (3a), 196.01 (8d), 196.01 (8e), 196.01 (12w), 196.016, 196.04 (1) (a) 3.,  
 7 196.191, 196.203 (1d), 196.203 (1g) (b), 196.203 (2) (b), 196.203 (2) (c), 196.203  
 8 (2) (d), 196.203 (4m), 196.206, 196.212, 196.218 (1) (a), 196.219 (2r), 196.50 (2)  
 9 (i), 196.50 (2) (j), 196.503 and 196.975 (1g) of the statutes; **relating to:**  
 10 regulation of telecommunications utilities and alternative telecommunications  
 11 utilities; telecommunications provider of last-resort obligations;  
 12 telecommunications intrastate switched access rates; interconnected voice over  
 13 Internet protocol service; and use of transmission equipment and property by  
 14 video service providers.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 66.0420 (2) (ug) of the statutes is created to read:

15 66.0420 (2) (ug) "Telecommunications service" means the offering for sale of the  
 16 conveyance of voice, data, or other information at any frequency over any part of the  
 17 electromagnetic spectrum, including the sale of service for collection, storage,  
 18

**INSERT 2-15 ↓**

1 forwarding, switching, and delivery incidental to such communication and including  
2 the regulated sale of customer premises equipment. "Telecommunications service"  
3 does not include cable service or broadcast service, as defined in s. 196.01 (1m).

\*\*\*\*NOTE: The above definition may be necessary because s. 66.0420 (2) (v) uses the term "telecommunications service" as defined in s. 196.01 (9m) under current law in the definition of "telecommunications video service provider." See below. This bill amends s. 196.01 (9m) to limit "telecommunications service" to voice communication. If it is okay to incorporate that limitation to the definition of "telecommunications video service provider" in s. 66.0420 (2) (v), then the above definition is not necessary. However, if it is not okay to incorporate that limitation, then the above definition is necessary. Please let me know what you think.

\*\*\*\*NOTE: The following other statutes use the definition of "telecommunications service" as defined in s. 196.01 (9m): ss. 66.0422 (1) (c), 100.195 (1) (g), 100.207 (1), 100.52 (1) (g), 134.49 (1) (a) 10. (intro.), 196.795 (6m) (a) 2. g., and 943.45 (1) (intro.). I could be wrong, but it seems okay to me to limit those statutes to voice communication. Please review those statutes and let me know what you think.

4 **SECTION 2.** 66.0420 (2) (v) of the statutes is amended to read:

5 66.0420 (2) (v) "Telecommunications video service provider" means a video  
6 service provider that uses facilities for providing telecommunications service, as  
7 defined in s. 196.01 (9m), also to provide video service.

8 **SECTION 3.** 93.01 (1m) of the statutes is amended to read:

9 93.01 (1m) "Business" includes any business, except that of banks, savings  
10 banks, credit unions, savings and loan associations, and insurance companies.  
11 "Business" includes public utilities and telecommunications carriers to the extent  
12 that their activities, beyond registration, notice, and reporting activities, are not  
13 regulated by the public service commission and includes public utility and  
14 telecommunications carrier methods of competition or trade and advertising  
15 practices that are exempt from regulation by the public service commission under s.  
16 196.195, ~~196.196~~, 196.202, 196.203, 196.206, 196.219, ~~or 196.499, or 196.50 (2) (i)~~ or  
17 by other action of the commission.

18 **SECTION 4.** 133.07 (2) of the statutes is amended to read:

1           133.07 (2) This chapter does not prohibit activities of any public utility, as  
2 defined in s. 196.01 (5), or telecommunications carrier, as defined in s. 196.01 (8m),  
3 which are required by ch. 196 or rules or orders under ch. 196, activities necessary  
4 to comply with that chapter or those rules or orders or activities that are actively  
5 supervised by the public service commission. This subsection does not apply to  
6 activities of a public utility or telecommunications carrier that are exempt from  
7 public service commission regulation under s. 196.195, ~~196.196~~, 196.202, 196.203,  
8 196.206, 196.219 ~~or~~, 196.499, or 196.50 (2) (i) or by other action by the commission.

9           **SECTION 5.** 182.017 (1g) (cq) of the statutes is created to read:

10           182.017 (1g) (cq) “Telecommunications service” means the offering for sale of  
11 the conveyance of voice, data, or other information, including the sale of service for  
12 collection, storage, forwarding, switching, and delivery incidental to such  
13 communication regardless of the technology or mode used to make such offering.

\*\*\*\*NOTE: I added “used to make such offering.” See my similar change to the amendment of s. 196.01 (9m).

14           **SECTION 6.** 196.01 (1d) (g) of the statutes is created to read:

15           196.01 (1d) (g) A telecommunications utility ~~that provides service to the~~  
16 ~~commission under~~ s. 196.50 (2) (j) 1. a.

17           **SECTION 7.** 196.01 (2s) of the statutes is created to read:

18           196.01 (2s) “Incumbent local exchange carrier” has the meaning given in 47  
19 USC 251 (h).

\*\*\*\*NOTE: Because “incumbent local exchange carrier” is used in more than one section, I created a definition that applies throughout ch. 196.

20           **SECTION 8.** 196.01 (3a) of the statutes is created to read:

21           196.01 (3a) “Interconnected voice over Internet protocol service” has the  
22 meaning given in 47 CFR 9.3.

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1 SECTION 9. 196.01 (8d) of the statutes is created to read:

2 196.01 (8d) "Switched access rates" means the rates, rate elements, and rate  
3 structure, including all applicable fixed and traffic sensitive charges, that a  
4 telecommunications provider charges for the provision of switched access services.

5 SECTION 10. 196.01 (8e) of the statutes is created to read:

6 196.01 (8e) "Switched access service" means the offering of switched access to  
7 a local exchange network for the purpose of enabling an entity to originate or  
8 terminate telecommunications service within the local exchange.

9 SECTION 11. 196.01 (9m) of the statutes is amended to read:

10 196.01 (9m) "Telecommunications service" means the offering for sale of the  
11 conveyance of voice, data or other information at any frequency over any part of the  
12 electromagnetic spectrum communication, including the sale of service for collection,  
13 storage, forwarding, switching, and delivery incidental to such communication and  
14 including the regulated sale of customer premises equipment. "Telecommunications  
15 service" does not include cable service or broadcast service, regardless of the  
16 technology or mode used to make such offering. "Telecommunications service"  
17 includes switched access service.

NOTE: I added "used to make such offering."

\*\*\*\*NOTE: The bill amends "telecommunications service" to refer only to voice communication. "Broadcast service" and "cable service" are defined as services that do not involve voice communication. Therefore, the exemptions are no longer logically necessary and I struck them. Is that okay?

18 SECTION 12. 196.01 (12w) of the statutes is created to read:

19 196.01 (12w) (a) "Wholesale telecommunications service" means, except as  
20 provided in par. (b), a service that satisfies all of the following:

- 21 1. The service is provided by a telecommunications provider to another  
22 telecommunications provider other than affiliate, as defined in s. 196.212 (1) (a).

an

1           2. The service is subject to regulation by the commission under this chapter.

2           3. The service is subsequently used in the provision of a telecommunications  
3 service to retail end users.

4           (b) “Wholesale telecommunications service” does not include switched access  
5 service.

6           **SECTION 13.** 196.016 of the statutes is created to read:

7           **196.016 Relationship to certain federal telecommunications law.**

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

13           **SECTION 14.** 196.02 (2) of the statutes is amended to read:

14           196.02 (2) DEFINITION; CLASSIFICATION. ~~In this subsection, “public utility” does~~  
15 ~~not include a telecommunications cooperative, an unincorporated~~  
16 ~~telecommunications cooperative association, or a small telecommunications utility~~  
17 ~~except as provided under s. 196.205 or 196.215 (2) and does not include an alternative~~  
18 ~~telecommunications utility.~~ The commission shall provide for a comprehensive  
19 classification of service for each public utility. The classification may take into  
20 account the quantity used, the time when used, the purpose for which used, and any  
21 other reasonable consideration. Each public utility shall conform its schedules of  
22 rates, tolls and charges to such classification.

23           **SECTION 15.** 196.04 (1) (a) 1. of the statutes is renumbered 196.04 (1) (a) 4. and  
24 amended to read:

1 196.04 (1) (a) 4. "Transmission equipment and property" means any conduit,  
2 subway, pole, tower, transmission wire, ~~fiber~~<sup>or</sup> or other equipment on, over, or under  
3 any right-of-way owned or controlled by a political subdivision, street, or highway.

4 **SECTION 16.** 196.04 (1) (a) 3. of the statutes is created to read:

5 196.04 (1) (a) 3. "Political subdivision" means any county, city, village, or town  
6 or public utility owned or operated by any county, city, village, or town.

7 **SECTION 17.** 196.04 (1) (b) 1. of the statutes is amended to read:

8 196.04 (1) (b) 1. Any person who owns transmission equipment and property  
9 shall permit, for reasonable compensation, the use of the transmission equipment  
10 and property, including an attachment to a pole, by any public utility, video service  
11 provider, or telecommunications provider if public convenience and necessity require  
12 such use and if the use will not result in irreparable injury to any owner or user of  
13 the transmission equipment and property or in any substantial detriment to the  
14 service to be rendered by the owner or user.

15 **SECTION 18.** 196.04 (2) of the statutes is amended to read:

16 196.04 (2) If there is a failure to agree upon the use of transmission equipment  
17 and property under sub. (1) or the conditions or compensation for the use, or if there  
18 is a failure to agree upon the physical connections or the terms and conditions upon  
19 which the physical connections shall be made, any public utility, ~~any~~ video service  
20 provider, telecommunications provider, or ~~any other~~ interested person ~~interested~~  
21 may apply to the commission. If, after investigation, the commission determines  
22 that public convenience and necessity require the use of the transmission equipment  
23 and property or the physical connections and that the use or physical connections  
24 will not result in irreparable injury to the owner or other users of the transmission  
25 equipment and property or of the facilities of the public utility, video service provider.

1 or telecommunications provider or in any substantial detriment to the service to be  
2 rendered by the owner or the public utility, video service provider,  
3 telecommunications provider, or other users of the transmission equipment and  
4 property or facilities, the commission, by order, shall direct that the use of the  
5 transmission equipment and property be permitted and that the physical  
6 connections be made. The commission shall prescribe reasonable conditions and  
7 compensation for the use of the transmission equipment and property and shall  
8 determine how and within what time the physical connections shall be made and by  
9 whom the expense of making and maintaining the physical connections shall be paid.  
10 An order under this subsection may be revised by the commission.

11 **SECTION 19.** 196.09 (1) of the statutes is amended to read:

12 196.09 (1) ~~In this section, “public utility” does not include a~~  
13 ~~telecommunications cooperative or an unincorporated telecommunications~~  
14 ~~cooperative association except as provided under s. 196.205. In subs. (2) to (7),~~  
15 ~~“public utility” does not include a telecommunications utility. Subsection (9) only~~  
16 ~~applies to a telecommunications utility.~~ Every public utility shall file with the  
17 commission, within such time as may be required by the commission, its estimate of  
18 the annual rate of depreciation required for each of its classes of fixed capital used  
19 for public utility purposes, and of the composite annual rate of depreciation required  
20 for such fixed capital as an aggregate, which shall constitute the public utility's  
21 estimates of the amount which should be returned to it out of its rates for service, to  
22 meet the depreciation of its property.

23 **SECTION 20.** 196.09 (9) of the statutes is repealed.

24 **SECTION 21.** 196.13 (2) of the statutes is amended to read:

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1           196.13 (2) The commission shall publish in its reports the value of all the  
2 property actually used and useful for the convenience of the public of a public utility,  
3 ~~other than a telecommunications utility~~, if the commission has held a hearing on the  
4 public utility's rates, charges, service or regulations or if the commission has  
5 otherwise determined the value of the public utility's property.

6           **SECTION 22.** 196.19 (1m) of the statutes is repealed.

7           **SECTION 23.** 196.19 (5) of the statutes is repealed.

8           **SECTION 24.** 196.191 of the statutes is created to read:

9           **196.191           Telecommunications utility and alternative**  
10 **telecommunications utility tariffs.** (1) No later than the 90th day beginning  
11 after the effective date of this subsection .... [LRB inserts date], any  
12 telecommunications utility or alternative telecommunications utility that provides  
13 intrastate switched access service within this state shall at all times have on file with  
14 the commission a tariff showing all rates, tolls, and charges that it has established  
15 and that are in force ~~for such intrastate switched access service~~. The  
16 absence of such a tariff before the 90th day beginning after the effective date of this  
17 subsection .... [LRB inserts date], shall not prohibit a telecommunications utility or  
18 alternative telecommunications utility from charging intrastate switched access  
19 rates for any intrastate switched access service that it provides, or limit or excuse any  
20 entity from its obligation to pay intrastate switched access rates, provided that such  
21 intrastate switched access rates comply with the requirements of ss. 196.212 and  
22 196.219 (2r). A telecommunications utility or alternative telecommunications utility  
23 may not withdraw a tariff for switched access service once the tariff is in effect.  
24 Except as allowed under this section or to comply with ss. 196.212 and 196.219 (2r),

File to

1 a telecommunications utility or alternative telecommunications utility may not  
2 change the rates, tolls, and charges shown in a tariff for switched access service.

\*\*\*NOTE: What does "at the time" mean in the following: "... and that are in force at the time for such intrastate switched access service? At what time? At the time the service is provided? At the time the tariff is filed? If the phrase doesn't add anything to the meaning, why not delete it?

\*\*\*\*NOTE: In the last sentence, I assume you want to prohibit changes, rather than simply the filing of changes with the PSC. Is that okay?

3 (2) Notwithstanding anything in this chapter to the contrary, any  
4 telecommunications utility or alternative telecommunications utility may do any of  
5 the following:

\*\*\*\*NOTE: You wanted to revise the above to say "notwithstanding anything to the contrary...." I don't know what you are trying to accomplish with such language. The state cannot notwithstand federal law requirements, and the only state law requirements that could apply would be pursuant to ch. 196. Therefore, I retained "notwithstanding anything in this chapter to the contrary."

6 (a) Retain on file with the commission tariffs already on file with the  
7 commission as of the effective date of this paragraph .... [LRB inserts date], showing  
8 the rates, tolls, and charges that the telecommunications utility or alternative  
9 telecommunications utility has established as of the effective date of this paragraph  
10 .... [LRB inserts date], for some or all of the services performed by the  
11 telecommunications utility or alternative telecommunications utility within the  
12 state or for any service in connection therewith or performed by any  
13 telecommunications utility or alternative telecommunications utility controlled or  
14 operated by the telecommunications utility or alternative telecommunications  
15 utility.

16 (b) File with the commission new tariffs showing the rates, tolls, and charges  
17 that the telecommunications utility or alternative telecommunications utility has  
18 established, as provided in the tariff filings, for some or all of the services performed  
19 by the telecommunications utility or alternative telecommunications utility within

1 the state or for any service in connection therewith or performed by any  
2 telecommunications utility or alternative telecommunications utility controlled or  
3 operated by the telecommunications utility or alternative telecommunications  
4 utility.

5 (c) Except as provided in sub. (1), a telecommunications utility or alternative  
6 telecommunications utility may withdraw a tariff for any service by providing notice  
7 to the commission.

8 (d) 1. Except as provided in subd. 2., a telecommunications utility or alternative  
9 telecommunications utility may change the rates, tolls, and charges and the terms  
10 and conditions of a tariff on file with the commission by filing a revised tariff with  
11 the commission. Except as provided in subd. 2., a proposed change in a tariff shall  
12 be effective at the time specified in the revised tariff as filed with the commission.

13 2. No change in a tariff that constitutes an increase in intrastate switched  
14 access rates may be made unless the change is consistent with the public interest  
15 factors set forth in s. 196.03 (6) and does not violate ss. 196.212 and 196.219 (2r) and  
16 the commission by order, after investigation and opportunity for a hearing, approves  
17 the change, except that an increase in intrastate switched access rates shall be  
18 effective at the time specified in the revised tariff as filed with the commission, if  
19 either of the following is satisfied:

20 a. The increase results in the intrastate switched access rates mirroring the  
21 interstate switched access rates for the telecommunications utility or alternative  
22 telecommunications utility.

23 b. If the telecommunications utility or alternative telecommunications utility  
24 is a small telecommunications utility, the increase does not violate s. 196.212 or  
25 196.219 (2r), does not exceed, in any 12-month period, the percentage increase in the

1 U.S. consumer price index for all urban consumers, U.S. city average, for the  
2 previous year, and is not greater than the corresponding increase in interstate  
3 switched access rates for the small telecommunications utility.

\*\*\*\*NOTE: What is "the corresponding increase in interstate switched access rates"?  
How do increases in intrastate rates correspond to increases in interstate rates? Perhaps  
additional language is necessary to achieve your intent on this point.

4 (3) (a) Except as provided in par. (b), if a telecommunications utility or  
5 alternative telecommunications utility files a new tariff under sub. (2) (b), all of the  
6 following apply:

7 1. The new tariff shall become effective on the date specified in the tariff, unless  
8 the commission suspends the operation of the new tariff upon serving a written  
9 notice of the suspension on the telecommunications utility or alternative  
10 telecommunications utility within 10 days after the date of filing. The notice shall  
11 include a statement of the reason under subd. 2. upon which the commission believes  
12 the tariff may be modified.

\*\*\*\*NOTE: Your language refers to a statement of the reason under par. (b) which  
I assume is a typo, so I referred to subd. 2. instead.

13 2. The commission may modify the new tariff after an opportunity for a hearing  
14 only to the extent that the tariff violates s. 196.209, 196.212, or 196.219 and only to  
15 the extent that s. 196.209, 196.212, or 196.219 applies to the telecommunications  
16 utility or alternative telecommunications utility.

17 3. If the commission does not conduct a hearing under subd. 2., the commission  
18 shall issue its final order within 60 days after issuing the notice of suspension under  
19 subd. 1. If the commission conducts a hearing, the commission shall issue its final  
20 order within 120 days after issuing the notice of suspension under subd. 1. If a final  
21 order is not issued within the time limits specified in this subdivision, the new tariff  
22 becomes effective as filed.

\*\*\*NOTE: Your language refers to a hearing under par. (b), which appears to be a type, so I changed the reference to subd. 2. Likewise, I assume the reference to a notice of suspension under par. (a) should instead refer to subd. 1.

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1 (b) If a telecommunications utility or alternative telecommunications utility  
2 files a new tariff under sub. (2) (b) for intrastate switched access service that  
3 ~~constitutes an increase in intrastate switched access rates, the tariff shall not be~~  
4 effective unless the new tariff is consistent with the public interest factors set forth  
5 in s. 196.03 (6) and does not violate s. 196.212 or 196.219 (2r) and the commission by  
6 order, after investigation and opportunity for a hearing, approves the new tariff and  
7 rates, except that an increase in intrastate switched access rates shall be effective  
8 at the time specified in the new tariff as filed with the commission if sub. (2) (d) 2.  
9 a. is satisfied or, if the telecommunications utility or alternative telecommunications  
10 utility is a small telecommunications utility, sub. (2) (d) 2. a. or b. is satisfied.

\*\*\*NOTE: I revised the language you provided for the end of the above sentence.

11 (4) Nothing in this section shall give the commission jurisdiction over the rates,  
12 tolls, and charges or the terms and conditions of any service that is not subject to a  
13 tariff under this section.

14 (5) Every telecommunications utility or alternative telecommunications utility  
15 that files a tariff with the commission under this section shall include all rates, tolls,  
16 and charges and all terms and conditions that apply to the services specified in the  
17 tariff.

18 (6) Nothing in this chapter prohibits a tariff for a service that permits a  
19 telecommunications utility or alternative telecommunications utility to enter into a  
20 contract with a customer for that tariffed service that includes rates, tolls, and  
21 charges and terms and conditions that are different from those in the tariff.

1           **(7)** Except as provided in sub. (6), no telecommunications utility or alternative  
2 telecommunications utility may charge, demand, collect, or receive more or less  
3 compensation for any service for which a tariff is filed under this section than is  
4 specified in the tariff, as may at the time be in force, or demand, collect, or receive  
5 any rate, toll, or charge for such service not specified in the tariff.

6           **(8)** A copy of the tariffs filed under this section shall be made available to  
7 consumers in a form and place readily accessible to the public.

8           **SECTION 25.** 196.194 (title) of the statutes is repealed.

9           **SECTION 26.** 196.194 (1) of the statutes is repealed.

10           **SECTION 27.** 196.194 (2) of the statutes is renumbered 196.194 and amended  
11 to read:

12           **196.194 Gas utilities utility individual contracts.** Nothing in ss. 196.03,  
13 196.19, 196.20, 196.21, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the  
14 commission from approving the filing of a tariff which permits a gas utility to enter  
15 into an individual contract with an individual customer if the term of the contract  
16 is no more than 5 years, or a longer period approved by the commission, and if the  
17 commission determines that substitute gas services are available to customers or  
18 potential customers of the gas utility and the absence of such a tariff will cause the  
19 gas utility to be disadvantaged in competing for business. A tariff filed under this  
20 ~~subsection~~ section shall include the condition that any such contract shall be  
21 compensatory. The tariff shall include any other condition and procedure required  
22 by the commission in the public interest. Within 20 days after a contract authorized  
23 under this ~~subsection~~ section or an amendment to such a contract has been executed,  
24 the gas utility shall submit the contract to the commission. The commission shall  
25 give notice to any person, upon request, that a contract authorized under this

1 ~~subsection~~ section has been received by the commission. The notice shall identify the  
 2 gas utility that has entered into the contract. Within 6 months after receiving  
 3 substantial evidence that a contract may be noncompensatory, or upon its own  
 4 motion, the commission shall investigate and determine whether the contract is  
 5 compensatory. If the commission determines that the contract is noncompensatory,  
 6 the commission may make appropriate adjustments in the rates or tariffs of the gas  
 7 utility that has entered into the contract, in addition to other remedies under this  
 8 chapter. The dollar amount of the adjustment may not be less than the amount by  
 9 which the contract was found to be noncompensatory.

10 SECTION 28. 196.195 of the statutes is repealed and recreated to read:

11 **196.195 Alternative <sup>utility</sup> telecommunications regulation plans.** Any  
 12 telecommunications ~~provider~~ that as of the effective date of this section .... [LRB  
 13 inserts date], is subject to an alternative regulation plan approved by the commission  
 14 under s. 196.195, 2009 stats., shall remain regulated pursuant to such alternative  
 15 regulation plan to the extent that the alternative regulation plan is not inconsistent  
 16 with ss. 196.191 and 196.212, unless the telecommunications ~~provider~~ <sup>utility</sup> terminates  
 17 the alternative regulation plan pursuant to the terms and conditions of the plan. If  
 18 such an inconsistency exists, the requirements of ss. 196.191 and 196.212 shall apply  
 19 to the intrastate switched access rates and intrastate switched access service tariff  
 20 filings of such a telecommunications ~~provider~~ <sup>utility</sup>.

\*\*\*\*NOTE: Given the above new language is it still okay to strike the cross-reference to s. 196.195 (12) in s. 196.20 (2m), or should that cross-reference be amended to refer to s. 196.195?

\*\*\*\*NOTE: I added the reference to prior law, i.e. s. 196.195, 2009 stats. Is that okay or should the above refer to a specific provision of s. 196.195, such as, for example, s. 196.195 (12)?

\*\*\*\*NOTE: Instead of saying that ss. 196.191 and 196.212 "shall control," I drafted the above to say that ss. 196.191 and 196.212 "shall apply."

1           **SECTION 29.** 196.196 of the statutes is repealed.

2           **SECTION 30.** 196.198 (2) (a) of the statutes is renumbered 196.198 (2) and  
3 amended to read:

4           196.198 (2) Except as provided in sub. (3), a telecommunications utility that  
5 has more than 150,000 access lines in use in this state or a telecommunications  
6 provider that has more than 150,000 access lines in use in this state may not charge  
7 a residential customer for basic local exchange service based on the duration of a call  
8 or on the time of day that a call is made. This ~~paragraph~~ subsection does not apply  
9 to an extended community telephone service.

10          **SECTION 31.** 196.198 (2) (b) of the statutes is repealed.

11          **SECTION 32.** 196.198 (3) (intro.) of the statutes is amended to read:

12          196.198 (3) (intro.) The commission may suspend the application of sub. (2) ~~(a)~~  
13 in a particular geographical area for a telecommunications utility or a  
14 telecommunications provider if, after a contested case hearing, the commission  
15 determines that all of the following apply:

16          **SECTION 33.** 196.198 (3) (a) of the statutes is amended to read:

17          196.198 (3) (a) Failure to suspend the application of sub. (2) ~~(a)~~ makes  
18 competition in that geographical area impractical.

19          **SECTION 34.** 196.198 (3) (b) (intro.) of the statutes is amended to read:

20          196.198 (3) (b) (intro.) Suspending the application of sub. (2) ~~(a)~~ is beneficial  
21 to all of the following groups:

22          **SECTION 35.** 196.20 (1) of the statutes is amended to read:

23          196.20 (1) The rate schedules of any public utility shall include all rules  
24 applicable to the rendition or discontinuance of the service to which the rates  
25 specified in the schedules are applicable. No change may be made by any public



1 utility in its schedules except by filing the change as proposed with the commission.  
2 ~~Except for a telecommunications utility, no~~ No change in any public utility rule which  
3 purports to curtail the obligation or undertaking of service of the public utility shall  
4 be effective without the written approval of the commission after hearing, except  
5 that the commission, by emergency order, may make the rule, as filed, effective from  
6 the date of the order, pending final approval of the rule after hearing.

7 **SECTION 36.** 196.20 (1m) of the statutes is repealed.

8 **SECTION 37.** 196.20 (2) (a) (intro.) of the statutes is amended to read:

9 196.20 (2) (a) (intro.) ~~Except for a telecommunications utility, a~~ A proposed  
10 change which constitutes a decrease in rates shall be effective at the time specified  
11 in the change as filed but not earlier than 10 days after the date of filing the change  
12 with the commission, unless any of the following occurs:

13 **SECTION 38.** 196.20 (2) (am) of the statutes is repealed.

14 **SECTION 39.** 196.20 (2m) of the statutes is amended to read:

15 196.20 (2m) Except as provided under ~~sub. (5) and ss. s.~~ s. 196.193, ~~196.195 (12)~~  
16 ~~and 196.196~~, no change in schedules which constitutes an increase in rates to  
17 consumers may be made except by order of the commission, after an investigation  
18 and opportunity for hearing. ~~The commission may waive a hearing under this~~  
19 ~~subsection for a proposed change in a telecommunications utility schedule. By rule~~  
20 ~~or order, the commission shall specify the notice and procedural requirements~~  
21 ~~applicable to a telecommunications utility proposal for which a hearing is waived.~~

\*\*\*\*\*NOTE: See the first NOTE following the repeal and recreation of s. 196.195

22 **SECTION 40.** 196.20 (2r) of the statutes is repealed.

23 **SECTION 41.** 196.20 (3) of the statutes is repealed.

24 **SECTION 42.** 196.20 (5) of the statutes is repealed.

1           **SECTION 43.** 196.20 (6) of the statutes is repealed.

2           **SECTION 44.** 196.202 (2) of the statutes is amended to read:

3           196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider  
4 is not subject to ~~ch. 201 of~~ this chapter, except as provided in sub. (5), and except that  
5 a commercial mobile radio service provider is subject to ss. 196.025 (6), 196.218 (3),  
6 and 196.859, and shall respond, subject to the protection of the commercial mobile  
7 radio service provider's competitive information, to all reasonable requests for  
8 information about its operations in this state from the commission necessary to  
9 administer ss. 196.025 (6), 196.218 (3), and 196.859.

10           **SECTION 45.** 196.203 (1) of the statutes is renumbered 196.203 (1g) (intro.) and  
11 amended to read:

12           196.203 (1g) (intro.) Alternative telecommunications utilities are exempt from  
13 all provisions of ~~ch. 201 and~~ this chapter, except as provided in this section, and  
14 except ~~that an~~ for all of the following:

15           (a) An alternative telecommunications utility is subject to ~~s.~~ ss. 196.01,  
16 196.016, 196.025 (6), and except that an 196.191, 196.206, and 196.212.

\*\*\*\*NOTE: I don't think it is necessary to include s. 196.01. However, you indicated  
that the PSC has imposed s. 196.01 in certification orders and the inclusion of s. 196.01  
in the above list (as well as in other lists set forth in the bill) is consistent with those  
certification orders.

\*\*\*\*NOTE: I restructured s. 196.203 (1g) to make it easier to read.

17           (c) An alternative telecommunications utility that is a local government  
18 telecommunications utility, ~~as defined in s. 196.204 (5) (ag) 1.,~~ is subject to s. 196.204  
19 (5).

20           **SECTION 46.** 196.203 (1d) of the statutes is created to read:

21           196.203 (1d) In this section, "local government telecommunications utility"  
22 has the meaning given in s. 196.204 (1m) (a).

*under this section*

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**SECTION 47.** 196.203 (1g) (b) of the statutes is created to read:

196.203 **(1g)** (b) An alternative telecommunications utility certified pursuant to s. 196.50 (2) (j) 1. a. is subject to ss. 196.219 (2r) and 196.503, and, with respect only to wholesale telecommunications services, is subject to ss. 196.03 (1) and (6), 196.219 (4), 196.28, and 196.37; and, if such an alternative telecommunications utility was regulated as a price-regulated telecommunications utility prior to the effective date of this paragraph .... [LRB inserts date], the alternative telecommunications utility's intrastate dedicated access rates shall mirror its interstate dedicated access rates.

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**SECTION 48.** 196.203 (2) of the statutes is renumbered 196.203 (2) (a) and amended to read:

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196.203 **(2)** (a) No person may commence providing service as an alternative telecommunications utility unless the person petitions for and the commission issues a ~~determination~~ certification that the person is an alternative telecommunications utility or unless the person is a telecommunications utility for which the commission

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~~issues an order under~~ s. 196.50 (2) (j) 1. a. *that*

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**(6)** The commission shall maintain information on ~~authorized~~ certified alternative telecommunications utilities and on applicants for alternative telecommunications utility ~~status~~ certification and make that information available to any person, upon request.

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**SECTION 49.** 196.203 (2) (b) of the statutes is created to read:

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196.203 **(2)** (b) Except for an alternative telecommunications utility that is a local government telecommunications utility, certification as an alternative telecommunications utility shall be on a statewide basis and any certification issued by the commission before the effective date of this paragraph .... [LRB inserts date],

*certifies as an alternative telecommunications utility under this section pursuant to*

1 to an alternative telecommunications utility that is not a local government  
2 telecommunications utility is considered amended to be a statewide certification.

3 **SECTION 50.** 196.203 (2) (c) of the statutes is created to read:

4 196.203 (2) (c) An alternative telecommunications utility may provide notice  
5 to the commission to maintain certification as an alternative telecommunications  
6 utility but to recertify the alternative telecommunications utility and impose on the  
7 alternative telecommunications utility only those provisions of this chapter specified  
8 in this paragraph. No later than 30 days after receiving notice under this paragraph,  
9 the commission shall issue an order granting recertification and imposing on the  
10 alternative telecommunications utility those provisions of this chapter specified in  
11 sub. (4m) (a) that are imposed on all alternative telecommunications utilities under  
12 sub. (3). The commission may impose a provision of this chapter specified in sub.  
13 (4m) (b) or (c) if in the public interest. An alternative telecommunications utility for  
14 which an order of recertification is issued is subject to sub. (1g). The granting of the  
15 recertification shall operate to terminate the alternative telecommunications  
16 utility's prior certification. All regulatory requirements in or related to the prior  
17 certification that are inconsistent with the requirements of or regulation allowed  
18 under this section, including all such requirements imposed by the certification and  
19 all such requirements imposed by the commission, whether by statute or commission  
20 rule or order, on the alternative telecommunications utility are terminated on the  
21 effective date of the order, unless the alternative telecommunications utility, in its  
22 notice to the commission seeking recertification under this paragraph, requests to  
23 remain subject to one or more requirements of its prior certification that do not  
24 violate the alternative telecommunications utility's requirements and obligations

1 under this chapter and the commission does not deny the request in the commission's  
2 recertification order.

\*\*\*\*NOTE: I made changes to the language added at the end of the last sentence.

3 **SECTION 51.** 196.203 (2) (d) of the statutes is created to read:

4 196.203 (2) (d) The commission may deny a petition for certification as an  
5 alternative telecommunications utility described in s. 196.01 (1d) (f) only if the  
6 commission finds that the petitioner does not have the financial, managerial, or  
7 technical capabilities to provide its proposed services or to comply with conditions  
8 that the commission is authorized to impose under sub. (3).

9 **SECTION 52.** 196.203 (3) (a) of the statutes is renumbered 196.203 (3) and  
10 amended to read:

11 196.203 (3) In response to a petition from any interested person, or upon its  
12 own motion, the commission shall determine whether the public interest requires  
13 that ~~any a~~ provision of ~~ch. 201~~ of this chapter specified in sub. (4m) be imposed on  
14 a person providing or proposing to provide service as an alternative  
15 telecommunications utility ~~in a relevant market. In making this determination, the~~  
16 ~~commission may consider factors including the quality of service, customer~~  
17 ~~complaints, concerns about the effect on customers of local exchange~~  
18 ~~telecommunications utilities and the extent to which similar services are available~~  
19 ~~from alternative sources.~~ If the commission imposes a provision of this chapter  
20 specified in sub. (4m) (a) on an alternative telecommunications utility under this  
21 subsection, the commission shall impose the same provision at the same level of  
22 regulation on all other alternative telecommunications utilities.

\*\*\*\*NOTE: You revised s. 196.203 (2) (c) to allow the PSC to impose statutes specified  
in s. 196.203 (4m) (b) or (c) on an ATU. The last sentence in the above refers only to  
statutes specified in s. 196.203 (4m) (a). Is that okay?

1 SECTION 53. 196.203 (3) (b) of the statutes is repealed.

2 SECTION 54. 196.203 (3) (c) of the statutes is repealed.

3 SECTION 55. 196.203 (3) (d) of the statutes is repealed.

4 SECTION 56. 196.203 (3) (dm) of the statutes is repealed.

5 SECTION 57. 196.203 (3) (e) of the statutes is repealed.

6 SECTION 58. 196.203 (4) of the statutes is repealed.

7 SECTION 59. 196.203 (4m) of the statutes is created to read:

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196.203 (4m) (a) The commission may impose s. ~~196.02~~ 196.02 (1), (4), or (5),  
9 196.04, 196.135, 196.14, 196.197, 196.199, 196.207, 196.208, 196.209, 196.218,  
10 196.219 (1), (2) (b), (c), or (d), (2r), (3) (a), (d), (j), (m), (n), or (o), 196.25, 196.26, 196.39,  
11 196.395, 196.40, 196.41, 196.43, 196.44, 196.65, 196.66, 196.81, 196.85, 196.858, or  
12 196.859 on an alternative telecommunications utility.

13 (b) In addition to the requirements under s. 196.212, the commission may, with  
14 respect only to intrastate switched access services, impose s. 196.03 (1) or (6) or  
15 196.37 on an alternative telecommunications utility, except that the commission  
16 may not investigate, review, or set the rates for intrastate switched access services  
17 of an alternative telecommunications utility that is subject to s. 196.212 (2) or (3)  
18 except as required to enforce s. 196.212 (2) or (3).

\*\*\*NOTE: I added "investigate."

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

22 (d) An alternative telecommunications utility certified pursuant to s. 196.50 (2)  
23 (j) 1. a shall be subject, with respect only to wholesale telecommunications service,  
24 to all provisions in pars. (a) and (c).

1           **SECTION 60.** 196.203 (5) of the statutes is amended to read:

2           196.203 (5) The commission may establish a reasonable fee schedule and may  
3 assess an alternative telecommunications utility to cover the cost of ~~making a~~  
4 ~~determination~~ certification, recertification, or other determinations made under this  
5 section.

6           **SECTION 61.** 196.204 (title) of the statutes is repealed and recreated to read:

7           **196.204 (title) Local government telecommunications utilities.**

8           **SECTION 62.** 196.204 (1) of the statutes is repealed.

9           **SECTION 63.** 196.204 (2) of the statutes is repealed.

10          **SECTION 64.** 196.204 (3) of the statutes is repealed.

11          **SECTION 65.** 196.204 (4) of the statutes is repealed.

12          **SECTION 66.** 196.204 (5) (ag) of the statutes is renumbered 196.204 (1m), and  
13 196.204 (1m) (intro.), as renumbered, is amended to read:

14          196.204 (1m) (intro.) In this ~~subsection~~ section:

15          **SECTION 67.** 196.204 (5) (ar) of the statutes is renumbered 196.204 (2m), and  
16 196.204 (2m) (a), (b) (intro.) and (c) (intro.), as renumbered, are amended to read:

17          196.204 (2m) (a) ~~In addition to the other requirements of this section, each~~  
18 Each telecommunications service, relevant group of services, and basic network  
19 function offered or used by a local government telecommunications utility shall be  
20 priced to exceed its total service long-run incremental cost. ~~The commission may~~  
21 ~~waive the applicability of this subdivision to a nongovernmental~~  
22 ~~telecommunications utility's basic local exchange service if the commission~~  
23 ~~determines that a waiver is consistent with the factors under s. 196.03 (6).~~

24          (b) (intro.) For purposes of ~~subd. 1, par. (a)~~, par. (a), the total service long-run  
25 incremental cost of a local government telecommunications utility shall take into

1 account, by imputation or allocation, equivalent charges for all taxes, pole rentals,  
2 rights-of-way, licenses, and similar costs that are incurred by nongovernmental  
3 telecommunications utilities. This ~~subdivision~~ paragraph does not apply to a local  
4 government telecommunications utility that is subject to the exemption under s.  
5 66.0422 (3n). This ~~subdivision~~ paragraph also does not apply to a  
6 telecommunications service, relevant group of services, or basic network function if  
7 all of the following conditions apply:

8 (c) (intro.) ~~Subdivision 2. Paragraph (b)~~ does not apply to a telecommunications  
9 service, relevant group of services, or basic network function, that is used to provide  
10 broadband service and that is offered by a municipal telecommunications utility, if  
11 all of the following apply:

12 **SECTION 68.** 196.204 (5) (b) of the statutes is repealed.

13 **SECTION 69.** 196.204 (6) of the statutes is repealed.

14 ~~**SECTION 70.** 196.205 of the statutes is repealed.~~

15 **SECTION 71.** 196.206 of the statutes is created to read:

16 **196.206 Interconnected voice over Internet protocol service. (1)**

17 EXEMPTIONS. An interconnected voice over Internet protocol service is not subject to  
18 this chapter, except as provided in this section, and except that an interconnected  
19 voice over Internet protocol service is subject to ss. 196.01, 196.016, 196.025 (6),  
20 196.199, 196.218 (3), 196.858, and 196.859, ~~to the same extent that any~~  
21 ~~telecommunications service is subject to those provisions of law~~ and except as  
22 required for the commission to administer and enforce this section.

23 **(2) UNIVERSAL SERVICE FUND.** An entity that provides interconnected voice over  
24 Internet protocol service in this state shall make contributions to the universal  
25 service fund based on its revenues from providing intrastate interconnected voice

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1 over Internet protocol service. The revenues shall be calculated using the entity's  
2 actual intrastate revenues, a provider-specific traffic study approved by the  
3 commission or federal communications commission, or the inverse of the interstate  
4 jurisdictional allocation established by the federal communications commission for  
5 the purpose of federal universal service assessments. To the extent applicable, the  
6 calculation of the intrastate revenues of an entity that provides interconnected voice  
7 over Internet protocol service shall be based on the primary physical service address  
8 identified by the customer.

9 **(3) INTRASTATE SWITCHED ACCESS RATES.** (a) Unless otherwise provided under  
10 federal law, an entity that provides an interconnected voice over Internet protocol  
11 service shall pay intrastate switched access rates in connection with the  
12 interconnected voice over Internet protocol services that it provides to the same  
13 extent that any telecommunications provider is obligated to pay intrastate switched  
14 access rates in connection with the telecommunications services that it provides.

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

22 **SECTION 72.** 196.212 of the statutes is created to read:

23 **196.212 Switched access rates. (1) DEFINITIONS.** In this section:

24 (a) "Affiliate" means any person, corporation, company, cooperative,  
25 unincorporated cooperative association, partnership, association, or other entity

1 that is controlled by, or is under common control with, a telecommunications provider  
2 or telecommunications utility.

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

7 (c) “Large nonincumbent” means a telecommunications provider that is not an  
8 incumbent local exchange carrier, that had 10,000 or more access lines in use in this  
9 state as of January 1, 2010, and that was granted an initial certification by the  
10 commission pursuant to s. 196.203 or 196.50 before January 1, 2011.

\*\*\*\*NOTE: I added the reference to January 1, 2011, to distinguish large  
nonincumbents from new nonincumbents.

11 (d) “New nonincumbent” means a telecommunications provider, other than an  
12 alternative telecommunications utility certified <sup>under s. 196.203</sup> pursuant to s. 196.50 (2) (j) 1. a., that  
13 is not an incumbent local exchange carrier and that was granted an initial  
14 certification by the commission pursuant to s. 196.203 or 196.50 on or after January  
15 1, 2011.

\*\*\*\*NOTE: I restructured the exception for ATUs. Is that okay? Also, the exception  
for ATUs will only apply to a TU that is initially certified as a TU on or after January 1,  
2011, and, subsequent to such initial certification as a TU, terminates the TU certification  
and certifies as an ATU under s. 196.50 (2) (j) 1. a. Is that okay?

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

20 (f) “Small nonincumbent” means a telecommunications provider that is not an  
21 incumbent local exchange carrier, that had fewer than 10,000 access lines in use in

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1 this state as of January 1, 2010, and that was granted an initial certification by the  
2 commission pursuant to s. 196.203 or 196.50 before January 1, 2011.

\*\*\*NOTE: I added the reference to January 1, 2011, to distinguish small nonincumbents from new nonincumbents.

3

(2) ~~REDUCTIONS FOR NEW INCUMBENTS AND LARGE NONINCUMBENTS.~~ (a) *New nonincumbents.* Within 30 days of the effective date of this paragraph .... [LRB inserts date], a new nonincumbent may not charge intrastate switched access rates that are higher than its interstate switched access rates. or (3) (b)

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(b) *Large nonincumbents.* 1. Except for an increase approved by the commission under s. 196.191 (2) (d) 2. a, a large nonincumbent may not ~~charge its~~ intrastate switched access rates ~~or~~ charge intrastate switched access rates higher than the ~~amount~~ amount the large nonincumbent charged for intrastate switched access ~~services~~ on January 1, 2011. rates it charged

2. A large nonincumbent shall reduce its intrastate switched access rates to as follows:

a. No later than 4 years after the effective date of this subd. 2. a. .... [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.

b. No later than 5 years after the effective date of this subd. 2. b. .... [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.

*further*

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c. No later than 6 years after the effective date of this subd. 2. c. .... [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 interstate switched access rates as follows:

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(a) Beginning on the effective date of this paragraph .... [LRB inserts date], the

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large incumbent local exchange carrier may not ~~increase~~ its intrastate switched access rates ~~to~~ charge intrastate switched access rates higher than the ~~highest~~ ~~rates~~ ~~it~~ ~~charged~~ for intrastate switched access ~~services~~ on January 1, 2011.

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(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.

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(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.

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(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

1 intrastate switched access rates by an amount equal to 50 percent of the difference  
2 between its intrastate switched access rates in effect prior to the reduction and its  
3 interstate switched access rates in effect prior to the reduction.

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

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

16 (b) Notwithstanding any other provision of this chapter except to enforce ss.  
17 196.191 (2) (d) 2. and 196.219 (2r), during the 4-year period beginning on the  
18 effective date of this paragraph .... [LRB inserts date], the commission may not  
19 investigate, review, or set the intrastate switched access rates of small incumbent  
20 local exchange carriers.

21 (c) Notwithstanding any other provision of this chapter except to enforce ss.  
22 196.191 (2) (d) 2. and 196.219 (2r), during the 3-year period beginning on the  
23 effective date of this paragraph .... [LRB inserts date], the commission may not  
24 investigate, review, or set the intrastate switched access rates of small  
25 nonincumbents.

\*\*\*\*NOTE: You referred to s. 196.191 (2) (d) 2 a., but for the sake of consistency with par. (b), I referred instead to s. 196.191 (2) (d) 2.

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

5 SECTION 73. 196.213 of the statutes is repealed.

6 SECTION 74. 196.215 of the statutes is repealed.

7 SECTION 75. 196.218 (1) (a) of the statutes is created to read:

8 196.218 (1) (a) "Essential telecommunications services" means the services or  
9 functionalities listed in 47 CFR 54.101 (a) as of January 1, 2010.

10 SECTION 76. 196.218 (3) (a) 3m. of the statutes is amended to read:

11 196.218 (3) (a) 3m. Contributions under this paragraph may be based only on  
12 the gross operating revenues from the provision of broadcast services identified by  
13 the commission under subd. 2. and on intrastate telecommunications services in this  
14 state of the telecommunications providers subject to the contribution. Contributions  
15 based on revenues from interconnected voice over Internet protocol service shall be  
16 calculated as provided under s. 196.206 (2).

17 SECTION 77. 196.218 (3) (f) of the statutes is amended to read:

18 196.218 (3) (f) ~~Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)~~  
19 ~~and (6), 196.213 and 196.215, a~~ A telecommunications utility that provides local  
20 exchange service may make adjustments to local exchange service rates for the  
21 purpose of recovering its contributions to the universal service fund required under  
22 this subsection. A telecommunications utility that adjusts local exchange service  
23 rates for the purpose of recovering such contributions shall identify on customer bills

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1 a single amount that is the total amount of the adjustment. The public service  
2 commission shall provide telecommunications utilities the information necessary to  
3 identify such amounts on customer bills.

4 **SECTION 78.** 196.218 (4) of the statutes is repealed and recreated to read:

5 196.218 (4) ESSENTIAL TELECOMMUNICATIONS SERVICES. (a) Each  
6 telecommunications provider that is designated as an eligible telecommunications  
7 carrier pursuant to 47 USC 214 (e) shall make available to its customers all  
8 essential telecommunications services. A telecommunications provider may satisfy  
9 this paragraph by providing essential telecommunications services itself or through  
10 an affiliate and in either case may provide essential telecommunications services  
11 through the use of any available technology or mode.

12 (b) Notwithstanding par. (a), if a commercial mobile radio service provider is  
13 designated or seeks designation as an eligible telecommunications carrier pursuant  
14 to 47 USC 214 (e) for the purpose of federal universal service funding and not for the  
15 purpose of state universal service funding, the commercial mobile radio service  
16 provider is not subject to any eligible telecommunications carrier requirements  
17 imposed by the commission and shall be subject only to the eligible  
18 telecommunications carrier requirements imposed by 47 USC 214 (e) (1) and  
19 regulations and orders of the federal communications commission implementing 47  
20 USC 214 (e) (1).

21 **SECTION 79.** 196.218 (5r) (a) 4. of the statutes is amended to read:

22 196.218 (5r) (a) 4. An assessment of how ~~successful investments identified in~~  
23 ~~s. 196.196 (5) (f),~~ assistance provided by the universal service fund, ~~and price~~  
24 ~~regulation~~ and other alternative incentive regulations of telecommunications  
25 utilities designed to promote competition have been in advancing the public interest

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1 goals identified under s. 196.03 (6), and recommendations for further advancing  
2 those goals.

3 **SECTION 80.** 196.219 (1) (b) of the statutes is amended to read:

4 196.219 (1) (b) “Local exchange service” ~~has the meaning given in s. 196.50 (1)~~  
5 ~~(b) 1. includes access service, basic local exchange service, and business access line~~  
6 and usage service within a local calling area.

7 **SECTION 81.** 196.219 (2) (a) of the statutes is amended to read:

8 196.219 (2) (a) Notwithstanding any exemptions identified in this chapter  
9 except s. ~~ss.~~ 196.202, 196.203, 196.206, and 196.50, a telecommunications utility or  
10 provider shall provide protection to its consumers under this section unless  
11 exempted in whole or in part by rule or order of the commission under this section.  
12 The commission shall promulgate rules that identify the conditions under which  
13 provisions of this section may be suspended.

14 **SECTION 82.** 196.219 (2m) of the statutes is repealed.

15 **SECTION 83.** 196.219 (2r) of the statutes is created to read:

16 196.219 (2r) SWITCHED ACCESS RATES. Any reduction in intrastate switched  
17 access rates ordered by the commission prior to the effective date of this subsection  
18 ... [LRB inserts date], including any reduction ordered pursuant to s. 196.195, 2009  
19 stats., shall remain effective unless modified by the commission in a subsequent  
20 order, or unless the ordered reduction is inconsistent with the requirements of s.  
21 196.212.

\*\*\*\*NOTE: I added the reference to 2009 stats. to clarify the reference to law in effect  
prior to enactment of the bill.

22 **SECTION 84.** 196.219 (3) (h) of the statutes is repealed.

23 **SECTION 85.** 196.25 (1) of the statutes is amended to read:



1           196.25 (1) If a public utility, other than a public utility that is a  
2 telecommunications provider, receives from the commission any questionnaire, the  
3 public utility shall respond fully, specifically and correctly to each question. If a  
4 public utility is unable to answer any question, the public utility shall give a good and  
5 sufficient reason for its failure. Every answer by a public utility under this section  
6 shall be verified under oath by ~~the president, secretary, superintendent or general~~  
7 a manager of the public utility and returned to the commission at its office within the  
8 period fixed by the commission.

9           **SECTION 86.** 196.25 (2) of the statutes is amended to read:

10           196.25 (2) If required by the commission, a public utility, other than a public  
11 utility that is a telecommunications provider, shall deliver to the commission the  
12 original or a copy of any map, profile, contract or engineer's report and any other  
13 document, book, account, paper or record with a complete inventory of all its  
14 property, in such form as the commission directs.

15           **SECTION 87.** 196.25 (3) of the statutes is amended to read:

16           196.25 (3) If a telecommunications provider receives a questionnaire from the  
17 commission, the telecommunications provider shall respond specifically, correctly  
18 and fully to each question that relates to a matter over which the commission has  
19 jurisdiction. If a telecommunications provider is unable to answer any question, the  
20 telecommunications provider shall give a good and sufficient reason for its failure.  
21 Answers shall be verified under oath by ~~the president, secretary, superintendent or~~  
22 general a manager of the telecommunications provider. A completed questionnaire  
23 shall be returned to the commission within the time period specified by the  
24 commission.

25           **SECTION 88.** 196.26 (1) (a) of the statutes is amended to read:

1           196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge,  
2 or schedule, joint rate, regulation, measurement, act, or practice relating to the  
3 provision of heat, light, water, or power, ~~or telecommunications~~ service is  
4 unreasonable, inadequate, unjustly discriminatory, or cannot be obtained.

5           **SECTION 89.** 196.26 (4) of the statutes is repealed.

6           **SECTION 90.** 196.28 (4) of the statutes is amended to read:

7           196.28 (4) This section does not apply to rates, tolls or charges of a  
8 telecommunications cooperative, an unincorporated telecommunications  
9 cooperative association, or a small telecommunications utility except as provided in  
10 s. 196.205 or 196.215 (2).

11           **SECTION 91.** 196.31 (1m) of the statutes is amended to read:

12           196.31 (1m) The commission shall compensate any consumer group or  
13 consumer representative for all reasonable costs of participating in a hearing under  
14 s. ~~196.196 (1) (g)~~ or 196.198.

15           **SECTION 92.** 196.37 (3) of the statutes is amended to read:

16           196.37 (3) Any public utility to which an order under this section applies shall  
17 make such changes in schedules on file under s. 196.19 to make the schedules  
18 conform to the order. The public utility may not make any subsequent change in  
19 rates, tolls or charges without the approval of the commission, ~~except as provided in~~  
20 ~~s. 196.205 or 196.215 (2).~~

21           **SECTION 93.** 196.37 (4) of the statutes is amended to read:

22           196.37 (4) This section does not apply to rates, tolls or charges of a  
23 telecommunications cooperative, an unincorporated telecommunications  
24 cooperative association, or a small telecommunications utility except as provided in  
25 s. 196.205 or 196.215 (2).

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1           **SECTION 94.** 196.49 (1) (ag) of the statutes is repealed.

2           **SECTION 95.** 196.49 (3) (b) (intro.) of the statutes is amended to read:

3           196.49 (3) (b) (intro.) ~~Except as provided in par. (d), the~~ The commission may  
4 require by rule or special order under par. (a) that no project may proceed until the  
5 commission has certified that public convenience and necessity require the project.  
6 The commission may refuse to certify a project if it appears that the completion of  
7 the project will do any of the following:

8           **SECTION 96.** 196.49 (3) (d) of the statutes is repealed.

9           **SECTION 97.** 196.50 (title) of the statutes is amended to read:

10           **196.50** (title) **Competing public utilities; indeterminate permits;**  
11 **telecommunications utility certification.**

12           **SECTION 98.** 196.50 (1) (b) 1. and 2. of the statutes are repealed.

13           **SECTION 99.** 196.50 (1) (b) 3. of the statutes is renumbered 196.50 (1) (b).

14           **SECTION 100.** 196.50 (2) (b) of the statutes is amended to read:

15           196.50 (2) (b) A certificate, franchise, license or permit, indeterminate or  
16 otherwise, in effect on September 1, 1994, for a telecommunications utility shall  
17 remain in effect and shall have the effect of a certificate of authority. A  
18 telecommunications utility is not required to apply for a new certificate of authority  
19 to continue offering or providing service to the extent of the prior authorization. Each  
20 telecommunications utility, ~~including telecommunications cooperatives and~~  
21 ~~unincorporated telecommunications cooperative associations,~~ shall have on file with  
22 the commission ~~under s. 196.19 a tariff that sets forth the rates, terms and conditions~~  
23 ~~for all services provided and~~ a map that defines the geographical limits of the service  
24 territory that the telecommunications utility is obliged to serve.

25           **SECTION 101.** 196.50 (2) (e) 1. of the statutes is amended to read:

1           196.50 (2) (e) 1. Pending the determination on an application for a certificate  
2 of authority or an amended certificate of authority, the commission may issue,  
3 without notice and hearing, a temporary license for a period not to exceed one year  
4 ~~and may temporarily exempt the applicant from requirements of this chapter~~  
5 ~~identified in s. 196.195 (5) if the exemption is in the public interest.~~ The issuance of  
6 a temporary license does not bind the commission in the final determination on the  
7 application.

~~\*\*\*NOTE: Although not mentioned in the instructions, I made the above change because, as amended, s. 196.195 (5) no longer identifies any requirements under "this chapter" i.e., ch. 196. Instead, s. 196.195 (5) is amended to refer only to provisions under ch. 201.~~

8           **SECTION 102.** 196.50 (2) (f) of the statutes is amended to read:

9           196.50 (2) (f) The commission shall issue a certificate of authority or an  
10 amended certificate of authority if it finds, after notice and opportunity for hearing,  
11 that the applicant possesses sufficient technical, financial and managerial resources  
12 to provide telecommunications service to any person within the identified geographic  
13 area. In making this determination, the commission shall consider the factors  
14 identified in s. 196.03 (6). ~~The commission may order the applicant to satisfy any~~  
15 ~~conditions that the commission considers to be necessary to protect the public~~  
16 ~~interest, including structural safeguards.~~

17           **SECTION 103.** 196.50 (2) (g) 3. of the statutes is repealed.

18           **SECTION 104.** 196.50 (2) (h) of the statutes is repealed.

19           **SECTION 105.** 196.50 (2) (i) of the statutes is created to read:

20           196.50 (2) (i) A telecommunications utility certified under this subsection is  
21 exempt from ss. 196.02 (2) and (6), 196.05, 196.06, 196.07, 196.08, 196.09, 196.10,  
22 196.12, 196.13, 196.16, 196.18, 196.19, 196.20, 196.21, 196.219 (3) (c), (e), (g), and (L),  
23 (4d), (4m), and (5), 196.24, 196.395, 196.49, 196.52, 196.58, 196.60, 196.64, 196.78,

1 and 196.79 and, except with respect to wholesale telecommunications service, is  
2 exempt from s. 196.219 (4).

3 **SECTION 106.** 196.50 (2) (j) of the statutes is created to read:

4 196.50 (2) (j) 1. A telecommunications utility certified under this subsection  
5 may do any of the following:

6 a. Provide notice to the commission to terminate the certification under this  
7 subsection and certify the telecommunications utility as an alternative  
8 telecommunications utility under s. 196.203. No later than 30 days after receiving  
9 notice under this subd. 1. a., the commission shall issue an order granting a  
10 certification under s. 196.203. The granting of such certification shall operate to  
11 terminate the certification under this subsection. All regulatory requirements in or  
12 related to the certification under this subsection that are inconsistent with the  
13 requirements of or regulation allowed under s. 196.203, including all such  
14 requirements imposed by the certification and all such requirements imposed by the  
15 commission, whether by statute or commission rule or order, on the  
16 telecommunications utility are terminated on the effective date of the order, unless  
17 the telecommunications utility, in its notice to the commission seeking certification  
18 under s. 196.203, requests to remain subject to one or more requirements of its prior  
19 certification under this subsection that do not violate the telecommunications  
20 utility's requirements or obligations under this chapter and the commission does not  
21 deny the request in its certification order under this subd. 1. a.

\*\*\*NOTE: Instead of using the term "recertification" in the above, I referred to  
"certification" under s. 196.203. I think my approach is consistent with the different  
terminology used in s. 196.50 (2) (j) 1. a. and b.

22 b. Provide notice to the commission to recertify the telecommunications utility  
23 under this subsection and impose on the telecommunications utility only those

10 SEP 7  
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1 provisions of this chapter specified in this subd. 1. b. No later than 30 days after  
2 receiving notice under this subd. 1. b., the commission shall issue an order that  
3 grants recertification under this subsection and that imposes on the  
4 telecommunications utility only those provisions of this chapter specified in this  
5 subd. 1. b. The telecommunications utility shall be exempt from all provisions of this  
6 chapter, except ss. 196.01, 196.016, 196.025 (6), 196.191, 196.206, 196.212, 196.219  
7 (2r), and 196.503; and except those provisions in s. 196.203 (4m) (a) that are imposed  
8 on all alternative telecommunications utilities under s. 196.203 (3); and except, with  
9 respect to its wholesale telecommunications services only, ss. 196.03 (1) and (6),  
10 196.219 (4), 196.28, and 196.37. If required by the public interest, the commission  
11 may, with respect only to intrastate switched access services, impose on the  
12 telecommunications utility s. 196.03 (1) and (6) and 196.37, except that the  
13 commission may not impose s. 196.03 (1) or (6) without also imposing s. 196.37 on the  
14 telecommunications utility. The granting of the recertification shall operate to  
15 terminate the telecommunications utility's prior certification. All regulatory  
16 requirements related to the prior certification that are inconsistent with the  
17 requirements of or regulation allowed under this subd. 1. b., including all such  
18 requirements imposed by the certification, and all such requirements imposed by the  
19 commission, whether by statute or commission rule or order, on the  
20 telecommunications utility are terminated on the effective date of the order unless  
21 the telecommunications utility, in its notice to the commission seeking recertification  
22 under this subd. 1. b., requests to remain subject to one or more requirements of its  
23 prior certification that do not violate the telecommunications utility's requirements  
24 or obligations under this chapter and the commission does not deny the request in  
25 its recertification order.

1           2. Issuance of a commission order under subd. 1. shall operate as a limited  
2 waiver of the telecommunications utility’s right to an exemption under 47 USC 251  
3 (f) (1), which shall apply only to all of the following:

4           a. The requirements of 47 USC 251 (c) (1) and (2).

5           b. The requirements of 47 USC 251 (c) (5), but only with respect to the  
6 requirements of 47 CFR 51.325 (a) (1) and (2).

7           3. Issuance of a commission order under subd. 1. shall operate as a limited  
8 waiver of the telecommunications utility’s right to petition the commission for  
9 suspension or modification under 47 USC 251 (f) (2), which shall apply only to all of  
10 the following:

11           a. The requirements of 47 USC 251 (b) and (c) (1) and (2).

12           b. The requirements of 47 USC 251 (c) (5), but only with respect to the  
13 requirements of 47 CFR 51.325 (a) (1) and (2).

*the offering of internet  
access service  
or*

14           **SECTION 107.** 196.503 of the statutes is created to read:

15           **196.503 Telecommunications provider of last-resort obligations. (1)**

16           DEFINITIONS. In this section, “basic voice service” means the provision to residential  
17 customers of 2-way voice communication within a local calling area. “Basic voice  
18 service” includes extended community calling and extended area service. “Basic  
19 voice service” does not include any discretionary or optional services that are  
20 provided to a residential customer, even if provided in a bundle or package with basic  
21 voice service.

*\*\*\*\*NOTE: The instructions add a definition for “universal service fund.” However,  
that definition is not necessary. When a fund is established in ch. 25, it is not necessary  
to create a definition for the fund. (Note that the definition under current law in s.  
196.218 (1) (d) is also not necessary.)*

22           **(2) INCUMBENT LOCAL EXCHANGE CARRIER OBLIGATIONS.** (a) Notwithstanding any  
23 other provision in this chapter, and except as provided in sub. (3), an incumbent local

1 exchange carrier shall make basic voice service available to all residential customers  
2 within a local exchange area in which it operates as an incumbent local exchange  
3 carrier.

4 (b) An incumbent local exchange carrier may satisfy its obligations under par.  
5 (a) through an affiliate and through the use of any available technology or mode.

6 **(3) WAIVERS.** (a) An incumbent local exchange carrier may apply to the  
7 commission for a waiver from compliance with sub. (2) (a) in a local exchange area.

8 (b) The commission shall grant a waiver requested under par. (a) for a local  
9 exchange area if any of the following is satisfied:

10 1. The commission finds that the incumbent local exchange carrier  
11 demonstrates that the waiver is in the public interest or that effective competition  
12 exists for basic voice service in the local exchange.

13 2. The commission has made a previous finding of effective competition under  
14 s. 196.195 (2) for basic local exchange service in the local exchange. The commission

15 may not grant a waiver under this subdivision until after June 1, 2012 ~~the~~  
16 ~~effective date of this subdivision ... [LRB inserts date], whichever is later.~~

17 (c) The commission's review of a waiver requested under par. (a) shall be strictly  
18 limited to determining whether any of the criteria specified in par. (b) 1. or 2. is  
19 satisfied.

20 (d) 1. Within 120 days of the filing of a waiver request based on par. (b) 1., the  
21 commission shall grant or deny the request and, if denied, the commission shall issue  
22 a written decision identifying the reasons for its denial. If the commission fails to  
23 grant or deny the waiver request within 120 days of its filing, the waiver request is  
24 considered granted by operation of law.



1           2. The commission shall grant a waiver based on par. (b) 2. as soon as the  
2 commission verifies that the commission has previously made the finding specified  
3 in par. (b) 2., but no later than 20 days after the filing of the waiver request. If the  
4 commission fails to grant a waiver request based on par. (b) 2. within 20 days of its  
5 filing, the waiver request is considered granted by operation of law. If the  
6 commission denies a waiver based on par. (b) 2., the commission shall issue a written  
7 decision identifying the reasons for its denial.

8           **(4) EFFECT ON OTHER REQUIREMENTS.** (a) Notwithstanding any other provision  
9 of this chapter, a commission decision prior to the effective date of this paragraph ....  
10 [LRB inserts date], eliminating an incumbent local exchange carrier's provider of  
11 last-resort obligations, by operation of law or otherwise, remains in force and in  
12 effect as to the elimination of those obligations.

13           (b) Except to enforce this section, nothing in this section provides the  
14 commission with any authority to regulate, or any jurisdiction over, incumbent local  
15 exchange carriers and the rates, terms, and conditions of their services that the  
16 commission does not otherwise have under this chapter.

17           **(5) SUNSET.** This section does not apply after April 30, 2013.

18           **SECTION 108.** 196.52 (3) (b) 1. of the statutes is amended to read:

19           196.52 **(3)** (b) 1. The requirement for written approval under par. (a) shall not  
20 apply to any contract or arrangement if the amount of consideration involved is not  
21 in excess of \$25,000 or 5% of the equity of the public utility, whichever is smaller. The  
22 requirement under par. (a) also does not apply ~~to a telecommunications utility~~  
23 ~~contract or arrangement~~ or to contracts or arrangements with joint local water  
24 authorities under s. 66.0823. Regularly recurring payments under a general or  
25 continuing arrangement which aggregate a greater annual amount may not be

1 broken down into a series of transactions to come within the exemption under this  
2 paragraph. Any transaction exempted under this paragraph shall be valid or  
3 effective without commission approval under this section.

4 **SECTION 109.** 196.52 (3) (c) (intro.) of the statutes is amended to read:

5 196.52 **(3)** (c) (intro.) If the value of a contract or arrangement between an  
6 affiliated interest and a public utility, ~~other than a telecommunications utility,~~  
7 exceeds \$1,000,000, the commission:

8 **SECTION 110.** 196.52 (5) (a) of the statutes is renumbered 196.52 (5).

9 **SECTION 111.** 196.52 (5) (b) of the statutes is repealed.

10 **SECTION 112.** 196.52 (6) of the statutes is amended to read:

11 196.52 **(6)** If the commission finds upon investigation that a public utility, ~~other~~  
12 ~~than a telecommunications utility,~~ is giving effect to a contract or arrangement  
13 without the commission's approval under this section, the commission shall issue a  
14 summary order directing that public utility to cease and desist from making any  
15 payments, receiving compensation, providing any service or otherwise giving any  
16 effect to the contract or arrangement until the contract or arrangement receives the  
17 approval of the commission. The circuit court of Dane County may enforce the order  
18 to cease and desist by appropriate process, including the issuance of a preliminary  
19 injunction, upon the suit of the commission.

20 **SECTION 113.** 196.52 (9) (e) of the statutes is amended to read:

21 196.52 **(9)** (e) Notwithstanding sub. (5) ~~(a)~~, the commission may not modify or  
22 terminate a leased generation contract approved under sub. (3) except as specified  
23 in the leased generation contract or the commission's order approving the leased  
24 generation contract.

25 **SECTION 114.** 196.60 (1) (a) of the statutes is amended to read:

1           196.60 (1) (a) ~~Except as provided under sub. (2), no~~ No public utility and no  
2 agent, as defined in s. 196.66 (3) (a), or officer of a public utility, directly or indirectly,  
3 may charge, demand, collect or receive from any person more or less compensation  
4 for any service rendered or to be rendered by it in or affecting or relating to the  
5 production, transmission, delivery or furnishing of heat, light, water,  
6 ~~telecommunications service~~ or power or for any service in connection therewith, than  
7 that prescribed in the published schedules or tariffs then in force, or established  
8 under this chapter, or than it charges, demands, collects or receives from any other  
9 person for a like contemporaneous service.

10           **SECTION 115.** 196.60 (2) of the statutes is repealed.

11           **SECTION 116.** 196.604 of the statutes is amended to read:

12           **196.604 Rebates, concessions and discriminations unlawful.** No person  
13 may knowingly solicit, accept or receive any rebate, concession or discrimination  
14 from a public utility for any service in or affecting or relating to the production,  
15 transmission, delivery or furnishing of heat, light, water or power ~~or the conveying~~  
16 ~~of telecommunications messages~~ within this state or for any connected service  
17 whereby the service is rendered or is to be rendered free or at a rate less than the rate  
18 named in the schedules and tariffs in force, or whereby any other service or  
19 advantage is received. Any person violating this section shall be fined not less than  
20 \$50 nor more than \$5,000 for each offense.

21           **SECTION 117.** 196.77 of the statutes is repealed.

22           **SECTION 118.** 196.79 (1) of the statutes is renumbered 196.79 and amended to  
23 read:

24           **196.79 Reorganization subject to commission approval.** ~~Except as~~  
25 ~~provided in sub. (2), the~~ The reorganization of any public utility shall be subject to

1 the supervision and control of the commission. No reorganization may take effect  
2 without the written approval of the commission. The commission may not approve  
3 any plan of reorganization unless the applicant for approval establishes that the plan  
4 of reorganization is consistent with the public interest.

5 **SECTION 119.** 196.79 (2) of the statutes is repealed.

6 **SECTION 120.** 196.805 of the statutes is repealed.

7 **SECTION 121.** 196.975 (1) of the statutes is renumbered 196.975 (1r) and  
8 amended to read:

9 196.975 (1r) One hundred fifty or more consumers, ~~as defined in s. 196.213 (1)~~  
10 ~~(a) 1.,~~ who are residents of the same local exchange area for telecommunications  
11 service may file with the commission a petition requesting that commission staff, in  
12 cooperation with the affected telecommunications utilities and telecommunications  
13 carriers, petition the appropriate federal district court to include their local exchange  
14 area in a different local access and transport area. The petitioners shall include with  
15 the petition information explaining why the current boundaries of the local access  
16 and transport area which includes their local exchange area does not adequately  
17 reflect areas of common social, economic and other concerns.

18 **SECTION 122.** 196.975 (1g) of the statutes is created to read:

19 196.975 (1g) In this section, “consumer” means a person billed for one or more  
20 local telecommunications service access lines not to exceed one person per access  
21 line. A person billed for more than one access line may not be considered a consumer  
22 for each access line for which he or she is billed.

23 **SECTION 123.** 196.975 (2) of the statutes is amended to read:

24 196.975 (2) After receiving a petition under sub. ~~(4)~~ (1r), the commission shall  
25 schedule a public hearing, to be held in the local exchange area of the petitioners,

1 serving to receive testimony on the contents of the petition and any other matters  
2 deemed relevant by the commission. The commission shall publish a class 1 notice  
3 under ch. 985 in a newspaper serving the local exchange area at least 20 days prior  
4 to the hearing.

5 **SECTION 124.** 201.15 of the statutes is repealed.

6 **SECTION 125. Nonstatutory provisions.**

7 (1) In this SECTION:

8 (a) "Alternative telecommunications utility" has the meaning given in section  
9 196.01 (1d) of the statutes, as affected by this act.

10 (b) "Commission" means the public service commission.

11 (c) "Price-regulated telecommunications utility" means a telecommunications  
12 utility that elected to become a price-regulated telecommunications utility under  
13 section 196.196 (1) or (4), 2009 stats.

14 (d) "Telecommunications utility" has the meaning given in section 196.01 (10)  
15 of the statutes.

16 (2) Except as provided in sections 196.195 and 196.219 (2r) of the statutes, as  
17 affected by this act, on the effective date of this subsection, any requirement imposed  
18 by the commission under section 196.195 (5), 2009 stats., or section 196.196, 2009  
19 stats., whether by statute or commission rule or order, on a price-regulated  
20 telecommunications utility is terminated.

21 (3) Except as provided in sections 196.219 (2r) of the statutes, as created by this  
22 act, on the effective date of this subsection, any requirement imposed on a  
23 telecommunications utility or alternative telecommunications utility under section  
24 196.203, 2009 stats., or section 196.50, 2009 stats., whether by statute or commission

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1 rule or order, that is inconsistent with sections 196.203 or 196.50 (2) of the statutes,  
2 as affected by this act, is terminated.

3 (END)