# State of Wisconsin

**LEGISLATIVE REFERENCE BUREAU**

# ☞ Appendix A ... segment I

**LRB BILL HISTORY RESEARCH APPENDIX**

☞ The drafting file for 2011 LRB–1625 (For: Rep. Honadel)

has been transfered to the drafting file for

**2011 LRB–1901** (For: Rep. Honadel)

☞ Are These "Companion Bills" ?? ... No

# RESEARCH APPENDIX -

***PLEASE KEEP WITH THE DRAFTING FILE***

Date Transfer Requested: 04/12/2011 (Per: MDK)

☞ The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

# *2011 DRAFTING REQUEST*

## Bill

Received: **03/09/2011**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Jason Vick**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - telco**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.wisconsin.gov**

Carbon copy (CC:) to: **dc1928@att.com**

**Pre Topic:**

No specific pre topic given

**Topic:**

Regulation of telecommunication utilities and alternative telecommunication utilities

**Instructions:**

See attached

**Drafting History:**

| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|---|---|
| /? | mkunkel<br>03/11/2011 | | | _____<br>_____ | | | State |
| /P1 | mkunkel<br>03/15/2011 | wjackson<br>03/17/2011 | jfrantze<br>03/11/2011<br>mduchek<br>03/17/2011 | _____<br>_____<br>_____<br>_____ | sbasford<br>03/17/2011 | | State |
| /1 | mkunkel<br>03/20/2011 | wjackson<br>03/21/2011 | phenry<br>03/21/2011 | _____<br>_____ | mbarman<br>03/21/2011 | | State |

| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|---|---|
| /2 | mkunkel<br>03/22/2011 | wjackson<br>03/22/2011 | rschluet<br>03/22/2011 | _____<br>_____ | sbasford<br>03/22/2011 | | |

FE Sent For:

**<END>**

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| /1 | mkunkel 03/20/2011 | wjackson 03/21/2011 | phenry 03/21/2011 | | mbarman 03/21/2011 | | |

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**<END>**

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Wanted: **As time permits**

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By/Representing: **Jason Vick**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - telco**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Regulation of telecommunication utilities and alternative telecommunication utilities

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**Instructions:**

See attached

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**Drafting History:**

| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|---|---|
| /? | mkunkel 03/11/2011 | | | | | | State |
| /P1 | mkunkel 03/15/2011 | wjackson 03/17/2011 | jfrantze 03/11/2011 mduchek 03/17/2011 | | sbasford 03/17/2011 | | |

FE Sent For:

## Kunkel, Mark

**From:** CHORZEMPA, DAVID J (Legal) [dc1928@att.com]
**Sent:** Tuesday, January 18, 2011 10:35 PM
**To:** Kunkel, Mark
**Subject:** FW: Responses
**Attachments:** LRB Response 1.10.11.docx

Trying again.

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**From:** CHORZEMPA, DAVID J (Legal)
**Sent:** Tuesday, January 18, 2011 5:17 PM
**To:** 'mark.kunkel@legis.state.wis.us'
**Subject:** Responses

As discussed, attached are draft responses to your questions.

My contact info is shown below.
David J. Chorzempa – General Attorney
AT&T Legal Dept.
225 West Randolph, Floor 25D
Chicago, IL 60606
Phone: (312) 727-4585
Fax: (312) 845-8979
Mobile: (312) 513-0661
email: dchorzempa@att.com

Attachment to 1-18-11 email

# RESPONSE TO: DRAFTER'S NOTE
## FROM THE
## LEGISLATIVE REFERENCE BUREAU

January 10, 2011

1. Section 196.04 is amended. Please note the following:

a. The documents you provided include "attachment" in the definition of "transmission equipment and property." However, in s. 196.04 (2), the documents refer to a charge for the attachment of any transmission equipment and property. The result is to refer to a charge for the attachment of an attachment. I'm not sure what your intent is, so I left "attachment" out of the definition of "transmission equipment and property." Please give me more information on your intent with respect to this issue.

**Response:** LRB's suggestion is acceptable, but requires revision to s. 196.04(1)(b). The intent was to include attachments (i.e., attachment on telephone poles) in the definition of "transmission equipment and property" in order to make clear that attachments carry the same obligations and requirements associated with "transmission equipment and property" under 196.04. Thus, the intent is to obligate a person who owns transmission equipment and property covered by 196.04 to allow the use of such transmission equipment and property, including an attachment thereto, pursuant to 196.04(1)(b). In other words, the statute needs to be revised to make clear that the "use of" the transmission equipment and property includes the placement and use of an attachment thereto. Thus, consistent with the LRB approach, section 196.04(1)(b) would need to be revised, perhaps as follows:

*(b) Transmission equipment and property access. 1. Any person who owns transmission equipment and property shall permit, for reasonable compensation, the use* of *the transmission equipment and property, including an attachment to a pole, by any public utility or telecommunications provider. . .*

b. In the definition of "transmission equipment and property," I referred to a right–of–way owned or controlled by a political subdivision, rather than to a "municipality right of way." My language is similar to 47 USC 224 (a) (4), which refers to a right–of–way owned or controlled by a utility. Did I get your intent right, or did you mean to refer to a private entity's right–of–way over municipal property? Also note that I refer to a public utility owned or operated by any county, city, village, or town, rather than to a municipal utility.

**Response:** The changes are acceptable.

c. Under our drafting practice, we don't define "municipality" to include a county. Instead, we use the term "political subdivision" to refer to a city, village, town, or county. Therefore, I created a definition for a political subdivision.

**Response:** The changes are acceptable.

d. The documents would amend s. 196.04 (1) (b) 1. to refer to any person, including a municipality. However, it is not necessary to specify that person includes a municipality, as s. 990.01 (26) defines "person" to include "all partnerships, associations and ***bodies politic*** or corporate." (Emphasis added.) Therefore, I did not make the requested amendment.

**Response:** Ok.

e. Please review the last sentence of s. 196.04 (2). I'm having trouble understanding your intent on this issue. Can you explain to me how you want federal law to apply here? I'm confused because you appear to want 47 USC 224 (d) to apply regardless of whether a service is classified as cable or telecommunications service, but 47 USC 224 (d) itself distinguishes between cable and telecommunications service. See 47 USC 224 (d) (3), which provides that 47 USC 224 (d) applies to telecommunications service until the effective date of the FCC's regulations for telecommunications service under 47 USC 224 (e), which was February 8, 2001. Is it your intent to apply 47 USC 224 (d) to both cable and telecommunications service, and to ignore the FCC's regulations under 47 USC 224 (e)? On a related point, how do you want to address the requirements under 47 USC 224 (e) (2) and (3) for apportioning costs among multiple parties who make attachments? Should the PSC apply or ignore 47 USC 224 (e) (2) and (3)?

**Response:** The intent is twofold: (1) to apply the pricing methodology required by 47 USC 224(d) to attachments on municipality-owned pole, and (2) to ensure that the rates apply to all attachments, whether by a cable provider or a provider of telecommunications services. The requirements of 47 USC s. 224(e)(2) and (3) may be applied as well for consistency sake.

f. What do you want to do, if anything, about s. 182.017 (1r) and (8), which allow cities, villages, and towns to regulate uses of rights–of–way by certain entities, including public utilities and video service providers, subject to review by the PSC? In particular, s. 182.017 (8) contains rules for the PSC to determine whether payments required by cities, villages, and towns are reasonable. What is your intent on how s. 182.017 (8) should interact with the last sentence of s. 196.04 (2)?

**Response:** The only additional requirement is that attachment rates have to meet the standards set forth in the last sentence. There is no inconsistency between 182.017 and 196.04 – s. 196.04 only provides additional clarity concerning the rates for municipally owned attachment. In short, no additional language is necessary

2. Instead of creating the switched access rate material in a repealed and recreated s. 196.196, I created s. 196.212 for that material. The reason is that the new material has a different subject than the material in s. 196.196, and repealing and recreating s. 196.196 for a different subject would create a confusing drafting history. Note that I made cross–references to s. 196.212 (instead of s. 196.196) in s. 196.191 (5) (b), 196.203 (1g), 196.219 (2r), 196.50 (2) (i), and 196.50 (2) (j) 1. b.

**Response:** That is acceptable.

3. Regarding new s. 196.212, please note the following:

a. I added titles to the subsections and made some grammatical and other stylistic changes.

**Response:** Ok.

b. The documents include a new definition of "switched access service" for purposes of s. 196.212. However, that term is used throughout the draft in other statutory sections without a definition. For the sake of clarity, do you want your new definition to apply throughout ch. 196, and not just in s. 196.212.

**Response:** The definition of switched access service could be included in 196.01 and, based on other revisions suggested below, makes sense.

c. I have not yet described s. 196.212 in the analysis because I am not sure how it relates to the requirements that apply to switched access service in the rest of draft. For example, the PSC is allowed to impose a duty to provide switched access service at reasonable and just rates on the following: alternative telecommunications utilities and telecommunications utilities with less than 150,000 access lines. With respect to a telecommunications utility with 150,000 or more access lines, the draft requires that the telecommunications utility's intrastate access rates must not exceed interstate access rates. How do the new requirements for intrastate switched access service interact with the foregoing?

**Response:** This is a good question and one contemplated at length. First and foremost, the intent is to have s. 196.212 apply to all telecommunications providers certificated under ss. 196.203 or 196.50 – assuming they are either an ILEC (incumbent local exchange carrier) with greater than 150K access lines or a non-ILEC of any size. That is what necessitated the references to 196.212 in s. 196.203(1g), 196.50(2)(i) and 196.50(2)(j)1.b. .

Second, while 196.212 would govern the switched access rates of telecommunications providers subject to that section, certain telecommunications providers are exempt from the pricing requirements of 196.212 (i.e., ILECs with less than 150,000 access lines). An exempt ILEC may choose to become certificated as an ATU under s. 196.203, or may keep its certification under s. 196.50. As a result, some ATUs may be subject to 196.212 and some may not. Similarly, some ILECs certificated under 196.50 may be subject to 196.212 (because of their size) and some may not. In addition, while the intent is to have 196.212 govern the "rates" for switched access (for telecommunications providers subject to that section), the intent is for the PSC to retain whatever authority it otherwise had over switched access (i.e., authority over non-rate terms and conditions).

Thus, for ATUs, we retained language (in s. 196.203(4m)(b)) allowing the PSC the discretion to impose 196.03(1) or (6) and 196.37 in relation to ATU switched access services. Among other

things, application of these sections would allow the PSC discretion to ensure that an ATU is providing "reasonably adequate" and not "unjustly discriminatory" switched access services. Again, however, the intent is for the pricing of ATU switched access services to be subject to s. 196.212 – assuming the ATU is subject to that section and not exempt due to its size.

For telecommunications providers certificated under s. 196.50, the intent is to apply 196.212 to all such providers and for that section (196.212) to govern the pricing of their switched access services (assuming they are not an ILECs with less than 150,000 lines). However, some telecommunications providers certificated under 196.50 will be exempt from 196.212 (i.e., ILECs with under 150,000 access lines) and the intent is for the PSC to retain whatever authority it presently has over such providers' switched access rates. In addition, even if a telecommunications provider certificated under 196.50 is subject to 196.212, the intent is to retain PSC authority it otherwise has over switched access services (i.e., authority over non-rate terms and conditions).

With this intent in mind, we retained language (in 196.50(2)(i)) that makes clear that a telecommunications utility that chooses to retain its certificate under that section is subject to certain PSC authority over its switched access rates, namely 196.03 and/or 196.37. We believe this language accurately reflects the current state of PSC authority over switched access rates and services. But again, for telecommunications utilities subject to 196.212, the intent is for that section to govern their switched access rates.

For the same reasons, s. 196.50(2)(j)1.b. has the same switched access language as in 196.50(2)(i).

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*That said, in order to better address your question concerning the interplay between 196.212 and these other sections, we suggest the following language be inserted in s. 196.212 as follows (with new language shown as underlined herein):*

(3) APPLICABILITY. <u>(a) Notwithstanding any other provision of this Chapter, this section governs the rates that telecommunications providers subject to this section may charge for 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 a telecommunications provider to which this section is applicable.</u>

<u>(b)</u> This section applies . . .

**Finally, we note for your attention that the language in ss. 196.50(2)(i) and 196.50(2)(j)1.b. retaining PSC jurisdiction over the "access rates" of telecommunications utilities over 150,000 lines is purposefully broad enough to capture all access services, including dedicated, and not just switched access. The intent here is for telecommunications utilities certificated under 196.50 with greater than 150,000 access line to: (1) follow s. 196.212 for pricing switched access rates, and (2) for their dedicated access service (term used in defining access service in s.

196.01(1b)) to be no higher than their intrastate dedicated access rates (which is currently the case).

d. As requested, incumbent local exchange carrier (ILEC) has the meaning given in 47 USC 251 (h). However, note that 47 USC 251 (h) (1) defines ILEC and 47 USC 251 (h) (2) allows the FCC to treat, for purposes of 47 USC 251, a local exchange carrier as an ILEC if certain conditions are satisfied. You may want to clarify whether, for purposes of s. 196.212, the term "ILEC" includes the entities defined in 47 USC 215 (h) (1), as well as those entities the FCC treats as ILECs under 47 USC 251 (h) (2).

**Response:** That is fine and consistent with the intent.

e. I referred to telecommunications providers, rather than telecommunications providers, telecommunications utilities, and alternative telecommunications utilities, because the term "telecommunications providers" encompasses both telecommunications utilities and alternative telecommunications utilities.

**Response:** While we agree with your assessment, some switched access providers have claimed that they are neither telecommunications providers nor telecommunications utilities (because they claim that they are not technically providing a telecommunications service). That is why we stated that telecommunications providers, including all ILECs, telecommunications utilities and alternative telecommunications utilities, are subject to s. 196.212.

An alternative solution is to specify in 196.01(9m) that "Telecommunications service includes the provision of switched access services."

f. I'm confused about s. 196.212 (3), which concerns applicability. Under s. 196.212 (3) (a) and (b), it appears that the only telecommunications providers to whom s. 196.212 does ***not*** apply are ILECs who, with affiliates, have less than 150,000 access lines. If that is your intent, why not directly state that? If I'm wrong about your intent, please advise.

**Response:** That is our intent. Because of the issues identified in the response above, we wrote this section as provided. See alternative in s. 196.212 suggested above.

g. The definition of "switched access rates" also creates problems about applicability. The term is defined as something that a local exchange carrier charges. However, s. 196.212 (2) imposes reductions on the intrastate switched access rates of a telecommunications provider. If, under the definition, only a local exchange carrier can charge switched access rates, how can you impose a reduction duty on a telecommunications provider that may not be a local exchange carrier?

**Response:** Local exchange service is a telecommunications service, meaning all local exchange carriers are telecommunications providers. As a result, there is no problem concerning applicability. However, assuming LRB accepts the changes suggested above (making clear that telecommunications service includes switched access service), it is acceptable to change the reference from "local exchange carrier" to "telecommunication provider."

h. I rephrased s. 196.212 (2) (intro.) so that it is in the active voice, and requires a telecommunications provider to reduce its intrastate access rates.

**Response:** Ok, but shouldn't this make clear that the requirements only apply to telecommunications providers to which this section is applicable to alert a reader of this fact.

i. Section s. 196.212 (2) (b) includes a July 1, 2011, deadline. What is your intent if the bill passes after that deadline? Do you want to rephrase the deadline to July 1, 2011, or the bill's effective date, whichever is later? The same issue applies to the deadline in s. 196.212 (2) (c).

**Response:** The intent to have the reductions roll over a three year period, with the first reduction being six months from the date of enactment. Your proposed revisions seem reasonable in the event the bill passes after July 1, 2011.

j. In s. 196.212 (2) (b), (c), and (d), I eliminated the references to a "then current" rate, because I thought "then" is ambiguous. For example, "then" might be interpreted as referring to the deadline date, rather than the date on which a reduction occurs. Please review my changes.

**Response:** Your proposed language refers to "intrastate switched access rates in effect prior to the reduction." However, the carrier may have had many different switched access rates in effect prior to the reduction -- in other words, this timeframe is unbounded backward. The relevant rates are the switched access rates in effect at the time of the reduction, or perhaps we could say "on the date prior to the reduction."

k. Shouldn't s. 196.212 (2) (d) impose a duty that begins on July 1, 2013, rather than one that must be achieved no later than July 1, 2013? As drafted, there is no duty to maintain the reduction after July 1, 2013.

**Response:** Yes. The same holds true for the obligations in paragraphs (b) and (c), however.

l. Section s. 196.212 (2) (d) requires that intrastate switched access rates "mirror" interstate switched access rates. I don't think "mirror" has a precise meaning. Can you say instead that the rates must be equivalent, substantially equivalent, or something else?

**Response:** The point is for the rates to match the interstate rates in both number and rate structure, so the term mirroring is used as a generally understood industry term. The intent is for the rates and rate structures to be "identical", not equivalent or substantially equivalent. The term is used in Illinois law today in the exact same context. *See* 220 ILCS 5/13-506.2(g).

m. I eliminated the reference to "rate structure" in s. 196.212 (2) (d), because "rate structure" is included in the definition of "switched access rates." As a result, the reference is redundant.

**Response:** Ok.

4. Section 196.219 (3) (c) and (e) and (3m) are removed from the list of statutes the PSC may impose on an alternative telecommunications utility under s. 196.203 (4m) (a).

**Response:** Correct.

5. Section 196.206 (3) refers to intrastate ***switched*** access rates, instead of intrastate access rates.

**Response:** Correct, we caught this as an error in last year's bill.

6. The definition of "essential telecommunications services" in s. 196.218 (1) (a) is revised. However, I made a more specific reference to 47 CFR 54.101 (a), instead of 47 CFR 54.101. Also note that our drafting style refers to 47 CFR 54.101, rather than to 47 CFR s. 54.101. In addition, see s. 196.01 (3a), which refers to 47 CFR 9.3, rather than to 47 CFR s. 9.3.

**Response:** Ok.

7. The first sentence of s. 196.218 (4) refers to a telecommunications provider that is designated, rather than to a telecommunications provider that provides basic local exchange service or that is designated.

**Response:** Correct.

8. Section 196.219 (2r) is revised to create an additional exception for an ordered reduction that is inconsistent with the requirements of s. 196.212.

**Response:** Correct.

9. The second and third sentences of s. 196.50 (2) (i) are revised to refer to 150,000 or more access lines ***as of the effective date of the draft***. Although the documents you provided did not do so, for the sake of consistency, I also revised the first sentence to refer to 50,000 or fewer access lines ***as of the effective date of the draft*** and to more than 50,000 and fewer than 150,000 access lines ***as of the effective date of the draft***. I made similar revisions to s. 196.50 (2) (j) 1. b. Are my revisions okay? Also, the draft amends s. 196.198 (2), but does ***not*** make a similar change to the reference to more than 150,000 access lines. Is that okay? In addition, I made a grammatical correction to refer to "fewer" lines, rather than to "less" lines.

**Response:** Revisions are fine.

10. Section 196.503 (1) (a), (2) (a) and (b), (3) (b) 2., (d) 2., and (5) are revised as shown in the documents you provided, except that I changed the third sentence of s. 196.503 (1) (a). I did so because the documents used the word "may" in a definition, which could be interpreted as permissive, rather than descriptive. Therefore, I changed the sentence to eliminate the word "may." Please review my changes and let me know what you think. Also note that proposed s. 196.503 (3) (b) 2. refers to June 1, 2012, ***or the effective date of the draft, whichever is later***.

Finally, under both s. 196.503 (3) (d) 1. and 2., if the PSC fails to grant a waiver request by the relevant deadline, I specified that that waiver request is considered granted by operation of law. You requested such language for s. 196.503 (3) (d) 2., so I made s. 196.503 (3) (d) 1. consistent with that language. Also, I used "considered granted," rather than "deemed granted," as "considered granted" is consistent with our current drafting style.

**Response:** The revisions are fine.

## Kunkel, Mark

**From:** CHORZEMPA, DAVID J (Legal) [dc1928@att.com]
**Sent:** Monday, January 24, 2011 3:13 PM
**To:** Kunkel, Mark
**Subject:** RE: Responses

1. The intent is for an ILEC with less than 150K access lines to mirror its interstate switched access rates on an intrastate basis within 6 months (that's the first requirement). Then, that ILEC is allowed to recover its lost revenues resulting from such rate decreases from the universal service fund for a three-year period (that's paragraph two in your email). The ILEC has to be able to calculate its lost revenues. So it is to calculate them by comparing the difference between interstate and intrastate switched access rates in effect on 1/1/2011 and multiplying those rates by some switched access demand quantify (this will be minutes since switched access rates are based on a per minute of use, like 4 cents/minute). And we chose 2010 as the years from which to get this demand data.

   Here is an example. Assume an ILEC with less than 150K lines as of 1/1/2011 has an intrastate switched access rate of 10 cents per minute and an interstate switched access rate of 5 cents per minute. Assume further that in 2010 that same ILEC had 100 intrastate switched access minutes of use, meaning it total intrastate switched access revenues for 2010 were $10 (100 x .10). The legislature would require the ILEC to lower its intrastate rates to mirror is interstate rates (from 10 cent per minute to 5 cents per minute). To figure out its lost revenues, the ILEC would multiply the difference between inter and intra state access rates as of 1/1/2011 (i.e., 10 cents minus 5 cents = a 5 cent difference) and then multiply that difference by 2010 demand (100 minutes) to get its lost revenues eligible for recovery – in this case 5 cents X 100 minutes or $5.00. The ILEC could get $5.00 from the fund on a yearly basis.

2. We believed the library fund appropriations were more than enough to take care of the reimbursements. The intent is to avoid having the USF grow, meaning the amounts appropriated for this purpose would be capped at the amounts in the library appropriations (and you'd need to keep in the language in case this appropriation was too large – the current draft addressed this). As you also state, the library appropriations would need to be repealed in order to ensure that the size of the USF did not grow.

Give me a call with anything else.

David J. Chorzempa – General Attorney
AT&T Legal Dept.
225 West Randolph, Floor 25D
Chicago, IL 60606
Phone: (312) 727-4585
Fax: (312) 845-8979
Mobile: (312) 513-0661
email: dchorzempa@att.com

**From:** Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
**Sent:** Monday, January 24, 2011 2:41 PM
**To:** CHORZEMPA, DAVID J (Legal)
**Subject:** RE: Responses

David,

I have a couple questions about about the new switched access language.

1. I'm having trouble reconciling the following requirements:

"Within six months of the effective date of this section … [LRB to insert date], an [ILEC with less than 150,000 access lines] shall reduce its intrastate switched access rates to be no higher than the incumbent local exchange carrier's rates for interstate switched access services so that its intrastate switched access rates mirror its then current interstate switched access rates and rate structure."

"For each of the first 36 months following a reduction of its switched access rates under [the above], an eligible incumbent local exchange carrier shall be allowed to recover 100% of the reduction in its switched access revenues for that that period resulting from compliance with [the above]."

"The reduction in switched access revenues shall be calculated for each eligible incumbent local exchange carrier as the difference between intrastate and interstate switched access rates in effect on January 1, 2011, multiplied by the intrastate switched access minutes of use and other applicable switched access demand quantities for the calendar year 2010."

Can you walk me though how the 3rd requirement above relates to the other 2?

2. Regarding the appropriations for the reimbursement payments, I can't use s. 20.255 (3) (q), (qm), and (r), but I must repeal those appropriations and create a new appropriation for the reimbursement payments. The reason is that the foregoing appropriations are for DPI for library-related purposes, and I must create an appropriation to the PSC for the specific purpose of making the reimbursement payments. I can require the PSC to figure out how much money is needed for the reimbursements, and then require the PSC to ensure that contributions to the universal service fund are sufficient to make the reimbursement payments. I could then create an appropriation that gives the PSC whatever amount is necessary from the universal service fund to make the reimbursement payments. However,when you referenced s. 20.255 (3) (q), (qm), and (r), did you intend to limit the total amount of reimbursements to the amounts associated with those appropriations? Note that the amounts appropriated under s. 20.255 (3) (q), (qm), and (r) were $19,644,600 in FY 09-10 and $20,411,000 in FY 10-11. So the total for the 2 FYs was $40,055,600. Do you want to limit the total amount of reimbursements to $40,0555,600? Please let me know your thoughts on this issue.

-- Mark

---

**From:** CHORZEMPA, DAVID J (Legal) [mailto:dc1928@att.com]
**Sent:** Tuesday, January 18, 2011 10:35 PM
**To:** Kunkel, Mark
**Subject:** FW: Responses

Trying again.

---

**From:** CHORZEMPA, DAVID J (Legal)
**Sent:** Tuesday, January 18, 2011 5:17 PM
**To:** 'mark.kunkel@legis.state.wis.us'
**Subject:** Responses

As discussed, attached are draft responses to your questions.

My contact info is shown below.
David J. Chorzempa – General Attorney
AT&T Legal Dept.
225 West Randolph, Floor 25D
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