



State of Wisconsin
2011 – 2012 LEGISLATURE

January 2011 Special Session



LRBa0754/1
MDK:wlj:rs

**SENATE AMENDMENT 4,
TO SENATE BILL 13**

May 10, 2011 – Offered by COMMITTEE ON STATE AND FEDERAL RELATIONS AND
INFORMATION TECHNOLOGY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 16: delete “and”.

3 **2.** Page 2, line 17: after “providers” insert “; and granting rule-making
4 authority”.

5 **3.** Page 17, line 17: after “contrary” insert “except s. 196.503 (2) (c)”.

6 **4.** Page 18, line 14: on lines 14 and 16, after “subd. 2.” insert “and s. 196.503
7 (2) (c)”.

8 **5.** Page 19, line 20: on lines 20 and 21, delete “or 196.219” and substitute
9 “196.219, or 196.503 (2) (c)”.

10 **6.** Page 47, line 12: delete that line and substitute “DEFINITIONS. In this
11 section:

12 (a) “Basic voice service” means the provision to residential”.

1 **7.** Page 47, line 17: after that line insert:

2 “(b) “Exchange area” means a geographic service area established by an
3 incumbent local exchange carrier and approved by the commission.”.

4 **8.** Page 47, line 18: after “OBLIGATIONS” insert “; BASIC VOICE SERVICE RATES”.

5 **9.** Page 47, line 24: after that line insert:

6 “(c) 1. Except as provided in subd. 6., an incumbent local exchange carrier may
7 not increase rates for basic voice service except as provided in this paragraph and
8 unless the carrier provides notice to the commission and to affected customers not
9 less than 30 days before the effective date of the proposed increase.

10 2. Except as provided in subd. 6., if an incumbent local exchange carrier, within
11 12 months prior to the effective date of this subdivision [LRB inserts date],
12 increased the carrier’s rates for basic local exchange service for an exchange area,
13 both of the following apply:

14 a. The incumbent local exchange carrier may not increase the carrier’s rates
15 for basic voice service for the exchange area by any amount during the 12–month
16 period that ends after the date of the last increase of the rates for basic local exchange
17 service.

18 b. The incumbent local exchange carrier may not, during the 12–month period
19 that begins immediately after the 12–month period specified in subd. 2. a., or during
20 any subsequent 12–month period, increase the carrier’s rates for basic voice service
21 for the exchange area by more than \$2 over the 12–month period.

22 3. Except as provided in subd. 6., if an incumbent local exchange carrier did not,
23 within 12 months prior to the effective date of this subdivision [LRB inserts date],
24 increase the carrier’s rates for basic local exchange service for an exchange area, and

1 if the commission made a prior determination that the exchange area qualified for
2 alternative regulation of basic local exchange service under s. 196.196 (1) (g), 2009
3 stats., the incumbent local exchange carrier may not, during the 12–month period
4 that begins on the effective date of this subdivision [LRB inserts date], or during
5 any subsequent 12–month period, increase the carrier’s rates for basic voice service
6 for the exchange area by more than \$2 over the 12–month period.

7 4. a. Except as provided in subd. 6., if the commission has not made a prior
8 determination that an exchange area qualified for alternative regulation of basic
9 local exchange service under s. 196.196 (1) (g), 2009 stats., an incumbent local
10 exchange carrier may not increase its rates for basic voice service for the exchange
11 area unless the carrier first applies to the commission, and the commission
12 determines that the application demonstrates that 2 or more alternative providers
13 offer, in the exchange area, competing service to the basic voice service offered by the
14 incumbent local exchange carrier in the exchange area, regardless of the technology
15 and facilities used by the alternative provider, the alternative provider’s location, or
16 the extent of the alternative provider’s service area within the exchange area. For
17 purposes of this subd. 4. a., “alternative provider” includes any telecommunications
18 provider, including a commercial mobile radio service provider or an entity that
19 provides interconnected voice over Internet protocol service.

20 b. Unless the commission, within 30 days after receipt of an application under
21 subd. 4. a., issues an order finding that the requirements of subd. 4. a. are not
22 satisfied, the commission is considered to have approved the application.

23 c. An incumbent local exchange carrier that files an application under subd. 4.
24 a. may not, during the 12–month period that begins on the 31st day after the filing
25 of the application, and during any subsequent 12–month period, increase the

1 carrier's rates for basic voice service for the exchange area to which the application
2 applies by more than \$2 over the 12-month period.

3 5. Except as provided in subd. 6., prior to January 1, 2012, an incumbent local
4 exchange carrier may not increase the carrier's rates for basic voice service for a
5 customer receiving lifeline service.

6 6. At any time and upon not less than 30 days' notice to the commission and
7 to affected customers, an incumbent local exchange carrier that is a cooperative
8 association organized under ch. 185 or 193 may increase its rates for basic voice
9 service by any amount.

10 7. The rates, terms, and conditions for basic voice service and for installation
11 and reconnection fees for basic voice service shall be tariffed in the manner
12 prescribed by rules promulgated by the commission.

13 8. a. On the commission's own motion or upon complaint filed by a consumer,
14 the commission shall have jurisdiction to take administrative action to enforce this
15 paragraph.

16 b. The commission may, at its discretion, bring an action against a
17 telecommunications provider for injunctive relief to compel compliance with this
18 paragraph, to compel the accounting and refund of any moneys collected in violation
19 of this paragraph, or for any other relief permitted under this chapter.”.

20 (END)