



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 22
[January 2011 Special Session
Senate Bill 13]

Telecommunications

OVERVIEW

The general effect of 2011 Wisconsin Act 22 (“the Act”) is to establish more uniform regulation of telecommunications utilities, and to significantly reduce the level of regulation with regard to most topics, with the notable exception of regulations relating to relations between telecommunications utilities.

Definition of “Telecommunications Service”

Prior law defined “telecommunications service” as “the offering for sale of the conveyance of voice, data, or other information.”

The *Act* limits this definition to “the conveyance of voice communications...regardless of technology or mode used...” removing the conveyance of data or other information from state regulations that apply to telecommunications services. It further amends the definition to include switched access service.

Regulation of Land Line Telecommunications Service

Certification of Land Line Telecommunications Utilities

The Act authorizes a land line telecommunications utility to terminate its existing certification and recertify. An alternative telecommunications utility (ATU) may recertify as an ATU, while an incumbent local exchange carrier (ILEC) may recertify as either an ILEC or as an ATU. The effect of recertification is to both terminate all requirements under the prior certification and apply to the utility the lower level of regulation established by the Act.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

Regulation of Land Line Telecommunications Utilities

The Act repeals the various regulatory schemes available to ILECs under prior law and replaces them with reduced regulations that apply in substantially similar ways to all ILECs and ATUs. It also creates an option for small telecommunications utilities and telecommunications cooperatives to elect a “rate regulation” regulatory scheme.

Regulation of Interconnected VoIP Service

The Act specifies that interconnected voice over Internet protocol (VoIP) service is exempt from all state utility regulations except certain regulations applicable to relations between telecommunications utilities and certain fees that support government functions.

Intercarrier Relations

The Act requires land line telecommunications utilities to maintain tariffs on file with the Public Service Commission (PSC) specifying the rates, terms, and conditions of the intrastate access services it offers. It requires that large utilities set their intrastate access rates, after a phase-in period, at a level no higher than their interstate access rates, and requires utilities certified for the first time in Wisconsin after January 1, 2011 to do the same, but without a phase-in period. The Act retains PSC jurisdiction over land line telecommunications utilities for purposes of enforcing the foregoing requirements.

For a fuller description of the Act, with pertinent background information, see Wisconsin Legislative Council Information Memorandum 11-07, *2011 Wisconsin Act 22, Relating to Regulation of Telecommunications Services*.

Effective date: The Act takes effect on June 9, 2011.

Prepared by: David L. Lovell, Senior Analyst

May 26, 2011

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