

2015 DRAFTING REQUEST

Bill

Received: 4/15/2015 Received By: mkunkel
For: Kathleen Vinehout (608) 266-8546 Same as LRB: -2822
May Contact: By/Representing: Beau Stafford
Subject: Public Util. - telco Drafter: mkunkel
Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Vinehout@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Provider of last resort obligations

Instructions:

Redraft 2013 SB 306

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 4/17/2015	eweiss 4/29/2015	_____			
/1			_____	sbasford 4/29/2015	lparisi 8/6/2015	State

FE Sent For:

*at
intro*

<END>

Kunkel, Mark

From: Stafford, Beau
Sent: Tuesday, April 14, 2015 2:11 PM
To: Kunkel, Mark
Subject: RE: Redraft of 2013 LRB 2960/1

Thanks!

BEAU STAFFORD
Legislative Assistant
Office of Senator Kathleen Vinehout
beau.stafford@legis.wisconsin.gov
608-266-8546
Rm 108 South
Wisconsin State Capitol

From: Kunkel, Mark
Sent: Tuesday, April 14, 2015 2:11 PM
To: Stafford, Beau
Subject: RE: Redraft of 2013 LRB 2960/1

Okay, will do.

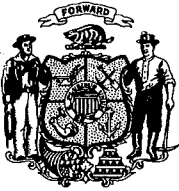
From: Stafford, Beau
Sent: Tuesday, April 14, 2015 1:18 PM
To: Kunkel, Mark
Subject: Redraft of 2013 LRB 2960/1

Mark –

Can we get this bill redrafted for the current session?

Thanks!

BEAU STAFFORD
Legislative Assistant
Office of Senator Kathleen Vinehout
beau.stafford@legis.wisconsin.gov
608-266-8546
Rm 108 South
Wisconsin State Capitol



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2960/1
MDK:jld:ph

O-note

2013 SENATE BILL 306

PWF

- 2/14/11
RM has not been done

64 WED.
4-29

September 24, 2013 - Introduced by Senators VINEHOUT, CARPENTER, T. CULLEN, HANSEN, HARRIS, C. LARSON, LASSA, LEHMAN, MILLER, MOULTON, RISSER and WIRCH, cosponsored by Representatives SMITH, DANOU, BEWLEY, BERCEAU, HEBL, HINTZ, HULSEY, POPE, RINGHAND, SHANKLAND, SINICKI, VRUWINK, WACHS, WRIGHT and OHNSTAD. Referred to Committee on Government Operations, Public Works, and Telecommunications.

S.A. Xref ✓

gen out

1 **AN ACT to repeal** 196.503 (5); **to amend** 196.503 (2) (a), 196.503 (2) (b) and
2 196.503 (3) (a); and **to create** 196.503 (3) (e) and 196.503 (6) of the statutes;
3 **relating to:** provider of last resort obligations of certain telecommunications
4 providers.

Analysis by the Legislative Reference Bureau

Under current law, until April 30, 2013, a telecommunications provider who is an incumbent local exchange carrier (ILEC) under federal law was required to make basic voice service available to all residential customers within the local exchange area in which the telecommunications provider operated as an ILEC, and allowed an ILEC to satisfy that requirement through an affiliate or through the use of any available technology or mode. However, an ILEC was allowed to apply to the Public Service Commission (PSC) for a waiver from compliance with that requirement and the PSC was required to grant the waiver if certain requirements were satisfied. Also, if the PSC failed to act on the application within specified deadlines, the waiver was considered granted by operation of law. Current law specifies a sunset date of April 30, 2013, on which all of the foregoing no longer apply.

This bill eliminates that sunset date. As a result, under the bill, except as described as follows, the foregoing requirements ~~continue~~ apply to an ILEC. The bill also makes the following changes to those requirements. First, instead of requiring an ILEC to make basic voice service available to residential customers within a local exchange area, the bill requires an ILEC to make such service effectively available to such customers. Second, the bill eliminates the PSC's

SENATE BILL 306

INSERT 2 X

authority to grant ~~new~~ ^{waivers} ~~waivers, and provides that no new waivers may be considered granted by operation of law. However, the bill does not affect waivers granted or considered granted by operation of law before the bill's effective date.~~ Finally, the bill allows the PSC to investigate whether an ILEC has complied with the requirements and allows the PSC to order an ILEC to comply through the use of any technology or mode that the PSC determines is necessary to ensure that basic voice service is effectively available to all residential customers in a local exchange area.

bill

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:

par. (c)

1 SECTION 1. 196.503 (2) (a) of the statutes is amended to read:

2 ~~196.503 (2) (a)~~ ^{strike} Notwithstanding any other provision in this chapter, and except
3 as provided in sub. (3), an incumbent local exchange carrier shall make basic voice
4 service effectively available to all residential customers within a local exchange area
5 in which it operates as an incumbent local exchange carrier.

6 SECTION 2. 196.503 (2) (b) of the statutes is amended to read:

7 196.503 (2) (b) ~~An~~ Except as provided in an order under sub. (6), an incumbent
8 local exchange carrier may satisfy its obligations under par. (a) through an affiliate
9 and through the use of any available technology or mode.

10 SECTION 3. 196.503 (3) ~~(a)~~ of the statutes is amended to read:

repealed.

11 196.503 (3) (a) ~~An~~ Except as provided in par. (d), an incumbent local exchange
12 carrier may apply to the commission for a waiver from compliance with sub. (2) (a)
13 in a local exchange area.

14 SECTION 4. 196.503 (3) (e) of the statutes is created to read:

15 196.503 (3) (e) Beginning on the effective date of this paragraph [LRB
16 inserts date], all of the following apply:

INSERT 2-9

SENATE BILL 306

1 1. The commission may not grant a waiver from compliance with sub. (2) (a)
2 in a local exchange area.

3 2. No waiver may be considered granted by operation of law under par. (d),
4 except for waivers that were considered granted by operation of law under par. (d)
5 before the effective of this subdivision [LRB inserts date].

6 **SECTION 5.** 196.503 (5) of the statutes is repealed.

7 **SECTION 6.** 196.503 (6) of the statutes is created to read:

8 196.503 (6) ENFORCEMENT. The commission may, in response to a complaint or
9 on its own motion, investigate whether an incumbent local exchange carrier has
10 complied with sub. (2) (a). If the commission determines that an incumbent local
11 exchange carrier has not complied with sub. (2) (a), the commission shall order the
12 incumbent local exchange carrier to comply with sub. (2) (a) through the use of any
13 technology or mode that the commission determines is necessary to ensure that basic
14 voice service is effectively available to all residential customers in a local exchange
15 area.

16 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2214/lins
MDK:.....

1

INSERT 2A:

but exempts from the bill's requirements an ILEC that was granted a waiver before that sunset date, or for whom a waiver was considered granted by operation of law before that sunset date

2

INSERT 2-9:

3

SECTION 1. 196.503 (2) (c) of the statutes is created to read:

4

196.503 (2) (c) Paragraph (a) does not apply to an incumbent local exchange

5

carrier granted a waiver for a local exchange area under s. 196.503 (3), 2013 stats.,

6

or for whom a waiver for a local exchange area was considered granted by operation

7

of law under s. 196.503 (3), 2013 stats.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2214/1dn

MDK:.....

emw

→ Date ←

Sen. Vinehout:

This bill is identical to 2013 SB-306, except that I made the following changes, which I think are consistent with your intent:

1. Because you want to eliminate new waivers, I repealed s. 196.503 (3), instead of amending it.

2. I created s. 196.503 (2) (a) to exempt an incumbent local exchange carrier that was granted a waiver (or considered granted a waiver by operation of law) before the sunset date that the bill eliminates.

If you have any questions or need any changes, please let me know.

Mark D. Kunkel
Senior Legislative Attorney
(608) 266-0131
mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2214/1dn
MDK:emw:ew

April 29, 2015

Sen. Vinehout:

This bill is identical to 2013 SB 306, except that I made the following changes, which I think are consistent with your intent:

1. Because you want to eliminate new waivers, I repealed s. 196.503 (3), instead of amending it.
2. I created s. 196.503 (2) (c) to exempt an incumbent local exchange carrier that was granted a waiver (or considered granted a waiver by operation of law) before the sunset date that the bill eliminates.

If you have any questions or need any changes, please let me know.

Mark D. Kunkel
Senior Legislative Attorney
(608) 266-0131
mark.kunkel@legis.wisconsin.gov

Parisi, Lori

From: Stafford, Beau
Sent: Wednesday, August 05, 2015 2:52 PM
To: LRB.Legal
Subject: Draft Review: LRB -2214/1 Topic: Provider of last resort obligations

Please Jacket LRB -2214/1 for the SENATE.