



# State of Wisconsin

## Department of Financial Institutions

Jim Doyle, **Governor**

Lorrie Keating Heinemann, **Secretary**

July 14, 2008

Senate Chief Clerk  
Office of the Senate Chief Clerk  
B20 Southeast, State Capitol  
Madison, Wisconsin 53707-7882

Assembly Chief Clerk  
Office of the Assembly Chief Clerk  
17 West Main Street  
Room 401  
Madison, WI 53703

*Via hand-delivery*

**Re: Notice of Proposed Rule**

Dear Chief Clerks:

Pursuant to ss. 227.19(2) and (3), Stats., notice is hereby given that CR 08-041 (proposed rule creating ch. DFI—CCS 20 relating to video service franchise) is in final draft form.

**1. STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES.**

The objective of the rule is to create ch. DFI—CCS 20. Pursuant to s. 66.0420(13)(a), Stats., the department shall promulgate rules for determining whether an applicant is legally, financially, and technically qualified to provide video service, and may promulgate rules interpreting or establishing procedures for s. 66.0420, Stats. The purpose of this rule is to set forth certain matters regarding definitions, filings, fees and reports, certificates, video franchise area descriptions, maps, amendments to maps and video franchise area descriptions, qualifications, and proceedings and hearings.

**2. SUMMARY OF PUBLIC COMMENTS TO THE PROPOSED RULE AND THE AGENCY'S RESPONSE TO THOSE COMMENTS, AND AN EXPLANATION OF ANY MODIFICATION MADE IN THE PROPOSED RULE AS A RESULT OF PUBLIC COMMENTS OR TESTIMONY RECEIVED AT THE PUBLIC HEARING**

Professor Barry Orton requested that it be mandatory for the department to request maps and consider certain requirements regarding qualifications.

Carson Young commented on privacy concerns, analogs and foreign ownership.

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*Office of the Secretary*

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Mary Cardona of the Wisconsin Association of PEG Channels raised concerns regarding filings, annual fees and reports, notice for channel line-up change, breakdowns in revenues, service contract disruption, PEG access line-up and channel definition.

Thomas Moore of the Wisconsin Cable Communications Association requested language regarding protecting confidential information.

Michael Klasen of ATT raised concerns regarding the low-income household definition and confidentiality.

No modifications were made as a result of comments or testimony received at the hearing.

### 3. LIST OF PERSONS WHO APPEARED OR REGISTERED FOR OR AGAINST THE PROPOSED RULE AT THE PUBLIC HEARING

Professor Barry Orton registered as speaking against the rule.

Carson Young registered as speaking in favor of the rule.

### 4. ANY CHANGES TO THE ANALYSIS PREPARED UNDER S. 227.14(2), STATS., OR THE FISCAL ESTIMATE PREPARED UNDER S. 227.14(4), STATS.

No changes were made.

### 5. RESPONSE TO LEGISLATIVE COUNCIL RECOMMENDATIONS

Those recommendations adopted by the agency can be identified by comparison with the proposed rule.

### 6. FINAL REGULATORY FLEXIBILITY ANALYSIS

Pursuant to s. 227.19(3m), a final regulatory flexibility analysis is not required.

The following documentation accompanies this notice in triplicate: proposed rule with analysis, fiscal estimate and recommendations of legislative council staff.

If you have any questions regarding this matter, please do not hesitate to contact me at tel. (608) 267-1705.

Sincerely,

Mark Schlei  
Deputy General Counsel

Via hand-delivery w/encls

*c: Legislative Council (via hand-delivery [1 East Main St., Suite 401], w/encls & e-mail [clearinghouse@legis.state.wi.us], w/attachments)  
Wisconsin Administrative Rules (via e-mail [adminrules@wisconsin.gov], w/ attachments)*