



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Randy Romanski, Secretary

DATE: November 8, 2010

TO: Bruce Hoesly, Legislative Reference Bureau
1 East Main Street, Suite 200

FROM: Randy Romanski, Secretary

SUBJECT: The addition of cell phone numbers to the Wisconsin No Call law; **Final Rule for Publication (Clearinghouse Rule No. 10-045)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 10-045
SUBJECT: The addition of cell phone numbers to the Wisconsin No Call law

ADM. CODE REFERENCE: ATCP 127
DATCP DOCKET #: 09-R-11

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

Final Regulatory Flexibility Analysis (Summary)

The “No Call” law authorizes DATCP to create a list of telephone numbers of Wisconsin residents who do not want to receive telemarketing calls. When first enacted, the “No Call” law only authorized DATCP to include residential “land line” numbers on the “No Call” list. Since DATCP adopted the current rules, the legislature changed the statutory definition of persons covered by the No Call law to include individuals who are provided commercial mobile service by a telephone utility. This rule updates and clarifies current rule coverage to include individuals who are provided commercial mobile service to the persons who may add their telephone numbers to the No Call list. This rule does all of the following:

- Changes the definition of “residential telephone customer” to “covered telephone customer” and defines this term to mean “an individual in this state who receives basic local exchange service or commercial mobile service from a telecommunications utility.”
- Changes the definition of “nonresidential telephone customer” to “noncovered telephone customer” and defines this term to mean “a person, other than a covered customer, who receives telecommunications service from a telecommunications utility.”
- Amends the definition of “telephone call” to include a voice communication “through the use of commercial mobile service.”

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- Clarifies that the definition of “telecommunications utility” includes a person who provides commercial mobile service.
- Renumbers the definitions and amends other parts of the rule to reflect changes in the definitions.

DATCP has not incorporated a small business enforcement policy in this rule as this rule will have few, if any, negative impacts on business. . This rule simply updates the definitions and coverage of current rules to reflect law changes already enacted by the Legislature and implemented by DATCP. DATCP will seek voluntary compliance.

Comments from Legislative Committees (Summary)

On August 31, 2010, DATCP transmitted the above rule for legislative review. The rule was assigned to the Senate Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection and to the Assembly Committee on Consumer Protection. Neither the Senate committee nor the Assembly committee held a hearing or took any action on the rule.