

CR 86-218

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TO BE A FULL, TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE IN MY OFFICE.  
  
MAY 14 1987  
  
*Jaqueline K. Reynolds*  
Secretary to the Commission  
Public Service Commission of Wisconsin

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Regulation of Resellers Which )  
Are Determined to Be Alternative ) 1-AC-108  
Telecommunications Utilities )

ORDER OF THE PUBLIC SERVICE  
COMMISSION ADOPTING RULES

To create ch. PSC 168 relating to the regulation of  
resellers which are determined to be alternative  
telecommunications utilities.

ANALYSIS PREPARED BY THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

On May 6, 1986, 1985 Wisconsin Act 297 became effective.  
This legislation included sec. 196.203 which exempts alternative  
telecommunications utilities from regulation under chapters 196  
and 184 of the statutes, except where the commission decides that  
the public interest requires application of any section of those  
chapters.

On May 19, 1986 the commission began proceedings in  
docket 05-TI-106 requesting petitions and comments from resellers  
on the determination of status as alternative telecommunications  
utilities and the appropriate level of regulation. An order in  
that docket dated September 11, 1986 designated which  
telecommunications resellers qualified as alternative  
telecommunications utilities, set forth a procedure to qualify  
resellers in the future, and determined an appropriate level of  
regulation under s. 196.203, Stats.

The findings and conclusions of that September 11, 1986  
order are now being codified as administrative rules. The rules  
set forth procedures for telecommunications resellers to apply for  
designation as alternative telecommunications utilities, the  
sections of chapter 196 by which they must abide, and the  
information they must provide to the commission on a continuing  
basis.

RULES AND STATUTORY AUTHORITY

Pursuant to authority vested in the Public Service  
Commission by ss. 196.203 and 227.11 (2) (a), Stats., and  
interpreting those statutes, the Public Service Commission  
creates the following rules:

SECTION 1: Ch. PSC 168 is created to read:

PSC 168 TELECOMMUNICATIONS RESELLERS.

PSC 168.01 PURPOSE. The purpose of this chapter is to set forth requirements for consideration of petitions from telecommunications resellers requesting qualification as alternative telecommunications utilities.

PSC 168.02 DEFINITIONS. In this chapter:

(1) "Alternative telecommunications utility" has the meaning prescribed in s. 196.01 (1), Stats.

(2) "Telecommunications reseller" or "reseller" has the meaning prescribed in s. 196.01 (9), Stats.

PSC 168.03 PETITION; CONTENTS.

(1) A telecommunications reseller seeking to qualify for status as an alternative telecommunications utility shall file a petition with the commission containing the following information:

(a) The name and address of the telecommunications reseller, with the name, title, and telephone number of a contact person;

(b) A description of the types of service to be offered and the classes of customers to be served;

(c) The geographic market and originating exchanges to be served;

(d) The identity of all underlying carriers from which service is to be obtained and the nature of the access to which the petitioner has subscribed;

(e) The location and description of switching facilities;

(f) An affidavit signed by an agent authorized to bind petitioner which demonstrates compliance with s. 196.01 (9) (b), Stats.: that petitioner does not "own, operate, manage or control, directly or indirectly, transmission facilities with the technological capability to provide telecommunications service within the state;"

(g) A description of any affiliated interest contracts or arrangements as defined in s. 196.52, Stats.;

(h) A description of the quality of service to be offered to all customers, including the expected call completion capacity or blocking probabilities of the resale offering;

(i) The access telephone number in each area served.

(2) An original and four copies of the petition shall be filed with Secretary, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707.

PSC 168.04 DETERMINATION OF STATUS.

On receipt of a reseller's completed petition for qualification as an alternative telecommunications utility, the commission shall issue a notice of investigation. No hearing shall be held unless there is an assertion by any person, including commission staff, that a factual matter is in dispute. The commission shall issue a determination of status not less than 30 days, nor more than 60 days, after issuance of the notice of investigation or after hearing, if a hearing is held.

PSC 168.05 NOTICE OF PETITIONS.

A person wishing to receive notice of investigation of a reseller's petition for qualification as an alternative telecommunications utility shall request to be placed on the commission's standing notice list for resellers.

NOTE: Requests shall be addressed to Records Management, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707.

PSC 168.06 COMPLIANCE WITH STATUTES.

(1) All telecommunications resellers shall comply with the following sections of chapter 196, Stats.: 196.02, 196.12, 196.203, 196.25, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44, 196.65 and 196.66.

(2) Telecommunications resellers are not required to comply with the provisions of Chapter 184, Stats.

PSC 168.07 NOTICE OF CHANGES.

Within 20 days of the occurrence, all telecommunications resellers shall file with the commission

(1) Notice of changes in information filed with the reseller's petition requesting qualification as an alternative telecommunications utility;

(2) Notice of all organizational changes;

(3) Notice of purchase of or construction of transmission facilities;

(4) Notice of exit from market;

(5) Notice of affiliated interest contracts and arrangements.

No additional fiscal burden will be imposed on the state or municipalities, or on small businesses, as a result of these rules.

This action is classed as a Type 3 action according to PSC 2.90 (3), Wis. Adm. Code. No unusual circumstances have come to the attention of the commission that would require further environmental review. The rules consequently require neither an environmental impact statement under s. 1.11, Stats., nor an environmental assessment.

These rules have been forwarded to the legislature for review pursuant to s. 227.19, Stats. They will take effect as final rules on the first day of the month following publication in the Wisconsin Administrative register, as provided in s. 227.22, Stats.

Dated at Madison, Wisconsin,

May 12, 1987

By the Commission.

Jacqueline K. Reynolds  
Jacqueline K. Reynolds  
Secretary to the Commission

JKR:SL:mac04208702

See attached Notice of Appeal Rights.

Notice of Appeal Rights

To comply with the requirements of s. 227.48(2), Wis. Stats., notice is hereby given that a party aggrieved by the foregoing decision has the right and option to file a petition for rehearing as provided in s. 227.49, Wis. Stats., within 20 days of the date of mailing of this decision as shown on the first page. If there is no date on the first page, the date of mailing is the date indicated immediately above the signature line.

Notice is further given that a person aggrieved by the foregoing decision also has the right and option to file a petition for judicial review as provided in s. 227.53, Wis. Stats., within 30 days after the mailing of this decision. The Public Service Commission of Wisconsin shall be named as respondent in the petition for judicial review.

This general notification is for the purpose of ensuring compliance with s. 227.48(2), Wis. Stats., and does not constitute a conclusion or admission that any particular party is necessarily adversely affected or that any particular decision is final or appealable.

If this decision is an order after rehearing or reopening, a person aggrieved must seek judicial review rather than rehearing, if the person so desires. A second petition for rehearing is not an option.





State of Wisconsin \ PUBLIC SERVICE COMMISSION

CHARLES H. THOMPSON, CHAIRMAN  
MARY LOU MUNTS, COMMISSIONER  
GEORGE R. EDGAR, COMMISSIONER

4802 Sheboygan Avenue  
P. O. Box 7854  
Madison, Wisconsin 53707

May 14, 1987

Mr. Gary Poulson  
Assistant Revisor of Statutes  
Suite 904  
30 West Mifflin Street  
Madison, WI 53703

Re: 1-AC-108

Dear Mr. Poulson:

Enclosed please find two certified copies of an order of the Public Service Commission adopting rules in the above-entitled matter.

The rules have been seen by the legislative committees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven Levine".

Steven Levine  
Assistant Chief Counsel

SL:mac

Enc.