

CR 86-219

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MAY 12 1987

Jacqueline K. Reynolds
Secretary to the Commission
Public Service Commission of Wisconsin

DATE MAILED
MAY 13 1987

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Regulation of Pay Telephone)
Service Providers Which Are)
Determined to Be Alternative)
Telecommunications Utilities)

1-AC-109



ORDER OF THE PUBLIC SERVICE
COMMISSION ADOPTING RULES

To create ch. PSC 169 relating to regulation of pay
telephone service providers.

ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

On June 4, 1986, the commission opened an investigation
in docket 05-TI-107 to consider the impact of 1985 Wis. Act 297 on
pay telephone service providers. The new legislation (effective
May 5, 1986) contains a number of provisions which affect this
area of telecommunications service: ss. 196.01(1)(b), 196.01(4m)
and 196.203, Stats.

The notice of investigation set forth a schedule for the
filing of comments and replies regarding a method of qualifying
pay telephone service providers and the appropriate level of
regulation. In an order dated September 11, 1986, the commission
set forth a procedure to qualify pay telephone service providers
and determined which statutes will be applicable to those
providers.

The findings and conclusions of that September 11, 1986
order are now being codified as administrative rules. The rules
require all local telecommunications utilities to identify pay
telephone service providers in their annual reports, and the rules
set forth the sections of chapter 196 which will be applicable to
pay telephone service providers.

7-1-87

REPORT

A.B. FINDINGS OF FACT; NEED FOR RULES

In 1985, Act 297 (May 5, 1986) the legislature included pay telephone service providers within the definition of alternative telecommunications utilities subject to regulation but gave the Public Service Commission a certain amount of flexibility to establish the level of regulation to which these providers would be subject.

These rules implement that law by specifying how a pay telephone service provider can qualify to be an alternative telecommunications utility and which statutes these providers must follow.

Under the proposed rules pay telephone service providers will be qualified for status as alternative telecommunications status by requiring all local exchange telephone utilities to identify them and the locations of their service in an annual report. The pay telephone service providers will be subject to regulation under ss. 196.02, 196.203, 196.25, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44, 196.65 and 196.66, Stats.

C. MODIFICATIONS AFTER HEARING

None. No objections to the proposed rules were raised at the hearing.

D. APPEARING AT THE HEARING
WISCONSIN BELL, INC.

by
Melissa J. Randolph
722 N. Broadway, 9th Floor
Milwaukee, WI 53202

NORTH-WEST TELEPHONE CO.

by
Lawrence R. Powell
Director-Regulatory
901 Kilbourn
Tomah, WI 54660

E. RESPONSE TO LEGISLATIVE COUNCIL REPORT

Most changes suggested by the Legislative Council Report were grammatical rather than substantive and have been made.

The commission does not intend to assess pay telephone providers under s. 196.85, Stats., nor does the commission view the qualification process as a permit required to do business. It is rather a reporting requirement. Therefore, changes 4(d) and 7 suggested by the Legislative Council have not been made.

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

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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-109

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 that reads 'Steven Levine'.

Steven Levine
Assistant Chief Counsel

SL:mac

Enc.