

CR 86-221

RECEIVED

COMPARED WITH AND CERTIFIED BY ME TO BE A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.
MAY 14 1987
Jacqueline K. Reynolds
Secretary to the Commission
Public Service Commission of Wisconsin

DATE MAILED
MAY 13 1987

MAY 20 1987

8:30 am
Revisor of Statutes
Bureau

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Regulation of Radio Common Carriers)
Which Are Determined to Be Alternative) 1-AC-111
Telecommunications Utilities)

ORDER OF THE PUBLIC SERVICE COMMISSION
ADOPTING RULES

To create ch. PSC 170 relating to regulation of radio common carriers which are determined to be alternative telecommunications utilities.

ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

On May 19, 1986, the commission opened an investigation in docket 05-TI-105 to consider the impact of 1985 Wis. Act 297 on one-way and two-way radio common carriers. The new legislation contains a number of provisions which affect these segments of the telecommunications industry: ss. 196.01(1)(d), 196.01(5m), and 196.203, Stats.

The notice of investigation set forth a schedule for the filing of comments and replies concerning the procedure by which a radio common carrier may qualify for status as an alternative telecommunications utility as well as the appropriate level of regulation. In an order of October 7, 1986, the commission set forth findings and requirements as to both issues.

The findings and conclusions of that October 7, 1986 order are now being codified as administrative rules. The rules set forth procedures for radio common carriers to apply for designation as alternative telecommunications utilities and the sections of chapter 196 by which they must abide.

RULES AND STATUTORY AUTHORITY

Pursuant to authority vested in the Public Service Commission by ss. 196.203 and 227.11 (2)(a), Stats., and

7-1-87

interpreting those statutes, the Public Service Commission proposes to create the following rules:

SECTION 1: Ch. PSC 170 is created to read: PSC 170
RADIO COMMON CARRIERS

PSC 170.01 PURPOSE. The purpose of this chapter is to set forth requirements for consideration of petitions from radio common carriers requesting qualification as alternative telecommunications utilities.

PSC 170.02 DEFINITIONS.

(1) "Alternative telecommunications utility" means a utility as defined in s. 196.01(1), Stats.

(2) "Radio common carrier" means a telecommunications common carrier as defined in s. 196.01(5m), Stats.

PSC 170.03 PETITION: CONTENTS.

(1) A one-way or two-way radio common carrier 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 radio common carrier, with the name, title and telephone number of a contact person;

(b) The geographic market to be served;

(c) A copy of the petitioner's license received from the Federal Communications Commission;

(d) A description of any other telecommunications service offered directly or indirectly in addition to radio common carrier service.

(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 170.04 DETERMINATION OF STATUS.

On receipt of a radio common carrier's petition for qualification as an alternative telecommunications utility, the commission shall issue a notice of investigation. No hearing may

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 one is held.

PSC 170.05 NOTICE OF PETITIONS.

(1) A person wishing to receive notice of investigation of a radio common carrier's petition for qualification as an alternative telecommunications utility shall request to be placed on the commission's standing notice list for radio common carriers.

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

PSC 170.06 COMPLIANCE WITH STATUTES

(1) All radio common carriers shall comply with the following sections of ch. 196, Stats.: 196.02, 196.203, 196.25, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44, 196.65 and 196.66.

(2) A radio common carrier shall not be subject to ch. 184, Stats.

PSC 170.07 LEVEL OF REGULATION.

(1) A radio common carrier which also offers telecommunications services as a reseller shall be subject to ch. PSC 168, Wis. Adm. Code.

(2) When a public utility offers one-way or two-way radio common carrier service, or both, the commission shall establish the level of regulation for the radio common carrier service on a case-by-case basis.

No additional fiscal burden will be imposed on the state or municipalities or on small businesses.

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.

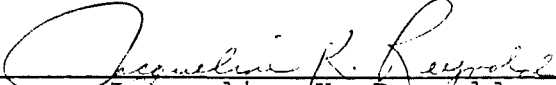
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These proposed rules have been forwarded to the legislature for review pursuant to s. 227.19, Stats. They will take effect as final rules on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s.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

Dated at Madison, Wisconsin,

May 12, 1987

By the Commission.



Jacqueline K. Reynolds
Secretary to the Commission

JKR:SAL:mac01158702

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-111

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.