

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Revisions to Wis. Admin. Code ch. PSC 160

1-AC-251

**NOTICE OF HEARING**

<b>Hearing Date</b>	<b>Monday, April 5, 2021 – 10:00 a.m.</b>
<b>Hearing Location:</b>	<b>Audio Hearing – No physical location</b>
	<b>Any person may attend and comment by telephone, or listen live on the internet.</b>

<b>Comments Due:</b> <b>Thursday, April 8, 2021</b>	<b>Address Comments To:</b> <b>Steffany Powell Coker</b> <b>Secretary to the Commission</b> <b>Public Service Commission</b> <b>P.O. Box 7854</b> <b>Madison, WI 53707-7854</b>
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The Public Service Commission of Wisconsin proposes an order to **repeal** PSC 160.02 (21) (a) 1. (Note), 4. (Note), and 11. (Note), 160.02 (21) (c), 160.06 (1) (b) and (c), 160.06 (4) and (5), 160.062 (1r) (a) 2. (Note 1) and (Note 2), 160.062 (1r) (b) 4. (Note), 160.062 (1r) (c), 160.071 (1m) (a); **amend** 160.02 (8), 160.02 (21) (intro.), (a), and (b), 160.02 (28), 160.02 (29), 160.06 (1) (a), 160.06 (2) (title), 160.06 (2), 160.062 (1g), 160.062 (1r) (a) and (b), 160.062 (4), 160.071 (1m) (b), 160.071 (1m) (L) 2., and 160.071 (6m) (a) 1. and 2.; **create** 160.02 (21) (Note), 160.02 (22m) and (Note), 160.06 (1) (a) (Note), 160.06 (2) (Note), 160.062 (1g) (Note), 160.062 (1r) (b) (Note), and 160.062 (4) (Note) regarding the provisions and administration of the Universal Service Fund (USF).

**ANALYSIS PREPARED BY THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

The analysis is set forth as Attachment A.

**TEXT OF PROPOSED RULE**

The text of the proposed rule is set forth as Attachment B.

**INITIAL REGULATORY FLEXIBILITY ANALYSIS**

These proposed rules should have no economic impact on small businesses. There are no new reporting or bookkeeping requirements created under the proposed rules. The rule revision primarily brings Wis. Admin. Code ch. PSC 160 into compliance with rules established by the Federal Communications Commission (FCC) in 2016. The businesses impacted by the changes in the proposed

rule revision are telecommunications providers who voluntarily apply to be designated as Eligible Telecommunications Carriers (ETCs). The changes in the proposed rules codify existing practices without an associated financial impact as they do not impact or change providers' assessment obligation under the USF programs. Additionally, the USF programs fully reimburse ETCs for discounts provided to customers. Rule revisions to Telecommunications Equipment Purchase Program (TEPP) vouchers clarify administrative efficiencies and do not impose additional reporting or other requirements on vendors.

For the current USF rules, the Commission has already established exemptions and exceptions from the components of Wis. Admin. Code ch. PSC 160 which may have an effect on small businesses, such as small telecommunications utilities. Small telecommunications utilities are small businesses under Wis. Stat. § 196.216 for the purposes of Wis. Stat. § 227.114. Wis. Admin Code § PSC 160.18(1) established an exemption from fund assessments to protect entry by and continued operation of small telecommunications providers as directed by statutory objectives. The current rules under Wis. Admin Code. § PSC 160.01(2)(b) allow the Commission to give individual consideration for unusual situations and to adopt different requirements for particular telecommunications providers. Small businesses can request that the Commission provide an exception to a rule requirement. Finally, Eligible Telecommunications Carrier (ETC) status, which is the trigger for most USF obligations, is voluntary.

### **FISCAL ESTIMATE**

This rulemaking should have no economic impact. The Fiscal Estimate and Economic Impact Analysis are included as Attachment C.

### **NOTICE OF HEARING**

**NOTICE IS GIVEN** that pursuant to Wis. Stat. § 227.16(5) the Commission will hold a public hearing on these proposed rule changes on **Monday, April 5, 2021, 10:00 a.m.** This hearing has no physical location. Members of the public may attend and comment by telephone, or listen live on the internet.

To attend the public hearing session by telephone, use the following:

1. Dial-in number: (872) 240-3212 (Toll)
2. Access Code: 903-694-349 #

The presiding Administrative Law Judge (ALJ) controls access to the hearing. Telephone lines will be muted until the time allowed for each caller to speak. Any call placed after the hearing begins will be put on hold. The ALJ will accept and mute the call at the earliest opportunity that does not disrupt the hearing.

To listen to the public hearing session on the internet go to the Commission's web site at <http://psc.wi.gov>, and select "Live Broadcast" button. This webpage provides no opportunity to make a comment.

**DOCUMENTS.** All documents in this docket are filed on the Commission's Electronic Records Filing (ERF) system. To view these documents: (1) go to the Commission's E-Services Portal at <http://apps.psc.wi.gov>, (2) enter "1-AC-251" in the box labeled "Quick Single Docket Search," and (3) select "Documents." To receive electronic notifications when new documents are filed in this docket, go to ERF - [EZ Subscriptions](#) and follow the instructions to subscribe to this docket.

**WRITTEN COMMENTS** Any person may submit written comments on these proposed rules. The record will be open for written comments from the public, effective immediately, and until **Wednesday, April 8, 2021**. All written comments must include a reference on the filing to docket 1-AC-251. File by one mode only.<sup>1</sup>

Any utilities, organizations, or interest groups shall file one comment using the Commission's ERF system. To file such a comment, go to the Commission's web site at <http://psc.wi.gov>, and click on the "ERF - Electronic Regulatory Filing" graphic on the side menu bar. On the next page, click on "Need Help?" in the side menu bar for instructions on how to upload a document.

Any member of the public shall file only one comment either through the Commission's web site or by mail as follows:

- **Web Comment.** Go to the Commission's web site at <http://psc.wi.gov>, click on the "Public Comments" button on the side menu bar. On the next page select the "File a comment" link that appears for docket number 1-AC-252.
- **Mail Comment.** All comments submitted by U.S. mail must include the phrase "Docket 1-AC-252 Comments" in the heading, and shall be addressed to:

Docket 1-AC-252 Comments  
Public Service Commission  
P.O. Box 7854  
Madison, WI 53707-7854

The Commission does not accept comments submitted via e-mail or facsimile (fax). Any material submitted to the Commission is a public record and may appear on the Commission's web site. The Commission may reject a comment that does not comply with the requirements described in this notice.

**WISCONSIN ENVIRONMENTAL POLICY ACT.** This is a Type III action under Wis. Admin. Code § PSC 4.10(3). The Commission has reviewed the potential environmental effects of the project. The proposed revisions will not result in possible significant adverse environmental or social impacts. The preparation of an environmental impact statement under Wis. Stat. §1.11 or an environmental assessment is not necessary.

**CONTACT.** Questions regarding this matter should be directed to the docket coordinator Holly O'Higgins, at (608) 267-9486 or [Holly.Ohiggins@wisconsin.gov](mailto:Holly.Ohiggins@wisconsin.gov). Small business questions should be directed to Tara Pray at (608) 266-7165 or [Tara.Pray@wisconsin.gov](mailto:Tara.Pray@wisconsin.gov). Media questions should be directed to the Communications Director Jerel Ballard at (608) 266-9600.

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<sup>1</sup> As an alternative to submitting a comment directly to the Commission, state law allows anyone to file a web comment on the Legislative Rules Clearinghouse website, <https://docs.legis.wisconsin.gov/code/comment>. This site forwards the comment to the Commission.

**AMERICANS WITH DISABILITIES ACT.** The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to get this document in a different format should contact the docket coordinator, as indicated in the previous paragraph, as soon as possible.

Dated at Madison, Wisconsin, the 25<sup>th</sup> day of February, 2021.

By the Commission:

A handwritten signature in black ink that reads "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker  
Secretary to the Commission

SDC:TP:AK:HMLO:kle DL: 01773565