



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 889**

March 5, 2002 – Offered by COMMITTEE ON INFORMATION POLICY AND TECHNOLOGY.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 3: after the semicolon insert “retail and wholesale
3 telecommunications standards;”.

4 **2.** Page 13, line 24: after that line insert:

5 “SECTION 27m. 196.219 (3m) of the statutes is created to read:

6 196.219 (3m) RETAIL AND WHOLESALE SERVICES. (a) *Definitions.* In this
7 subsection:

8 1. “Large price-regulated telecommunications utility” means a
9 price-regulated telecommunications utility that has more than 500,000 access lines
10 in use in this state at the time of electing to become price regulated.

1 2. “Price-regulated telecommunications utility” means a price-regulated
2 telecommunications utility with 50,000 or more access lines in this state on the
3 effective date of this subdivision [revisor inserts date].

4 3. “Retail services” means basic residential and business telecommunications
5 services.

6 4. “Wholesale services” means telecommunications services, products, or
7 facilities, provided by a telecommunications utility to a telecommunications
8 provider, including preordering, ordering and provisioning, maintenance and repair,
9 network performance, unbundled elements, operator services and directory
10 assistance, system performance, service center availability, billing, and any other
11 service that the commission specifies by order.

12 (b) *Retail services.* 1. No later than 90 days after the effective date of this
13 subdivision [revisor inserts date], after notice and reasonable opportunity for
14 hearing, the commission shall issue an order establishing standards for retail
15 services applicable to a large price-regulated telecommunications utility.

16 2. The commission may issue an order establishing standards for retail services
17 applicable to a price-regulated telecommunications utility other than a large
18 price-regulated telecommunications utility only if the commission finds, after notice
19 and reasonable opportunity for hearing, that the price-regulated
20 telecommunications utility has engaged in a demonstrable pattern of poor retail
21 service that was not caused by poor wholesale service from a telecommunications
22 utility, or has intentionally violated any state or federal law, rule, regulation, or order
23 relating to retail service.

24 3. The commission may, by order under s. 196.37, require a price-regulated
25 telecommunications utility subject to the standards under subd. 1. or 2. to make

1 payments to the commission or issue credits to retail customers who are affected by
2 the utility's failure to comply with the standards. Any payments to the commission
3 under this subdivision shall be credited to the appropriation under s. 20.155 (1) (Lm).

4 4. Any standards established under this paragraph shall expire 3 years after
5 they are established and will not apply thereafter unless renewed by the commission
6 in an order issued after notice and reasonable opportunity for hearing.

7 (c) *Wholesale service standards.* 1. A price-regulated telecommunications
8 utility shall provide wholesale services, including interconnection, collocation, and
9 network elements, to telecommunications providers in a manner that promotes the
10 maximum development of competitive telecommunications offerings in this state.

11 2. The commission shall issue an order establishing standards for wholesale
12 services applicable to a large price-regulated telecommunications utility. The
13 standards must be designed to facilitate the provision of reasonable and
14 nondiscriminatory wholesale services.

15 3. The commission may issue an order establishing standards for wholesale
16 services applicable to a price-regulated telecommunications utility other than a
17 large price-regulated telecommunications utility only if the commission finds, after
18 notice and reasonable opportunity for hearing, that the price-regulated
19 telecommunications utility has engaged in a demonstrable pattern of poor wholesale
20 service or has intentionally violated any state or federal law, rule, regulation, or
21 order relating to wholesale service.

22 4. The commission may, by order under s. 196.37, require a price-regulated
23 telecommunications utility subject to the standards under subd. 2. or 3. to make
24 payments to the commission or to a telecommunications provider who is affected by
25 the utility's failure to comply with the standards. The commission may require the

1 payments be made automatically upon the price-regulated telecommunications
2 utility's filing of reports showing the utility's failure to meet the standards. Any
3 payments to the commission under this subdivision shall be credited to the
4 appropriation under s. 20.155 (1) (Lm).”.

5 **3.** Page 18, line 16: after that line insert:

6 “**SECTION 34m.** 227.01 (13) (cm) of the statutes is created to read:

7 227.01 (13) (cm) Is an order under s. 196.219 (3m) (a) 4., (b), or (c).”.

8 (END)