



**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 258**

May 16, 2003 – Offered by Representative BLACK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: before the period insert “, local service by other
3 telecommunications utilities and providers, and providing a penalty”.

4 **2.** Page 3, line 13: after that line insert:

5 “SECTION 2m. 196.197 of the statutes is created to read:

6 **196.197 Inadequate local telecommunications service. (1) PENALTIES.**

7 Upon complaint, the commission may directly assess a forfeiture of not more than
8 25% of a telecommunications utility’s gross operating revenues for the most recent
9 calendar year that are derived from intrastate operations if the commission
10 determines that the telecommunications utility has provided inadequate local
11 telecommunications service. In determining whether local telecommunications
12 service is inadequate, the commission shall use factors that are comparable to factors

1 used by the commission to create the penalty mechanism under s. 196.196 (1) (c) 1.
2 for inadequate service.

3 (2) APPLICABILITY. This section does not apply to a telecommunications utility
4 that is subject to price regulation under s. 196.196.

5 **SECTION 3m.** 196.202 (2) of the statutes is amended to read:

6 196.202 (2) SCOPE OF REGULATION. ~~A~~ Except as otherwise provided in this
7 section, a commercial mobile radio service provider is not subject to ch. 201 or this
8 chapter, ~~except as provided in sub. (5),~~ and except that a commercial mobile radio
9 service provider is subject to s. 196.218 (3) if the commission promulgates rules that
10 designate commercial mobile radio service providers as eligible to receive universal
11 service funding under both the federal and state universal service fund programs.
12 If the commission promulgates such rules, a commercial mobile radio service
13 provider shall respond, subject to the protection of the commercial mobile radio
14 service provider's competitive information, to all reasonable requests for information
15 about its operations in this state from the commission necessary to administer the
16 universal service fund.

17 **SECTION 4m.** 196.202 (3) of the statutes is created to read:

18 196.202 (3) A commercial mobile radio service provider shall be treated under
19 s. 196.197 as a telecommunications utility. For purposes of enforcing s. 196.197, a
20 commercial mobile radio service provider shall be subject to ss. 196.02 (3), 196.32,
21 196.33, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44 (3), and 196.48 and treated
22 as a public utility under ss. 196.02 (5) and (6), 196.14, 196.24, 196.44 (2), 196.66, and
23 196.85 (1), and as a telecommunications provider under ss. 196.25 (3) and 196.65 (3).

24 **SECTION 5m.** 196.203 (6) of the statutes is created to read:

