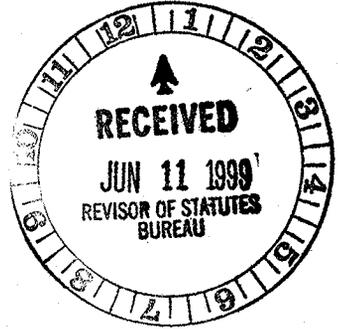


# Clearinghouse Rule 99-053



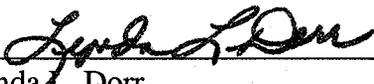
## CERTIFICATE

STATE OF WISCONSIN )  
 )  
PUBLIC SERVICE COMMISSION ) SS  
OF WISCONSIN )

I, Lynda L. Dorr, Secretary to the Public Service Commission of Wisconsin, certify that the annexed order adopting rules, relating to the Wis. Admin. Code ch. PSC 132 definition of "public utility" and cable operators' access to railroad rights-of-way in docket 1-AC-182, was duly approved and adopted by this Commission on June 10, 1999, subject to the Assembly Committee on Utilities raising no objection to the proposed rule on the last day of its review period which was June 11, 1999. No objection was raised by that committee.

I further certify that this copy has been compared by me with the original on file in this Commission and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Public Service Commission of Wisconsin at Madison, WI, this 10<sup>th</sup> day of June 1999.

  
\_\_\_\_\_  
Lynda L. Dorr  
Secretary to the Commission  
Public Service Commission of Wisconsin

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Rule Amendment to Add Cable Operators to Wis. Admin. Code  
ch. PSC 132

1-AC-182

**FINAL ORDER ADOPTING RULES**

To amend s. PSC 132.02(3), relating to the ch. PSC 132 definition of “public utility” and cable operators’ access to railroad rights-of-way.

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

Statutory authority: ss. 196.02(1) and (3), 196.04(4), and 227.11(2), Stats.  
Statutes interpreted: ss. 196.04(4), Stats.

Prior to the passage of 1997 Wisconsin Act 27, s. 196.04(4), Stats., permitted the Commission, under certain circumstances, to order the extension of a public utility or telecommunications provider’s lines or a railroad’s tracks on, over or under the right-of-way of any railroad, public utility, or telecommunications provider. The Commission was required to prescribe conditions and compensation that are equitable and reasonable under the circumstances.

Chapter PSC 132 was created to set forth the compensation to be paid and conditions to be met by a public utility for the construction or maintenance of facilities within a railroad right-of-way in cases where the utility and the railroad cannot agree. “Public utility” is defined in the rule to include telecommunications providers.

Section 3134mi of 1997 Wisconsin Act 27 amended s. 196.04(4), Stats., to include cable operators as defined in s. 66.082(2)(b), Stats., along with public utilities, telecommunications providers, and railroads. This rule change amends the current definition of “public utility” in s. PSC 132.02(3) to include cable operators, thereby conforming it to the amended statute.

**TEXT OF RULE**

SECTION 1. PSC 132.02(3) shall be amended to read:

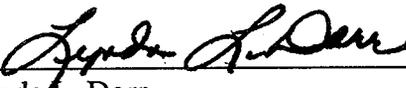
(3) "Public utility" has the meaning given in s. 196.01 (5), Stats., and includes both a "telecommunications provider," as defined in s. 196.01 (8p), Stats., and a "cable operator," as defined in s. 66.082 (2) (b), Stats.

**EFFECTIVE DATE**

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, June 10, 1999

By the Commission:

  
\_\_\_\_\_  
Lynda L. Dorr  
Secretary to the Commission

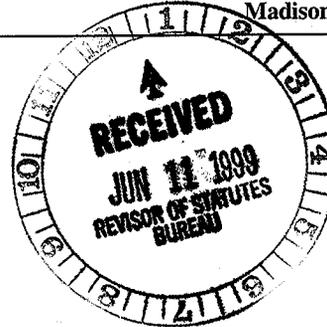
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# Public Service Commission of Wisconsin

Ave M. Bie, Chairperson  
Joseph P. Mettner, Commissioner  
John H. Farrow, Commissioner

610 North Whitney Way  
P.O. Box 7854  
Madison, WI 53707-7854



Mr. Gary Poulson, Deputy Revisor  
Revisor of Statutes Bureau  
131 West Wilson Street, Suite 800  
Madison, WI 53703-3233

RE: Rule Amendment to Add Cable Operators to Wis. Admin. Code  
ch. PSC 132

1-AC-182

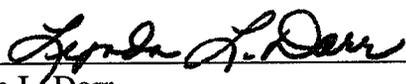
Dear Mr. Poulson:

Enclosed please find two copies (one certified) of the Final Order of the Public Service Commission Adopting Rules in the above-entitled matter. The Telecommunications Division will also send you the rules in Word via e-mail.

The rules have been seen by legislative committees.

Dated at Madison, Wisconsin, June 10, 1999

By the Commission:

  
\_\_\_\_\_  
Lynda L. Dorr  
Secretary to the Commission

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Enclosures

cc: Records Management, PSCW