



2009 ASSEMBLY BILL 566

November 10, 2009 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Energy and Utilities.

1 **AN ACT to repeal** 196.196 (1) (g) 4., 196.196 (5) (f) 1. e. and 196.218 (9); **to amend**
2 196.09 (9) (a) 2., 196.196 (1) (g) 1. (intro.), 196.196 (5) (f) 1. (intro.), 196.196 (5)
3 (f) 1. f., 196.215 (7) (b) 1., 196.218 (4), 196.218 (5m), 196.218 (5r) (a) (intro.) and
4 196.218 (5r) (b); and **to repeal and recreate** 196.218 (5r) (title) of the statutes;
5 **relating to:** certain review, reporting, and out-of-date requirements
6 regarding the Public Service Commission (suggested as remedial legislation by
7 the Public Service Commission).

Analysis by the Legislative Reference Bureau

This bill makes the following changes to statutes administered by the Public Service Commission (PSC):

1. Under current law, the PSC must submit a biennial report to the Joint Committee on Information Policy and Technology (JCIPT) regarding investments in advanced telecommunications infrastructure and the report must cover specified topics, including integrated services digital network (ISDN) deployment. This bill requires the PSC to submit the report to the legislature and eliminates the requirement that the report must cover ISDN deployment. Also, the bill requires the report to cover a topic only if there are issues with the availability or deployment of telecommunications infrastructure regarding the topic.

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2. The bill requires the PSC to review telecommunications depreciation guidelines every three years, rather than every two years as required under current law.

3. Under current law, the PSC must submit an annual report to JCIPT regarding the universal service fund (USF). This bill requires the PSC to submit the report biennially to the legislature.

4. Current law requires the PSC to review, at least biennially, rules regarding the USF. The bill requires the PSC to review the rules, but eliminates the biennial requirement.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Public Service Commission and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 196.09 (9) (a) 2. of the statutes is amended to read:

2 196.09 (9) (a) 2. The commission shall review ~~biennially~~ triennially the
3 guidelines established under subd. 1., except that if the commission receives, more
4 than 365 days before the deadline for a ~~biennial~~ review, a written request from a
5 telecommunications utility for a review, the commission shall review the guidelines
6 no later than 365 days after receiving the request.

NOTE: This SECTION changes, from a biennial to a triennial requirement, the requirement for the Public Service Commission to review the guidelines establishing classes of fixed capital that telecommunications utilities use for public utility purposes, a range of annual depreciation rates for each of those classes, and a composite range of annual depreciation rates for all classes of fixed capital.

7 **SECTION 2.** 196.196 (1) (g) 1. (intro.) of the statutes is amended to read:

8 196.196 (1) (g) 1. (intro.) Five years after a telecommunications utility elects
9 to become a price-regulated telecommunications utility ~~or, if subd. 4. applies, within~~
10 ~~the dates specified in that subdivision,~~ the commission shall hold a hearing, and at
11 any time thereafter, upon complaint or on the commission's own motion, the

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1 commission may hold a hearing, to determine whether it is in the public interest to
2 suspend one or more of the provisions of this subsection as it applies to a
3 price-regulated telecommunications utility or to approve an alternative regulatory
4 method for that utility. In making a determination under this subdivision, the
5 commission shall identify all of the following:

6 **SECTION 3.** 196.196 (1) (g) 4. of the statutes is repealed.

NOTE: SECTIONS 2 and 3 repeal an outdated provision that specifies deadlines for
hearings for a telecommunications utility that elects to become a price-regulated
telecommunications utility.

7 **SECTION 4.** 196.196 (5) (f) 1. (intro.) of the statutes is amended to read:

8 196.196 (5) (f) 1. (intro.) ~~Before January 1, 1996, and biennially thereafter~~
9 Biennially, the commission shall submit a report to the ~~joint committee on~~
10 ~~information policy and technology legislature under s. 13.172 (2)~~ describing the
11 status of investments in advanced telecommunications infrastructure in this state.
12 The report shall include information on ~~the progress made in all of the following~~
13 areas uses if there are issues with the availability or deployment of
14 telecommunications infrastructure for those uses:

NOTE: SECTION 4 requires the Public Service Commission to submit a biennial
report on status of investments in advanced telecommunications infrastructure to the
legislature, rather than to the Joint Committee on Information Policy and Technology;
and deletes the report's inclusion of information on integrated services digital network
deployment.

15 **SECTION 5.** 196.196 (5) (f) 1. e. of the statutes is repealed.

16 **SECTION 6.** 196.196 (5) (f) 1. f. of the statutes is amended to read:

17 196.196 (5) (f) 1. f. Other ~~infrastructure investments~~ uses identified by the
18 commission.

19 **SECTION 7.** 196.215 (7) (b) 1. of the statutes is amended to read:

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1 196.215 (7) (b) 1. ~~Beginning on September 1, 1994, and ending on December~~
2 ~~31, 1997, the basic single-party residential flat rate shall be the weighted average~~
3 ~~basic single-party residential monthly rate for all telecommunications utilities in~~
4 ~~this state as of December 31, 1993, which includes average local usage charges,~~
5 ~~touch-tone charges and extended area service charges but does not include extended~~
6 ~~community calling usage charges. Beginning on January 1, 1998, the basic~~
7 single-party residential flat rate shall be the weighted average basic single-party
8 residential monthly rate for all telecommunications utilities in this state, which
9 includes average local usage charges, touch-tone charges and extended area service
10 charges but does not include extended community calling usage charges, subject to
11 adjustment under subd. 2.

NOTE: SECTION 7 deletes an outdated requirement that set the basic single-party residential flat rate for the time period from September 1, 1994, to December 31, 1997.

12 **SECTION 8.** 196.218 (4) of the statutes is amended to read:

13 196.218 (4) ESSENTIAL SERVICES AND ADVANCED SERVICE CAPABILITIES. ~~Before~~
14 ~~January 1, 1996, and biennially thereafter, the The commission shall promulgate~~
15 rules that define a basic set of essential telecommunications services that shall be
16 available to all customers at affordable prices and that are a necessary component
17 of universal service. ~~Before January 1, 1996, and biennially thereafter, the The~~
18 commission shall promulgate rules that define a set of advanced service capabilities
19 that shall be available to all areas of this state at affordable prices within a
20 reasonable time and that are a necessary component of universal service. For rules
21 promulgated ~~before January 1, 1996, a reasonable time for the availability of the~~
22 defined set of advance service capabilities shall be no later than January 1, 2005,
23 and, for rules promulgated thereafter after December 31, 1995, a reasonable time for

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1 the availability of additional advanced service capabilities in the defined set shall be
2 no later than 7 years after the effective date of the rules. These essential services
3 and advanced service capabilities shall be based on market, social, economic
4 development and infrastructure development principles rather than on specific
5 technologies or providers. Essential services include single-party service with
6 touch-tone capability, line quality capable of carrying facsimile and data
7 transmissions, equal access, emergency services number capability, a statewide
8 telecommunications relay service and blocking of long distance toll service.

NOTE: This SECTION deletes outdated references to the time period within which administrative rules must be promulgated relating to essential services and advanced service capabilities; and inserts an up-to-date reference to the time period.

9 **SECTION 9.** 196.218 (5m) of the statutes is amended to read:

10 196.218 (**5m**) RULE REVIEW. ~~At least biennially, the~~ The commission shall
11 review and revise as appropriate rules promulgated under this section.

NOTE: This SECTION deletes a requirement to review and revise administrative rules relating to the universal service fund at least biennially. As amended, the Public Service Commission must review and revise the rules as appropriate.

12 **SECTION 10.** 196.218 (5r) (title) of the statutes is repealed and recreated to read:

13 196.218 (**5r**) (title) REPORT.

14 **SECTION 11.** 196.218 (5r) (a) (intro.) of the statutes is amended to read:

15 196.218 (**5r**) (a) (intro.) ~~Annually~~ Biennially, the commission shall submit a
16 universal service fund report to the ~~joint committee on information policy and~~
17 ~~technology~~ legislature under s. 13.172 (2). The report shall include information
18 about all of the following:

NOTE: This SECTION changes a requirement that the Public Service Commission submit the universal service fund report annually to the Joint Committee on Information Policy and Technology to a biennial report submitted to the legislature under section 13.172 (2) of the statutes. That section requires reports to be submitted to the chief clerk of each house of the legislature, who must publish notice of receipt of the report in the journals of the respective houses and periodically provide a list of the agency reports received to the members of the respective houses.

