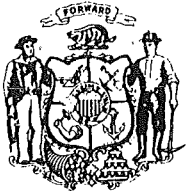


CR 82-70



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES ) ss

**RECEIVED**

OCT 18 1982  
9:20 am  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. RE-15-82 was duly approved and adopted by this Department on August 25, 1982. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 14<sup>th</sup> day of October, 1982.

Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

12-1-82

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
CREATING RULES

.....  
IN THE MATTER of creating s. NR 1.483 of :  
the Wisconsin Administrative Codes pertaining :  
to leasing department tower sites for : RE-15-82  
telecommunications systems. :  
.....

Analysis Prepared by Department of Natural Resources

The proposed rule clearly defines existing policy regarding leasing of department tower sites to others for telecommunication systems. The rule will allow for installations of state government telecommunications systems at no charge, installations of non-state governmental telecommunications systems on a charge basis, and will prohibit all other installations of telecommunications systems at department tower sites.

This rule will ensure a consistent policy regarding any new requests to install telecommunications systems at department tower sites.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 23.11(1), 227.014 and 227.02(1)(e), Stats., the State of Wisconsin Natural Resources Board hereby creates rules interpreting s. 23.11(1), Stats., as follows:

SECTION 1. NR 1.483 is created to read:

NR 1.483 LEASING DEPARTMENT TOWER SITES FOR TELECOMMUNICATIONS SYSTEMS.

(1) This rule establishes department policy regarding leasing of department tower sites to others for telecommunications systems not presently installed at department tower sites. These provisions apply to all nondepartment telecommunications users.

(2) For the purposes of this section: (a) "Telecommunications system" means the components necessary to form a single functioning communications system at a tower site. Basic components of a telecommunications system include one equipment cabinet, one antenna, and one transmission line connecting the two.

(b) "Tower site" means any department radio tower or lookout tower and the grounds in the vicinity of it. A tower site may or may not include a department transmitter building.

(3) The department will only consider a request to install a telecommunications system at a department tower site if it meets one of the criteria set forth in sub. (4). The department may reject a request to install a telecommunications system at a department tower site for any reason, including technical, legal or environmental problems associated with the request, or if granting the request could conflict with future department needs.

(4) The department will only consider a request to install a telecommunications system at a department tower site if the request is for a telecommunications system which is a:

(a) State of Wisconsin telecommunications system providing necessary communications between a state of Wisconsin agency and its employees, provided it meets the following criteria:

1. The specific equipment to be installed and the system it ties into are state-owned; and
2. The licensee, as defined in the station authorization granted by the federal communications commission, must be the state of Wisconsin; and
3. Communications must be between state employees conducting state business; or

(b) State of Wisconsin telecommunications system providing noncommercial broadcast services to the citizens of Wisconsin, provided it meets the following criteria:

1. Both the specific equipment to be installed and the system it ties into must be state-owned; and

2. The licensee, as defined in the station authorization granted by the federal communications commission, must be the state of Wisconsin; and

3. All programming must be noncommercial and must be available to the public without charge; or

(c) Telecommunications system owned by governmental entities other than the state of Wisconsin providing necessary public safety communications between a governmental entity and its employes, provided it meets the following criteria:

1. Both the specific equipment to be installed and the system it ties into must be owned by a unit of local government or the federal government; and

2. The licensee, as defined in the station authorization granted by the federal communications commission or the interagency radio administrative council, must be a governmental body; and

3. Communications must be between government employes conducting government business.

(5) If the department approves a request to install a telecommunications system at a tower site, it shall enter into a written lease with the requester. The department shall draft the lease.

(6) Lease charges shall be as follows:

(a) No charge for a lease meeting criteria in sub. (4) (a) or (b).

(b) \$25 per month for a lease meeting criteria in sub. (4) (c).

(7) Fees received from telecommunications site leases shall be used to offset, in part, the statewide costs involved in maintaining telecommunications tower sites.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 25, 1982.

The rule contained herein shall take effect as provided in  
s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin October 14, 1982

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)