

Chapter PSC 179

TELECOMMUNICATIONS DISPUTE RESOLUTION

PSC 179.01 Purpose.
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PSC 179.03 Significant adverse effect.

PSC 179.01 Purpose. Chapter PSC 179 implements s. 196.199 (2) (c), Stats., which requires the commission to specify by rule the requirements for determining in certain cases whether a party's alleged failure to comply with an interconnection agreement has a significant adverse effect on the ability of another party to provide telecommunications service to its customers or potential customers.

History: Cr. Register, February, 2001, No. 542, eff. 3-1-01.

PSC 179.02 Definitions. In this chapter:

(1) "Commission" means the public service commission.

(2) "Customer" means any person, firm, partnership, corporation, municipality, cooperative organization, telecommunications provider, governmental agency, or other entity which is provided with retail or wholesale telecommunications service, or both, by a party to an interconnection agreement. "Customer" does not include a party.

(3) "Essential telecommunications services" has the meaning given in s. PSC 160.03.

(4) "Interconnection agreement" means an agreement that is subject to approval by the commission under 47 USC 252(e), except that it does not include an agreement to which a commercial mobile radio service provider, as defined in s. 196.01 (2g), Stats., is a party.

(5) "Party" means a signatory to a particular interconnection agreement.

(6) "Telecommunications provider" has the meaning given in s. 196.01 (8p), Stats.

(7) "Telecommunications service" has the meaning given in s. 196.01 (9m), Stats.

History: Cr. Register, February, 2001, No. 542, eff. 3-1-01.

PSC 179.03 Significant adverse effect. In determining if a party's alleged failure to comply with an interconnection agreement has a significant adverse effect on the ability of another party to provide telecommunications service to its customers or potential customers under s. 196.199 (3) (a) 1m.a., Stats., and in determining whether a complaint does or does not allege such a significant adverse effect under ss. 196.199 (3) (a) and 196.26 (1) (c), Stats., the commission shall consider at least all of the following factors:

(1) The ability of a customer or potential customer to obtain or continue to receive uninterrupted telecommunications service, especially essential telecommunications services, from the telecommunications provider of that customer's choice.

(2) Whether and to what degree any loss or damage to an allegedly aggrieved party or its customer or potential customer resulting from the alleged failure to comply with an interconnection agreement can be remedied without an expedited proceeding under s. 196.199, Stats.

(3) Whether and to what degree the alleged failure to comply with an interconnection agreement does any of the following:

(a) Frustrates or enhances the planning or execution of a party's business plan, marketing effort, or service or product introduction, or any combination thereof.

(b) Causes or threatens to cause a delay in or barrier to a party's market entry or a delay in the growth of its market share, or both.

(c) Damages or threatens to damage the reputation of a party.

(d) Damages or threatens to damage the ability of a party to effectively compete.

(e) Harms or threatens to harm the financial health of a party.

(f) Favors a party's obtaining or retaining of customers, or both.

History: Cr. Register, February, 2001, No. 542, eff. 3-1-01; **correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats.**