

## Chapter PSC 171

### CABLE TELEVISION TELECOMMUNICATIONS SERVICE PROVIDERS

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**PSC 171.01 Purpose.** The purpose of this chapter is to set forth requirements for consideration of petitions from cable television telecommunications service providers requesting qualification as alternative telecommunications utilities and to set forth the appropriate level of regulation for such utilities.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.02 Definitions.** In this chapter:

(1) "Alternative telecommunications utility" has the meaning prescribed in s. 196.01 (1d), Stats.

(2) "Cable television telecommunications service provider" has the meaning prescribed in s. 196.01 (1r), Stats.

(3) "Gross income" means gross revenues received from providing traditional cable television programming plus revenues received from providing telecommunications services. "Gross income" does not include revenues from any source other than traditional cable television programming and telecommunications services.

(4) "Particular franchise area" means the area within the political boundaries of each municipality in which a cable system provides service.

(5) "Telecommunications service" has the meaning prescribed in s. 196.01 (9m), Stats., and includes but is not limited to, point-to-point service for the transport of electronic signals.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats.**

**PSC 171.03 Petition; contents. (1)** A cable television telecommunications service provider seeking to qualify for status as an alternative telecommunications service provider shall file a petition with the commission containing the following information:

- (a) The name and address of the television telecommunications service provider, with the name, title and telephone number of a contact person;
- (b) A description of the types of services to be offered;
- (c) The geographic markets to be served;
- (d) Copies of municipal franchise grants;
- (e) The identity of all telecommunications carriers, if any, accessed through the cable system; and
- (f) The access telephone number, if available, for each area served.

(2) An original and 4 copies of the petition shall be filed with the commission.

**Note:** Address petitions to Secretary, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.04 Determination of status.** On receipt of a cable television telecommunications service provider's petition for qualification as an alternative telecommunications utility, the commission shall issue a notice of investigation. Hearings may be held at the discretion of the commission. However, a hearing ordinarily will not be held unless the factual record is insufficient, or

unless there is an assertion by any person, including commission staff, that a factual matter is in dispute.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.05 Notice of petitions.** A person wishing to receive notice of investigation of a cable television telecommunications service provider's petition for qualification as an alternative telecommunications utility shall request to be placed on the commission's standing notice list for cable television telecommunications service providers.

**Note:** Requests shall be addressed to Records Management, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, WI 53707.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.06 Compliance with statutes. (1)** All qualified cable television telecommunications service providers shall be subject to the following sections of ch. 196, Stats.: ss. 196.02, 196.08, 196.12, 196.203, 196.25, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44, 196.65 and 196.66, Stats.

**Note:** The commission is not regulating trade and advertising practices of cable television telecommunications service providers. See s. 93.01 (1), Stats.

(2) Qualified cable television telecommunications service providers are not required to comply with the provisions of ch. 184, Stats.

(3) Qualified cable television telecommunications service providers are not required to file tariffs prior to offering telecommunications services, nor need they comply with s. 196.60, Stats., until they are fully regulated, as required by ss. 196.195 and 196.203, Stats.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.07 Notice of changes.** Within 20 days of the occurrence, or on request by the commission, all qualified cable television telecommunications service providers shall file with the commission:

- (1) Notice of changes in information filed in the petition requesting qualification as a cable television telecommunications service provider;
- (2) Notice of all organizational changes;
- (3) Notice of exit from market;
- (4) Information which will be requested by the commission for its report required under s. 196.195 (11), Stats.; and

**Note:** 1993 Wis. Act 496 repealed s. 196.195 (11), Stats.

(5) Other information as requested.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.08 New services.** A qualified cable television telecommunications service provider may offer new telecommunications services in the franchise area within which it has been qualified by filing notice with the commission and with persons on the cable television telecommunications service providers standing notice list. Unless suspended by the commission on its own motion or upon complaint, the service offering shall be effective 20 days after the filing.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.09 New franchise areas.** A qualified cable television telecommunications service provider may not offer

telecommunications services in a franchise area other than the one specified in its qualification petition without securing further approval from the commission under ss. PSC 171.03 and 171.04.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89.

**PSC 171.10 Reports and accounts.** In order for the commission to determine whether an entity meets the 90% of gross income test set forth in s. 196.01(1r), Stats., a cable television telecommunications service provider shall:

(1) File with the commission an annual report providing details as to its identity, franchise service areas, revenues and number of customers.

(2) Establish and maintain revenue accounts in accordance with the uniform cable television telecommunications service

providers revenue classification and instructions.

**Note:** Cable television telecommunications service providers revenue classifications and instructions may be obtained from the Accounts and Finance Division, Public Service Commission, P.O. Box 7854, Madison, WI 53707.

(3) Be subject to full regulation whenever it receives in excess of 10% of its gross income from telecommunications services in any franchise area in which telecommunications services are provided, unless pursuant to s. 196.195, Stats., the provider justifies a lesser level of regulation. If the cable television telecommunications service provider has kept appropriate structural or accounting separations between franchise areas, it shall be subject to full regulation only in that franchise area in which it meets the 10% threshold.

**History:** Cr. Register, December, 1988, No. 396, eff. 1-1-89; correction in note, Register, September, 1989, No. 405.