

## Chapter PSC 173

### 911 EMERGENCY TELECOMMUNICATIONS SERVICE

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**Note:** Chapter PSC 173 was created as an emergency rule effective 2-9-89; CR 04-026; r. and recr. Ch. PSC 173 Register November 2004 No. 587, eff. 1-1-05 and 10-1-05.

#### Subchapter I — General Provisions

**PSC 173.01 Purpose.** The purpose of this chapter is to implement those provisions of s. 256.35, Stats., that authorize the commission to review the contracts between counties and telecommunications providers for the provision of 911 emergency telecommunications service and that establish a wireless 911 fund to promote installation and use of enhanced wireless 911 emergency telecommunications service.

**History:** CR 04-026; cr. Register November 2004 No. 587, eff. 1-1-05; correction made under s. 13.92 (4) (b) 7., Stats.

#### PSC 173.02 Definitions.

In this chapter:

(1) “Active prepaid wireless telephone” means a prepaid wireless telephone that has been used or activated by the customer during the month to complete a telephone call for which the customer’s card or account was decremented.

(2) “Commercial mobile radio service provider” has the meaning given in s. 196.01 (2g), Stats.

(3) “Commission” means the public service commission.

(4) “Designated public safety answering point” means a wireless public safety answering point that has been identified in a resolution adopted under s. 256.35 (3m) (c) 3. or 6., Stats., for the purpose of implementing the federal wireless orders.

(5) “Federal wireless orders” means the orders of the federal communications commission regarding 911 emergency services for wireless telephone users in FCC docket no. 94-102.

(6) “Fund” means the wireless 911 fund established by s. 25.98, Stats.

(7) “Local government” has the meaning given in s. 256.35 (3m) (a) 4., Stats.

(8) “Phase I wireless 911 service” means the wireless telecommunications service described in 47 CFR 20.18 (d).

(9) “Phase II wireless 911 service” means the wireless telecommunications service described in 47 CFR 20.18 (e) – (i).

(10) “Prepaid wireless telephone service” means wireless telephone service which is activated by payment in advance of a finite dollar amount or for a finite set of minutes and which, unless an additional finite dollar amount or finite set of minutes is paid in advance, terminates either upon use by a customer of an agreed-upon amount of service corresponding to the total dollar amount paid in advance, or within a certain period of time following initial purchase or activation.

(11) “Reimbursement period” has the meaning given in s. 256.35 (3m) (a) 5., Stats.

(12) “Surcharge period” means the 3-year period beginning on December 1, 2005, and ending on November 30, 2008.

(13) “Wireless provider” has the meaning given in s. 256.35 (3m) (a) 6., Stats.

(14) “Wireless public safety answering point” has the meaning given in s. 256.35 (3m) (a) 7., Stats.

(15) “Wireless surcharge” means the monthly surcharge required by s. 256.35 (3m) (f), Stats.

**History:** CR 04-026; cr. Register November 2004 No. 587, eff. 1-1-05; corrections in (4), (7), (11), (13), (14), (15) made under s. 13.92 (4) (b) 7., Stats.

#### Subchapter II — Wireline 911 Emergency Telecommunications Service Contracts

#### PSC 173.03 Submission of telecommunications emergency services contracts.

(1) A telecommunications provider that enters into a contract with a county for the provision of wireline 911 emergency telecommunications service shall within 20 days submit the contract for commission review.

(2) In addition to the contract, the utility shall submit all of the following information:

(a) A copy of the county ordinance adopting the plan for a wireline 911 emergency telecommunications system.

(b) A list identifying all participating local exchange carriers and a statement that each has tariffs or concurring tariffs on file with the commission providing for individual 911 contracts.

(c) A list identifying the localities and the number of all service users residing outside the contracting county, specifying the municipality in which they reside.

(d) A list identifying those municipalities outside the contracting county with residents who will be billed for the service.

(e) A statement that all telecommunications service users in the county have access to a wireline 911 system. If such a statement cannot be made with regard to a segment of the county’s service users, the telecommunications utility shall provide information indicating that the local exchange carrier serving those service users is not capable of providing the wireline 911 system on a reasonable economic basis on the effective date of the contract.

(f) A list of exchanges in the county with customers served by a wireline 911 system outside the county, which identifies the provider of the wireline 911 service.

(g) A description of access to the wireline 911 system by telecommunications devices for the communicatively impaired.

(h) Cost support for and complete itemization of the installation and monthly charges for automatic number identification, automatic location identification and all trunking service components for both the primary telecommunications utility under the contract and the participating local exchange carriers. Cost support may be in the form of tariff reference if the rates and charges for wireline 911 service are those in the utility’s tariffs.

(i) A statement of the total billable exchange access lines for purposes of the contract and the actual exchange access line count.

This statement shall provide detail as to how the billable exchange access line count was determined, including any equivalency factor used for the line equivalents and the number of lines to which the factor applies.

(3) The commission shall withhold from public inspection any wireline 911 emergency telecommunications service contract, or any other information received under this subchapter, that would aid a competitor of one or more of the participating telecommunications providers.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.

**PSC 173.04 Commission review.** (1) Upon receipt of a contract for wireline 911 emergency telecommunications service, the commission shall issue a notice of investigation in accordance with s. PSC 2.09.

(2) Within 60 days of receipt of a contract for the provision of wireline 911 emergency telecommunications service, the commission may disapprove the contract if it finds any of the following:

(a) The contract is not compensatory.

(b) The contract is excessive.

(c) The contract does not comply with the utility's tariff specifying the rates and charges or terms and conditions for the offering of wireline 911 emergency telecommunications service.

(3) The commission may act on the contract without hearing.

(4) Any person may request disapproval of the contract within 20 days of mailing of notice by the commission, specifying reasons for the disapproval in writing. The person may request a hearing by specifying factual issues that are in dispute.

(5) The contract shall be effective immediately on signing and remain effective unless and until disapproved by the commission.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.

**PSC 173.05 Assessment.** A telecommunications provider submitting a contract under s. PSC 173.03 shall pay the commission's direct costs of contract approval, unless the utility has an agreement with participating telecommunications providers to share this cost.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.

### Subchapter III — Wireless 911 Fund

**PSC 173.06 Grant applications from wireless providers.** (1) A wireless provider may apply to receive a grant from the fund as reimbursement for costs estimated in sub. (2). Except as provided in sub. (6), the wireless provider shall submit an application to the commission no later than April 1, 2005.

(2) An application under sub. (1) shall contain an itemized estimate, and supporting documentation, of the costs that the applicant has incurred, or will incur, during the reimbursement period to upgrade, purchase, lease, program, install, test, operate, or maintain all data, hardware, and software necessary to comply with the federal wireless orders in this state.

(a) This estimate may not include any costs for the implementation of wireless 911 emergency service in this state for which the wireless provider has been reimbursed by customers in this state before or during the reimbursement period, apart from the wireless surcharge established pursuant to s. PSC 173.10. This estimate may include reasonable administrative costs associated with the billing and collection of the wireless surcharge.

(b) If a wireless provider does [not] request reimbursement of its costs to provide Phase II wireless 911 service in this state in its application under sub. (1), the provider may elect not to submit an estimate of its Phase II costs.

**Note:** The word "not" was inadvertently omitted in the first sentence of par. (b) in the adopted rule order. It is clear from the commission's report to the legislature that it intended to include that word in response to a comment from the public at a hearing held on the commission's proposed rule.

(3) An application under sub. (1) shall declare the amount of money the wireless provider has recovered or will recover from customers in this state before or during the reimbursement period, apart from the wireless surcharge established pursuant to s. PSC 173.10, as reimbursement for costs the wireless provider has incurred or will incur to implement wireless emergency 911 service in this state.

(a) The declaration shall include all money recovered from customers with a recurring billing statement or pre-paid service agreement using a separate line item charge identified as related to or associated with the implementation, installation, maintenance, or operation of wireless 911 emergency service network facilities or service features in this state, regardless of whether the amount collected was actually used for that purpose.

(b) If a wireless provider does not request reimbursement of its costs to provide Phase II wireless 911 service in this state in its application under sub. (1), the provider may elect not to make the declaration required under this subsection with respect to its Phase II service.

(4) An application under sub. (1) shall contain a description or explanation of the geographic area in which the wireless provider will provide wireless 911 service in this state. The application shall disclose which local governments within the geographic service area the wireless provider has described have requested from the provider either Phase I or Phase II wireless 911 service in accordance with 47 CFR 20.18 (j).

(5) A wireless provider may not apply for a grant under this section if its provision of 911 service does not conform to applicable requirements set forth at 47 CFR 20.18. A wireless provider's eligibility for a grant under this section shall not be conditioned upon compliance with a location accuracy standard different from that established in 47 CFR 20.18 and applicable federal wireless orders. An application under sub. (1) shall contain an attestation that the applicant's service conforms to the requirements of 47 CFR 20.18, and shall disclose any waivers or other applicable orders of the federal communications commission that postpone the date on which the applicant is required to meet the service standards established in 47 CFR 20.18.

(6) A wireless provider that does not provide service to customers in this state before September 3, 2003, may make an application under this section after April 1, 2005, under s. PSC 173.11 (6) (b).

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.

**PSC 173.07 Grant applications from local governments.** (1) A local government, that is authorized by s. 256.35 (3m) (c) 1., Stats., to do so, may apply to receive a grant from the fund as reimbursement for costs that have been directly and primarily incurred, or will be directly and primarily incurred, or both, for leasing, purchasing, operating, or maintaining the wireless public safety answering point, as well as telecommunications network costs assigned to the local government for recovery under 47 CFR 20.18 (j) and applicable federal wireless orders. The local government shall submit an application to the commission no later than April 1, 2005.

(2) An application under sub. (1) shall do all of the following:

(a) Demonstrate with appropriate documentation that each county which itself is one of the local governments or in which any of the local governments is located has adopted a resolution to satisfy the requirement of s. 256.35 (3m) (c) 3. or 4., Stats.

(b) Demonstrate that the designated public safety answering point will serve the geographic area specified by s. 256.35 (3m) (c) 5. and 6., Stats.

(c) Demonstrate that the designated public safety answering point has complied with the requirements set forth in 47 CFR 20.18 (j).

(d) Contain an estimate of costs under sub. (3).

(e) If an application is for the joint operation of a wireless public safety answering point by local governments, specify the manner in which the estimated costs are apportioned among the local governments.

**(3)** The estimate of costs under sub. (2) (d):

(a) Shall include an estimate of all costs that the applicant has directly and primarily incurred, or will directly and primarily incur, during the reimbursement period for leasing, purchasing, operating, or maintaining the wireless public safety answering point including costs for all of the following:

1. Necessary network equipment, computer hardware and software, database equipment, and radio and telephone equipment, that are located within the wireless public safety answering point.

a. The estimate of costs may include radio equipment if that equipment is necessary to complete a wireless 911 call to the designated public safety answering point, including microwave telecommunications equipment provided by a telecommunications provider and radio equipment used to transfer calls between answering points to the extent approved under s. PSC 173.09 (5).

b. The estimate of costs may not include radio equipment that is used for a purpose other than completing a wireless 911 call to the designated public safety answering point, including radio equipment providing communications between a dispatcher and an emergency vehicle and radio equipment providing an inter-agency or inter-government communications link for purposes other than that approved under s. PSC 173.09 (5).

2. Training operators of a wireless public safety answering point. The estimate of training costs may not include any portion of the salary and benefits paid to an individual employed by a county or municipal government in any of the job descriptions associated with the operation of the designated public safety answering point.

3. Network costs for delivery of calls from a wireless provider to a wireless public safety answering point.

4. Collection and maintenance of data used by the wireless public safety answering point, including data to identify a caller and the location of a caller.

5. Relaying messages regarding wireless emergency 911 telephone calls via data communications from the wireless public safety answering point to local government emergency call centers in operation before June 1, 2003, that dispatch the appropriate emergency service providers.

(b) May include costs directly and primarily incurred by the applicant between January 1, 1999, and September 3, 2003, for any costs identified in par. (a) 1. or 4.

(c) May not include:

1. Costs related to any of the following:

a. Emergency service dispatch, including personnel, training, equipment, software, records management, radio communications, and mobile data network systems.

b. Vehicles and equipment in vehicles.

c. Communications equipment and software used to communicate with vehicles.

d. Real estate and improvements to real estate, other than improvements necessary to maintain the security of a wireless public safety answering point.

e. Salaries and benefits of operators of a wireless public safety answering point.

2. Any costs in par. (a) which the applicant has recovered in the form of a gift or grant for the purposes described in par. (a).

**(4)** Except to the extent approved by the commission under s. PSC 173.09 (4), an application from a local government or governments under this section may request to receive a grant for only one wireless public safety answering point in each county.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05; corrections in (1), (2) (a) and (b) made under s. 13.92 (4) (b) 7., Stats.

**PSC 173.08 Supplemental grants. (1)** A county may apply for a supplemental grant under this section if:

(a) The county, or a local government within the county, jointly operates a wireless public safety answering point with another county, or local government in another county.

(b) The county has previously or concurrently applied for a grant under s. PSC 173.07.

(c) Each county in which the participating local governments are located has adopted a resolution pursuant to s. 256.35 (3m) (c) 3., Stats., designating the same wireless public safety answering point, and that answering point is located in the county submitting the application for a supplemental grant.

(d) The designated public safety answering point provides a single point of termination for telephone calls directed to 911 that originate from wireless telephones located within the combined geographic jurisdiction of the participating local governments.

(e) For purposes of this section, a "local government in another county" means a city, village or town located in a county other than the county applying for a supplemental grant that operates a public safety answering point, as defined in s. 256.35 (1) (gm), Stats., pursuant to a countywide 911 system plan adopted by ordinance in accordance with s. 256.35 (3) (b) 1., Stats.

**(2)** (a) To receive a supplemental grant during all three years of the reimbursement period, a county that is eligible to apply for a supplemental grant under sub. (1) shall submit its application to the commission with its application under s. PSC 173.07, no later than April 1, 2005.

(b) To receive a supplemental grant during the second and third year of the reimbursement period, a county that is eligible to apply for a supplemental grant under sub. (1), and that did not submit an application for a supplemental grant with its grant application under s. PSC 173.07, shall submit its application during the commission's second year review under s. PSC 173.11 (6) by the date the commission establishes in a public notice.

(c) To receive a supplemental grant during the third year of the reimbursement period, a county that is eligible to apply for a supplemental grant under sub. (1), and that did not submit an application for a supplemental grant with its grant application under s. PSC 173.07 or during the commission's second year review, shall submit its application during the commission's third year review under s. PSC 173.11 (6) by the date the commission establishes in a public notice.

**(3)** An application for a supplemental grant under this section is in addition to the application for grants that the county may make under s. PSC 173.07.

**(4)** An application for a supplemental grant under this section is not subject to the restrictions set forth in s. PSC 173.07.

**(5)** An individual supplemental grant shall not exceed an amount equal to 50% of the amount awarded to the applicant county as a grant under ss. PSC 173.07 (1) and 173.09 (3). The total of the amount awarded as supplemental grants shall not exceed 10% of the 911 wireless fund.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05; corrections in (1) (c) and (e) made under s. 13.92 (4) (b) 7., Stats.

**PSC 173.09 Review and approval of grant and supplemental grant applications. (1)** The commission shall provide reasonable notice to the clerk of each county, each wireless provider that has requested notice, and any other interested party, of the date on which an application under this subchapter is due. If an application under s. PSC 173.06 or 173.07 is submitted after the deadline, the commission shall take action under sub. (8).

**(2)** After the receipt of an application requesting a grant under this subchapter, the commission shall issue a notice of investigation in accordance with s. PSC 2.09 if it has not already done so. The commission shall provide an opportunity for interested parties to comment on whether pending grant applications should be

approved, subject to the limitation on access to information in s. PSC 173.12.

(3) The commission shall approve an application under s. PSC 173.06 or 173.07 if the commission determines all of the following:

(a) The costs estimated in the application have been, or will be, incurred for the purpose of promoting a cost-effective and efficient statewide system for responding to wireless emergency 911 telephone calls.

(b) The costs estimated in the application are reasonable.

(c) The application complies with the requirements of this chapter.

(d) If the application is from a local government and includes costs related to the collection and maintenance of data under s. PSC 173.07 (2) (d), the requirements under sub. (7) are met.

(4) The commission shall approve an application requesting a supplemental grant under s. PSC 173.08 if the commission determines all of the following:

(a) The supplemental grant application is submitted by a county and complies with the requirements of this chapter.

(b) The amount requested is reasonable.

(5) Notwithstanding sub. (3), the commission may only approve an application for a grant to reimburse a local government for costs under s. PSC 173.07 (3) (a) 5. if the commission first determines that reimbursement of such costs is in the public interest and will promote public health and safety. In making this determination, the commission shall give preference to applications that propose to use existing equipment, and request reimbursement for equipment already purchased and costs already incurred.

(6) If an application from a local government requests reimbursement under s. PSC 173.07 (3) (a) for equipment and facilities that will also be used to terminate wireline 911 emergency telecommunications service, the commission shall presume that one half of the total cost of equipment and facilities is directly associated with wireless 911 service and can be reimbursed from the fund.

(a) An applicant may rebut this 50% presumption by providing sufficient evidence to demonstrate that the presumed ratio is unfair and would unreasonably burden local taxpayers with the recovery of costs directly and solely attributable to the addition of enhanced wireless 911 telephone service.

(b) A wireless provider or other interested party may also submit comments in response to the notice required under sub. (2) challenging this presumption by providing sufficient evidence to demonstrate that the presumed ratio is unfair and would unreasonably burden wireless telephone subscribers with the recovery of costs that have not been, or will not be, incurred for the purpose of promoting a cost-effective and efficient statewide system for responding to wireless emergency 911 telephone calls.

(7) (a) An application from a local government that requests reimbursement for costs related to the collection and maintenance of data under s. PSC 173.07 (2) (d) shall be approved only if the commission determines all of the following:

1. The local government's collection of land information, and development of a land information system that is related to that purpose are consistent with the applicable county land records modernization plans developed under s. 59.72 (3) (b), Stats.

2. The local government's collection of land information conforms to the standards on which such plans are based.

3. The local government's collection of land information does not duplicate land information collection and other efforts funded through the land information program under s. 16.967 (7), Stats.

(b) For any determination made by the commission under par. (a) before July 1, 2005, the commission shall first request the

advice of the land information board before making its determination.

(8) If a wireless provider or local government submits an application after the deadline specified in ss. PSC 173.06 and 173.07, respectively, the commission shall reduce the costs approved under sub. (3) by the following amounts:

(a) If the application is less than 1 week late, 5%.

(b) If the application is 1 week or more but less than 2 weeks late, 10%.

(c) If the application is 2 weeks or more but less than 4 weeks late, 25%.

(d) If the application is 4 weeks or more late, the wireless provider or local government is not eligible for a grant.

(9) If the commission does not approve an application under sub. (3) or (4), the commission shall provide the applicant with the commission's reasons and give the applicant an opportunity to resubmit the application. If the commission approves a part of the application, the commission shall provide the applicant with the commission's reasons for disapproving part of the application and give the applicant an opportunity to resubmit the portion of the application previously disapproved.

(10) For any application under this subchapter pending before the commission, the wireless provider or a local government that submitted the application may revise the application before the commission approves or disapproves it without incurring a penalty under sub. (8). For any application approved by the commission under sub. (3), the wireless provider or a local government that submitted the application may revise the application before the commission makes a disbursement to that wireless provider or local government.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.

**PSC 173.10 Wireless surcharge. (1) CALCULATION.**

(a) Upon the request of the commission, each wireless provider shall file with the commission a report setting forth the number of its wireless telephone numbers with billing addresses in this state that are billed on a recurring basis and the number of its wireless telephone numbers subject to a pre-paid service agreement with a customer with an address in this state or sold within this state, as of the date specified in the commission request.

(b) The commission shall determine the amount of the wireless surcharge by dividing the sum of the total amount of money requested from all grant and supplemental grant applications approved under s. PSC 173.09 and the reasonable administration costs under s. PSC 173.11 (2) by 36, and then dividing that result by the total number of telephone numbers served by wireless providers and reported under par. (a).

(2) ORDER. The commission shall set the amount of the wireless surcharge by an order pursuant to s. 227.47 (1), Stats. An interested party may petition to reopen the proceeding and amend the surcharge order under s. 196.39 (2), Stats., and s. PSC 2.28.

(3) COLLECTION. (a) Each wireless provider shall impose the wireless surcharge for each telephone number of a customer that has a billing address in this state on each bill rendered during the surcharge period.

(b) The wireless surcharge shall be calculated and applied on a monthly basis. The wireless surcharge shall be the same for each wireless telephone number, regardless of the serving wireless provider, except that:

1. For a customer that is billed on a recurring basis other than monthly, the wireless provider shall impose a surcharge equal to the amount of the wireless surcharge times the number of months of service billed in that customer's billing statement times the number of telephone numbers billed or assigned to that customer.

2. For a customer with prepaid wireless telephone service, the wireless provider shall charge to that customer's prepaid account using one of the following methods:

a. The provider shall charge the prepaid account the amount of the monthly surcharge when the telephone becomes an active prepaid wireless telephone, provided the balance of the prepaid account is greater than or equal to the monthly wireless surcharge.

b. The provider shall divide the total prepaid wireless telephone revenue earned and received in the state a calendar month during the surcharge period by \$50, and multiply the quotient by the monthly wireless surcharge.

(c) Each wireless provider shall pay the full amount of the surcharge collected to the commission within 30 days of the end of the month in which the surcharge was collected for deposit in the fund. A wireless provider may not withhold any portion of the surcharge it collects as reimbursement for the cost of billing and collecting the surcharge, or for any other purpose. A wireless provider may include reasonable administrative costs as part of its grant application under s. PSC 173.06.

**History:** CR 04-026; cr. Register November 2004 No. 587, eff. 1-1-05 except (1) (b) and (2), which are eff. 10-1-05.

**PSC 173.11 Fund administration. (1) DESIGNATION.** The commission may designate a fund administrator.

**(2) ADMINISTRATIVE COSTS.** The commission may recover from the fund its reasonable costs related to the administration of the fund.

**(3) DEPOSIT OF FUNDS.** The commission shall ensure that the amounts billed and collected through the wireless surcharge and remitted to the commission are deposited in the fund. All amounts deposited in the fund, including moneys earned as interest, shall remain in the fund until disbursed as provided in this chapter.

**(4) REQUIRED DOCUMENTATION.** Wireless providers and local governments with approved applications for grants under this chapter shall submit requests for reimbursement that include all of the following:

(a) A paid invoice to document the actual cost of any approved purchase from a vendor or supplier.

(b) Appropriate documentation, such as time slips for work performed by employees or attendance rosters and training outlines for training performed, to verify that any internal costs approved for reimbursement actually were incurred.

(c) Appropriate documentation to verify that local governments have complied with the requirements under 47 CFR 20.18 (j).

(d) Any other documentation that the commission may request to ensure that the moneys disbursed by grant have been used in the manner proposed by the applicant and approved by the commission.

**(5) DISBURSEMENTS.** (a) The commission shall make quarterly payments to wireless providers and local governments that have approved applications for grants under this chapter.

(b) The amount disbursed each quarter to a wireless provider or local government shall be the unpaid amount of the grant approved by the commission under s. PSC 173.09 for that wireless provider or local government divided by the number of months remaining in the reimbursement period times 3, but the commission may not disburse more than the amount for which the wireless provider or local government has provided the documentation specified in sub. (4).

(c) 1. The commission shall begin payment of approved grant amounts to wireless providers when the wireless provider has installed all necessary equipment, upgrades and interconnecting telecommunications circuits to provide service to a designated public safety answering point. If a wireless provider provides wireless 911 service to more than one answering point in the state, the Commission may divide the approved grant amount due to that wireless provider into appropriate increments, and pay the increments based upon installation of service to each individual answering point.

2. a. Except as provided in subd. 2. b., the commission shall begin payment of approved grant amounts to local governments when the enhanced wireless 911 telecommunications service is implemented and made available to wireless telephone subscribers located within the boundaries of that local government.

b. For grant applications that include a request for reimbursement for the purchase of equipment described in s. PSC 173.07 (3) (a) 1., the commission may begin quarterly payments of approved grant amounts related to that equipment after the start of the surcharge period and upon receipt of the documentation in sub. (4) (a).

(d) The commission shall withhold payment of an approved grant to a local government if that local government does not implement the wireless 911 service in its jurisdiction before the end of the reimbursement period, and the local government shall repay to the fund any money it already received from the fund.

(e) No wireless provider or local government may receive a total amount in grants that exceeds the lesser of the estimated amount approved by the commission under s. PSC 173.09 for that wireless provider or local government or the cost actually incurred and documented under sub. (4).

(f) In the event that the fund has an insufficient balance to make all scheduled payments, the commission may reschedule payments to ensure the solvency of the fund.

(g) In the case of a disbursement for a jointly operated wireless public safety answering point, the commission shall apportion the disbursement of the grant in the manner specified under s. PSC 173.07 (2) (e).

**(6) SECOND YEAR AND THIRD YEAR REVIEW.** (a) The commission shall review the amount of the wireless surcharge and the status of scheduled disbursements prior to the thirteenth and twenty-fifth month of the surcharge period. To facilitate these reviews, the commission may request from wireless providers an updated count of the number of wireless telephone numbers billed on a recurring basis and the number of wireless telephone numbers subject to a pre-paid service agreement.

(b) A wireless provider that did not provide service to customers in this state before September 3, 2003, and did not otherwise apply for a grant under s. PSC 173.06, may apply for a grant during the second year or third year review by the date the commission establishes in a public notice. A wireless provider applying for a grant under this section shall comply with all other requirements of this chapter.

(c) A wireless provider or local government may revise an application approved under s. PSC 173.09 before the date on which the grant is disbursed.

(d) A county that is eligible to apply for a supplemental grant under s. PSC 173.08 (1) may apply for a supplemental grant under during the commission's second year or third year review if it did not apply for a supplemental grant when it submitted its grant application under s. PSC 173.07.

(e) The commission may decrease the wireless surcharge at any time. The commission may increase the wireless surcharge, effective as of the thirteenth and twenty-fifth month of the surcharge period, after completion of the second year and third year review.

(f) The commission may reduce the amount of the wireless surcharge collected under s. PSC 173.10 (3) (b) 2. b. during the final 6 months of the surcharge period to avoid collecting money in excess of the needs of the fund.

**(7) FINAL REVIEW.** At the conclusion of the reimbursement period, the commission shall distribute to wireless providers any funds collected but not disbursed or otherwise obligated. Funds shall be distributed to wireless providers in proportion to the providers' respective deposits into the fund. The commission shall withhold payment of this residual money until the provider agrees to credit its current customer accounts the full amount of the resid-

ual payment. If a provider does not agree, then that provider's distribution amount shall be proportionately distributed to those providers that have agreed. Upon completion of all scheduled payments, including the residual payments at the end of the reimbursement period, the commission shall discontinue the fund.

**(8) COLLECTION ACTION AUTHORIZED.** The commission may bring an action to collect a surcharge that is not paid by a customer. The customer's wireless provider is not liable for the unpaid sur-

charge.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.

**PSC 173.12 Confidentiality of information.** The commission shall withhold from public inspection any information received under this subsection that would aid a competitor of a wireless provider in competition with the wireless provider.

**History:** CR 04-026: cr. Register November 2004 No. 587, eff. 1-1-05.