



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1464/1  
MDK:nwn:md

**SENATE AMENDMENT 1,  
TO 2009 SENATE BILL 469**

February 5, 2010 – Offered by Senator PLALE.

- 1           At the locations indicated, amend the bill as follows:
- 2           **1.** Page 2, line 9: delete “access charges” and substitute “wholesale access  
rates”.
- 3           **2.** Page 2, line 10: before “tandem” insert “and”.
- 4           **3.** Page 2, line 11: delete “records, granting rule-making authority, and  
making” and substitute “records.”.
- 5           **4.** Page 2, line 12: delete that line.
- 6           **5.** Page 7, line 1: delete lines 1 to 4.
- 7           **6.** Page 9, line 18: delete the material beginning with that line and ending with  
page 14, line 9.
- 8           **7.** Page 14, line 10: delete the material beginning with that line and ending  
with page 15, line 8, and substitute:

1           “**SECTION 13m.** 196.194 (1) of the statutes is repealed.

2           **SECTION 13q.** 196.194 (2) (title) of the statutes is repealed.

3           **SECTION 13s.** 196.194 (2) of the statutes is renumbered 196.194 and amended  
4 to read:

5           **196.194 Public Gas utility individual contracts.** Nothing in ss. 196.03,  
6 196.19, 196.20, 196.21, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the  
7 commission from approving the filing of a tariff which permits a gas utility to enter  
8 into an individual contract with an individual customer if the term of the contract  
9 is no more than 5 years, or a longer period approved by the commission, and if the  
10 commission determines that substitute gas services are available to customers or  
11 potential customers of the gas utility and the absence of such a tariff will cause the  
12 gas utility to be disadvantaged in competing for business. A tariff filed under this  
13 ~~subsection~~ section shall include the condition that any such contract shall be  
14 compensatory. The tariff shall include any other condition and procedure required  
15 by the commission in the public interest. Within 20 days after a contract authorized  
16 under this ~~subsection~~ section or an amendment to such a contract has been executed,  
17 the gas utility shall submit the contract to the commission. The commission shall  
18 give notice to any person, upon request, that a contract authorized under this  
19 ~~subsection~~ section has been received by the commission. The notice shall identify the  
20 gas utility that has entered into the contract. Within 6 months after receiving  
21 substantial evidence that a contract may be noncompensatory, or upon its own  
22 motion, the commission shall investigate and determine whether the contract is  
23 compensatory. If the commission determines that the contract is noncompensatory,  
24 the commission may make appropriate adjustments in the rates or tariffs of the gas  
25 utility that has entered into the contract, in addition to other remedies under this

1 chapter. The dollar amount of the adjustment may not be less than the amount by  
2 which the contract was found to be noncompensatory.”.

3 **8.** Page 15, line 18: delete “tariffing requirements under s. 196.194 (1) or”.

4 **9.** Page 18, line 5: delete “ss. 196.193, and 196.195” and substitute “ss. s.  
5 196.193, ~~196.195~~”.

6 **10.** Page 18, line 6: delete “(12) ~~and 196.196~~” and substitute “(12) ~~and~~  
7 196.196”.

8 **11.** Page 18, line 20: after “196.025 (6)” insert “and except that only with  
9 respect to its wholesale access services an alternative telecommunications utility is  
10 subject to 196.03 and 196.37,”.

11 **12.** Page 19, line 21: delete lines 21 and 22.

12 **13.** Page 20, line 8: delete “any provision of ch. 201 or a provision of this  
13 chapter” and substitute “~~any a~~ provision of ~~ch. 201 or~~ this chapter”.

14 **14.** Page 21, line 3: before “(3) (a)” insert “(2r),”.

15 **15.** Page 21, line 5: delete “or 196.858” and substitute “196.858, or 196.859”.

16 **16.** Page 22, line 18: delete lines 18 to 24 and substitute:

17 “**SECTION 55m.** 196.205 of the statutes is repealed.”.

18 **17.** Page 23, line 13: delete lines 13 to 15.

**18.** Page 24, line 2: after that line insert:

“(2) CALL ORIGINATORS. Beginning no later than 12 months after the effective  
date of this subsection ... [LRB inserts date], a commercial mobile radio service  
provider or competitive local exchange carrier that originates a call must transmit  
with that call all information necessary for the proper identification of the provider

1 or carrier originating the call and for the proper billing of intercarrier compensation  
2 to the call.”.

3 **19.** Page 24, line 3: delete “(2)” and substitute “(3)”.

4 **20.** Page 24, line 3: delete “24” and substitute “18”.

5 **21.** Page 24, line 21: delete lines 21 to 23.

6 **22.** Page 25, line 8: delete lines 8 and 9 and substitute:

7 “196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)  
8 and (6), 196.213 and 196.215, a A telecommunications utility that provides local”.

9 **23.** Page 26, line 1: delete lines 1 to 3.

10 **24.** Page 26, line 8: delete “and price”.

11 **25.** Page 26, line 9: delete “regulation and” and substitute “and”.

12 **26.** Page 26, line 13: delete lines 13 to 21.

13 **27.** Page 27, line 1: before that line insert:

14 “**SECTION 71g.** 196.219 (2) (a) of the statutes is amended to read:

15 196.219 (2) (a) Notwithstanding any exemptions identified in this chapter  
16 except s. ss. 196.202, 196.203, and 196.50, a telecommunications utility or provider  
17 shall provide protection to its consumers under this section unless exempted in  
18 whole or in part by rule or order of the commission under this section. The  
19 commission shall promulgate rules that identify the conditions under which  
20 provisions of this section may be suspended.

21 **SECTION 71r.** 196.219 (2r) of the statutes is created to read:

22 196.219 (2r) **WHOLESALE ACCESS RATES.** Any reduction in wholesale access rates  
23 ordered by the commission prior to the effective date of this subsection .... [LRB

1 inserts date], including any reduction ordered pursuant to s. 196.195, shall remain  
2 effective unless modified by the commission in a subsequent order.”.

3 **28.** Page 27, line 16: delete lines 16 and 17 and substitute “rates, tolls or  
charges without the approval of the commission, ~~except as provided in s. 196.205 or~~  
4 ~~196.215 (2).~~”.

4 **29.** Page 28, line 1: after that line insert:

5 “SECTION 80m. 196.50 (title) of the statutes is amended to read:

6 **196.50 (title) Competing public utilities; indeterminate permits,**  
7 **telecommunications; telecommunications utility certification.”.**

8 **30.** Page 28, line 19: after “(i)” insert “and (im)”.

9 **31.** Page 28, line 19: delete “is” and substitute “are”.

10 **32.** Page 28, line 21: after “196.02 (2),” insert “196.03,”.

11 **33.** Page 28, line 23: delete that line and substitute “196.78, and 196.79,  
except that with respect only to their wholesale access services, a  
telecommunications utility certified under this section with less than 50,000 access  
lines is subject to s. 196.03 and, with respect only to their wholesale access services,  
a telecommunications utility certified under this subsection with more than 50,000  
and less than 150,000 access lines is subject to ss. 196.03 and 196.37. The intrastate  
access rates of a telecommunications utility with 150,000 or more access lines may  
not exceed the telecommunications utility’s interstate rates for similar access  
services, except that such a telecommunications utility shall not assess an intrastate  
carrier common line charge or a substitute charge. Except to enforce this paragraph,  
the commission may not review or set the access rates for a telecommunications  
utility with 150,000 or more access lines. A telecommunications utility certified

under this subsection may file tariffs with the commission designating the rates, terms, and conditions of its wholesale access services. A telecommunications utility certified under this subsection may decrease its wholesale access rates without notice to the commission. A telecommunications utility certified under this subsection with less than 150,000 access lines may seek to increase its wholesale access service rates by petitioning the commission for approval of such an increase and, after notice, the commission may review and approve or reject that petition subject to the standards set forth in s. 196.03 (6).”.

- 1           **34.** Page 28, line 23: after that line insert:  
2           “(im) If the commission imposes a provision of this chapter or ch. 201”.
- 3           **35.** Page 29, line 9: delete “issuing” and substitute “granting”.
- 4           **36.** Page 29, line 10: delete “196.203 and terminating” and substitute  
5           “196.203. The granting of such certification shall operate to terminate”.
- 6           **37.** Page 29, line 14: delete “maintain the certification” and substitute  
7           “recertify the telecommunications utility”.
- 8           **38.** Page 29, line 15: delete “but to regulate” and substitute “and regulate”.
- 9           **39.** Page 29, line 18: after “order” insert “granting a new certification under  
10           this subsection and”.
- 11           **40.** Page 29, line 19: after “telecommunications utility” insert “and all  
12           requirements imposed by the commission, whether by statute or commission rule or  
13           order, on the telecommunications utility’s previous certification are terminated on  
14           the effective date of the order”.
- 15           **41.** Page 33, line 6: delete that line.

1           **42.** Page 33, line 7: delete that line and substitute:

2           “(1m) In this subsection:”.

3           **43.** Page 33, line 8: delete “1.” and substitute “(a)”.

4           **44.** Page 33, line 9: delete “2.” and substitute “(b)”.

5           **45.** Page 33, line 11: after that line insert:

6           “(c) “Telecommunications utility” has the meaning given in section 196.01 (10)  
7 of the statutes.”.

8           **46.** Page 33, line 12: delete “(b) On the effective date of this paragraph” and  
substitute “(2) Except as provided in section 196.219 (2r) of the statutes, as created  
by this act, on the effective date of this subsection”.

9           **47.** Page 33, line 15: after that line insert:

10           “(3) Except as provided in section 196.219 (2r) of the statutes, as created by this  
11 act, on the effective date of this subsection, any requirement imposed on a  
12 telecommunications utility under section 196.203, 2007 stats., or section 196.50,  
13 2007 stats., whether by statute or commission rule or order, that is inconsistent with  
14 sections 196.203 or 196.50 (2) of the statutes, as affected by this act, is terminated.”.

15

(END)