



2001 ASSEMBLY BILL 708

January 9, 2002 - Introduced by Representatives UNDERHEIM, OWENS, ALBERS, URBAN, HINES and GUNDERSON, cosponsored by Senators ROSENZWEIG and ROESSLER. Referred to Committee on Information Policy and Technology.

1 **AN ACT** *to renumber and amend* 196.219 (5); *to amend* 196.202 (2) and
2 196.203 (3) (d); and *to create* 196.219 (3m) and 196.219 (5) (b) of the statutes;
3 **relating to:** requiring telecommunications providers to make certain
4 notifications to residential customers and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a telecommunications provider to notify a residential customer, in writing and by telephone, if the residential customer accumulates \$500 or more in charges for telephone calls in a billing period. The notification must be made no later than 14 business days after \$500 or more is accumulated. A telecommunications provider that violates the requirement is subject to a forfeiture of between \$25 and \$5,000.

The bill also requires the public service commission (PSC) to promulgate rules for telecommunications providers and residential customers to resolve disputes over service for intrastate telephone calls by alternative dispute resolution, including disputes over charges for access numbers to Internet service providers. The rules must require that a telecommunications provider have the burden of disproving a residential customer's allegation regarding the service. Until the procedures in the rules have been exhausted, a telecommunications provider or residential customer may not bring an action in court.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.202 (2) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is amended to read:

3 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
4 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that
5 a commercial mobile radio service provider is subject to s. 196.218 (3) if the
6 commission promulgates rules that designate commercial mobile radio service
7 providers as eligible to receive universal service funding under both the federal and
8 state universal service fund programs, and is subject to s. 196.219 (3m). If the
9 commission promulgates such rules, a commercial mobile radio service provider
10 shall respond, subject to the protection of the commercial mobile radio service
11 provider's competitive information, to all reasonable requests for information about
12 its operations in this state from the commission necessary to administer the
13 universal service fund.

14 **SECTION 2.** 196.203 (3) (d) of the statutes is amended to read:

15 196.203 (3) (d) ~~Section~~ Sections 196.219 (3m) and 196.50 (1) (b) applies apply
16 to an alternative telecommunications utility except for a provider of cable television
17 service.

18 **SECTION 3.** 196.219 (3m) of the statutes is created to read:

19 196.219 (3m) NOTICE TO RESIDENTIAL CUSTOMERS. A telecommunications
20 provider shall notify a residential customer in writing and by telephone if, at any
21 time during a billing period, the residential customer accumulates \$500 or more in

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1 charges for telephone calls in that period. Notice under this subsection must be made
2 no later than 14 business days, as defined in s. 421.301 (6), after \$500 or more in
3 charges is accumulated. A telecommunications provider that violates this
4 subsection may be required to forfeit not less than \$25 nor more than \$5,000.

5 **SECTION 4.** 196.219 (5) of the statutes is renumbered 196.219 (5) (a) and
6 amended to read:

7 196.219 (5) (a) The commission shall ~~establish by rule~~ promulgate rules that
8 provide for a procedure for alternative dispute resolution to be available for
9 complaints filed against a telecommunications utility or provider.

10 **SECTION 5.** 196.219 (5) (b) of the statutes is created to read:

11 196.219 (5) (b) The rules promulgated under par. (a) shall include procedures
12 for telecommunications providers and residential customers to resolve disputes over
13 orders and bills for service for intrastate telephone calls, including disputes over
14 charges for access numbers to Internet service providers. The rules shall require
15 that a telecommunications provider have the burden of disproving a residential
16 customer's allegation regarding an order or a term or condition of service. No
17 telecommunications provider or residential customer may bring an action regarding
18 a dispute described in this paragraph until the telecommunications provider or
19 residential customer has exhausted the procedures included in the rules.

20 **SECTION 6. Initial applicability.**

21 (1) The treatment of section 196.219 (3m) of the statutes first applies to billing
22 periods commencing on the effective date of this subsection.

23 **SECTION 7. Effective date.**

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1 (1) This act takes effect on the first day of the 3rd month beginning after
2 publication.

3 **(END)**