

State of Misconsin 2007 - 2008 LEGISLATURE

2007 ASSEMBLY BILL 772

February 8, 2008 – Introduced by Representatives MONTGOMERY, PETERSEN, ALBERS, BIES, BOYLE, KAUFERT, KLEEFISCH, LOTHIAN, MURSAU, MUSSER, NASS, NYGREN, PETROWSKI, TOWNSEND, VOS and ZIPPERER, cosponsored by Senators HANSEN, OLSEN, GROTHMAN, ROESSLER and SCHULTZ. Referred to Committee on Energy and Utilities.

1 AN ACT to amend 196.202 (2); and to create 196.202 (4) of the statutes; relating

2 to: regulation of commercial mobile radio service providers and granting

3 rule-making authority.

Analysis by the Legislative Reference Bureau

Current law defines a commercial mobile radio service provider (CMRSP) as a person authorized by the Federal Communications Commission to provide commercial mobile service. A CMRSP is commonly referred to as a "wireless communications company." Under current law, CMRSPs are generally exempt from regulation by the Public Service Commission (PSC). There are two exceptions to this exemption. First, if the PSC promulgates rules that make CMRSPs eligible for funding under both state and federal universal service programs, then CMRSPs must contribute to the state's universal service fund. Current law requires certain telecommunications providers to make contributions to the state's universal service fund, which is used for promoting access to telecommunications service, as well as for other purposes. Second, current law prohibits a CMRSP from charging a customer for an incomplete call.

This bill eliminates the first exception described above. In addition, the bill allows the PSC to promulgate rules for designating a CMRSP, upon petitioning the

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PSC, as an eligible telecommunications carrier for purposes of participation under the federal universal service fund.

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

SECTION 1. 196.202 (2) of the statutes is amended to read:

196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider 2 3 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that a commercial mobile radio service provider is subject to s. 196.218 (3) if the 4 $\mathbf{5}$ commission promulgates rules that designate commercial mobile radio service 6 providers as eligible to receive universal service funding under both the federal and 7 state universal service fund programs. If the commission promulgates such rules, 8 a commercial mobile radio service provider shall respond, subject to the protection 9 of the commercial mobile radio service provider's competitive information, to all reasonable requests for information about its operations in this state from the 10 11 commission necessary to administer the universal service fund subs. (4) and (5). **SECTION 2.** 196.202 (4) of the statutes is created to read: 1213 196.202 (4) RULES. The commission may promulgate rules for designating a commercial mobile radio service provider, upon petitioning the commission, as an 1415eligible telecommunications carrier for purposes of participation under the federal

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universal service fund.

(END)