



## 2009 ASSEMBLY BILL 391

August 18, 2009 - Introduced by Representatives JORGENSEN, HIXSON, GARTHWAITE, VRUWINK, ROYS, SMITH, HILGENBERG, HRAYCHUCK, BERCEAU, TURNER, POCAN, DAVIS and SUDER, cosponsored by Senators KREITLOW, TAYLOR, HOLPERIN, JAUCH, LASSA, HANSEN, HARSDDORF and LEHMAN. Referred to Committee on Renewable Energy and Rural Affairs.

1     **AN ACT** *to create* 196.025 (7) of the statutes; **relating to:** deployment of  
2           high-speed Internet services.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Public Service Commission (PSC) to contract with a nonprofit organization to create a statewide inventory of high-speed Internet and other relevant telecommunications and information technology services that is consistent with any data reporting required under federal law. The PSC is allowed to contract with a nonprofit organization only if the PSC determines that the nonprofit organization has an established competency in working with public and private sectors to accomplish wide-scale deployment and adoption of telecommunications and information technology. The inventory that is created must identify geographic gaps in high-speed Internet service and provide a baseline assessment of statewide high-speed Internet deployment in terms of percentage of households with high-speed Internet availability. The bill also requires the nonprofit organization to update the inventory every six months.

In addition, the contract entered into by the PSC must require the nonprofit organization to do the following: 1) track statewide residential and business adoption of high-speed Internet services, computers, and related information technology, identify barriers to such adoption, and annually measure progress regarding such adoption; 2) create and facilitate local technology planning teams in counties or other regions to measure technology use, set goals for improving technology use, and develop business plans for achieving the goals; 3) collaborate with high-speed Internet providers and technology companies to encourage

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deployment and use of high-speed Internet services, especially in underserved areas; and 4) establish programs to improve computer ownership and Internet access for disenfranchised populations. The bill also requires the nonprofit organization to obtain the input of specified governmental and nongovernmental entities in carrying out the foregoing duties.

The bill allows the nonprofit organization to require nongovernmental entities to submit information that is relevant to the foregoing duties, but only to the extent and in the format that the data is maintained in the normal course of business. If a nongovernmental entity provides information that the nongovernmental entity designates as confidential or proprietary, the nonprofit organization must enter into a nondisclosure agreement with the nongovernmental entity regarding the designated information. Also, the designated information is not subject to disclosure under the state open records law.

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

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

1           **SECTION 1.** 196.025 (7) of the statutes is created to read:

2           196.025 (7) HIGH-SPEED INTERNET DEPLOYMENT. (a) *Definition.* In this  
3 subsection, “nonprofit organization” means an organization described in section 501  
4 (c) (3) of the Internal Revenue Code which is exempt from federal income tax under  
5 section 501 (a) of the Internal Revenue Code.

6           (b) *Contract.* The commission shall contract with a nonprofit organization to  
7 accomplish the objectives specified in par. (c). The commission may contract with an  
8 organization only if the commission determines that the organization has an  
9 established competency in working with public and private sectors to accomplish  
10 wide-scale deployment and adoption of telecommunications and information  
11 technology.

12           (c) *Objectives.* A contract under par. (b) shall require a nonprofit organization  
13 to do all of the following:

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1           1. Create a geographic statewide inventory of high-speed Internet and other  
2 relevant telecommunications and information technology services that is consistent  
3 with any data reporting required under federal law. The inventory shall identify  
4 geographic gaps in high-speed Internet service through a method of geographic  
5 information system mapping of service availability and geographic information  
6 system analysis at the census block level and shall provide a baseline assessment of  
7 statewide high-speed Internet deployment in terms of percentage of households  
8 with high-speed Internet availability.

9           2. Update the inventory required under subd. 1. every 6 months.

10          3. Track statewide residential and business adoption of high-speed Internet  
11 services, computers, and related information technology, through data collected  
12 directly from end users through telephone surveys or similar methods, identify  
13 barriers to such adoption, and annually measure progress regarding such adoption.

14          4. Create and facilitate in each county or other designated region a local  
15 technology planning team with members representing a cross section of the  
16 community, including representatives of businesses, telecommunications unions,  
17 primary and secondary education, health care, libraries, higher education,  
18 community-based organizations, local government, tourism, parks and recreation,  
19 and agriculture. Each team shall measure technology use across relevant  
20 community sectors, set goals for improving technology use within each sector, and  
21 develop a tactical business plan for achieving the goals with specific  
22 recommendations for on-line application development and demand creation.

23          5. Collaborate with high-speed Internet providers and technology companies  
24 across the state to encourage deployment and use of high-speed Internet services,  
25 especially in underserved areas, through the use of local demand aggregation,

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1 mapping analysis, and the creation of market intelligence to encourage providers to  
2 deploy high-speed Internet services.

3 6. Establish programs to improve computer ownership and Internet access for  
4 disenfranchised populations across the state.

5 7. Obtain the input of each of the following in carrying out the objectives  
6 specified in this paragraph:

7 a. State and local government agencies representing economic development,  
8 local community development, technology planning, education, health care, and  
9 other relevant interests.

10 b. High-speed Internet service providers, telecommunications providers,  
11 technology companies, telecommunications unions, community-based  
12 organizations, and relevant private sector entities.

13 (d) *Submission of information.* A nonprofit organization with whom the  
14 commission contracts under par. (b) may require nongovernmental entities to submit  
15 information that is relevant to the objectives specified in par. (c) only to the extent  
16 and in the format that the data is maintained in the normal course of business. If  
17 a nongovernmental entity provides information to the nonprofit organization that  
18 the nongovernmental entity designates as confidential or proprietary, the nonprofit  
19 organization shall enter into a nondisclosure agreement with the nongovernmental  
20 entity regarding the designated information and the designated information is not  
21 subject to inspection or copying under s. 19.35.

22 (END)