



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2822/1
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2015 ASSEMBLY BILL 396

October 13, 2015 - Introduced by Representatives DANOU, MEYERS, OHNSTAD, KESSLER, BERCEAU, BOWEN, SUBECK, BILLINGS, WACHS, POPE, HEBL, SINICKI, RIEMER and JOHNSON, cosponsored by Senators VINEHOUT, BEWLEY, CARPENTER, LASSA, MILLER, HANSEN, WIRCH, ERPENBACH and RISSER. Referred to Committee on Energy and Utilities.

1 **AN ACT to repeal** 196.503 (3) and 196.503 (5); **to amend** 196.503 (2) (a) and
2 196.503 (2) (b); and **to create** 196.503 (2) (c) and 196.503 (6) of the statutes;
3 **relating to:** provider of last resort obligations of certain telecommunications
4 providers.

Analysis by the Legislative Reference Bureau

Under current law, until April 30, 2013, a telecommunications provider who is an incumbent local exchange carrier (ILEC) under federal law was required to make basic voice service available to all residential customers within the local exchange area in which the telecommunications provider operated as an ILEC, and allowed an ILEC to satisfy that requirement through an affiliate or through the use of any available technology or mode. However, an ILEC was allowed to apply to the Public Service Commission (PSC) for a waiver from compliance with that requirement and the PSC was required to grant the waiver if certain requirements were satisfied. Also, if the PSC failed to act on the application within specified deadlines, the waiver was considered granted by operation of law. Current law specifies a sunset date of April 30, 2013, on which all of the foregoing no longer apply.

This bill eliminates that sunset date. As a result, under the bill, except as described as follows, the foregoing requirements apply to an ILEC. The bill also makes the following changes to those requirements. First, instead of requiring an ILEC to make basic voice service available to residential customers within a local exchange area, the bill requires an ILEC to make such service effectively available to such customers. Second, the bill eliminates the PSC's authority to grant waivers,

ASSEMBLY BILL 396

but exempts from the bill's requirements an ILEC that was granted a waiver before that sunset date, or for whom a waiver was considered granted by operation of law before that sunset date. Finally, the bill allows the PSC to investigate whether an ILEC has complied with the bill's requirements and allows the PSC to order an ILEC to comply through the use of any technology or mode that the PSC determines is necessary to ensure that basic voice service is effectively available to all residential customers in a local exchange area.

For further information see the *state* 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.** 196.503 (2) (a) of the statutes is amended to read:

2 196.503 (2) (a) Notwithstanding any other provision in this chapter, and except
3 as provided in sub. (3) par. (c), an incumbent local exchange carrier shall make basic
4 voice service effectively available to all residential customers within a local exchange
5 area in which it operates as an incumbent local exchange carrier.

6 **SECTION 2.** 196.503 (2) (b) of the statutes is amended to read:

7 196.503 (2) (b) ~~An~~ Except as provided in an order under sub. (6), an incumbent
8 local exchange carrier may satisfy its obligations under par. (a) through an affiliate
9 and through the use of any available technology or mode.

10 **SECTION 3.** 196.503 (2) (c) of the statutes is created to read:

11 196.503 (2) (c) Paragraph (a) does not apply to an incumbent local exchange
12 carrier granted a waiver for a local exchange area under s. 196.503 (3), 2013 stats.,
13 or for whom a waiver for a local exchange area was considered granted by operation
14 of law under s. 196.503 (3), 2013 stats.

15 **SECTION 4.** 196.503 (3) of the statutes is repealed.

16 **SECTION 5.** 196.503 (5) of the statutes is repealed.

17 **SECTION 6.** 196.503 (6) of the statutes is created to read:

ASSEMBLY BILL 396

1 196.503 (6) ENFORCEMENT. The commission may, in response to a complaint or
2 on its own motion, investigate whether an incumbent local exchange carrier has
3 complied with sub. (2) (a). If the commission determines that an incumbent local
4 exchange carrier has not complied with sub. (2) (a), the commission shall order the
5 incumbent local exchange carrier to comply with sub. (2) (a) through the use of any
6 technology or mode that the commission determines is necessary to ensure that basic
7 voice service is effectively available to all residential customers in a local exchange
8 area.

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(END)