

PUBLIC SERVICE COMMISSION OF WISCONSIN

Retention of Meters

1-AC-227

Clearinghouse Rule 13-033

ORDER ADOPTING FINAL RULES

The Public Service Commission of Wisconsin adopts an order to renumber PSC 113.0923 and (title) and 185.78 and (title); renumber and amend PSC 185.77; amend PSC 113.0614, 113.0922 (title), 134.20, 134.31 (3), 185.19 (1), 185.73 (2) and (4), and 185.77 (title); repeal and recreate PSC 113.0919 (1) and (2), 134.19 (1) and (2), and 185.46 (1) and (2); and create PSC 113.0919 (3) (title) and (4) (title), 113.0922 (1) (title), (3) and (6), 134.19 (3) (title), 134.31 (4), and 185.77 (3), relating to the retention of customer meters so that they are available for testing.

REPORT TO THE LEGISLATURE

The Report to the Legislature is set forth as Attachment A.

FISCAL ESTIMATE

The Economic Impact Analysis for this rulemaking is included as Attachment A4.

FINAL REGULATORY FLEXIBILITY ANALYSIS

This rule will not affect small businesses. The s. 227.114(12), Stats., definition of “small business” states that to be considered a small business, the business must not be dominant in its field. Since gas, electric, and water utilities are monopolies in their service territories, they are dominant in their fields, and so, are not small businesses.

EFFECTIVE DATE

These rules shall take effect on the first day of the month following publication in the *Wisconsin Administrative Register* as provided in s. 227.22 (2) (intro.), Stats.

CONTACT PERSON

Questions regarding this matter should be directed to docket coordinator Joyce Dingman at (608) 267-6919 or joyce.dingman@wisconsin.gov. Small business questions may be directed to Christine Swailes at (608) 266-8776, or via e-mail at christine.swailes@wisconsin.gov. Media questions should be directed to Nathan Conrad, Communications Director, at (608) 267-9600. Hearing- or speech-impaired individuals may also use the commission's TTY number. If calling from Wisconsin, use (800) 251-8345; if calling from outside Wisconsin, use (608) 267-1479.

The commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed above.

Dated at Madison, Wisconsin, this day of

By the Commission:

Sandra J. Paske
Secretary to the Commission

Attachments

DL: 00977710

REPORT TO THE LEGISLATURE

A. TEXT OF THE RULE

The text of the proposed rules is set forth in Attachment A1.

B. PLAIN LANGUAGE ANALYSIS

1. Statutory Authority and Explanation of Authority

This rule is authorized under ss. 196.02 (1) and (3), 196.06 (3), 196.17 (1), and 227.11, Stats.

Section 227.11 authorizes agencies to promulgate administrative rules. Section 196.02 (1) authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3) grants the commission specific authority to promulgate rules. Section 196.06 (3) allows the commission to prescribe the manner and form in which utilities keep records. Section 196.17 (1) requires the commission to provide for meter testing.

Statutes Interpreted

This rule interprets ss. 196.03 (1) and 196.17.

Related Statutes or Rules

PSC ss. 113.0922, 113.0923, 134.31, 185.77, and 185.78 deal with customer-requested and commission-refereed tests. This rulemaking deals with how long to retain meters after such tests, and after customer complaints are filed, so that the meters are available should further tests be requested. PSC ss. 113.0614, 134.20, and 185.19 deal with the retention of records.

2. Brief Summary of Proposed Rules

This rule establishes retention periods for meter test records. It also ensures that meters remain available for a reasonable period of time for subsequent testing, if necessary, to resolve a customer dispute. Further, it ensures that utility-tested and referee-tested¹ meters are retained long enough that they are available should further testing or review be needed.

3. Comparison with Existing or Proposed Federal Regulations

49 CFR 192 contains some records retention regulations for gas pipeline operators. 18 CFR 225 contains some gas records retention requirements. 18 CFR 125.3 contains some electric records retention regulations. They do not address the issue of meter retention.

4. Comparison with Similar Rules in Adjacent States

This rulemaking was opened after the commission dealt with a number of situations in which a customer had requested an accuracy test of a meter, but then the meter was thrown away before a second, commission-refereed test could be requested and performed. The approach is to require that a meter be retained for a period of time after a test to ensure that it is available for a follow-up test, should one be requested. This rulemaking involves three types of utility service: gas, electric and water.

Although surrounding states anecdotally report at least some of the same problems experienced by this commission, none of them have rules that specify time periods for which meters must be retained. However, Iowa does advise utilities to keep meters until the time for an appeal has passed, especially if a referee test is performed. Further, when the Iowa Utilities

¹ Referee tests involve commission staff observing the test as it is performed.

Board issues orders granting waivers from meter testing requirements, it requires the utility to hold the meters for 120 days before disposing of them.

Retention periods for meter testing records vary among surrounding states, although the general format is the same. Records from an individual meter test must be retained for a period of time after the results are recorded in a history record that contains a wide variety of information about a particular meter, including all of the test results for that meter. That history record is retained for a longer period of time. The proposed rule requires utilities to retain an individual test record until it is recorded in the meter history record. The meter history record must be kept for the life of the meter, plus six years. Six years was chosen because it is the general statute of limitations for consumer issues. This retention period will help ensure that appropriate records remain available should an issue arise during that time.

Minnesota, Iowa, and Illinois require that initial test records be kept for at least three years, while Michigan requires that they be kept for at least two years. In Minnesota, such records must be kept longer if necessary to permit compliance with commission rules. In Michigan, they must be kept longer if necessary to comply with rules regarding refunds on fast meters. In Illinois, meter history records need only be kept for three years. In Michigan and Minnesota, they must be kept for the life of the meter.

5. Summary of Factual Data and Analytical Methodologies Used

The commission relied on its own experiences with metering disputes, the experiences of its consumer protection division, communication with other states and data provided by the industry.

6. Effect on Small Business

The s. 227.114(1), Stats., definition of “small business” states that to be considered a small business, the business must not be dominant in its field. Since they are monopolies in their service territories, gas, electric, and water utilities are dominant in their fields, and so, are not small businesses.

7. Agency Contacts

Questions regarding this matter should be directed to docket coordinator Joyce Dingman at (608) 267-6919 or joyce.dingman@wisconsin.gov. Small business questions may be directed to Christine Swailes at (608) 266-8776, or via e-mail at Christine.swailes@wisconsin.gov.

Media questions should be directed to Nathan Conrad, Communications Director, at (608) 267-9600. Hearing- or speech-impaired individuals may also use the commission’s TTY number. If calling from Wisconsin, use (800) 251-8345; if calling from outside Wisconsin, use (608) 267-1479.

8. Accommodation

The commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs to receive this document in a different format should contact the docket coordinator, as indicated in the following paragraph, as soon as possible.

C. FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

The Fiscal Estimate and Economic Impact Analysis for this rulemaking is included in Attachment A4.

D. BASIS AND PURPOSE OF RULES

This rule establishes retention periods for meter test records. It also ensures that meters remain available for a reasonable period of time for subsequent testing, if necessary, to resolve a customer dispute or metering issue. Further, it ensures that utility-tested and referee-tested meters² are retained long enough that they are available should further testing or review be needed.

E. SUMMARY OF PUBLIC COMMENTS AND COMMISSION RESPONSES

The summary of public comments and commission responses for this rulemaking is included in Attachment A2.

F. APPEARANCES AT PUBLIC HEARING

William Skewes for the Wisconsin Utilities Association appeared at the public hearing but did not testify. The following filed written comments:

William Skewes, Executive Director, Wisconsin Utilities Association
James A. Schubilske, Vice President, State Regulatory Affairs, Wisconsin Electric Power Company

Nicolas E. Kumm, Electric, Communications, & Gas Manager, Marshfield Utilities

Daniel Duchniak, Waukesha Water Utility

Julie Bohlen, Watertown

Kelly Zylstra, Waukesha

Valerie Kraemer, Oconomowoc

Earl Smith, Milwaukee Water Works

Sen. Paul Farrow, Chair Senate Committee on Government Operations, Public Works and Telecommunications

Municipal Environmental Group - Water Division (MEG)

Filing in support of MEG comments:

Lori Sweet, Waukesha Water Utility

Lake Como Sanitary District

Scott Osborne, Oconomowoc

Chris Hardy, Administrator, Winneconne

David Botts, Janesville

Jerry Weisnicht, Administrator, Shawano Lake Sanitary Dist.

² Referee tests involve Commission staff observing the test as it is performed.

Keith Haas, Racine
 Mark Simon, Brookfield
 Deb Geier, Wausau Water Works
 Frank Miller, Cudahy Water Utility
 Travis Coenen, Super. Public Works, Wrightstown
 Chris Stempa, Dept of Utils, Appleton
 Randy Kerkman, Bristol
 Keith Mueller, Comptroller, Green Bay Water Utility

Steve Berndt, Public Works, Bonduel
 Amy Barrilleaux, Madison Water Utility
 Wally Thorn, Rice Lake Utilities
 Dan Knapp, Dir. Pub. Works, Chetek
 Raymond Hyde, Pub. Works, Dir., Ashland
 Donna Scholl, Oconomowoc
 Edward St. Peter, Kenosha Water Util.
 Daniel Duchniak, Franklin

G. ANY CHANGES TO THE FISCAL ESTIMATE OR THE ANALYSIS UNDER s. 227.14 (2), STATS.

None.

H. RESPONSE TO LEGISLATIVE COUNCIL COMMENTS

A copy of the report from the Legislative Council is included as Attachment A3.

2. Form, Style and Placement in Administrative Code

- a. Agree. Changes made.
- b. Agree. Changes made.
- c. Agree. Change made.
- d. Agree. Change made.
- e. Agree. Change made.
- f. Agree. Change made.
- g. Agree. Change made.
- h. Agree. Change made.
- i. Agree. Change made.
- j. Agree. Change made.
- k. Disagree. Since there is only one definition, the format used is appropriate.
- l. Agree. Change made.

3. Clarity, Grammar, Punctuation and Use of Plain Language

- a. Agree. Change made.
- b. Disagree. These are terms of art that have been in the rules, undefined, for many years.
- c. Agree. Change made.

I. MISCELLANEOUS DETERMINATIONS

The commission’s WEPA coordinator examined whether the rules have an environmental impact and concluded that they do not. Commission staff also considered

whether the rule will directly or substantially impact housing under s. 227.115, Stats., and concluded that it will not.

1 **TEXT OF RULES**

2 **SECTION 1.** PSC 113.0614 is amended to read:

3 **PSC 113.0614 Preservation of records.** ~~The~~ A utility shall preserve the following
 4 records ~~shall be preserved in a readable format and kept~~ keep them available for
 5 inspection by the commission for the periods indicated. The list is not ~~to be taken as~~
 6 ~~comprehending~~ a complete list of all types of utility records.

Description of Records	Period to be Retained
(1) Maps showing the location and physical characteristics of existing facilities	Perpetually
(2) Engineering records in connection with construction projects if construction of projects results wholly or in part	Until record is superseded or 6 years after plant is retired
Production Records:	
(3) Station and system generation records	Permanently
(4) All other records taken in the plant	6 years
Operating Records:	
(5) Load dispatcher data	6 years
(6) Interruption records	6 years
(7) Meter test records	See PSC 113.0919 <u>Until the information in the meter test record is entered in the meter history record and the meter is tested again</u>
<u>Note that if meter test records are being used as meter history records under PSC 113.0919 (2) (b), the meter test records must be preserved for the time period required for meter history records.</u>	
(8) Meter history records	Life of meter <u>plus 6 years</u>
(9) Annual meter accuracy summary	46 <u>6</u> years
(10) Voltmeter records	<u>2 years or until replaced by more recent records</u>
(11) All other records of operation	6 years
Equipment Records:	
(12) Must be placed in mortality study before destroying	Life of equipment
Customers' Records:	
(13) Inspection of customers' premises	6 years
(14) Customers' complaint record	6 years <u>after complaint is resolved</u>
(15) Meter reading sheets <u>records used for billing</u>	* years <u>6 years</u>
(16) Billing record	* years <u>6 years</u>
(17) Customer deposits	6 years after refund
(18) Filed rates and rules	Permanently

7 **Note:** See also "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" adopted by the
 8 commission in dockets 2-U-5005 and 2-U-5396, May 4, 1972, for more comprehensive listing of retention periods of specific records.
 9 ~~*Where machine billing is used and meter readings recorded on tabulating cards the register sheets may be considered the "meter~~
 10 ~~reading sheets" and the "billing records."~~ "Meter reading sheets" and "billing records" or the "register sheets" shall be kept 6 years or
 11 ~~until they are no longer needed to adjust bills. This means that the records must be kept 6 years or from the date of one meter test to the~~
 12 ~~next whichever is longer.~~

1 **SECTION 2.** PSC 113.0919 (1) and (2) are repealed and recreated to read:

2 PSC 113.0919 (1) (title) METER TEST RECORDS. (a) A utility shall keep a record of a test
3 whenever a unit of metering equipment is tested. The meter test record shall include all of
4 the following:

5 1. Information to identify the unit of metering equipment.

6 2. The service address at which the unit of metering equipment is installed.

7 3. The equipment with which the unit of metering equipment is associated.

8 4. The date of the test.

9 5. The reason for the test.

10 6. A statement of “as found” accuracies.

11 7. A statement of “as left” accuracies, when applicable.

12 8. The name of the person making the test.

13 9. The readings before and after the test.

14 10. A statement as to whether or not the unit of metering equipment “creeps” and in case
15 of creeping, all of the following:

16 a. The rate.

17 b. A statement of “as found” and “as left” accuracies sufficiently complete to permit
18 checking of the calculations employed.

19 c. Indications showing that all required checks have been made.

20 d. A statement of repairs made by the utility, if any, or a notation that the unit was
21 returned to the manufacturer for repairs.

22 e. Identification of the testing standard.

1 (b) Meter test records and meter history records may be kept as separate records or one
2 record.

3

4 PSC 113.0919 (2) METER HISTORY RECORDS. (a) Each utility shall keep a history record
5 for each unit of metering equipment showing all of the following:

6 1. The date the unit was purchased.

7 2. The unit's cost.

8 3. Information identifying the unit.

9 4. Equipment associated with the unit.

10 5. The unit's essential name-plate data.

11 6. Dates of the last 2 tests.

12 7. Results of the last "as found" and "as left" tests, unless separate records are kept of
13 each test for each unit.

14 8. Locations where the unit has been installed, with dates of installation and removal.

15 (b) Meter test records and meter history records may be kept as separate records or one
16 record.

17 **SECTION 3.** PSC 113.0919 (3) (title) and (4) (title) are created to read:

18 **PSC 113.0919 (3) STATISTICAL SAMPLING SUMMARIES.**

19 **PSC 113.0919 (4) COMPUTERIZED METER RECORD SYSTEM.**

20

21 **SECTION 4.** PSC 113.0922 (title) is amended to read:

22 **PSC 113.0922 (title) Customer request test and commission referee tests.**

23

1 **SECTION 5.** PSC 113.0922 (1) (title) is created to read:

2 **PSC 113.0922 (1)** (title) CUSTOMER REQUEST TEST.

3

4 **SECTION 6.** PSC 113.0922 (3) is created to read:

5 **PSC 113.0922 (3)** METER RETENTION. (a) *After a customer requested test.* When a utility
6 performs a customer requested test on a customer's meter under sub. (1) or when the
7 commission requests that a meter be tested, the utility shall keep the tested meter, in "as
8 tested" condition, at a designated location on the utility's premises for at least one full
9 billing period plus 4 weeks after the test result report is issued so that the meter is
10 available should another meter test be requested. If the meter tests as accurate, the utility
11 may choose to keep the tested meter installed at the customer's premises for the
12 designated time period rather than storing it at the utility's premises.

13 (b) *After a referee test.* When a utility performs a referee test on a customer's meter
14 under sub. (2), the utility shall keep the tested meter, in "as tested" condition, at a
15 designated location on the utility's premises for at least 10 business days after the test
16 result report is issued so that the meter is available should further testing or review be
17 needed. If the meter tests as accurate, the utility may choose to keep the tested meter
18 installed at the customer's premises for the designated time period rather than storing it at
19 the utility's premises.

20 (c) *When a complaint or dispute occurs.* When a utility receives a complaint under s. PSC
21 113.0610 or is notified about a dispute under s. PSC 113.0407 involving a meter-related
22 issue, the utility shall keep the meter, in "as tested" condition, at a designated location on
23 the utility's premises for at least one full billing period plus four weeks after the

1 complaint or dispute and any appeal of that dispute is resolved so that the meter is
2 available should testing be requested. If the meter was tested during the complaint or
3 dispute process, and it tested as accurate, the utility may choose to keep the tested meter
4 installed at the customer's premises for the designated time period rather than storing it at
5 the utility's premises.

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7 **SECTION 7.** PSC 113.0922 (6) is created to read:

8 **PSC 113.0922 (6) RECORDS RETENTION REQUIREMENTS.** A utility shall keep the
9 complete, original record from any test under this section on file for the time period
10 specified in s. PSC 113.0614.

11

12 **SECTION 8.** PSC 113.0923 and (title) are renumbered PSC 113.0922 (2) and (2) (title).

13

14 **SECTION 9.** PSC 134.19 (1) and (2) are repealed and recreated to read:

15 PSC 134.19 (1) METER TEST RECORDS. (a) A utility shall keep a record of a meter test
16 whenever a meter is tested. The meter test record shall include all of the following:

- 17 1. Information identifying the meter.
- 18 2. The reason for making the test.
- 19 3. The reading of the meter before it was removed from service.
- 20 4. All the data that was taken at the time of the test.
- 21 5. The results of the test measurement

22 (b) The meter test record must be sufficiently complete to permit convenient checking of
23 the methods and calculations that have been employed.

1 (c) Meter test records and meter history records may be kept as separate records or one
2 record.

3

4 **(2) METER HISTORY RECORDS.** (a) A utility shall keep a meter history record showing all
5 of the following:

6 1. The date the meter was purchased.

7 2. The meter's size.

8 3. Information identifying the meter.

9 4. The meter's various places of installation, with dates of installation and removal.

10 5. The dates and results of all tests.

11 6. The dates and details of all repairs by the utility, or notations of the date and that the
12 meter was returned to the manufacturer for repair.

13 (b) The record shall be arranged in such a way that the record for any meter can be
14 readily located.

15 (c) Meter test records and meter history records may be kept as separate records or one
16 record.

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18 **SECTION 10.** PSC 134.19 (3) (title) is created to read:

19 PSC 134.19 (3) (title) METER ACCURACY SUMMARIES.

20

21 **SECTION 11.** PSC 134.20 is amended to read:

22 **PSC 134.20 Preservation of records.** ~~The~~ A utility shall preserve the following records
23 ~~shall be preserved in a readable format and kept~~ keep them available for inspection by the

1 commission for the periods indicated. The list is not to be taken as comprehending a
 2 complete list of all types of utility records.

Description of Record	Period to be Retained
(1) Maps showing the location and physical characteristics of existing plant	Currently
(2) Engineering records in connection with construction projects	Permanently
(3) Supply records:	
(a) Station and system supply records	Permanently
(b) All other records taken in the plant	6 years
(4) Operating records:	
(a) Load dispatcher data	6 years
(b) Interruption records	6 years
(c) Meter test records	<u>See s. PSC 134.19 Until the information in the meter test record is entered in the meter history record and the meter is tested again</u>
(d) Meter history records	Life of meter <u>plus 6 years</u>
(e) Annual meter accuracy summary	20 <u>6</u> years
(f) Heating value records	6 years
(g) Pressure records	6 years
(h) Specific gravity records	6 years
(i) All other records of operation	6 years
(5) Equipment record: Must be placed in mortality study before destroying	Life of equipment
(6) Customers' records:	
(a) Inspection of customers' equipment	10 years
(b) Complaint record	6 years <u>after the complaint is resolved</u>
(c) Meter reading sheets or cards <u>records used for billing</u>	* years <u>6 years</u>
(d) Billing record	* years <u>6 years</u>
(e) Customer deposits	6 years after refund
(7) Filed rates and rules	Permanently

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Note: See Federal Power Commission Orders 54 and 156 for preservation of records. Public Service Commission's Classification of Accounts, and s. 18.01, Stats.

~~* Where machine billing is used and meter readings recorded on tabulating cards, the register sheets may be considered the "meter reading sheets" and the "billing records." "Meter reading sheets" and "billing records" or the "register sheets" shall be kept 6 years or until they are no longer needed to adjust bills. This means that the records must be kept 6 years or from the date of one meter test to the next, whichever is longer.~~

1 **SECTION 12.** PSC 134.31 (3) is amended to read:

2 **PSC 134.31 (3)** All ~~request and~~ referee meter tests shall include an inspection of the
3 meter index by removing the index from the meter body. The dials, gears and all other
4 parts of the index shall be visually inspected for wear, misalignment or other mechanical
5 defects which would affect the accuracy of the meter on a continuing or sporadic basis.
6 Any defects affecting the meter's accuracy shall be noted and evaluated in the report of
7 the test.

8

9 **SECTION 13.** PSC 134.31 (4) is created to read:

10 **PSC 134.31 (4) METER RETENTION.** (a) *After a customer requested test.* When a utility
11 performs a customer-requested test on a customer's meter under sub. (1) or when the
12 commission requests that a meter be tested, the utility shall keep the tested meter, in "as
13 tested" condition, at a designated location on the utility's premises for at least one full
14 billing period plus four weeks after the test result report is issued so that the meter is
15 available should another meter test be requested. If the meter tests as accurate, the utility
16 may choose to keep the tested meter installed at the customer's premises for the
17 designated time period rather than storing it at the utility's premises.

18 (b) *After a referee test.* When a utility performs a referee test on a customer's meter
19 under sub. (2), the utility shall keep the tested meter, in "as tested" condition, at a
20 designated location on the utility's premises for at least 10 business days after the test
21 result report is issued so that the meter is available should further testing or review be
22 needed. If the meter tests as accurate, the utility may choose to keep the tested meter

1 installed at the customer's premises for the designated time period rather than storing it at
 2 the utility's premises.

3 (c) *When a complaint or dispute occurs.* When a utility receives a complaint under s.
 4 PSC 134.17 or is notified about a dispute under s. PSC 134.064 involving meter
 5 accuracy, the utility shall keep the meter, in "as tested" condition, at a designated location
 6 on the utility's premises for at least one full billing period plus four weeks after the
 7 complaint or dispute and any appeal of that dispute is resolved so that the meter is
 8 available should testing be requested. If the meter was tested during the complaint or
 9 dispute process, and it tested as accurate, the utility may choose to keep the tested meter
 10 installed at the customer's premises for the designated time period rather than storing it at
 11 the utility's premises.

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13 **SECTION 14.** PSC 185.19 (1) is amended to read:

14 **PSC 185.19 (1)** ~~The~~ A utility shall preserve the following records ~~shall be preserved in a~~
 15 readable format and kept keep them available for inspection by the commission for the
 16 period indicated. The list is not to be taken as comprehending all types of utility records.

Description of Record	Period to be Retained
(a) Maps showing the location and physical characteristics of the utility plant	Until maps are superseded or 6 years after plant is retired, provided mortality data are retained
(b) Engineering and original cost records in connection with construction projects	Until records are superseded or 6 years after plant is retired, provided mortality data are retained. An exception is allowed when a utility maintains approved continuing property records; then, engineering and original cost records need only be preserved for a period of 6 years after construction is completed.
(c) Operating records	
1. Station pumpage records	15 years or 3 years after the source is abandoned, whichever is shorter
2. Interruption records	6 years

- 3. Meter test records ~~(See s. PSC 185.46)~~ Until the information in the meter test record is entered in the meter history record and the meter is tested again
- 4. Meter history record* Life of meter plus 6 years
- 5. Annual meter accuracy summary ~~40~~ 6 years
- 6. Pressure records 6 years
- (d) Customer records:
 - 1. Complaint records 3 years after the complaint is resolved
 - 2. Customer deposit 6 years after refund
 - 3. Meter reading ~~sheets or cards~~ records ~~**~~ 6 years
used for billing
 - 4. Billing record ~~**~~ 6 years
- (e) Filed rates and rules Permanently

~~* Where practicable shall be placed in mortality study before destroying.~~

~~** Where machine billing is used and meter readings recorded on tabulated cards, the register sheets may be considered to be "meter reading sheets" and the "billing records." Meter reading sheets and billing records or the register sheets shall be kept 6 years or until they are no longer needed to adjust bills. This means that the records shall be kept 6 years or from the date of one meter test to the next, whichever is longer.~~

~~Note: See also "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" adopted by the commission in docket 2 U 5005, April 27, 1981, "Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities" adopted by the commission in docket 5-US-114, December 12, 2006, for a more comprehensive listing of retention periods of specific records.~~

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12 **SECTION 15.** PSC 185.46 (1) and (2) are repealed and recreated to read:

13 **PSC 185.46 (1) METER TEST RECORDS.** (a) A utility shall create a record of a meter test
14 whenever a meter is tested. If the meter is tested again, the utility need not retain the
15 previous test record once the information in that record has been entered in the meter
16 history record. The meter test record shall include all of the following:

- 17 1. Identification of the meter.
- 18 2. The service address at which the meter is installed.
- 19 3. The date of the test.
- 20 4. A statement of "as found" accuracies.
- 21 5. A statement of "as left" accuracies, when applicable.
- 22 6. The name of the person making the test.

1 (b) Meter test records and meter history records may be kept as separate records or one
2 record.

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4 **(2) METER HISTORY RECORDS.** (a) Each utility shall keep a history record for each meter
5 sufficient to fulfill the requirements of s. PSC 185.19, including all of the following:

- 6 1. The date the meter was placed into service.
- 7 2. The information in all of the meter’s test records under sub. (1).
- 8 3. The date the meter was retired from service.

9 (b) Meter test records and meter history records may be kept as separate records or one
10 record.

11

12 **SECTION 16.** PSC 185.73 (2) is amended to read:

13 **PSC 185.73 (2)** ~~Meters shall be tested~~ A utility shall test a meter “as found,” or before
14 repair (As Found) and, and, unless the meter must be retained under s. PSC 185.77 (3),
15 “as left,” or after repair (As Left). (See s. PSC 185.46 for exceptions.)

16

17 **SECTION 17.** PSC 185.73 (4) is amended to read:

18 **PSC 185.73(4)** ~~Meters~~ A meter not meeting the accuracy or other requirements of s. PSC
19 185.61 or 185.65 shall, unless the meter must be retained under s. PSC 185.77 (3), be
20 repaired or rebuilt to meet those requirements before further use.

21

22 **SECTION 18.** PSC 185.77 (title) is amended to read:

23 **PSC 185.77** ~~Complaint~~ Request and referee tests.

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2 **SECTION 19.** PSC 185.77 is renumbered 185.77 (1) and amended to read:

3 **PSC 185.77 (1) REQUEST TESTS.** Each utility shall promptly make an accuracy test
4 without charge of any metering installation upon request of the customer if 24 months or
5 more have elapsed since the last ~~complaint~~ customer requested test of the meter in the
6 same location. If less than 24 months have elapsed, an amount equal to one-half the
7 estimated cost of the meter test shall be advanced to the utility by the customer. ~~Said~~ The
8 amount shall be refunded if the test shows the meter to be over-or under- registering by
9 more than 2 ~~percent~~ %. A report giving the results of ~~such~~ the test shall be made to the
10 customer and a complete original test record shall be kept on file in the office of the
11 utility. Upon request, the test shall be made in the presence of the customer during
12 normal business hours. (~~See also s. PSC 185.35, Adjustment of bills.~~)

13

14 **SECTION 20.** PSC 185.77 (3) is created to read:

15 **PSC 185.77 (3) METER RETENTION.** (a) *Definitions.* For purposes of this subsection, “as
16 found” means retained, filled with water and capped without any other adjustments being
17 made since the last test was performed.

18 (b) *After a customer requested test.* When a utility performs a customer requested test on
19 a customer’s meter under sub. (1) or when the commission requests that a meter be
20 tested, the utility shall keep the tested meter, in “as found” condition, at a designated
21 location on the utility’s premises for at least one full billing period plus four weeks after
22 the test result report is issued so that the meter is available should another meter test be
23 requested. If the meter tests as accurate, the utility may choose to keep the tested meter

1 installed at the customer's premises for the designated time period rather than storing it at
2 the utility's premises.

3 (b) *After a referee test.* When a utility or third party retests a customer's meter under sub.
4 (2), the utility shall keep the tested meter, in "as found" condition, at a designated
5 location on the utility's premises for at least 10 business days after the test result report is
6 issued so that the meter is available should further testing or review be needed. If the
7 meter tests as accurate, the utility may choose to keep the tested meter installed at the
8 customer's premises for the designated time period rather than storing it at the utility's
9 premises.

10 (c) *When a complaint or dispute occurs.* When a utility receives a complaint under s.
11 PSC 185.42 or is notified about a dispute under s. PSC 185.39 involving a meter-related
12 issue, the utility shall keep the meter, in "as tested" condition, at a designated location on
13 the utility's premises for at least one full billing period plus four weeks after the
14 complaint or dispute and any appeal of that dispute is resolved so that the meter is
15 available should testing be requested. If the meter was tested during the complaint or
16 dispute process, and it tested as accurate, the utility may choose to keep the tested meter
17 installed at the customer's premises for the designated time period rather than storing it at
18 the utility's premises.

19

20 **SECTION 21.** PSC 185.78 and (title) are renumbered 185.77 (2) and (2) (title).

21

22 **SECTION 22. Effective date.** This rule shall take effect on the first day of the month
23 following publication in the Wisconsin Administrative Register as provided in s. 227.22
24 (2) (intro.), Stat..

1-AC-227 Meter & Record Retention

Item		PSC Code	Public Service Commission	Comments and Questions	PSC Responses
1	WUA	113.0614(7)) & note	Preservation of records – meter test records	WUA members do not want to keep two records of meter tests. Often meters are tested in the field and those test results are entered into meter history records and then purged. (Suggested change) Modify period to be retained to “See PSC 113.0919. Until the information is the meter test record is entered in the meter history record.”	<p>Agree in part. The proposed language is not a change. Currently, a meter test record must be kept until the next test is performed, and a meter history record must be kept. The proposed language only clarified that the test record information must also be made a part of the meter history record before it is disposed of.</p> <p>However, the language will be changed to make clear that a utility need only retain test record information until it is entered into the meter history record.</p> <p>It is important to note that the meter history record need not be a separate, stand-alone document so long as the required information can be gathered from other sources.</p>
2	WUA	113.0919(1)(b)	Location of the unit of metering equipment	A clarification is needed. Is this part of where the meter was tested, or a history of location of meters, service address, etc. ?	Agree. Clarify that “location” is intended to mean the service address.
3	WUA	113.0919 (1)(j) 4.	A statement of repairs made, if any	If a product is returned to a manufacturer that fact is tracked however the details of the repair are not.	Agree. Language will be changed to require a statement of repairs made by the utility or a notation that the unit was returned to the manufacturer for repairs.

4	WUA	113.0921(1)(g)	Repeal	WUA members would oppose repeal of PSC 113.0921(1)(g). A clarification of when meters can be retired without a test is needed. As drafted the repeal could be costly to customers. Meters in sampling program with acceptable lot performance would be found to be accurate. A retention period for retired without test under PSC 113.0922 could be acceptable.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
5	WUA	113.0922(3)(d)	Meter retention when a complaint or dispute occurs	The proposed rule provision referring to “meter-related issue” is vague. The wording should refer to complaints related to meter accuracy.	Agree. Change made.
6	WUA	113.0922(3)(e)	When a meter is retired	The rule needs to clarify on when a meter can be retired without a test.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
7	WUA	113.0922(6)	Records Retention Requirements	WUA members do not want to keep two records of the meter tests. Often meters are tested in the field and those test results are then recorded in the meter history records and purged from the field test records.	<p>Agree in part. The proposed language is not a change. Currently, a meter test record must be kept until the next test is performed, and a meter history record must be kept. The proposed language only clarified that the test record information must also be made a part of the meter history record before it is disposed of.</p> <p>However, the language will be changed to make clear that a utility need only retain test record information until it is entered into the meter history record.</p> <p>It is important to note that the meter history record need not be a separate, stand-alone document so long as the required information can be gathered from other sources.</p>

8	WUA	113.0922	Records Retention Requirements	The draft rule includes 1-3 and 6 but does not include 4 and 5.	Agree. Provisions have been renumbered as necessary
9	WUA	134.19(1)	Meter Test Records	The requirement to create a record everytime a meter is tested implies a redundant recordkeeping system that would add to costs. WUA would prefer changing the term from “create” to “keep” a record so that entries in the meter history record are sufficient for compliance.	<p>Agree in part. The proposed language is not a change. Currently, a meter test record must be kept until the next test is performed, and a meter history record must be kept. The proposed language only clarified that the test record information must also be made a part of the meter history record before it is disposed of.</p> <p>However, the language will be changed to make clear that a utility need only retain test record information until it is entered into the meter history record.</p> <p>It is important to note that the meter history record need not be a separate, stand-alone document so long as the required information can be gathered from other sources.</p>
10	WUA	134.19(1)(a)4	Meter Test Records	The provision needs to recognize that certain meters (rotary and turbine) are tested by methods that do not calculate meter accuracy. They test the functioning of the meter. WUA would prefer language that requires a test record to include the “results” of measurement instead of “accuracy” of measurement.	Agree. Change made.

11	WUA	134.20	Preservation of Records	Also see WUA comment on PSC 113.0614(7). WUA would support a note similar to that being proposed for 113.0614 but referring to meter history records under PSC 134.19(2)	<p>Agree in part. The proposed language is not a change. Currently, a meter test record must be kept until the next test is performed, and a meter history record must be kept. The proposed language only clarified that the test record information must also be made a part of the meter history record before it is disposed of.</p> <p>However, the language will be changed to make clear that a utility need only retain test record information until it is entered into the meter history record.</p> <p>It is important to note that the meter history record need not be a separate, stand-alone document so long as the required information can be gathered from other sources.</p>
12	WUA	134.31(4)(a)	Meter Retention	Some meters will need to be left in place following a test and it would be preferable for them to be adjusted for accuracy instead of requiring them to remain in “as tested” condition. The rule needs to accommodate adjustment of a field-tested meter and the time of a test.	Disagree. The goal of this rule is to have meters available in “as tested” condition in case further testing is requested or required. This requires that inaccurate meters be removed rather than adjusted in the field.

13	WUA	134.31(4)(c)	Meter Retention	PSC 134.31(4)(c) should be modified to specify that it is when the meter is tested for an “accuracy reason” and the test results in a backbilling or credit that meter retention is required. WUA would also like clarification on the exact start of the retention period.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
14	WUA	134.31(4)(d)	Meter Retention	The use of the terms “meter-related issue” is too vague and should instead refer to “meter accuracy.” (see WUA comment on PSC 113.0922(3)(d)) Also would like clarification of when retention period starts. Is the date of the meter test the start of the retention period?	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
15	WUA	134.31	Drafting issue	We notice that the rule seems to be drafted without a (5) but continues to a (6)	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
16	WUA	134.31(6)	Record retention requirement	WUA would like a clarification as to whether the retention time period requirement applies to meter history records, meter test records, or both?	Agree in part. This provision has been deleted. A note has been added referring readers to the records retention chart.

17	WEPCO	113.0921 (1)(g)		<p>PSC 113.0921(1)(g) appears in the portion of ch. PSC 113 that defines the statistical sample test plan for in-service electric meters and currently reads "Any meter that is included in this plan, which is removed from service for retirement, may be retired without a test." We do not understand the rationale for and do not agree with the repeal of this portion of the code. From a meter retention perspective, meter retirement without a test is addressed in the proposed PSC 113.0922 (3) (e).</p> <p>Since PSC 113.0921 (1) (g) was implemented in 2000 we have retained meters for multiple billing periods when meters are removed from service for retirement to allow for customer requested tests and have received very few test requests.</p> <p>Staffing in our meter shop has been reduced based on PSC 113.0921 (1) (g). Repeal of PSC 113.0921 (1) (g) will significantly increase the number of meters that require a test, will require additional meter shop staff and will result in additional cost for the utility and our customers. We do not believe this additional cost adds significant value to our overall customer service.</p> <p>We agree the retention of the meters before retirement should remain in order to allow customer-requested tests but feel that PSC 113.0921 (1) (g) should be retained.</p>	<p>Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.</p>
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18	WEPCO	134.19 (1)		<p>PSC 134.19(1) defines the creation of a "Meter test record". PSC 134.19(2) defines the creation of a "Meter History Record" which includes "the dates and results of all tests". PSC 134.19(1) requires the utility to create a redundant record since we are required to keep a record of the same information in the meter history record. We recommend PSC 134.19(1) be eliminated and all references to "meter test record" be removed and replaced with a reference to the "meter history record" when appropriate.</p>	<p>Agree in part. The proposed language is not a change. Currently, a meter test record must be kept until the next test is performed, and a meter history record must be kept. The proposed language only clarified that the test record information must also be made a part of the meter history record before it is disposed of.</p> <p>However, the language will be changed to make clear that a utility need only retain test record information until it is entered into the meter history record.</p> <p>It is important to note that the meter history record need not be a separate, stand-alone document so long as the required information can be gathered from other sources. As</p>
19	Nicolas E. Kumm Electric, Communi- cations, & Gas Manager Marshfield Utilities	113.0911 (1) (d), 113.0912 (1) (d), 113.0913 (1) (d)		<p>Currently, PSC 113.0911 (1) (d), PSC 113.0912 (1) (d), PSC 113.0913 (1) (d), and PSC 113.0914 (1) (d) require utilities to test every electric meter that is removed from service or retired. The proposed rule in PSC 113.0922 (3) (e) states retired meters do not need to be tested if the meter is kept by the utility in the "as found" condition for a period of time. The existing rules and the proposed rules appear to contradict each other.</p>	<p>Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.</p>
20	Daniel Duchniak Waukesha Water Utility	185.77	Request and referee tests, tests at retirement	<p>This adds an unnecessary burden and cost to the utilities to address an issue that is limited in nature.</p>	<p>Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.</p>

21	Julie Bohan Watertown	185.77	Request and referee tests, tests at retirement	Storing meters for 4 months is a bad idea. The benefit is really, really small as very few if any customers ever inquire about their old meters. The potential detriment is very, very large. The extra storage costs and labor needed to handle all the old meters will add up quickly. These extra costs could be passed on to ratepayers. Please consider getting rid of the language that requires water utilities to store meters four 4 months.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
22	Kelly Zylstra Waukesha.	185.77	Request and referee tests, tests at retirement	Why spend the money when less than 0.2% of customers who had retired meters replaced had concerns over the accuracy of their new meter? Those funds could be spent in much better ways to help our failing infrastructure.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
23	Valerie Kraemer Oconomowoc	185.77	Request and referee tests, tests at retirement	I do not support the new requirement in PSC 185.77 (3) (e).	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.

24	Earl Smith Milwaukee Water Works	185.77	Request and referee tests, tests at retirement	Endorse and support the concept of ensuring that meters used to prepare a customer's bill are performing their designed function accurately, thus providing the customer for an accurate bill. That being said, MWW tests meters as they are retired on a routine basis and always tests them upon customer request. Current PSC code more than adequately promotes this, therefore it is the opinion of MWW that the rule changes proposed address a scenario that happens very rarely. The adoption of these proposed changes will not benefit the majority of ratepayers of MWW. This is especially true since it is the understanding of MWW that a meter that tests within the PSC accuracy limits for a removed meter that will not result in an adjustment to a customer bill can be destroyed immediately with no requirement to retain them.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
25	Municipal Environmental Group - Water Division (MEG)	185.77	Request and referee tests, tests at retirement	MEG-water supports the meter retention requirements applicable after a customer-requested test, after a referee test, when performing other tests, and when a complaint or dispute occurs.	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.

26	MEG	185.77	Request and referee tests, tests at retirement	<p>Does not support the new requirement in PSC 185.77 (3) (e) that requires a utility to test or retain all meters that have been retired. This is burdensome, increases costs, will increase utility rates, and would provide no benefit customers in most cases. The limit to benefits that would be provided by this requirement do not justify the additional costs and burdens that would be imposed by this requirement.</p> <p>A better, more targeted, approach would be to require the utility to test or retain an untested retired meter only if 1) the utility issues the customer a backbill for service provided while the retired meter was used or 2) the bill issued prior to the meter replacement was estimated.</p> <p>In those cases, a customer request for a meter test could be reasonably anticipated and might provide useful information to the customer. This targeted approach would only require those retired meters that meet the specified conditions to be tested are retained. This would limit the utility's costs, while providing customer protection in those situations where an issue might arise. MEG believes this is a better, more cost effective approach that focuses utility resources on those situations where meaningful benefits might be provided.</p>	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
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27	Waukesha Water Utility	185.77	Request and referee tests, tests at retirement	<p>PSC 185.77 (3) (e) is over-arching. This language is proposed to address only a few specific events. It reacts to a special cause as if it were common.</p> <p>Customer requests to check retired meters are not common. WWU only received two requests from customers to test meters in 2012 (rate of 0.13%). If WWU is accepted as a sample of the state, it appears unnecessary to implement a procedure that would provide very little value to the general public.</p> <p>If the PSC does receive a complaint related to a retired, untested meter, the WWU would like to suggest that a settlement be negotiated between the involved parties.</p>	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
28	Waukesha Water Utility	185.77	Request and referee tests, tests at retirement	<p>PSC 185.77 (3) (e) adds cost to the system.</p> <p>Testing showed that capping and storing was ineffective and costly.</p> <p>While there is an opportunity for a utility to request a waiver, this is yet another unnecessary and costly process for a utility to engage in.</p>	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.

29	Sen. Paul Farrow	185.77	Request and referee tests, tests at retirement	<p>The proposed rule for retired water meters appears to be an overbroad and costly burden for the state’s water utilities and their customers, especially considering the small number of water users who could potentially see any benefit. In addition, it appears that the storage requirements may actually be ineffective in preserving the meter. If effective preservation is possible, any requirements should be limited to those cases where customers had water use estimated or were issued a backbill for past unmetered use.</p> <p>The State has an obligation to ensure the wise use of financial resources and to avoid regulations that are overly burdensome or unnecessary. The PSC should work with utilities to find a better way to address its limited concern. I urge the Commission to carefully review the public comments and to consider needed revisions to the proposed rule before submitting it for legislative review.</p>	Agree. The new provisions about retaining meters at retirement and after other tests have been deleted.
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In support of MEG’s comments:

Lori Sweet Waukesha Water Utility
 Scott Osborne Oconomowoc
 Keith Haas Racine
 Mark Simon Brookfield
 Frank Miller, Cudahy Water Utility
 Travis Coenen, Super. Public Works, Wrightstown
 Donna Scholl, Oconomowoc
 Keith Mueller, Comptroller, Green Bay Water Utility

Chris Hardy, Administrator, Winneconne
 Jerry Weisnicht, Shawano Lake Sanitary Dist.
 Steve Berndt, Public Works, Bonduel
 Amy Barrilleaux, Madison Water Utility
 Dan Knapp, Dir. Pub. Works, Chetek
 Raymond Hyde, Pub. Works, Dir., Ashland
 Randy Kerkman, Bristol
 Daniel Duchniak, Franklin

Lake Como Sanitary District
 David Botts, Janesville
 Deb Geier, Wausau Water Works
 Wally Thorn, Rice Lake Utilities
 Chris Stempa, Dept of Utils, Appleton
 Edward St. Peter, Kenosha Water Util



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **13-033**

AN ORDER to repeal PSC 113.0921 (1) (g); to renumber PSC 113.0923 and (title) and 185.78 and (title); to renumber and amend PSC 185.77; to amend PSC 113.0614, 113.0921 (1) (e) and (f), 113.0922 (title), 134.20, 134.31 (3), 185.19 (1), 185.73 (2) and (4), and 185.77 (title); to repeal and recreate PSC 113.0919 (1) and (2), 134.19 (1) and (2), and 185.46 (1) and (2); and to create 113.0919 (1) (title), (2) (title), (3) (title), and (4) (title), 113.0922 (1) (title), (3), and (6), 134.19 (1) (title), (2) (title), and (3) (title), 134.31 (4) and (6), 185.46 (1) (title) and (2) (title), 185.76 (6) (Note), 185.761 (2) (Note), and 185.77 (3) and (5), relating to the retention of customer meters so that they are available for testing.

Submitted by **PUBLIC SERVICE COMMISSION**

04-29-2013 RECEIVED BY LEGISLATIVE COUNCIL.

05-22-2013 REPORT SENT TO AGENCY.

SG:LAK

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 13-033

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause of the proposed rule, the enumeration of provisions treated by the rule should be revised to conform to the style described in s. 1.02 (1), Manual. For example, the commission should write “185.73 (2) and (4),” rather than “185.73 (2), 185.73 (4),”. Additionally, the enumeration refers to the creation of s. PSC 185.46 (3) (title), which does not appear in the rule text.

b. In the enumeration of provisions treated as well as the rule text, the commission should refer to notes by reference to ss. PSC 185.76 (6) (Note) and 185.761 (2) (Note) rather than “a note following...”. [s. 1.09 (2), Manual.]

c. In s. PSC 113.0614 (Table), the commission should consider additional subdivisions that would conform the table more completely to the typical format for rule organization. For example, the commission could identify “Production Records:” as sub. (3), and the items “Station and system generation records” and “All other records taken in the plant” as pars. (a) and (b), with the remainder of the table reorganized in similar fashion. [See also, comment h., below.]

d. SECTIONS 2 to 5 of the proposed rule may be combined as a single SECTION that repeals and recreates s. PSC 113.0919 (1) and (2). [Compare to SECTION 12 of the proposed rule.]

e. The underlining of text in SECTION 11 should be removed. [s. 1.055, Manual.]

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f. SECTION 13 should renumber s. PSC 113. ff. SECTION 13 should renumber s. PSC 113.0923 and (title) as s. PSC 113.0922 (2) and (2) (title).

g. SECTIONS 14 to 17 of the proposed rule may be combined as a single SECTION that repeals and recreates s. PSC 134.19 (1) and (2). [Compare to SECTION 12 of the proposed rule.]

h. In s. PSC 134.20 (Table), the commission should consider additional subdivisions that would conform the table more completely to the typical format for rule organization. For example, the commission could identify additional paragraphs following subs. (3), (4), (5), and (6). For example, following sub. (3), “Station and system generation records” and “All other records taken in the plant” could be identified as pars. (a) and (b). [See also, comment c., above.]

i. SECTIONS 24 to 27 of the proposed rule may be combined as a single SECTION that repeals and recreates s. PSC 185.46 (1) and (2). [Compare to SECTION 12 of the proposed rule.]

j. In SECTION 33, the word “(title)” may be removed from the rule text.

k. In s. PSC 185.77 (3) (a), the phrase “In this subsection:” should be indicated as s. PSC 185.77 (3) (a) (intro.) and the phrase “as found” should be identified as a subdivision (i.e., “1.”).

1. SECTION 36 should renumber s. PSC 185.78 and (title) as s. PSC 185.77 (2) and (2)

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the description of statutory authority in the rule summary (Attachment A), the commission should remove “PSC” from the list of cited authorities.

b. The commission should consider adding definitions for “as found,” “as left,” “as tested,” “creeps,” and “essential name-plate data” where relevant.

c. In SECTION 33, should the phrase “over or under registering” be re-written with hyphens following “over” and “under”?

STATE OF WISCONSIN
 DEPARTMENT OF ADMINISTRATION
 DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
 101 EAST WILSON STREET, 10TH FLOOR
 P.O. BOX 7864
 MADISON, WI 53707-7864
 FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

PSC 113 Service Rules for Electric Utilities
 PSC 134 Standards for Gas Service
 PSC 185 Standards for Water Public Utility Service

3. Subject

Retention of electric/gas/water meters after being tested due to a customer's request or after a commission-refereed test. Retention of meter testing records.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The commission has encountered several situations where meters were no longer available when initial or additional accuracy testing was requested. This rule ensures that meters initially tested for accuracy because of a customer's request are retained long enough that they are available for commission-referee testing. Further, it ensures that referee-tested meters are retained long enough for a customer to request an outside test. Finally, it establishes consistent retention periods for meter test records.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

All electric, gas and water utilities; Wisconsin Utilities Association; utility workers associations; Wisconsin Federation of Independent Business; Wisconsin Manufacturers and Commerce; Citizens Utility Board, League of Wisconsin Municipalities; Wisconsin Towns Association; Wisconsin Alliance of Cities; IBEW; Municipal Electric Utilities of Wisconsin; Wisconsin Rural Water Association; Wisconsin Water Association.

11. Identify the local governmental units that participated in the development of this EIA.

Municipalities with municipal gas, electric and/or water utilities and members of the League of Wisconsin Municipalities, Wisconsin Towns Association, and Wisconsin Alliance of Cities.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

In its comments the Wisconsin Utilities Association stated that while there may be costs to individual

utilities, "the proposed rules will not adversely affect in any material way, the economy, a sector of the

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

economy, productivity, jobs, or the competitiveness of this state.” The water division of the Municipal Environmental Group stated that the requirement to test or retain meters could result in a significant economic impact, especially for a large utility undertaking a comprehensive meter replacement program. No specific financial impact figures were provided. Language changes were made to address this concern. Further, there is a provision that allows a utility to ask for a “waiver” in exceptional circumstances. A utility doing a comprehensive meter replacement could file such a petition.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
Implementing this rule will help ensure that meter accuracy is adequately confirmed and will help ensure that billing for utility service is accurate. It should help prevent lingering questions and uncertainty about meter accuracy. Alternatives to implementing this rule are to not implement it or to adopt different retention periods. However, these retention periods were chosen so that customers will have the opportunity to receive another bill before deciding whether to request additional testing.

14. Long Range Implications of Implementing the Rule
This rule will ensure that meters remain available long enough for testing to be requested. This will help ensure that meter accuracy is adequately confirmed and will help ensure that billing for utility service is accurate. It should help prevent lingering questions and uncertainty about meter accuracy.

15. Compare With Approaches Being Used by Federal Government
There are no federal laws on this issue.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Although surrounding states anecdotally report at least some of the same problems experienced by this commission, none of them have rules that specify time periods for which meters must be retained. However, Iowa does advise utilities to keep meters until the time for an appeal has passed, especially if a referee test is performed. Further, when the Iowa Utilities Board issues orders granting waivers from meter testing requirements, it requires the utility to hold the meters for 120 days before disposing of them.

Retention periods for meter testing records vary among surrounding states, although the general format is the same. Records from an individual meter test must be retained for a period of time after the results are recorded in a history record that contains a wide variety of information about a particular meter, including all of the test results for that meter. That history record is retained for a longer period of time. The proposed rule requires utilities to retain an individual test record until it is recorded in the meter history record. The meter history record must be kept for the life of the meter, plus 6 years. Six years was chosen because it is the general statute of limitations for consumer issues.

Minnesota, Iowa and Illinois require that initial test records be kept for at least three years, while Michigan requires that they be kept for at least two years. In Minnesota, such records must be kept longer if necessary to permit compliance with commission rules. In Michigan, they must be kept longer, if necessary, to comply with rules regarding refunds on fast meters. In Illinois, meter history records need only be kept for three years. In Michigan and Minnesota, they must be kept for the life of the meter.

17. Contact Name Lisa Farrell	18. Contact Phone Number 608-267-9086
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