

Report From Agency
BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Repeal of Wis. Admin. Code chs. PSC 7 and 172, and Other Updating
Clearinghouse Rule 06-046

1-AC-218

ORDER ADOPTING PROPOSED RULES

The Public Service Commission of Wisconsin proposes an order to repeal ch. PSC 7, 8.07(8) to (10) and (12), 104.01(1), 115.02(2), 133.01(1), 136.01(1), 136.04(1)(a), (g) and (j), 165.01(1), 165.081(6)(c), 166.03, 168.08, ch. 170, 171.03(2), 171.05, the note following 171.10(2), and ch. 172; to renumber PSC 115.02(1), 134.13(1)(a)1. to 15. and 134.13(1)(b) to (j), 171.03(1)(intro.) and (a) to (f), and 136.01(2); to renumber and amend PSC 115.02(1)(a) to (e); to amend PSC 104.04(4), 113.0301(10)(c)4., 134.13(1)(a)(intro.), 136.04(1)(b) to (f), (h) and (i), 164.01, 166.015, 166.07, 166.11; and to create PSC 134.13(1)(a)1. to 7. and 134.13(b)(intro.); relating to assessments attributable to acid deposition studies and monitoring activities, the regulation of certain wireless telecommunications providers, radio common carriers, the repeal of obsolete language and the updating of rule language to be in conformity with current drafting conventions.

REPORT TO THE LEGISLATURE

Set forth as Attachment A.

FISCAL ESTIMATE

Docket 1-AC-218

This rule change has no fiscal impact, and no financial impact on the private sector. A completed Fiscal Estimate form is included as Attachment B.

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 from the media may be directed to Linda Barth, Director of Governmental and Public Affairs at (608) 266-9600. Other questions regarding this matter should be directed to docket coordinator Joyce Mahan Dingman, Assistant General Counsel, at (608) 267-6919. Hearing or speech-impaired individuals may use the Commission's TTY number, if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (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, August 31, 2006

By the Commission:

/s/ Sandra J. Paske

Sandra J. Paske
Secretary to the Commission

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Attachments

REPORT TO THE LEGISLATURE

A. NEED FOR THE RULE

There are certain Public Service Commission rules that have become outdated or obsolete over time. Further, some sections of the rule no longer conform with current drafting conventions.

B. PLAIN LANGUAGE ANALYSIS

Statutory authority: ss. 196.02(3) and 227.11(2), Stats.

Wis. Admin. Code ch. PSC 7 deals with assessments attributable to acid deposition studies and monitoring activities. The statute implemented by Wis. Admin. Code ch. PSC 7 was repealed by 1997 Wis. Act 27. Therefore, there is no reason to retain this administrative rule.

Wis. Admin. Code ch. PSC 172, which deals with the regulation of certain wireless telecommunications providers, was nullified when the 1993 Wisconsin Act 496 was passed. That Act ended, with very limited exceptions, the Commission’s jurisdiction over wireless providers. Wis. Admin. Code ch. 170 deals with radio common carriers, a category of telecommunications providers that no longer exists. Therefore, there is no reason to retain these administrative rules.

A variety of other changes are made to bring rule language into conformity with current drafting conventions or to eliminate obsolete language.

C. TEXT OF THE RULE

1 SECTION 1. PSC 7 is repealed.

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3 SECTION 2. PSC 8.07(8) to (10) and (12) are repealed.

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5 SECTION 3. PSC 104.01(1) is repealed.

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7 SECTION 4. PSC 104.04(4) is amended to read:

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9 **PSC 104.04(4)** The utility shall notify the commission of accidents to ~~employees~~ employees
10 resulting in more than 3 days' disability. Advice given promptly by the utility that notice has
11 been given to the ~~industrial commission~~ workers' compensation division of the department of
12 workforce development shall be ~~deemed~~ considered compliance with this subsection.

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1 SECTION 5. PSC 113.0301(10)(c)4. is amended to read:

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3 **PSC 113.0301(10)(c)4.** A statement that residential utility service will be continued during
4 serious illness or protective services emergency if the occupant submits a statement or notice
5 pursuant to sub. ~~(12)~~ (13).

6
7 SECTION 6. PSC 115.02(1) is renumbered 115.02.

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9 SECTION 7. PSC 115.02(1)(a) to (e) is renumbered 115.02(1) to (5) and amended to read:

10
11 **PSC 115.02(1)** ~~Wisconsin electric power company~~ Electric Power Company.

12 **(2)** ~~Wisconsin public service corporation~~ Public Service Corporation.

13 **(3)** ~~Wisconsin power and light company~~ Power and Light Company.

14 **(4)** ~~Northern states power company of Wisconsin~~ States Power Company.

15 **(5)** ~~Madison gas & electric company~~ Gas and Electric Company.

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17 SECTION 8. PSC 115.02(2) is repealed

18
19 SECTION 9. PSC 133.01(1) is repealed.

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21 SECTION 10. PSC 134.13(1)(a)(intro.) is amended to read:

22
23 PSC 134.13(1)(a) ~~Each~~ All of the information in par. (b) shall be shown for each meter on each
24 bill, including the customer's receipt, if the bill is provided by any of the following:

25 ~~Madison gas and electric company,~~

26 ~~Northern states power company,~~

27 ~~Superior water light and power company,~~

28 ~~Wisconsin fuel and light company,~~

29 ~~Wisconsin natural gas company,~~

30 ~~Wisconsin power and light company,~~

31 ~~Wisconsin public service corporation, and~~

32 ~~Wisconsin southern gas company shall show for each meter the following information:~~

33
34 SECTION 11. PSC 134.13(1)(a)1. to 15. are renumbered 134.13(1)(b)1. to 15.

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36 SECTION 12. PSC 134.13(1)(a)1. to 7. are created to read:

37
38 PSC 134.13(1)(a)1. Madison Gas and Electric Company.

39 2. Northern States Power Company.

40 3. Superior Water, Light and Power Company.

41 4. Wisconsin Electric Power Company.

42 5. Wisconsin Gas LLC.

43 6. Wisconsin Power and Light Company.

1 7. Wisconsin Public Service Corporation.

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3 SECTION 13. PSC 134.13(1)(b) to (j) are renumbered 134.13(1)(c) to (k).

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5 SECTION 14. PSC 134.13(1)(b)(intro.) is created to read:

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7 **PSC 134.13(1)(b)(intro.)** A bill under par. (a), including the customer's receipt, shall show the
8 following information:

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10 SECTION 15. PSC 136.01(1) is repealed.

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12 SECTION 16. PSC 136.01(2) is renumbered 136.01.

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14 SECTION 17. PSC 136.04(1)(a) is repealed.

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16 SECTION 18. PSC 136.04(1)(b) to (f) are amended to read:

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18 **PSC 136.04(1)(b)** ~~Madison gas and electric company~~ Gas and Electric Company.

19

(c) ~~Northern states power company~~ States Power Company.

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(d) ~~Superior water, light and power company~~ Water, Light and Power Company.

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(e) ~~Wisconsin fuel and light company~~ Electric Power Company.

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(f) ~~Wisconsin gas company~~ Gas LLC.

23

24 SECTION 19. PSC 136.04(1)(g) is repealed.

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26 SECTION 20. PSC 136.04(1)(h) and (i) are amended to read:

27

28 **PSC 136.04(1)(h)** ~~Wisconsin power and light company~~ Power and Light Company.

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(i) ~~Wisconsin public service corporation~~ Public Service Corporation.

30

31 SECTION 21. PSC 136.04(1)(j) is repealed.

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33 SECTION 22. PSC 164.01 is amended to read:

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35 **PSC 164.01 Filing of information.** Any public utility engaged in furnishing ~~telephone~~
36 telecommunications service which determines to furnish service to its ~~employees~~ employees,
37 pensioners, and officers at no charge or at charges less than those prescribed in its published
38 schedules or tariffs, as provided in s. 196.60, Stats., ~~as amended by ch. 499, laws of 1963,~~ shall
39 inform the public service commission of Wisconsin ~~as hereinafter~~ hereinafter prescribed in s. PSC 164.02 of
40 the conditions and circumstances under which it will be furnished.

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42 SECTION 23. PSC 165.01(1) is repealed.

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44 SECTION 24. PSC 165.081(6)(c) is repealed.

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SECTION 25. PSC 166.015 is amended to read:

PSC 166.015 Conforming maps. Every exchange area boundary map filed with the commission ~~on and after June 1, 1943,~~ shall conform to the ~~following rules in this chapter and every such map filed before that date shall be revised on or before September 1, 1943, to conform to such rules.~~ Exhibit A attached is a specimen map which conforms to all of the requirements established by ~~the rules herein adopted in this chapter.~~ in this chapter.

SECTION 26. PSC 166.03 is repealed.

SECTION 27. PSC 166.07 is amended to read:

PSC 166.07 Accompanying statement. All maps filed with the commission shall be accompanied by a statement of undertaking to serve ~~on a sheet 8 1/2 x 11 inches in size~~ in the following form:

"The attached map, dated _____, delineates the boundary and territory of the _____ exchange in which the _____ Telephone Company now serves and will serve the public. The Telephone Company undertakes, subject to its extension rules and filed tariffs, to make extensions of its lines and service at any time when such service may be requested or demanded by any person located within such territory as designated on such map.

"The _____ Telephone Company will not extend its lines and service beyond the territory and exchange boundary defined on the attached map, except:

(a) to serve persons located in the territory designated as open on such map.

(b) to continue service to customers presently located in foreign exchange territory as indicated on such map.

~~"Nothing in this undertaking is intended to limit the power of the Public Service Commission to direct the furnishing of service where the same is found to be required to meet the demands of public convenience and necessity."~~

By _____

Dates _____

SECTION 28. PSC 166.11 is amended to read:

PSC 166.11 Exhibit "B", suggested statement required under s. PSC 166.08.

_____, Wisconsin

_____, 19__

_____ Telephone Company

To whom it may concern:

~~Pursuant to order of the Public Service Commission of Wisconsin entered in docket No. 2 U-1840, we are attaching~~ Attached are the following:

1. Map delineating the boundary of and territory served by the exchange of the Telephone Company.

2. Statement of the _____ Telephone Company's undertaking to serve in the territory designated on such map.

In the event you have any objection either to the territory served by the _____ exchange as shown on the map or the undertaking to serve ~~therein in that exchange~~ as set forth in the statement, such objections are required to be filed with the public service commission within twenty days from the receipt by you of this notice.

Proof of service upon you of copies of such map and statement are required under the provisions of the above mentioned orders and, accordingly, you are kindly requested to sign the statement below and return to me two copies of this letter, retaining the third copy and the map, together with the accompanying statement, for your files.

Title

_____ Telephone Company acknowledges receipt of the map and statement hereinabove described this _____ day of _____, 19____.

_____ Telephone Company

By _____

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SECTION 29. PSC 168.08 is repealed.

SECTION 30. PSC ch. 170 is repealed.

SECTION 31. PSC 171.03(1)(intro.) and (a) to (f) are renumbered 171.03(intro.) and (1) to (6).

SECTION 32. PSC 171.03(2) is repealed.

SECTION 33. PSC 171.05 is repealed.

SECTION 34. The note following PSC 171.10(2) is repealed.

SECTION 35. PSC 172 is repealed.

SECTION 36. **Effective Date.** This rule shall take effect on the first day of the first month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

(end)

D. PUBLIC HEARING ATTENDEES

The following are the names of those who attended the public hearings and who submitted written comments concerning the proposed rule.

Ms. Debbie Tschudy
WeEnergies

Mr. Roman A. Draba
WeEnergies

Brian J. Rybarik
Wisconsin State Telecommunications Association (WSTA)

WeEnergies submitted one comment. That comment was to change the name Wisconsin Gas Company, LLC to Wisconsin Gas LLC in two sections of the rule. These changes have been made.

WSTA requested that PSC 162 also be repealed. The Commission has just opened another rulemaking docket to do, basically, a “revisor’s bill” to update all of the PSC’s administrative rules. These changes will be considered as part of that rulemaking so that comments on this proposed change can be obtained as part of the public hearing process.

E. RESPONSE TO LEGISLATIVE COUNCIL REPORT

A copy of the Legislative Council's report, and responses to it, are included with this Report as Attachment A1.

F. FINAL REGULATORY FLEXIBILITY ANALYSIS

The rules being repealed are not expected to affect small business as defined in s. 227.114(1), Stats.



LCRC FORM 2

**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant 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 06-046

AN ORDER to repeal chapter PSC 7, 8.07 (8) to (10) and (12), 104.01 (1), 115.02 (2), 133.01 (1), 136.01 (1), 136.04 (1) (a), (g), and (j), 165.01 (1), 165.081 (6) (c), 166.03, 168.08, chapter 170, 171.03 (2), 171.05, 171.10 (2) Note, and chapter 172; to renumber PSC 115.02 (1), 134.13 (1) (a) 1. to 15. and (1) (b) to (j), and 171.03 (1) (intro.) and (a) to (f); to renumber and amend PSC 115.02 (1) (a) to (e); to amend PSC 104.04 (4), 113.0301 (10) (c) 4., 134.13 (1) (a) (intro.), 136.04 (1) (b) to (f), (h), and (i), 164.01, 166.015, 166.07, and 166.11; and to create PSC 134.13 (1) (a) 1. to 7. and 134.13 (b) (intro.), relating to assessments attributable to acid deposition studies and monitoring activities, the regulation of certain wireless telecommunications providers, radio common carriers, the repeal of obsolete language and the updating of rule language to be in conformity with current drafting conventions.

Submitted by **PUBLIC SERVICE COMMISSION**

05-02-2006 RECEIVED BY LEGISLATIVE COUNCIL.

05-30-2006 REPORT SENT TO AGENCY.

RNS:DLL

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 NO
 2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
 3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
 4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
 5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
 6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
 7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO
-



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

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CLEARINGHOUSE RULE 06-046

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. Chapter PSC 8 does not contain a single complete sentence and does not state what is required or allowed. Since this rule-making order is remedial, and since it affects ch. PSC 8, this would be a good opportunity to remedy that deficiency. Who is required to file these reports and when? What must the reports contain? Alternatively, the rule could create s. PSC 8.07 (intro.) stating that the listed reports are required under other rules, and provided citations to the pertinent rules for each listed report.

b. In SECTION 10, Each should be moved to the beginning.

c. Should s. PSC 134.13 (1) (b) (intro.) refer to "A bill under par. (a)" rather than "The bill under par. (a)"? Also, in the treatment clause of SECTION 14 and in the text, "(1)" should be inserted before "(b)".

d. SECTION 15 repeals s. PSC 136.01 (1). Another SECTION should be added to renumber s. PSC 136.01 (2) to be s. PSC 136.01.

e. In s. PSC 166.015, the space between "to" and "the" is stricken, presumably in error. Also, the last sentence of that provision should refer to "this chapter" rather than "these rules."

Response to Report from Legislative Council

2. Form, Style and Placement in Administrative Code

- a. Accepted in part. The Commission has just opened another rulemaking docket to do, basically, a “revisor’s bill” to update all of the PSC’s administrative rules. These changes will be included in that rulemaking.
- b. Accepted. Change made.
- c. Accepted. Changes made.
- d. Accepted. Change made.
- e. Accepted. Changes made.

		2005 Session	
FISCAL ESTIMATE DOA-2048 N(R10/96)	<input checked="" type="checkbox"/> ORIGINAL	<input type="checkbox"/> UPDATED	LRB or Bill No./Adm. Rule No. Ch. PSC 7 & 170 & 172
	<input type="checkbox"/> CORRECTED	<input type="checkbox"/> SUPPLEMENTAL	Amendment No. if Applicable
Subject Repeal of Wis. Admin. Code chs. PSC 7, 170 and 172 and other minor updates and repeals. Docket 1-AC-218			
Fiscal Effect			
State: <input checked="" type="checkbox"/> No State Fiscal Effect			
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Decrease Costs	
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues		
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Local: <input checked="" type="checkbox"/> No local government costs			
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities	
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Counties <input type="checkbox"/> Others _____	
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Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations 20.155 (1) (g)	
Assumptions Used in Arriving at Fiscal Estimate The proposed rule changes or eliminates obsolete rules and updates language to conform with current drafting conventions. These changes will not have any fiscal effect on state or local government.			
Long-Range Fiscal Implications NONE			
Agency/Prepared by: (Name & Phone No.) Gordon Grant 267-9086		Authorized Signature/Telephone No. Gordon Grant	Date 3/28/2006