

Report From Agency

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 19-099
DEPARTMENT OF SAFETY :
AND PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Chapter SPS 302 establishes fees to be paid to the Department for providing those services authorized in the Wisconsin Statutes. Under current rules, fees for commercial electrical inspections are assessed under s. SPS 302.04, which provides a fee schedule for miscellaneous plan reviews, inspections, and services. The Department determined that, in order to more efficiently conduct commercial electrical inspections that will begin on January 1, 2020, a fee schedule specific to those inspections is needed. The proposed rule updates ch. SPS 302 to provide a fee schedule for commercial electrical inspections.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

On June 7, 2019, the Department held a public hearing on the statement of scope. The Department received written comments from RENEW Wisconsin and testimony from Bryan Preuss of Preuss Electric.

RENEW Wisconsin recommended the statement of scope include consideration for the following:

- A separate fee schedule for the plan review and inspection of solar arrays.
- Clarification that 3rd party electrical inspectors, certified by the State, are allowed to inspect solar PV systems and that the fees in SPS 302 apply to their services.

RENEW Wisconsin also requested that, although not in the scope of the rule, the Department clarify that minor additions to an electrical service do not trigger an inspection.

Mr. Preuss' testimony focused on current fees, which he indicated were not sufficient to cover the inspection costs of 3rd party inspectors.

The Department did not modify the scope statement in response to the comments and testimony received. The scope statement is broad enough to allow the Department the flexibility to set fees, including fees for specific types of electrical systems, that are sufficient to defray inspection costs.

On August 22, 2019, the Department held a public hearing on the proposed rules. Jim Boullion, representing RENEW Wisconsin, registered neither for nor against the proposed rules, but to provide information to the Department. Mr. Boullion provided testimony and written comments, summarized as follows:

- RENEW Wisconsin supports the fee schedule for solar projects included in the proposed rules.
- RENEW Wisconsin recommends the Department clarify the phrase “installation of new or an addition to an” language in s. SPS 302.35 (2) (a), as the language is confusing and will unnecessarily increase the number of inspections required. The recommendation from RENEW Wisconsin references a recommendation from the Legislative Council that requests the Department to review the intent of the phrase “installation of or an addition to an” and revise accordingly, as the phrase is “grammatically incorrect.”

In response to the recommendations from RENEW Wisconsin and the Legislative Council, the Department modified the phrase “installation of new or an addition to an” to clarify that the proposed permit and inspection fees will apply to “electrical wiring installations described under s. SPS 316.012 (1) (a) or (b).”

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations have been incorporated into the proposed rule.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A