

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Proposed Revision of Wis. Admin. Code, ch PSC 185 – Standards  
for Water Public Utility Service

1-AC-194

Clearinghouse No. 01-033

**FINAL ORDER ADOPTING RULES**

The Commission proposes an order to amend PSC 185.22, to amend PSC 185.33(10)(a), to amend PSC 185.33(13)(b), to renumber PSC 185.33(18)(c) to PSC 185.33(18)(d), to create PSC 185.33(18)(c), to amend PSC 185.361(4)(b), to amend PSC 185.37(1)(b), to create PSC 185.37(1m), to create PSC 185.37(2)(am), to amend PSC 185.37(2)(e) and PSC 185.37(2)(l), to amend PSC 185.37(8)(h), to create PSC 185.37(8m), to amend PSC 185.37(9) and (11)(a), to create PSC 185.38(4m), to amend PSC 185.39(2)(c), to amend PSC 185.75(5), to create PSC 185.76(6), to repeal PSC 185.87 and to renumber PSC 185.88 and PSC 185.89 to PSC 185.87 and PSC 185.88, relating to public water utility standards.

**REPORT TO THE LEGISLATURE**

Set forth herein as Attachment A.

**CONTACT PERSON**

Questions from the media may be directed to Jeffrey L. Butson, Public Affairs Director at (608) 267-0912. Other questions regarding this matter should be directed to Bruce Schmidt, Cost Engineer, Division of Water, Compliance and Consumer Affairs at (608) 266-5726. Hearing or speech-impaired individuals may also use the Commission's TTY number, (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 to get this document in a different format should contact Bruce Schmidt, as indicated in the previous paragraph.

Docket 1-AC-194

These rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in Wis. Stat. § 227.22(2)(intro.).

Dated at Madison, Wisconsin, \_\_\_\_\_

By the Commission:

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Lynda L. Dorr  
Secretary to the Commission

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Attachments

## REPORT TO THE LEGISLATURE

### A. NEED FOR THE RULE

Wis. Admin. Code ch. PSC 185 contains the standards for public water utility service. The need for these proposed rules was derived from a utility survey, interpretation of statutes, clarifying existing rules, creating rules for existing policy, economic benefit, and changing rules to maintain consistency with recent changes to Wis. Admin. Code ch. PSC 113, Service Rules for Electric Utilities.

### B. PLAIN LANGUAGE ANALYSIS

The primary objectives of the proposed rule revisions are to update the water code for consistency with customer service provisions in the other utility industries, to clarify language and citations, and to better reflect current technology and industry practice. Following is the analyses of the specific proposals.

SECTION 1. PSC 185.22 is amended for clarity. The new language simplifies requirements but accomplishes prior goals.

SECTION 2. PSC 185.33(10)(a) is amended to limit the maximum monthly late charge rate from 1½ % to 1 % to comply with Wis. Stat. § 138.05(1)(a), and to be consistent with PSC 113 of the electric code.

SECTION 3. PSC 185.33(13)(b) is amended to clarify that both a customer and a utility read of the water meter constitutes an actual read.

SECTION 4. PSC 185.33(18)(c) is renumbered § PSC 185.33(18)(d).

SECTION 5. PSC 185.33(18)(c) is created to allow a utility to request a signed application for residential service and verification of the identity and residency of an applicant for water service.

SECTION 6. PSC 185.361(4)(b) is amended to change the time period consistent with SECTION 13. PSC 185.37(11)(a) where the utility may not disconnect service until 10 days after the customer was noticed by the utility of the pending disconnection.

PSC 185.37 is concerned with the disconnection of water service and several parts of this rule have been reorganized and updated to be consistent with § PSC 113 of the electric code.

SECTION 7. PSC 185.37(1)(b) is amended to change the time period consistent with SECTION 13. PSC 185.37(11)(a) where the utility may not disconnect service until 10 days after the customer was noticed by the utility of the pending disconnection.

SECTION 8. PSC 185.37(1m) is created so that the utility may transfer past due utility bills of “jointly-metered property” (rental property) to the account of the property owner.

SECTION 9. PSC 185.37(2)(am) is created so the utility can disconnect or refuse service to a customer who is delinquent on water service and tries to transfer service to a new account holder while the delinquent customer still resides within the household.

SECTION 10. PSC 185.37(2)(e) and PSC 185.37(2)(l) are amended to clarify the existing rule and to allow the utility to disconnect or refuse service to an applicant for service when the applicant does not provide the information set out in §§ PSC 185.33(18)(a), (b), and (c).

SECTION 11. PSC 185.37(8)(h) is amended to clarify and expand utility requirements when a heat advisory, heat warning, or heat emergency has been issued. Customers are made aware of the right to prevent disconnection or possibly have service reconnected in their disconnection notice pursuant to § PSC 185.37(11)(f)(3).

SECTION 12. PSC 185.37(8m) is created to clarify extenuating circumstances that utilities must consider before disconnecting a customer.

SECTION 13. PSC 185.37(9) and (11)(a) are amended to clarify disconnection during the heating season and to change the time spans concerning disconnection and notices.

SECTION 14. PSC 185.38(4m) is created to be consistent with ch. PSC 113 of the electric code and clarify utility responsibilities in handling deferred payment agreements.

SECTION 15. PSC 185.39(2)(c) is amended to maintain consistency with ch. PSC 113 of the electric code. It clarifies expectations for utility response time involving complaints before the Commission.

SECTION 16. PSC 185.75(5) is amended to eliminate the requirement to test water meters upon removal. The replacement language protects the customer who is in a meter accuracy dispute by requiring the utility removing the old meter to test it for accuracy.

SECTION 17. PSC 185.76(6) is created to provide flexibility for qualifying utilities to adopt a metering program that recognizes technological change and local water quality as it relates to meter life cycle costing.

SECTION 18. PSC 185.87 is repealed to eliminate unnecessary duplication with Wis. Admin. Code § NR811.08(5) Maintenance.

SECTION 19. PSC 185.88 and 185.89 are renumbered §§ PSC 185.87 and PSC 185.88.

C. TEXT OF FINAL RULE

SECTION 1. PSC 185.22 is amended to read:

PSC 185.22 **Information available to customers.** (1) ~~The utility shall keep on file in every station and office of the utility, where customer payments are received, copies of the rate schedules applicable in such locality. The utility shall keep copies of this chapter and such rules of the utility, as are applicable in every general and local office of the utility. A utility shall have copies of its rates and rules applicable to the locality available in its office where payments are received and at area libraries.~~ A utility shall have copies of its rates and rules applicable to the locality available in its office where payments are received and at area libraries. A utility shall give reasonable notice to customers as to where the information is available to them.

SECTION 2. PSC 185.33(10)(a) is amended to read:

PSC 185.33(10)(a) The amount of the charge shall be no more than one ~~and one-half~~ percent per month for late charges related to service provided for the utility's residential class of customers, and shall be no more than one and one-half percent per month for late charges related to service provided for all other purposes. ~~and The amount of the charge shall be filed with and approved by the commission before it shall may be applied;~~

SECTION 3. PSC 185.33(13)(b) is amended to read:

PSC 185.33(13)(b) The utility may leave a meter reading form when access to a meter cannot be gained. If requested by the customer, the utility shall provide such a form. If no form is left on the premises, or if the form is not returned in time to be processed in the billing cycle, a minimum or estimated bill may be rendered. In cases of emergency the utility may render minimum or estimated bills without reading meters or supplying meter reading forms to customers. ~~Only in unusual cases or when approval is obtained from the customer may more than 3 consecutive estimated or minimum bills be rendered.~~ Except in unusual cases, a meter reading by the customer or the utility shall be obtained after no more than 3 consecutive estimated or minimum bills have been rendered.

SECTION 4. PSC 185.33(18)(c) is renumbered PSC 185.33(18)(d).

SECTION 5. PSC 185.33(18)(c) is created to read:

PSC 185.33(18)(c) 1. A utility may request a signed application for residential service and verification of the identity and residency of an applicant for residential service at a premises where a bill remains unpaid for service provided within the previous 24 months.

2. Any one of the items under subd. a. or any 2 of the items under subd. b. shall constitute adequate verification of identity, although a utility may accept other forms of verification:

- a. Photo identification card, driver's license, or U.S. military card.
- b. Current utility bills, bank statements, rental agreements, or letter of identification from a social service agency or employer.

3. Any two of the following items shall constitute adequate verification of residency, although a utility may accept other forms of verification: current utility bills, bank statements, rental agreements, or letter of identification from a social service agency or employer.

4. An applicant denied or refused service because of this subsection shall be informed in writing of his or her ability to dispute the matter through the public service commission, and shall be provided with the address and telephone number of the commission.

SECTION 6. PSC 185.361(4)(b) is amended to read:

PSC 185.361(4)(b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on a 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on ~~an~~ a 10-day written notice, subject to the establishment of a deferred payment agreement for the deposit.

SECTION 7. PSC 185.37(1)(b) is amended to read:

PSC 185.37(1)(b) At least 8 10 calendar days prior to disconnection, the utility shall give a written notice of disconnection upon a form approved by the commission and which conforms to the requirements of sub. (11) unless excepted elsewhere.

SECTION 8. PSC 185.37(1m) is created to read:

PSC 185.37(1m) Prior to disconnecting a jointly-metered property containing more than one rental dwelling unit and where service is in the property owner's or manager's name, the utility shall first make an attempt to transfer the debt to the property owner's or manager's residence or office service. If a transfer is permitted under sub. (7)(a) the utility shall pursue available collection efforts at the owner's or manager's property prior to disconnecting the jointly-metered property.

SECTION 9. PSC 185.37(2)(am) is created to read:

PSC 185.37(2)(am) Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.

SECTION 10. PSC 185.37(2)(e) and PSC 185.37(2)(l) are amended to read:

PSC 185.37(2)(e) Refusal or failure to permit authorized utility personnel to read the meter at least once every ~~6~~ 4 months where the utility bills monthly or bimonthly, or at least once every 9 months where the utility bills quarterly or less frequently than quarterly. The ~~6- 4-~~ or 9-month period begins with the date of the last meter reading;

PSC 185.37(2)(l) Failure of an applicant for utility service to provide the ~~credit~~ information ~~necessary to establish new service or evaluate the need for a deposit or deferred payment agreement~~ set forth in ss. PSC 185.33(18) (a), (b) and (c).

SECTION 11. PSC 185.37(8)(h) is amended to read:

PSC 185.37(8)(h) ~~If a heat advisory or warning has been declared by the national weather service for a geographic area which includes part or all of the utility service area. The utility may not disconnect service in affected counties when a heat advisory, heat warning, or~~

heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of service. The utility may require that an occupant produce a licensed physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat emergency, the utility may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

SECTION 12. PSC 185.37(8m) is created to read:

PSC 185.37(8m) If the utility is provided notice that there are extenuating circumstances, such as infirmities of aging, developmental, mental or physical disabilities, the use of life support systems, or like infirmities incurred at any age, or the frailties associated with being very young, the utility shall take these circumstances into consideration and ensure compliance with s. PSC 185.37(10) prior to disconnecting service.

SECTION 13. PSC 185.37(9) and (11)(a) are amended to read:

~~PSC 185.37(9) Notwithstanding ss. PSC 113.1324 and 134.0624, a utility may disconnect residential water utility service at any time, unless water service is a necessary part of a dwelling's heating system.~~ Residential water utility service to an occupied dwelling may not be disconnected during the period November 1 to April 15 if the water service is a necessary part of a dwelling's heating system.

PSC 185.37(11)(a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served upon a responsible party at least 8 10 calendar days prior to the first date of the proposed disconnection except as provided in pars. (3), (4), and (7). If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. The notice shall contain: (1) the date of the notice; (2) the proposed date of disconnection; and (3) that, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter. If disconnection is not accomplished on or before the ~~45~~ 20th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the customer and the utility agree to extend the ~~45~~ 20-day time period.

SECTION 14. PSC 185.38(4m) is created to read:

PSC 185.38(4m) A utility that does not require a written deferred payment agreement shall communicate to the customer all points listed in sub. (4) except those pertaining to a signature when making the arrangement with the customer. A utility shall send written confirmation of a deferred payment agreement upon customer request. The commission may

require a utility to use written deferred payment agreements if it has evidence that the terms of the agreements are not being effectively communicated to customers.

SECTION 15. PSC 185.39(2)(c) is amended to read:

PSC 185.39(2)(c) The utility shall designate employees for responding to commission complaints who are readily available and have an appropriate and sufficient authority level for investigating and resolving concerns raised by the commission and its staff. Utilities shall provide the names of the designated employees to the commission and shall promptly inform the commission of any changes in these designations. A utility shall respond to the public service commission staff's request for an investigation ~~in a prompt manner.~~ by attempting to contact the complainant within 48 hours for most circumstances, or 4 hours in an emergency situation, and by providing a response to the commission within 10 business days. Staff may extend this time period if the utility requests more time to complete its investigation. Based on information provided by the utility and the customer, the commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing. Commission staff shall inform any customer disputing an informal determination of the right to pursue a formal review.

SECTION 16. PSC 185.75(5) is amended to read:

PSC 185.75(5) ~~Upon Removal.~~ If a meter is removed while a usage dispute is pending.

SECTION 17. PSC 185.76(6) is created to read:

PSC 185.76(6) When system losses are less than the prescribed percentages under s. PSC 185.85(4), a utility in lieu of testing every meter as required under sub. (1), may satisfy the requirements of this section for 5/8, 3/4, and 1-inch meters by adopting a new meter replacement program that results in each meter being replaced within 20 years of the original date of installation.

SECTION 18. PSC 185.87 is repealed.

SECTION 19. PSC 185.88 and 185.89 are renumbered PSC 185.87 and PSC 185.88.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in Wis. Stat. § 227.22(2)(intro.).