

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Repeal of Wis. Admin. Code chs. PSC 7 and 172, and Other Updating

1-AC-218
Clearinghouse Rule 06-046

ORDER ADOPTING FINAL RULES

The Public Service Commission of Wisconsin adopts final rules 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.

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 PSC 7 was repealed by 1997 Wis.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.

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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.

TEXT OF THE RULES

Included as Attachment A.

FISCAL ESTIMATE

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.

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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, February 19, 2007

By the Commission:

s/s Sandra J. Paske

Sandra J. Paske
Secretary to the Commission

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Attachments

TEXT OF THE RULES

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SECTION 1. PSC 7 is repealed.

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 PSC 8.07(8) to (10) and (12) are repealed.

SECTION 3. PSC 104.01(1) is repealed.

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

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

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

PSC 113.0301(10)(c)4. A statement that residential utility service will be continued during serious illness or protective services emergency if the occupant submits a statement or notice pursuant to [http://folio.legis.state.wi.us/cgi-bin/om_isapi.dll?clientID=41731747&infobase=code.nfo&jump=PSC%20113.0301%2812%29&softpage=Document - JUMPDEST_PSC_113.0301\(12\)sub. \(12\) \(13\).](http://folio.legis.state.wi.us/cgi-bin/om_isapi.dll?clientID=41731747&infobase=code.nfo&jump=PSC%20113.0301%2812%29&softpage=Document - JUMPDEST_PSC_113.0301(12)sub.(12)(13).)

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

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

- PSC 115.02(1)** ~~Wisconsin electric power company~~ Electric Power Company.
- (2)** ~~Wisconsin public service corporation~~ Public Service Corporation.
- (3)** ~~Wisconsin power and light company~~ Power and Light Company.
- (4)** ~~Northern states power company of Wisconsin~~ States Power Company.
- (5)** ~~Madison gas & electric company~~ Gas and Electric Company.

SECTION 8. PSC 115.02(2) is repealed

SECTION 9. PSC 133.01(1) is repealed.

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

PSC 134.13(1)(a) ~~Each~~ All of the information in par. (b) shall be shown for each meter on each bill, including the customer's receipt, if the bill is provided by any of the following:
~~Madison gas and electric company,~~
~~Northern states power company,~~
~~Superior water light and power company,~~

1 ~~Wisconsin fuel and light company,~~
 2 ~~Wisconsin natural gas company,~~
 3 ~~Wisconsin power and light company,~~
 4 ~~Wisconsin public service corporation, and~~
 5 ~~Wisconsin southern gas company shall show for each meter the following information:~~

6
7 SECTION 11. PSC 134.13(1)(a)1. to 15. are renumbered 134.13(1)(b)1. to 15.

8
9 SECTION 12. PSC 134.13(1)(a)1. to 7. are created to read:

- 10
11 PSC 134.13(1)(a)1. Madison Gas and Electric Company.
 12 2. Northern States Power Company.
 13 3. Superior Water, Light and Power Company.
 14 4. Wisconsin Electric Power Company.
 15 5. Wisconsin Gas LLC.
 16 6. Wisconsin Power and Light Company.
 17 7. Wisconsin Public Service Corporation.
 18

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

20
21 SECTION 14. PSC 134.13(1)(b)(intro.) is created to read:

22
23 **PSC 134.13(1)(b)(intro.)** A bill under par. (a), including the customer’s receipt, shall show the
 24 following information:
 25

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

27
28 SECTION 16. PSC 136.01(2) is renumbered 136.01.

29
30 SECTION 17. PSC 136.04(1)(a) is repealed.

31
32 SECTION 18. PSC 136.04(1)(b) to (f) are amended to read:

- 33
34 **PSC 136.04(1)(b)** ~~Madison gas and electric company~~ Gas and Electric Company.
 35 (c) ~~Northern states power company~~ States Power Company.
 36 (d) ~~Superior water, light and power company~~ Water, Light and Power Company.
 37 (e) ~~Wisconsin fuel and light company~~ Electric Power Company.
 38 (f) ~~Wisconsin gas company~~ Gas LLC.
 39

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

41
42 SECTION 20. PSC 136.04(1)(h) and (i) are amended to read:

43
44 **PSC 136.04(1)(h)** ~~Wisconsin power and light company~~ Power and Light Company.

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

2
3 SECTION 21. PSC 136.04(1)(j) is repealed.

4
5 SECTION 22. PSC 164.01 is amended to read:

6
7 **PSC 164.01 Filing of information.** Any public utility engaged in furnishing ~~telephone~~
8 telecommunications service which determines to furnish service to its ~~employees~~ employees,
9 pensioners, and officers at no charge or at charges less than those prescribed in its published
10 schedules or tariffs, as provided in s. 196.60, Stats., ~~as amended by ch. 499, laws of 1963,~~ shall
11 inform the public service commission ~~of Wisconsin~~ as hereinafter prescribed in s. PSC 164.02 of
12 the conditions and circumstances under which it will be furnished.

13
14 SECTION 23. PSC 165.01(1) is repealed.

15
16 SECTION 24. PSC 165.081(6)(c) is repealed.

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18 SECTION 25. PSC 166.015 is amended to read:

19
20 **PSC 166.015 Conforming maps.** Every exchange area boundary map filed with the
21 commission ~~on and after June 1, 1943,~~ shall conform to the following rules in this chapter and
22 ~~every such map filed before that date shall be revised on or before September 1, 1943, to~~
23 ~~conform to such rules.~~ Exhibit A attached is a specimen map which conforms to all of the
24 requirements established ~~by the rules herein adopted~~ in this chapter.

25
26 SECTION 26. PSC 166.03 is repealed.

27
28 SECTION 27. PSC 166.07 is amended to read:

29
30 **PSC 166.07 Accompanying statement.** All maps filed with the commission shall be
31 accompanied by a statement of undertaking to serve ~~on a sheet 8 1/2 x 11 inches in size~~ in the
32 following form:

33
34 "The attached map, dated _____, delineates the boundary and territory of the
35 _____ exchange in which the _____ Telephone Company now serves and
36 will serve the public. The Telephone Company undertakes, subject to its extension rules and
37 filed tariffs, to make extensions of its lines and service at any time when such service may be
38 requested or demanded by any person located within such territory as designated on such map.

39
40 "The _____ Telephone Company will not extend its lines and service beyond the
41 territory and exchange boundary defined on the attached map, except:

42
43 (a) to serve persons located in the territory designated as open on such map.

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

3
4 ~~"Nothing in this undertaking is intended to limit the power of the Public Service Commission to~~
5 ~~direct the furnishing of service where the same is found to be required to meet the demands of~~
6 ~~public convenience and necessity."~~

7
8 _____

9
10 By _____

11
12 Dates _____

13
14 SECTION 28. PSC 166.11 is amended to read:

15
16 **PSC 166.11 Exhibit "B", suggested statement required under s. PSC 166.08.**

17
18 _____, Wisconsin

19
20 _____, 19__

21
22 _____ Telephone Company

23
24 _____

25 To whom it may concern:

26
27 ~~Pursuant to order of the Public Service Commission of Wisconsin entered in docket No. 2-U-~~
28 ~~1840, we are attaching~~ Attached are the following:

29
30 1. Map delineating the boundary of and territory served by the exchange of the Telephone
31 Company.

32
33 2. Statement of the _____ Telephone Company's undertaking to serve in the
34 territory designated on such map.

35
36 In the event you have any objection either to the territory served by the _____
37 exchange as shown on the map or the undertaking to serve ~~therein in that exchange~~ as set forth in
38 the statement, such objections are required to be filed with the public service commission within
39 twenty days from the receipt by you of this notice.

40
41 Proof of service upon you of copies of such map and statement are required under the provisions
42 of the above mentioned orders and, accordingly, you are kindly requested to sign the statement
43 below and return to me two copies of this letter, retaining the third copy and the map, together

1 with the accompanying statement, for your files.

2

3 _____ Title

4

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

7

8 _____ Telephone Company

By _____

9

10

11 SECTION 29. PSC 168.08 is repealed.

12

13 SECTION 30. PSC ch. 170 is repealed.

14

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

16

17 SECTION 32. PSC 171.03(2) is repealed.

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19 SECTION 33. PSC 171.05 is repealed.

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

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23 SECTION 35. PSC 172 is repealed.

24

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

28

(end)

2005 Session				
<p>FISCAL ESTIMATE DOA-2048 N(R10/96)</p>	<p> <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL </p>			
<p>LRB or Bill No./Adm. Rule No. Ch. PSC 7 & 170 & 172</p> <p>Amendment No. if Applicable</p>				
<p>Subject Repeal of Wis. Admin. Code chs. PSC 7, 170 and 172 and other minor updates and repeals. Docket 1-AC-218</p>				
<p>Fiscal Effect</p> <p>State: <input checked="" type="checkbox"/> No State Fiscal Effect</p> <p>Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation </td> <td style="width: 50%; border: none; vertical-align: top;"> <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"/> Decrease Costs </td> </tr> </table>		<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New 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"/> Decrease Costs	
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New 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"/> Decrease Costs			
<p>Local: <input checked="" type="checkbox"/> No local government costs</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </td> <td style="width: 33%; border: none;"> 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </td> <td style="width: 33%; border: none;"> 5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </td> </tr> </table>		1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease 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 <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease 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 <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<p>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</p>	<p>Affected Ch. 20 Appropriations 20.155 (1) (g)</p>			
<p>Assumptions Used in Arriving at Fiscal Estimate</p> <p>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.</p>				
<p>Long-Range Fiscal Implications NONE</p>				
<p>Agency/Prepared by: (Name & Phone No.) Gordon Grant 267-9086</p>	<p>Authorized Signature/Telephone No. Gordon Grant</p>	<p>Date 3/28/2006</p>		