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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**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 **15-003**

AN ORDER to renumber and amend PSC 133.07 (1) and (3); to amend PSC 133.03 (1) (intro.), (2) (b), and (3) (a) (intro.) and (b), 133.07 (2) (title) and (2), and 133.08 (3) and (6) (d); and to create PSC 133.07 (1), (1m) (d), (2m), (3) (b), and (3) (b) (note), relating to natural gas territorial agreements.

Submitted by **PUBLIC SERVICE COMMISSION**

01-13-2015 RECEIVED BY LEGISLATIVE COUNCIL.

02-09-2015 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             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

COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]



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CLEARINGHOUSE RULE 15-003

**Comments**

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**[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 December 2014.]**

**1. Statutory Authority**

The Commission should explain, in the rule summary, its authority to require the following elements of proposed rule:

- (a) The ½ mile limit under ss. PSC 133.07 (1m) (d) 4. and 133.07 (2m) (a) 4.
- (b) The requirement of municipal approval under s. PSC 133.07 (1m) (d) 6.
- (c) The limitation on service to five additional customers under s. PSC 133.07 (2m) (a) 3.

**4. Adequacy of References to Related Statutes, Rules and Forms**

In s. PSC 133.07 (1) (b), it appears the Commission should refer to s. 196.50 (1) (am) 1., Stats., because that is the statutory provision that specifically refers to a territorial agreement.

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

(a) In s. PSC 133.07 (1m) (a), the Commission should consider clarifying that limited territorial agreements are filed but do not require the Commission’s approval.

(b) In s. PSC 133.07 (1m) (d) 2., the Commission should consider referring to the utility in question as an “additional gas public utility” each time it is mentioned, to avoid confusion with the original public utility. It may also be worthwhile to define these types of utilities in ch. PSC 133.

- (c) In s. PSC 133.07 (2) (title) and (2m) (title), “under” should replace “through”.