

## Chapter PSC 134

### STANDARDS FOR GAS SERVICE

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**PSC 134.01 General. (1)** Chapter PSC 134 of the public service commission's departmental rules is part of the Wis. Adm. Code and constitutes a general order of the public service commission, the issuance of which is authorized by ss. 196.02, 196.06, 196.10, 196.12, 196.15, 196.16, 196.17, 196.19, and 227.11, Stats.

**(2)** The rules making up ch. PSC 134 are designed to effectuate and implement ss. 196.02, 196.03, 196.06, 196.10, 196.12, 196.15, 196.16, 196.17, 196.19, 196.22, 196.60, Stats., and parts of other sections of the Wisconsin statutes.

**(3)** Nothing in this chapter of the Wisconsin Administrative Code shall preclude the commission's giving special and individual consideration to exceptional or unusual situations or, upon investigation of the facts and circumstances involved, adopting requirements as to individual utilities or services which may be lesser, greater, other than or different from those provided in these rules.

**(4)** The requirements of ch. PSC 134 shall be observed by all public utilities, both privately and publicly owned, engaged in the manufacture, mixing, purchasing, storage, transmission and/or distribution of gaseous fuel.

**(5)** The manner of enforcing the rules in ch. PSC 134 is prescribed in s. 196.66, Stats., and such other means as provided in statutory sections administered by the public service commission.

**(6)** In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, immediate corrective action shall be taken by the utility, which action, however, shall be subject to review by the public service commission.

**(7)** Periodic reports to the public service commission are required by ss. PSC 134.14 (6), 134.17, 134.18 (3), 134.19 (3) and 134.25 (4). Individual reports are required by s. PSC 134.18 (4) and (5).

**History:** 1-2-56; r. and rec. Register, February, 1959, No. 38, eff. 3-1-59; am. (5). Register, January, 1965, No. 109, eff. 2-1-65; renum. (3) to (6) to be (4) to (7). Register, November, 1980, No. 299, eff. 12-1-80; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register July 2014 No. 703.

#### **PSC 134.02 Definitions.** In this chapter:

**(1)** "Ability to pay" means a customer's financial capacity to meet his or her utility service obligation, considering all of the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Period of time the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the customer's circumstances, as household size, income and expenses.

**(2)** "Appliance" means any device which utilizes gas fuel to produce light, heat, or power.

**(3)** "British thermal unit" or "Btu" means the quantity of heat that must be added to one avoirdupois pound of pure water to raise its temperature from 58.5° Fahrenheit to 59.5° Fahrenheit under standard pressure.

**(4)** "Complaint" means a statement or question by any person, whether a utility customer or not, concerning a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or failure of a utility to meet a utility obligation.

**(5)** "Customer" means the party billed for payment of bills issued for use of utility service at a given premises.

**(6)** "Customer-requested termination" means that the customer or occupant has asked the utility to cease providing utility service to a premises.

**(7)** "Demand" means the amount of gas required per unit of time, usually expressed in cubic feet, Btu, or therms per unit of time.

**(8)** "Denied or refused service" means that a utility has refused to provide present or future service to a customer, occupant or premises.

**(9)** "Disconnection" means an event or action taken by the utility to terminate or discontinue the provision of service, but does not include a customer-requested termination of service.

**(10)** "Dry calorific value" means the value of the total or net calorific value of a gas divided by the volume of dry gas in a standard cubic foot.

**(11)** "Dry gas" means a gas having a moisture and hydrocarbon dew point below any normal temperature to which the gas piping is exposed. As applied to determination of heating value or specific gravity dry gas means the complete absence of moisture or water vapor.

**(12)** "Gas" means any gas or mixture of gases suitable for domestic or industrial fuel and transmitted or distributed to the user through a piping system.

**Note:** The common types of gas are natural gas, manufactured gas, and liquefied petroleum gas distributed as a vapor with or without admixture of air.

**(13)** "Installment payment agreement" means an arrangement between a utility and a commercial or farm customer for payment of a deposit in installments.

**(14)** "Meter" means an instrument installed to measure the volume of gas delivered through it.

**(15)** "Municipality" means a town, city or village.

**(16)** "Net calorific value of a gas" means the number of British thermal units evolved by the complete combustion, at constant pressure, of one standard cubic foot of gas with air, the temperature of the gas, air, and products of combustion being 60° Fahrenheit and all water formed by the combustion reaction remaining in the vapor state.

**(17)** "New residential customer" means a customer who has not received utility service in his or her name during the previous 6 months from the utility from which service is requested.

**(18)** "Occupant" means the resident or residents of a premises to which utility service is provided.

**(19)** "Prompt payment" means payment prior to the time when a utility could issue a notice of disconnection for nonpayment of an amount not in dispute.

**(20)** "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, mental retardation, developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

**(21)** "Public utility" has the meaning of s. 196.01 (5), Stats.

**(22)** "Specific gravity of a gas" means the ratio of the molecular weight of a dry gas or gas mixture to the molecular weight of dry air.

**Note:** This is the dry specific gravity.

**(23)** "Standard cubic foot of gas" means the quantity of a gas that at standard temperature and under standard pressure will fill a space of 1 cubic foot when in equilibrium with liquid water.

**Note:** According to Dalton's law, this is equivalent to stating that the partial pressure of the gas is:  $30 - 0.522 = 29.478$  inches of mercury column.

**(24)** "Standard pressure" means the absolute pressure of pure mercury 30 inches in height at 32° Fahrenheit and under standard gravity.

**Note:** Standard gravity is 32.174 feet per second which results in a standard pressure of 14.735 pounds per square inch absolute.

**(25)** "Standard service pressure" means the gas pressure which a utility undertakes to maintain on the meters of all customers, except the meters of customers utilizing high-pressure service, expressed in pounds per square inch above atmospheric pressure or psig.

**(26)** "Standard temperature" means 60° Fahrenheit based on the international temperature scale.

**(27)** "Therm" means 100,000 British thermal units.

**(28)** "Total calorific value" means the number of British thermal units evolved by the complete combustion, at constant pressure, of one standard cubic foot of gas with air, the temperature of the gas, air, and products of combustion being 60° Fahrenheit and all water formed by the combustion reaction condensed to the liquid state.

**(29)** "Unmeasured gas" means gas which has not been measured by a meter.

**(30)** "Voucher agreement" means a payment agreement guaranteed by a third party who has access to or control over the benefits and/or finances of a public assistance recipient. Included without limitation are:

- (a) Aid to Families with Dependent Children (AFDC) restrictive payment arrangements.
- (b) Social Security representative payee.
- (c) General Relief voucher payment systems.

(d) Legal guardian.

**History:** History 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.03 Service.** Every gas utility shall furnish reasonably adequate service and facilities at the rates filed with the commission and subject to these rules and the rules of the utility filed with this commission which are applicable thereto and not otherwise. The utility shall be operated in such manner as to obviate so far as reasonably practicable, undesirable effects upon the operation of standard services, standard utilization equipment, equipment of the utility, and upon the service and facilities of other utilities and agencies.

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.04 Schedules to be filed with commission.**

The schedules of rates and rules shall be filed with the commission by the utility and shall be classified, designated, arranged, and submitted so as to conform to the requirements of current tariff or rate schedule circulars and special instructions which have been and may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation, and shall include, together with such other information as may be deemed pertinent, the following:

**(1)** All rates for service with indication for each rate of the type of gas and the class of customers to which each rate applies. There shall also be shown any limitations on loads and type of equipment which may be connected, the prices per unit of service, and the number of units per billing period to which the prices apply, the period of billing, the minimum bill, method of measuring demands and consumptions, including method of calculating or estimating loads or minimums, and any special terms and conditions applicable. The discount for prompt payment or penalty for late payment, if any, and the period during which the net amount may be paid shall be specified.

**(2)** By municipalities, but without reference required to any particular part thereof, the type of gas supplied and the type of service (firm and/or interruptible).

**(3)** Forms of standard contracts required of customers for the various types of service available.

**(4)** If service to other utilities or municipalities for resale is furnished at a standard filed rate, either a copy of each contract or the standard contract form together with a summary of the provisions of each signed contract. The summary shall show the principal provisions of the contract and shall include the name and address of the customer, the points where gas is delivered, rate, term, minimums, load conditions, heating value of gas, pressures, and any special provisions such as rentals.

**(5)** Copies of special contracts for the purchase, sale, or interchange of gas.

**(6)** List of villages, cities, and unincorporated communities where urban rates are applicable, and towns in which service is furnished.

**(7)** Definitions of classes of customers.

**(8)** Extension rules for extending service to new customers indicating what portion of the extension or cost thereof will be furnished by the utility; and if the rule is based on cost, the items of cost included.

**(9)** Type of construction required of the customer if different from requirements in ch. PSC 135.

**(10)** Designation of such portion of the service facilities as the utility furnishes, owns, and maintains.

**(11)** Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

**(12)** Rules governing the establishment of credit by customers for payment of service bills.

(13) Rules governing disconnecting and reconnecting service.

(14) Notice required from customer for having service discontinued.

(15) Rules covering temporary, emergency, auxiliary, and standby service.

(16) Rules covering the type of equipment which may or may not be connected.

(17) The list of service areas and the rates shall be filed in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service at urban rates. If the utility has various rural rates, the areas where the same are available shall be indicated.

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; reprinted to restore dropped copy, Register, February, 1985, No. 350.

#### **PSC 134.05 Information available to customers.**

(1) Each utility shall have available in its offices where payments are received, copies of its rates and rules applicable to the locality. The rates and rules shall be available for customer inspection and reasonable notice as to their availability shall be provided to customers.

(2) Each gas utility, for every municipality in which it serves, shall provide in the respective telephone directories a telephone listing by which the utility can be notified during a 24-hour day of any utility service deficiency or emergency which may exist.

(3) Where a second language is common in a particular area served by the utility and so identified by the commission, all rules pertaining to billing and credit shall be available upon customer request for distribution in English and that second language in every business office of the utility in that area accessible to the public and where customer payments are received.

(4) Each utility shall provide written notice to its residential customers annually, and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options including deferred payment agreements and budget billing, disconnection and dispute procedures; of the availability of information on energy conservation practices, of the advisability of setting water heater thermostats no higher than 125° Fahrenheit, of the availability of the customer's actual gas consumption (or actual degree-day gas consumption) for each billing period during the prior 12 months or the actual number of months that the customer has lived at that location if less than 12 months, and of the availability of agencies or programs which may provide financial aid assistance or counseling. Such notice shall contain a reply procedure to allow customers an opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the utility to contact a specific third-party agency or individual prior to any disconnection action being taken.

(5) A utility shall provide on request to current or prospective customers, tenants or property owners residential energy consumption information. This information shall include either the average consumption for the prior 12 month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months. Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for the premises in question.

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; renum. PSC 134.05 to be PSC 134.05 (1); cr. (2), Register, January, 1965, No. 109, eff. 2-1-65; am. (1), renum. (2) to be (3) and cr. (2) and (4), Register, January, 1975, No. 229, eff. 2-1-75; am. Register, March, 1979, No. 279, eff. 4-1-79; am. (4), Register, October, 1980, No. 298, eff. 11-1-80; am. (4) and cr. (5), Register, October, 1989, No. 406, eff. 11-1-89.

#### **PSC 134.051 Application for residential service.**

(1) For purposes of this section, "written" or "in writing" means legibly printed on paper or, with the intended recipient's permis-

sion, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.

(2) (a) A residential user of gas service shall apply for service.

(b) A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service.

(c) 1. Except as provided in par. (d) and sub. (3), a utility may only require that an applicant provide the following information in an application:

a. Legal name and birthdate of the user of service and the person responsible for bill payment, if different than the user.

b. If the user of service has telephone service, the telephone number of the user of service. If the person responsible for bill payment is different than the user and the person responsible for bill payment has telephone service, the utility may also require the telephone number of the person responsible for bill payment. Lack of telephone service is not grounds for service refusal.

c. Address where service is to be provided.

d. Mailing address if different from service address.

e. Date requested for service to begin.

f. The most recent previous address of the person responsible for bill payment.

g. Initial identification data under subd. 2.

2. A utility shall accept any of the following items as adequate initial identification data, although it may accept other forms of identification:

a. Driver's license number.

b. State identification card number.

c. Passport number.

d. Social security number or the last 4 digits of the social security number.

3. If a utility requests the initial identification data under subd. 2., it shall inform the applicant of all acceptable forms of initial identification data and allow the applicant to choose which the applicant wishes to provide.

(d) If a utility determines that an applicant's response under par. (c) 1. a. to f. indicates that additional information is necessary to further evaluate the applicant's credit history or identity, the utility may require the applicant's addresses for the past 6 years as part of its application for service. Each utility shall establish a written policy for requesting the application information under this paragraph.

**Note:** Also see s. PSC 134.061, which allows a request for a deposit if an applicant has an outstanding account balance that accrued within the last 6 years.

(e) A utility may request information other than that listed in pars. (c) and (d), but before requesting it the utility shall inform the applicant that providing that information is optional.

(f) A utility may refuse or disconnect service for failure to provide any information specified in par. (c) 1. a., c., e., and f. or par. (d).

**Note:** See sub. (3) (a) about what can be required if an applicant refuses to provide the initial identification data under s. PSC 134.051 (2) (c) 1. g.

(3) **IDENTITY AND RESIDENCY VERIFICATION.** (a) A utility may require verification of the initial identification data or the residency, or both, of the person responsible for bill payment under any of the following circumstances:

1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months.

2. The person responsible for bill payment has an outstanding bill with the utility but claims that the bill was accrued in the person's name as a result of identity theft.

3. The applicant fails to provide the initial identification data under sub. (2) (c) 1. g. or the utility finds, with reasonable certainty, that the initial identification information is inaccurate.

(b) A utility shall establish a written policy for when it will require verification of identity or residency under par. (a).

(c) A utility shall accept any of the following items as adequate verification of identity, although it may accept other forms of verification:

1. Any one of the following items:
  - a. Valid driver's license or other photo identification issued by a state, U.S., or tribal governmental entity.
  - b. Valid U.S. military or military dependent identification card.
  - c. Valid passport.
2. Any two of the following items:
  - a. Social security card.
  - b. Certified copy of a marriage certificate.
  - c. Certified copy of a judgment of divorce or legal separation.
  - d. Military discharge papers, including federal form DD-214.
  - e. Valid student identification card with the applicant's photo.
  - f. Current employee photo identification card that includes information, such as the employer's telephone number or address, which can be used for verification purposes.
  - g. Letter of identification from a social service agency or employer that includes information, such as the agency or employer's telephone number or address, which can be used for verification purposes.

(d) 1. A utility shall accept any one of the following items as adequate verification of an applicant's residency, although it may accept other forms of verification:

- a. Current utility bill.
- b. Current financial institution statement.
- c. Rental agreement.
- d. Documents indicating home purchase.
- e. Current paycheck or pay stub showing the applicant's name and address, and the employer's name.
- f. Verification of address provided by a social service or government agency.

2. A utility may require an applicant to provide information that may be used for verification purposes, such as a telephone number or address, if the applicant submits one of the items in subd. 1. b., c., e., or f. to the utility.

(e) If a request for verification of identity or residency is based on par. (a) 2., the utility may require that the applicant provide the information in s. 196.23 (1), Stats.

(f) If a utility requests information under this subsection, it shall inform the applicant of all items that are acceptable for verification of identity or residency, and allow the applicant to choose which items the applicant wishes to provide.

(g) If an applicant refuses to provide the information under pars. (c) or (d) or a utility finds, with reasonable certainty, that the verification is falsified, the utility may request an additional item, refuse service or disconnect service.

**(4) PROCESSING APPLICATIONS AND PROVIDING NOTICE.** (a) Except under exceptional circumstances, a utility shall approve or deny an application for service no later than 10 calendar days after receipt of the information required under this section. An unexpected high volume of requests for service shall not constitute exceptional circumstances.

(b) A utility shall notify the applicant in writing within 5 days of its denial. A utility may notify an applicant verbally before written notification is sent. An application shall be considered denied when a service refusal has been finalized and no immediate

conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and web site.

**Note:** For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the most recent previous address of the person responsible for payment and the address for which service has been requested.

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

**History:** CR 13-048: cr. Register July 2014 No. 703, eff. 8-1-14.

**PSC 134.053 Application for commercial and farm service.** (1) For purposes of this section, "written" or "in writing" means legibly printed on paper or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.

**(2)** (a) A user of gas service shall apply for service in a form specified by the utility.

(b) A utility may require a verbal or written application for commercial or farm service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service

(c) The utility may only require that an applicant provide the following information in an application:

1. Legal name of the user of service and the person responsible for bill payment, if different than the user.
2. Telephone number of the user of service and the person responsible for bill payment, if different than the user.
3. Address where service is to be provided.
4. Mailing address if different from service address.
5. Date requested for service to begin.
6. The most recent previous address of the person responsible for bill payment.
7. Credit information under par. (e).
8. Initial identification data under par. (f).

(d) A utility may request information other than that listed in par. (c), but before requesting it the utility shall inform the applicant that providing that information is optional.

(e) A utility may request reasonable credit information from a commercial or farm applicant as part of its application for service. A utility shall establish a written policy about when it will request credit information and what credit information it will request.

(f) A utility shall accept any of the following items as adequate initial identification data, although it may accept other forms of identification:

1. Federal employer identification number or proof that it has been applied for but not yet granted.
2. Wisconsin department of financial institutions identification number.
3. Wisconsin seller's permit identification number.

(g) A utility may refuse or disconnect service for failure to provide any information specified in pars. (c) 1. to 7. or (f).

**Note:** See sub. (3) (a) about what can be required if an applicant refuses to provide the initial identification data under par. (c) 8.

**(3) IDENTITY VERIFICATION.** (a) A utility may require verification of the initial identification data of an applicant for commercial or farm service under any of the following circumstances:

1. An applicant refuses to provide the information under sub. (2) (c), (e), or (f).

2. The utility finds, with reasonable certainty, that the information provided under sub. (2) (c), (e), or (f) is falsified.

(b) A utility shall establish a written policy for when it will require verification of identity under this subsection.

(c) A utility shall accept any of the following items as adequate verification of identity, although it may accept other forms of verification:

1. State or federal income tax returns.

2. Internal Revenue Service letter assigning federal employer identification number.

3. Wisconsin seller's permit or department of revenue letter assigning a Wisconsin seller's permit identification number.

4. Business articles of incorporation, partnership agreement, limited liability company articles of organization, or similar organizational documents.

(d) A utility may refuse or disconnect service if it does not obtain adequate verification of identity.

**(4) PROCESSING APPLICATIONS AND PROVIDING NOTICE.** (a) Except under exceptional circumstances, a utility shall approve or deny an application for service no later than 10 calendar days after receipt of the information required under this section. An expected high volume of requests for service shall not constitute exceptional circumstances.

(b) A utility shall notify the applicant in writing within 5 days of the denial of application. A utility may notify an applicant verbally before written notification is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.

2. The applicant's right to ask commission staff to review the refusal.

3. The commission's address, telephone number and web site.

**Note:** For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested.

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

**History:** CR 13-048: cr. Register July 2014 No. 703, eff. 8-1-14; s. 35.17 correction in (4) (a) Register July 2014 No. 703.

**PSC 134.061 Deposits, residential. (1) NEW RESIDENTIAL SERVICE.** (a) A utility shall not require a cash deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin gas utility which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by the customer, and which at the time of the request for new service remains outstanding and not in dispute, as defined in s. PSC 134.064.

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her

gross quarterly income is at or below 200% of federal income poverty guidelines.

(c) A utility shall inform the customer of his or her right to enter into a deferred payment agreement for payment of the deposit amount and of his or her right to appeal any deposit request or amount required under this section to the public service commission.

**(2) DEFERRED PAYMENT.** In lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account balance accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement, as defined in s. PSC 134.063, for the outstanding account. A customer who defaults on the deferred payment agreement may be required by the utility to furnish a deposit.

**(3) GUARANTEE TERMS AND CONDITIONS.** (a) A utility may accept, in lieu of a cash deposit for new or existing residential service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or whereby the guarantor accepts responsibility for payment of all future bills. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the customer in writing of the agreement, and of the customer's right to refuse such an agreement. The term of the contract shall be for no longer than one year, but it shall automatically terminate after the residential customer has closed his or her account with the utility, or on the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account has been guaranteed, unless the guarantor waives such notice in writing.

**(4) EXISTING RESIDENTIAL SERVICE.** (a) A utility may require a cash deposit or other guarantee as a condition of residential service if any of the following circumstances apply:

1. The utility has disconnected the customer's service within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

2. Subsequent credit information indicates that the initial application for service was falsified.

3. The customer had the ability to pay for the utility service but, during the cold weather disconnection rules period, had an arrears amount incurred during that period, that was 80 days or more past due. The utility may request a deposit under this section even if the customer's service has not been disconnected.

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her gross quarterly income is at or below 200% of the federal income poverty guidelines.

(c) When the utility requests a deposit of an existing residential customer, the customer shall be informed of his or her right to provide the deposit, guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for payment of the deposit amount.

**(5) WRITTEN EXPLANATION.** A utility shall provide a written explanation of why a deposit or guarantee is being required for a residential account. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

**(6) REASONABLENESS OF DEPOSIT.** When requesting a deposit from a residential customer, the utility shall consider the customer's ability to pay, including the following factors, in determining the reasonableness of its request:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

**(7) AMOUNT OF DEPOSIT.** (a) The maximum deposit for a new residential account shall not exceed the highest estimated gross bills for any 2 consecutive billing periods selected by the utility.

(b) Except as provided in par. (c), the maximum deposit for an existing residential account shall not exceed the highest actual gross bills for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bills for any 4 consecutive months within the preceding 12 month review period, as determined by the utility.

**(8) REFUSAL OR DISCONNECTION OF SERVICE.** Residential service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service, as provided in s. PSC 134.062.

**(9) INTEREST.** (a) Deposits for residential accounts shall bear interest payable from the date a deposit is made to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one per cent.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

**(10) REFUND.** The utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment.

**(11) REVIEW.** The utility shall not continue to require a cash deposit for a residential account unless a deposit is permitted under the provisions of sub. (4) or (10).

**(12) METHOD OF REFUND.** Any deposit or portion thereof refunded to a residential customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (14) applies.

**(13) REFUND AT TERMINATION OF SERVICE.** On termination of residential service, the utility shall credit the deposit, with accrued interest, to the customer's final bill and return the balance within 30 days of issuing the final bill.

**(14) ARREARAGES.** An arrearage owed by a [residential] customer may be deducted from the customer's deposit under the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

**(15) APPLICABILITY.** The provisions in subs. (2) and (3) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. Register, November, 1980, No. 299, eff. 12-1-80; renum. (7) to (14) to be (8) to (15), cr. (7), Register, April, 1985, No. 352, eff. 5-1-85; emerg. cr. (2) (c), am. (4) (a) and (5), eff. 10-25-88; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.0615 Deposits for commercial and farm service.**

**(1) DEPOSIT REQUEST.** If the credit of an applicant for commercial or farm service has not been established satisfactorily to the utility, the utility may require the applicant to post a deposit. The utility shall notify the applicant within 30 days of the request for service as to whether a deposit will be required. The 30-day period shall begin from the date the applicant provides all requested relevant information to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (5). If a request for a deposit is made, the applicant must be given at least 30 days to provide payment, or guarantee, or to establish an installment payment agreement.

**(2) CONSIDERATIONS FOR DEPOSIT.** In determining whether an applicant for commercial or farm service has satisfactorily established its credit, the utility shall inform the customer that it will consider any or all of the following factors, if provided by the customer, before requiring a security deposit:

(a) Credit information from credit reporting services.

(b) Letter of credit from a financial institution or another utility.

(c) Applicant's business characteristics, such as type of business, length of time the applicant has operated, the applicant's business experience and knowledge, and estimated size of the applicant's bills.

(d) Assets of the business.

(e) The financial condition of the business, as indicated in a financial statement.

**(3) INSTALLMENT PAYMENT AGREEMENT.** A commercial or farm customer or applicant for commercial or farm service of which a deposit is requested shall have the right to receive service under an installment payment agreement.

**(4) GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit for new or existing commercial or farm service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but it shall automatically terminate after the commercial or farm customer has closed its account with the utility, or at the guarantor's request on 30 days' written notice to the utility.

(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 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on 8 days' written notice, subject to the establishment of an installment payment agreement.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he or she has guaranteed, unless the guarantor waives such notice in writing.

**(5) EXISTING COMMERCIAL OR FARM SERVICE.** (a) The utility may require an existing commercial or farm customer to furnish

a deposit if the customer has not made prompt payment of all bills within the last 24 months, or if the customer has the ability to pay for the utility service but, during the cold weather disconnection rules period, had an arrears amount incurred during that period that was 80 days or more past due.

(b) When the utility requests a deposit of an existing commercial or farm customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish an installment payment agreement.

**(6) WRITTEN EXPLANATION.** (a) A utility shall provide a written explanation of why a deposit or guarantee is being required for commercial or farm service. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(b) The utility shall inform the customer at the time a deposit is provided that if, after 12 months of utility service, the deposit amount is greater than necessary based on actual consumption, the customer may request refund of the difference between the 2 amounts.

**(7) REFUSAL OR INTERRUPTION OF SERVICE.** Commercial or farm service may be refused or disconnected for failure to pay a deposit request, subject to the rules pertaining to disconnection and refusal of service.

**Note:** See s. PSC 134.0622.

**(8) AMOUNT OF DEPOSIT.** (a) The maximum deposit for a new commercial or farm account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility. If after a 12 month period the deposit amount is shown to be greater than warranted based on actual consumption, the utility shall at the customer's request refund the difference between the 2 amounts, plus interest.

(b) Except as provided in par. (c), the maximum deposit for an existing commercial or farm account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bill for any 4 consecutive months within the preceding 12 month review period, as determined by the utility.

**(9) INTEREST.** (a) Deposits for commercial or farm service shall bear interest from the date a deposit is made to the date it is applied to an account balance or refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar [year] basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify the utilities of the rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one per cent.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

**(10) TIME OF REFUND.** The deposit of a commercial or farm customer shall be refunded after 24 consecutive months of prompt payment.

**(11) METHOD OF REFUND.** Any deposit or portion thereof refunded to a commercial or farm customer shall be refunded by check unless both the customer and utility agree to a credit on the regular billing, or unless sub. (13) applies.

**(12) REFUND AT TERMINATION OF SERVICE.** Upon termination of commercial or farm service, the deposit, with accrued interest, shall be credited to the final bill, and the balance shall be returned within 30 days of issuing the final bill.

**(13) ARREARAGES.** An arrearage owed by a commercial or farm customer may be deducted from the customer's deposit under the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

**(14) APPLICABILITY.** The provisions of subs. (3) and (4) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

**History:** Cr. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.062 Disconnections, residential. (1)** Residential utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement, as provided in s. PSC 134.063.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements, as specified in s. PSC 134.061.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 101.865, Stats.

**Note:** Section 101.865, Stats., was repealed by 2007 Wis. Act 63.

(h) Delinquency in payment for service received by a previous customer or occupant 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.

(i) Connecting or causing to be connected a device or use of gas considered to be a nonessential use of natural gas which is prohibited under s. PSC 136.05.

(j) Connecting or having connected a natural gas outdoor lighting fixture as specified in s. PSC 136.02.

(k) Failure of an applicant for utility service to provide information or documentation required by s. PSC 134.051.

**(3)** A public utility may disconnect residential utility service, without notice, where a dangerous condition exists for as long as the condition exists.

**(4)** A public utility may disconnect residential utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially

unsafe methods that stop or interfere with the proper metering of the utility service.

(5) (a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 134.0624.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, by entering into a deferred payment agreement under s. PSC 134.063 or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with s. PSC 134.0624.

(6) Residential utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility, except where authorized by law.

(c) Failure to pay for a different type or class of utility service, except as provided in sub. (5).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(g) A utility to knowingly assist a landlord in the removal or eviction of a tenant from rental property.

(7) The residential customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after such period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(8) (a) A utility shall not disconnect residential service for reasons enumerated in sub. (1) unless written notice is sent to the customer by first class mail or personally served on a responsible adult member of the household at least 8 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 15th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) If the billing address is different from the service address, or the account is being billed in the name of "occupant," "resident" or other like term, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection for reasons enumerated in sub. (1). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. Such notice shall state at a minimum:

1. The date of the notice.
2. The proposed date of disconnection.

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.

4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (1) shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, if he or she wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other circumstances, as the presence of infants or young children in the household, the presence of aged or handicapped residents in the household, the presence of residents who use life support systems or equipment or residents who have mental retardation or other developmental or mental disabilities.

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 sub. (11).

5. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued the available remedies with the utility.

(9) (a) The utility shall make a reasonable effort to have a personal or telephone contact with the residential customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions must be taken to avoid disconnection.

(b) If the account is being billed in the name of "occupant," "resident" or other like term, the utility shall also contact other utilities serving the premises and attempt to obtain the name of a responsible adult member residing at the service address.

(c) The utility shall keep a record of these contacts and contact attempts.

(10) (a) When a residential customer, either directly or through the public service commission, disputes a disconnection notice under s. PSC 134.064, the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 134.064 (1), the utility shall inform the customer of the right to appeal to the public service commission.

(11) Notwithstanding any other provision of this section, other than for reasons of safety or danger, a utility may not disconnect or refuse to reconnect service to a residential premises if disconnection or refusal of reconnection of service will aggravate an existing medical or protective services emergency for the occupant, if the occupant complies with the procedures of par. (a):

(a) A utility shall postpone the disconnection of service, or reconnect the service if disconnected, for 21 days to enable the



occupant to arrange for payment, if the occupant produces a licensed Wisconsin physician's statement or notice from a public health, social services or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended by renewal of the statement or notice. During this 21 days of service, the utility and occupant shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. Further postponements may be granted if there is evidence of reasonable communication between the utility and occupant in attempting to make arrangements for payment.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. But no action to disconnect that service shall be taken until expiration of the period of continued service. Any customers who are in this continued service category shall be admitted into appropriate and special payment plan programs the utility may offer.

(c) If there is a dispute concerning an existing medical or protective services emergency, either party may request informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued provided that the occupant has submitted the statement or notice described in par. (a).

(12) Residential service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection as provided under s. PSC 134.064, and proper service personnel are readily available to restore service 24 hours per day.

(13) Notwithstanding any other provision of this chapter, residential utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee as governed by s. PSC 134.061, or a voucher agreement.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (a) and (5) (a), Register, December, 1975, No. 240, eff. 1-1-76; am. (2) (intro.), Register, March, 1979, No. 279, eff. 4-1-79; emerg. cr. (2) (g), eff. 1-26-80; cr. (2) (f), Register, January, 1980, No. 289, eff. 2-1-80; cr. (2) (e), Register, February, 1980, No. 290, eff. 3-1-80; cr. (2) (g), Register, July, 1980, No. 295, eff. 8-1-80; emerg. cr. (10), eff. 12-17-81; cr. (2) (h), Register, September, 1982, No. 321, eff. 10-1-82; cr. (10), Register, September, 1983, No. 333, eff. 10-1-83; am. (8) (a), Register, June, 1986, No. 366, eff. 7-1-86; r. (9) (b), Register, May, 1987, No. 377, eff. 6-1-87; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89; correction in (1) (g) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501; CR 13-048: am. (1) (k), r. (1) (L), (2) Register July 2014 No. 703, eff. 8-1-14.

**PSC 134.0622 Disconnections, commercial and farm accounts.** (1) Commercial or farm accounts which involve residential dwellings shall be subject to s. PSC 134.0624.

(2) Commercial or farm utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with the deposit, guarantee arrangement, or installment payment agreement, as specified in s. PSC 134.0615.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 101.865, Stats.

**Note:** Section 101.865, Stats., was repealed by 2007 Wis. Act 63.

(h) Connecting or causing to be connected a device or use of gas considered to be nonessential use of natural gas, which is prohibited under s. PSC 136.05.

(i) Connecting or having connected a natural gas outdoor lighting fixture as specified in s. PSC 136.02.

(3) A public utility may disconnect commercial or farm utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(4) A public utility may disconnect commercial or farm utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(5) (a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 134.0624.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with s. PSC 134.0624.

(6) Commercial or farm utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(c) Failure to pay for a different type or class of utility service, except as provided in sub. (5).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or any faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(7) The commercial or farm customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after the 20-day period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(8) (a) A utility shall not disconnect commercial or farm service for reasons enumerated in sub. (2) unless written notice is sent to the customer by first class mail or personally served at least 8 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 15th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) 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 for reasons enumerated in sub. (2). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. Such notice shall state at a minimum:

1. The date of the notice.
2. The proposed date of disconnection.
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.

4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (2) shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account, or if other suitable arrangements are not made, or if equipment changes are not made.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, or if he or she wishes to negotiate a payment agreement as an alternative to disconnection.

4. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued the available remedies with the utility.

(9) The utility shall make a reasonable effort to have a personal or telephone contact with the commercial or farm customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions must be taken to avoid disconnection. The utility shall keep a record of these contacts and contact attempts.

(10) (a) When a commercial or farm customer, either directly or through the public service commission, disputes a disconnection notice, the utility shall investigate any disputed issue and attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 134.064 (1), the utility shall inform the customer of the right to appeal to the public service commission.

(11) Commercial or farm service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection, as provided under s. PSC 134.064, and

proper service personnel are readily available to restore service 24 hours per day.

**History:** Cr. Register, October, 1989, No. 406, eff. 11-1-89; correction in (2) (g) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

**PSC 134.0623 Reconnection of service.** (1) (a) By June 1 of each year, or at a date designated by order of the commission, each gas utility in Wisconsin serving more than 400,000 customers shall submit a fall reconnection plan for review and approval by commission order. The plan shall provide reasonable means, including a time table for personal contacts, that will be used to assure that all premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment shall be contacted prior to October 25, or at a date set by commission order, to inform them of available payment options such as budget billing or deferred payment agreements.

(b) Prior to October 15 of each year, or at a date designated by order of the commission, all gas utilities serving fewer than 400,000 customers shall attempt by letter, telephone, or personal visit to contact all households at premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment and inform them of available payment options such as budget billing or deferred payment agreements. If a letter, telephone call or personal visit does not result in a response from an adult member of the household by October 15 or at a date designated by order of the commission, a subsequent personal visit shall be made no later than October 25, or at a date designated by order of the commission.

(c) For any household remaining disconnected after October 25, the utility shall continue its efforts to have a personal contact with the household and determine its situation. The utility shall make a personal contact attempt after the date of disconnection and before November 1 for any household disconnected between October 15 and October 31. If, during any of the contacts made to carry out this section, any gas utility or its representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore service. A record shall be made of all contacts and attempted contacts made to comply with this section.

(2) By November 15th of each year, a utility shall file a report with the commission stating the number of dwellings assumed to be occupied where service remains disconnected as of November 1 or later and the reason that service has not been reconnected to that dwelling. On other dates designated by order of the commission, a utility shall file periodic reports with the commission listing the number of assumed to be occupied dwellings where service remains disconnected.

(3) A utility shall cooperate with law enforcement and social service agencies in instances involving protective services emergencies. The utility shall refer to the appropriate social service agency any situation it identifies in its reconnection efforts where it appears that intervention by a social service agency is appropriate. Local law enforcement and social service agencies may use the commission's dispute resolution process on behalf of a household without service because of nonpayment.

**History:** Emerg. cr. 11-7-84; cr. Register, December, 1984, No. 348, eff. 1-1-85; am. Register, December, 1987, No. 384, eff. 1-1-88; emerg. r. and recr. eff. 10-25-88; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.0624 Cold weather disconnections.**

(1) **DECLARATION OF POLICY.** The public service commission of Wisconsin recognizes that there are many citizens of the state who, because of income, infirmities of aging, mental retardation, other developmental or mental disabilities or like infirmities incurred at any age, or the frailties associated with being very young, need protection from cold weather disconnections. This section is intended to provide that protection as enumerated below. It is the further intent of the public service commission that these rules be used as guidelines to identify those customers who

are not covered by sub. (3). For households subject to disconnection under this section, any disconnection permitted by this chapter during the cold weather period defined below shall be made only as a last resort, after all other legal means of recourse have been attempted and proven unsuccessful.

**(2) APPLICABILITY.** (a) This section applies to disconnections for nonpayment of utility service which provides the primary heat source or energy source affecting the primary heat source to residential dwelling units occurring during the period November 1 to April 15 in any year for all occupied residences.

(b) This section shall not apply to disconnections of service as set forth in s. PSC 134.062 (1) (b), (3), (4), or disconnections for remodeling or repairs.

**(3) CUSTOMER REQUESTED TERMINATION.** With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of disconnection and verifies that the premises are not occupied. The utility shall keep a written record of the utility determination that the premises are unoccupied.

**(4) CONDITIONS FOR DISCONNECTION.** A utility may disconnect only those households whose gross quarterly incomes are above 250% of the federal income poverty guidelines and where health and safety would not be endangered, because of the infirmities of age, mental retardation, other developmental or mental disabilities or like infirmities incurred at any age or the frailties associated with being very young, if service were terminated or not restored.

**(5) VERIFICATION.** (a) The burden of proof that a household is eligible for disconnection as defined in sub. (4) shall be the responsibility of the utility.

(b) The utility, as part of its filing with the public service commission pursuant to sub. (12) (b), shall include how it will verify the household's income and situation.

**(6) NOTICE.** (a) Prior to, and again at the time of disconnection of service, a utility representative shall meet personally with a responsible, adult member of the household to discover any circumstances which deserve special attention, such as medical problems or disabilities.

(b) The utility shall maintain a record of all contacts with the household from the time that notice of pending disconnection is first given.

**(7) TELEPHONE AVAILABILITY.** A utility shall provide its emergency after-hours telephone number to all households scheduled for utility service disconnection.

**(8) CUSTOMER AND OCCUPANT SERVICE INFORMATION.** Prior to disconnection, a utility shall inform the household of the availability of deferred payment agreements, budget billing, and in the case of a noncustomer occupant, the option of accepting responsibility for future bills.

**(9) NO DISCONNECTION ON CERTAIN DAYS.** A utility may not disconnect service to an occupied dwelling on a Friday, Saturday, Sunday, holiday or on a day when utility personnel are not readily available to the occupant 24 hours per day to negotiate restoration of service.

**(10) THIRD PARTY CONTACTS.** If the household has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnecting service.

**(11) MANAGEMENT-LEVEL EMPLOYEE.** The utility shall designate by November 1 each year one or more executive employees who will be responsible for final approval of the disconnection of utility service, and notify the commission, in writing, of the name, title, and contact number of the person or persons so designated. The designated employee shall certify on a form approved by the commission that all appropriate code provisions have been met prior to authorizing disconnection. For investor-owned utilities

with 30,000 or more customers, the designated person shall be an employee with at least the position of vice president. For investor-owned utilities with fewer than 30,000 customers, the designated employee shall be the utility president. For a municipal utility the designated employee shall be either the general manager or chairperson of the governing board. A utility may designate an employee in the absence of the above-listed personnel because of illness or vacation.

**(12) REPORTS.** (a) The utility shall report each disconnection of service to an occupied dwelling, by facsimile transmission, if available, or telephone to the consumer services bureau of the public service commission by 3:30 p.m. the same day the disconnection takes place.

(b) If a utility intends to make any disconnection of service to occupied dwellings under the provisions of this section, it shall each year, prior to making any disconnections, file procedures for review and receive approval by order of the public service commission describing how it intends to identify the occupied dwellings subject to disconnection. If within 60 days of submission the commission has not, by order, approved the procedures, the procedures shall be considered disapproved.

**(13) FOLLOW-UP VISIT.** (a) By the end of the work day following the day of disconnection, the utility shall make an in-person visit to the occupied dwelling to check on the household's wellbeing and to ensure there is no danger to human health and life. The utility shall again inform the household of the availability of deferred payment or budget billing agreements, shelter assistance, and in the case of a noncustomer occupant, the option of accepting responsibility for payment of future bills. If the utility or its representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore service.

(b) The utility may request that the visit required under par. (a) be made by a representative of a city health department, local health and social service agency, local law enforcement agency, or similar authority, but ultimate responsibility for the visit shall remain with the utility.

(c) The utility shall make a written record of the visit required under par. (a).

**(14) INTERNAL PROCEDURES.** The utility shall submit for approval by commission order copies of its written internal procedures for implementing this section and any materials used in training its employees to carry out these rules. If within 60 days of submission the commission has not, by order, approved the internal procedures, the procedures shall be considered disapproved. The utility shall review these procedures annually and update the filed procedures when appropriate. A utility which does not disconnect occupied residences for nonpayment during the winter period is not required to file such procedures.

**History:** Emerg. cr. 11-7-84; cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (1), (3) and (4), Register, December, 1987, No. 384, eff. 1-1-88; emerg. r. and recr. eff. 10-25-88; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89; corrections in (5) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501.

**PSC 134.0625 Customer-requested termination of service.** With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of termination of service and has no reason to believe that the premises are occupied. If the premises appear to be occupied, the utility shall follow the procedures set out in s. PSC 134.062 (8) (b).

**History:** Cr. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.063 Deferred payment agreement.** (1) A utility is required to offer deferred payment agreements only to residential accounts and may offer such agreements to other customers.

(2) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide

that service will not be disconnected if the customer pays a reasonable amount of the outstanding bill and agrees to pay the remaining outstanding balance in reasonable installments.

(3) For purposes of determining reasonableness in sub. (2), the parties shall consider the customer's ability to pay, including the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

(4) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 type sizes larger than any other used thereon,

"RIGHT OF APPEAL

- If you are not satisfied with this agreement, DON'T SIGN IT.
- You have the right to suggest a different payment arrangement.
- If you and the utility can't agree on terms, you can ask the public service commission to review the disputed issues.
- If you sign this agreement, you agree that you owe the amount due under the agreement.
- Signing this agreement does not affect your responsibility to pay for your current service."

(5) A delinquent amount covered by a deferred payment agreement shall not be subject to a late payment charge if the customer meets the payment schedule required by the agreement.

(6) A special payment agreement entered into by the customer and the utility through the utility's early identification program shall be given the force and effect of a deferred payment agreement for purposes of late payment charges.

(7) If a utility customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the utility may disconnect utility service pursuant to disconnection of service rules, ss. PSC 134.062 and 134.0624, and shall not be required to negotiate a subsequent deferred payment agreement prior to disconnection.

(8) Payments made by a customer in compliance with a deferred payment agreement shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

(9) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the utility, the utility shall inform the customer in writing why the customer's offer was not acceptable.

**History:** Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am., Register, March, 1979, No. 279, eff. 4-1-79; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.064 Dispute procedures.** (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the customer of the results of the investigation.
- (c) Attempt to resolve the dispute.
- (d) Provide the opportunity for the residential customer to enter into a deferred payment agreement under s. PSC 134.064 when applicable in order to resolve the dispute.

(2) After the customer has pursued the available remedies with the utility, he or she may request that the public service com-

mission staff informally review the disputed issue and recommend terms of settlement.

(3) (a) A customer's request for informal review may be made in any reasonable manner such as by written notice or telephoned request directed to the public service commission. By telephone or written request the public service commission staff may request the utility to investigate the dispute.

(b) A utility shall respond to public service commission staff's request for an investigation in a prompt manner. Based on information provided by the utility and the customer, public service commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both by telephone or mail. Either party to the dispute may request and receive the public service 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. Staff shall inform the customer that a request for formal review shall include any information or arguments that the customer believes the commission should consider.

(c) There shall be at least 7 days between the date the public service commission staff telephones or mails written notice of terms of settlement after informal review and any subsequent disconnection.

(4) (a) After informal review, any party to the dispute may make a written request for a formal review by the commission itself. To avoid disconnection pending a formal review, the customer must request a formal review by the commission, in writing, within 7 days of the issue of the informal determination. All other requests for formal review shall be made within 30 days of the date the commission staff telephones or mails written notice of terms of settlement after informal review. If written confirmation of the staff telephone notice is requested and mailed, the 30 day period begins from the date of that mailing.

(b) Within 7 days of receiving a request for formal review in a dispute involving a pending disconnection of service, the commission shall make a determination whether to grant the request for formal review. The commission shall base its determination on the request for formal review and commission staff's informal complaint file. Within 35 days from the time that all other requests for formal review are made, staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments shall be filed with the commission 2 working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.

(5) Either party to the complaint may request that the commission reconsider its formal determination under this section. Such requests shall comply with s. 227.49, Stats., and must be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original complaint. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold hearing on the matter for the gathering of additional information.

(6) (a) If the commission decides to conduct formal hearing under sub. (5) on the dispute, the commission may condition the terms of its granting a formal hearing. Failure to meet these conditions before hearing shall constitute waiver of the dispute by the customer.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) The hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(7) Utility service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The utility shall inform the customer that pursuing a disputed matter does not relieve the customer from the obligation of paying charges which are not in dispute, or prevent disconnection of service for nonpayment of undisputed charges.

**History:** Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1), (3) (b) and (4), Register, December, 1975, No. 240, eff. 1-1-76; am. (1) (intro.), Register, March, 1979, No. 279, eff. 4-1-79; emerg. am. (2) (a) and (b) and (3), eff. 12-17-81; am. (2) (a) and (b) and (3), Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89.

#### **PSC 134.10 Service on customer's premises.**

(1) All changes in the heating value standard, all changes in pressure and specific gravity greater than the allowable variation, and changes in the composition of the gas which would materially affect the operation of the customer's appliances must be accompanied by a general inspection and adjustment of all appliances that would be affected by the changes. The utility shall make such adjustments and such changes to all customers' appliances that are connected to an interior piping system at the time of the change as may be necessary in order that the appliance may operate as efficiently and give as good service as was possible before the change. This should be done promptly and without cost or unnecessary inconvenience to the customer.

(2) If in connection with a service change specified in sub. (1), a piece of properly operating utilization equipment cannot be adjusted so that it will operate satisfactorily and if it must be replaced in its entirety the utility shall share equitably in the cost of changing the equipment. The change in customer's equipment should be made with the greatest possible economy to the customer, and final settlement made at the time of the change. A satisfactory settlement would be payment by the utility to the customer of the remaining value of the customer's equipment and the cost of removing the old and installing in the same position substantially equal equipment which replaces it.

(3) (a) Each utility shall adopt and file with this commission a policy for inspection of customer's appliances. The filed rule need not include the inspection and adjustment of special industrial equipment, which should be checked by persons more familiar with the equipment. The filed rule shall provide that customers having such equipment are to be notified.

(b) Each gas utility shall establish an educational and inspection program designed to inform customers and assist the general public in the proper and efficient operation and maintenance of gas burning equipment. Such program shall advise customers to have heating equipment checked annually and offer energy saving suggestions to customers.

(c) Whenever a gas utility is required to enter a customer's premises to re-establish service to relight appliances due to a non-emergency interruption of service, an inspection of the burner ignition and flame appearance shall be made on each appliance which is relit to check for safety and efficient operation. The utility will be prepared to advise the customer relative to the safety and efficiency of connected appliances.

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; am. (3), Register, March, 1977, No. 255, eff. 4-1-77.

#### **PSC 134.11 Meters and control equipment.**

(1) Where possible to do so, all gas quantities required to be reported to the commission shall be metered.

(2) All gas sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility. The maintenance of the accuracy of the meters shall be the responsibility of the utility.

(3) Every reasonable effort shall be made to measure at one meter location all gas quantities necessary for billing the customer.

(4) All gas customers of the same type, pressure, and/or volume classification shall have their gas metered with instruments having like characteristics and at the same pressure base, except that the commission may approve the use of instruments of different types if their use does not result in unreasonable discrimination.

(5) Any regulators or equipment used to provide service in accordance with commission or filed utility rules and rates shall be commercially acceptable devices owned and maintained by the utility.

(6) A temperature-compensating meter shall be used whenever a gas meter is subject to the elements of the weather or wide variations in temperature. All present non-compensating installations subject to the elements of the weather and wide variations in temperature shall be changed so that 100% compliance will be attained by the end of the first complete testing cycle as provided in s. PSC 134.30 (1).

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; cr. (6), Register, January, 1965, No. 109, eff. 2-1-65.

#### **PSC 134.12 Meter readings and billing periods.**

Reading of all meters used for determining charges to customers shall be scheduled monthly, bimonthly, quarterly, or semi-annually. An effort shall be made to read meters on corresponding days of each meter-reading period cycle. The meter-reading date may be advanced or postponed not more than 5 days without adjustment of the billing for the period. Bills for service shall be rendered within 40 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings on a form supplied by the utility, provided a utility representative reads the meter at least once each 6 months and when there is a change of customer. The utility shall make reasonable efforts to read the meters of customers who cannot be available during normal business hours.

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; am. Register, September, 1982, No. 321, eff. 10-1-82; am. Register, October, 1989, No. 406, eff. 11-1-89.

**PSC 134.13 Billing.** (1) (a) 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:

1. Madison Gas and Electric Company.
2. Northern States Power Company.
3. Superior Water, Light and Power Company.
4. Wisconsin Electric Power Company.
5. Wisconsin Gas LLC.
6. Wisconsin Power and Light Company.
7. Wisconsin Public Service Corporation.

(b) A bill under par. (a), including the customer's receipt, shall show the following information:

1. The customer name, billing address and service address, if different from the billing address.
2. For residential customers in multi-unit buildings, current meter identification information or number and account number.
3. The present and last preceding meter readings.
4. The present and last preceding meter reading dates.
5. The next scheduled meter reading date.
6. The number of days in the billing period.
7. The number of units consumed.
8. The class of service with clear explanation of codes and abbreviations.

9. The rate schedule under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, energy blocks, demand charges, minimum bills and all other billing factors necessary for the customer to check the calculation of the bill.

10. Clear itemized adjustment clause bill calculation.
11. Amount subject to tax, tax rate, and tax billed.
12. Clear itemization of the amount of the bill for the present billing period, any unpaid balance from previous billing periods and any late payment charges.
13. Clear itemization of other utility charges and credits.
14. Degree day information.
15. A statement that the utility will, upon customer request, provide the information and assistance necessary for the customer to evaluate fuel consumption and conservation.

(c) Upon receiving such request in par. (b) 15., the utility shall provide consumption and degree day information by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons and evaluate his or her conservation efforts.

(d) Bills rendered without an actual meter reading shall be specifically marked as estimated.

(e) Each bill, including the customer's receipt rendered by gas utilities not included in par. (a), shall show the present and last preceding meter readings, the date of the present reading, the number of units consumed, the class of service if other than residential, and the rate schedule under which the bill is calculated. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective or at least once a year, supply each customer with the schedule of rates at which the bills are calculated and any other rates that might be applicable. Bills rendered at rates requiring the measurement of a number of different factors shall show all data necessary for the customer to check the calculation of a bill. All monthly adjustment clause factors necessary for a customer to check the calculation of the bill shall be included on the monthly bill. Minimum and estimated bills shall be distinctly marked as such. Estimated bills are bills rendered without actual meter readings.

(f) The utility may include on the utility service bill charges to the customer resulting from other services, materials, or work provided by the utility as a result of commission-approved conservation and alternative energy programs, and, with the consent of both the customer and the utility, merchandise and service repair work charges. The charges shall be listed individually on the bill, and the customer shall be permitted to include such payment in his or her payment for gas utility service. Any partial payments shall be applied first to the amount due for utility service and the remainder to the other charges.

(g) Costs or fees incurred by and awarded to the utility by a court of law, for pursuing bill collection through other agencies, such as small claims courts, or extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission, may be included on the utility service bill. Such tariffs shall be established on the basis of rate case proceedings or generic proceedings to establish the reasonableness of such charges.

(h) The commission may authorize the utility to make late payment charges to a customer's utility service bill that is not paid in full within 20 days following issuance of the bill and for utility service that has been obtained by diversion around or tampering with the proper metering of the account. The late payment charge may be either a one-time charge as provided in par. (i) or a monthly charge as provided in par. (j). The utility shall receive approval from the commission of the method it desires to use and shall not change methods without commission approval.

(i) If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:

1. The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied.

2. Except as provided in subd. 8., late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill.

3. The amount of the late payment charge shall be 3% of the bill, except a minimum charge of \$.30 shall apply.

4. Late payment charges shall be applied to all customer classes and rate classifications.

5. The utility shall not waive any properly applied late payment charges.

**Note:** See s. PSC 134.063 (5) and (6).

6. A late payment charge shall be applied only once to any given amount outstanding.

7. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

8. Bills issued for utility service previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued.

(j) If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements:

1. The amount of the charge shall be no more than one and one-half per cent per month and shall be filed and approved by the commission before it can be applied.

2. The late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late payment charges.

3. Except as provided in subd. 9., the late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill.

4. The late payment charge shall be applied to all customer classes and rate classifications.

5. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

6. The utility may not waive any properly applied late payment charge.

**Note:** See s. PSC 134.063 (5) and (6).

7. No additional late payment charge may be applied to a delinquent account for utility service after the date on which the delinquent account was written off by the utility as uncollectable.

8. If a utility changes the type of late payment charge or initiates a late payment charge, the new charge shall apply only to utility service provided after the effective date of the change or initiation.

9. Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued. The late payment charge may be applied from the estimated date that the diversion or tampering began.

(k) A customer who receives a lump sum payment from an outside source to be used to pay his or her utility service bill may, at the utility's option, apply the payment to the customer's account in equal monthly installments.

**(2)** (a) If the billing period is longer or shorter than allowed by s. PSC 134.12, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) If the utility is unable to gain access to read a standard residential meter at the end of each billing period, the utility shall, upon customer request, provide meter reading forms which allow the customer to send a card reading in time for billing. If actual readings cannot be obtained, the utility shall also leave a meter reading form at the premises for the customer to complete and

return to the utility in time for bill preparation or leave a form at the premises explaining the estimation and how to avoid future estimations. This form shall be used when billing systems do not have sufficient time to allow the customer to return the card reading prior to billing.

(c) 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 three consecutive estimated bills be rendered.

(d) If meter reading is not scheduled on a monthly basis, the utility shall supply customers with meter-reading forms for the periods when the meter is not scheduled to be read by the utility. Customers may not be required to provide these meter readings. If the customer informs the utility he or she does not desire to supply a reading, or if the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered.

(e) When an actual meter reading indicates that a previous estimated bill was abnormally high or low, the utility shall calculate the bill for the entire period as if use of service was normally distributed throughout the period. The previous estimated charge shall be deducted from the recomputed total. If there is evidence to indicate that actual use was not uniform throughout the period, the billing shall be adjusted according to available information.

**(3)** (a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) The original billing rendered because of meter inaccuracies, errors in billing, or misapplication of rates shall be separated from the regular bill and the charges explained in detail.

**(4)** (a) Each bill for service shall be computed at the proper filed rate, which shall be the rate selected by the utility unless the customer selects a rate under par. (e).

(b) When it is difficult to determine what rate should be applied until there has been actual usage, the rate classification shall be reviewed when there has been adequate usage to determine the lowest applicable rate but no later than the end of the first 12 months of usage. The customer shall be notified as soon as the lowest firm sales service rate option has been determined and be given the option to select a different applicable rate as set forth in par. (e). The rate determined by the utility to be the lowest firm sales service rate option shall be effective with the billing period following the date of notification by the utility unless the customer selects a rate. If the customer selects a rate, the rate shall be effective with the current billing period if required billing information is available but not later than the beginning of the second billing period following the customer's request.

(c) A utility may enter into contracts having terms longer than one year, but the rates paid under such contracts shall be the utility's lowest applicable firm sales service rate option, for which meter usage information is known, on file with the commission at the time of the contract, unless the customer selects another applicable rate at the time of the contract.

(d) If the utility has information that the customer could qualify for a lower rate by installing equipment, or combining or separating services as allowed under the utility's rules and regulations, he or she shall be notified; but no change in rates shall be made until the customer makes the necessary modifications. If such modifications are made, the utility shall change the customer's rate classification effective for the beginning of the current billing period if required billing information is available, but the change shall be effective no later than the beginning of the second billing period following the customer notification to the utility that the modification has been made.

(e) When a customer is eligible to take service under more than one rate schedule, the utility shall inform the customer at the times specified in par. (f) of the option to select a rate, of the rate options and service classifications for which the customer may be eligible and the conditions necessary to qualify, and of the firm sales service rate option that would have resulted in the lowest rate based on the previous 12 months' service and on the metered customer usage information known to the utility. The information provided shall include a general explanation of gas service usage characteristics to assist the customer in selecting the lowest rate consistent with the customer's anticipated usage and needs. If the customer requests a change in rate classification, it shall be effective at the beginning of the current billing period if required billing information is available, but such change shall be effective no later than the beginning of the second billing period following the customer's request.

(f) At least once in each calendar year customers with more than one rate option shall be informed of the option to select a rate as set forth in par. (e). The notification requirement may be satisfied through the use of a bill insert. The customer shall also be informed of the option to select a rate whenever there is a change in rates that would affect the customer, and at any other time the customer so requests. If the utility notifies the customer of the option to select a rate as the result of a rate change or a customer request, such notification shall satisfy the requirement to notify the customer at least once in each calendar year.

(g) Nothing in this section shall be construed as permitting a customer to select a service classification inconsistent with the utility's applicable tariff provisions or with contractual agreements between the utility and the customer.

**(5)** Each utility shall offer a budget payment plan to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living, subject to the following minimum requirements:

(a) A budget payment plan tariff shall be on file with the public service commission, applicable only to charges for utility services under public service commission jurisdiction.

(b) A budget payment plan may be established at any time of the year. The budget amount shall be calculated on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. If the budget year is a fixed year, then prospective and existing customers requesting a budget payment plan after the start of the fixed year shall have their initial monthly budget amount determined on the basis of the number of months remaining in the current budget year.

(c) An applicant for a budget plan shall be informed at the time of application that budget amounts shall be reviewed and changed every 6 months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount shall be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one month's budget amount.

(d) Customers on the budget payment plan shall be notified of adjustments by means of a bill insert, a message printed on the bill itself, or both. The customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears, according to the provisions of s. PSC 134.063.

(f) Budget payment plans shall be subject to the late payment charge provisions. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that if proper payment is not received subsequent to this notification, the next regu-

lar billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.

(g) At the end of a budget year, if an underbilled or overbilled balance exists in the account, the balance shall be handled as follows:

1. A customer's debit balance will be paid in full or, at the customer's option, on a deferred basis.

2. A customer's credit balance shall be applied, at the customer's option, against the customer's account credited in monthly installments to the customer's account over the course of the next budget year, or refunded to the customer.

(6) An occupant shall apply for utility service. An occupant who uses utility service but does not apply for it may be billed an estimated or actual amount at a later date for service used prior to the time of application. The utility must have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The utility shall inform the occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 134.064.

(8) (a) Where rental residential dwelling utility service is in the tenant's name, and the tenant vacates the residential dwelling unit, continued utility service for such dwelling unit may be placed in the name of the owner or property manager.

(b) The utility shall provide the owner or property manager with written notice of its intent to transfer billing responsibility. Such notice shall provide the owner or property manager with 5 days to notify the utility of:

1. The name of the customer who should be placed in service, such service date not to be later than 5 days from the notice mailing date; or

2. That utility service to the premises should be terminated and affirms to the utility that such termination will not endanger human health or life or cause damage to property during the period of disconnection.

(9) (a) A utility shall pay interest on customer overpayments not refunded to the customer within 60 days of receipt by the utility if the net amount refunded exceeds \$20 per refund and the overpayment was made to the utility due to:

1. Meters registering fast as defined in s. PSC 134.14.
2. Use of an incorrect meter constant or multiplier.
3. Incorrect service or rate classification, provided the information furnished by the customer to the utility was not deficient, or the customer did not choose the rate as provided in sub. (4).
4. Billing based on a switched meter condition where the customer was billed on the incorrect meter.
5. Misapplication of rates.

(b) A utility is not required to pay interest to customers for overpayments made for:

1. Financing of service extensions or other equipment.
2. Budget payment plans.
3. Estimated bills, if the utility made a reasonable effort to obtain access to the customer's meter, but was unable to gain access. Reasonable effort to gain access means that the utility notified the customer after three consecutive estimated readings that the utility will read the meter at other than standard business hours at the customer's request.

4. Receipt of lump sum payment made from an outside source as the Low Income Home Energy Assistance Program or other like programs.

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in s. PSC 134.061 (9) (b). Interest shall be paid from the date when the customer overpayment was made until the date when the overpayment is refunded. Interest shall be calculated on the net amount overpaid in each calendar year.

(d) Nothing in these rules shall prevent the commission or its staff from requiring the payment of interest on amounts returned to customers in those instances where the commission or its staff finds that such payment is necessary for a fair and equitable resolution of an individual complaint.

**History:** 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; am. (6), Register, January, 1965, No. 109, eff. 2-1-65; r. and recr. (1), Register, August, 1976, No. 248, eff. 9-1-76; am. Register, March, 1979, No. 279, eff. 4-1-79; am. (1) and (5), Register, October, 1980, No. 298, eff. 11-1-80; am. (6), Register, November, 1980, No. 299, eff. 12-1-80; renum. (1) (d) to be (1) (f) and am. (intro.), cr. (1) (d), (e) and (g) and am. (6) (f), Register, September, 1981, No. 309, eff. 10-1-81; r. and recr. Register, October, 1989, No. 406, eff. 11-1-89; correction in (9) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501; CR 06-046; am. (1) (a) (intro.), renum. (1) (a) 1. to 15. and (b) to (j) to be (1) (b) 1. to 15. and (c) to (k), cr. (1) (a) 1. to 7. and (b) (intro.) Register April 2007 No. 616, eff. 5-1-07; CR 13-048; r. (7) Register July 2014 No. 703, eff. 8-1-14.

**PSC 134.14 Adjustment of bills.** (1) Whenever a meter is found to have a weighted average error of more than 2% fast as tested in the manner specified in s. PSC 134.28, a recalculation of bills for service shall be made for the period of inaccuracy assuming an inaccuracy equal to the weighted average error. Weighted average error refers to 80% of the open rate plus 20% of the check rate. The recalculation shall be made on the basis that the service meter should be 100% accurate.

(2) If the period of inaccuracy cannot be determined, it shall be assumed that the full amount of inaccuracy existed during the last half of the period since the previous test was made on the meter; however, the period of accuracy shall not exceed one-half the required test period.

**Note:** If the meter test period is 15 years and the meter had been in service for 16 years, the period of accuracy shall be 7½ years, and the period of inaccuracy shall be 8½ years.

(3) If the average gas bill of a customer does not exceed \$10 per month over the refund period the monthly consumption of which the refund is calculated may be averaged.

(4) If the recalculated bills indicate that more than \$1 is due an existing customer or \$2 is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer shall be a credit to the customer's current bill. If the amount of the credit is greater than the current bill, the amount in excess of the current bill shall, at the discretion of the customer, be made in cash or as credit on future bills. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address, and the utility shall upon request made within 3 months thereafter refund the amount due.

(5) (a) Whenever a meter with a rated capacity of 400 cubic feet per hour (CFH) or more is found to have a weighted average error of more than 2% slow, the utility shall bill the customer for the amount the test indicates has been undercharged for the period of inaccuracy, which period shall not exceed the last 2 years the meter was in service unless otherwise ordered by the commission after investigation. No back billing for an inaccurate meter will be sanctioned for the following:

1. The customer has called to the company's attention his or her doubts as to the meter's accuracy and the company has failed within a reasonable time to check it.
2. The rated capacity of the meter is 399 cubic feet per hour (CFH) or less.
3. The amount of the backbill is less than \$50.

(b) Backbilling shall be required for any size meter for any of the following circumstances.

1. The meter did not register.
2. An incorrect correction factor or meter constant was applied.
3. The meter or service were tampered with.
4. An incorrect index or gear ratio was applied.
5. Meters were switched between customers.



6. Rates were misapplied.

(6) A classified record shall be kept of the number and amount of refunds and charges made because of inaccurate meters, misapplication of rates, and erroneous billing. A summary of the record for the previous calendar year shall be submitted to the commission by April 1 of each year.

**History:** Cr. Register, 1-2-56; r. and recr. Register, February, 1959, No. 38, eff. 3-1-59; am. (1), (2) and (4), renum. (5) to be (5) (a) and am., cr. (5) (b), Register, November, 1989, No. 407, eff. 12-1-89.

**PSC 134.15 Employees authorized to enter customers' premises.** The utility shall keep a record of employees authorized pursuant to s. 196.171, Stats., to enter customers' premises.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.16 Maps and diagrams.** Each utility shall have maps, records, diagrams, and drawings showing the location of its property, in sufficient detail so that the adequacy of service to existing customers may be checked and facilities located.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.17 Complaints.** Each utility shall investigate and keep a record of complaints received by it from its customers in regard to safety, service, or rates, and the operation of its system. The record shall show the name and address of the complainant, the date and nature of the complaint, and its disposition and the date thereof. A summary of this record for the previous calendar year shall be sent to the commission by April 1 of each year. Each utility also shall document all contacts and actions relative to deferred payment arrangements and disputes.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. Register, March, 1979, No. 279, eff. 4-1-79.

**PSC 134.18 Record of interruption of service.** (1) Each utility shall keep a record of all interruptions to service affecting an entire distribution system of any urban area or an important division of a community. The record shall show the date and time of interruption, the cause, the approximate number of customers affected, and the date and time of restoring service.

(2) Each utility shall keep a record of all failures and notifications of difficulty with transmitted gas supply affecting each gate station. The record shall show the date and time of failure or notification, the date and time of resumption of normal supply, the operation of standby equipment including amount of gas produced, the number of customers whose service was interrupted and the maximum and minimum gas supply pressure during the period of difficulty.

(3) A summary of records required by subs. (1) and (2) shall be sent to the public service commission by April 1 of each year.

(4) Each interruption of service which affects more than 100 customers shall be reported by mail, telephone, or telegraph to the commission within 48 hours following the discovery of the interruption.

(5) Any interruption of a principal gas supply shall be immediately reported to the commission by telephone or telegraph by the utility or utilities affected.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.19 Meter records and reports.** (1) METER TEST RECORDS. (a) A utility shall keep a record of a meter test whenever a meter is tested. The meter test record shall include all of the following:

1. Information identifying the meter.
2. The reason for making the test.
3. The reading of the meter before it was removed from service.
4. All the data that was taken at the time of the test.
5. The results of the test measurement.

(b) The meter test record must be sufficiently complete to permit convenient checking of the methods and calculations that have been employed.

(c) Meter test records and meter history records may be kept as separate records or one record.

**Note:** Meter test records need not be separately retained from meter history records provided that the meter test records are incorporated into the meter history records."

(2) METER HISTORY RECORDS. (a) A utility shall keep a meter history record showing all of the following:

1. The date the meter was purchased.
2. The meter's size.
3. Information identifying the meter.
4. The meter's various places of installation, with dates of installation and removal.
5. The dates and results of all tests.

6. The dates and details of all repairs by the utility, or notations of the date and that the meter was returned to the manufacturer for repair.

(b) The record shall be arranged in such a way that the record for any meter can be readily located.

(c) Meter test records and meter history records may be kept as separate records or one record.

(3) METER ACCURACY SUMMARIES. All utilities shall keep an "as found" high and light load test summary of all meters tested after being in service. This summary shall be made on a calendar year basis and forwarded to this commission by April 1 of the following year. This summary shall be divided according to the length of time since the last test, and meters found within each of the following per cent accuracy classifications:

- (a) Over 115; 110.1-115; 105.1-110; 103.1-105; 102.1-103; 101.1-102; 100.1-101; 100; 99-99.9; 98-98.9; 97-97.9; 95-96.9; 90-94.9; 85-89.9; under 85; passing gas does not register; does not pass gas; not tested; grand total average % error of fast meters; average % error of slow meters; total average error; number tested, number in service.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; CR 13-033: r. and recr. (1), (2), cr. (3) (title) Register July 2015 No. 715, eff. 8-1-15.

**PSC 134.20 Preservation of records.** A utility shall preserve the following records in a readable format and keep them available for inspection by the commission for the periods indicated. The list is not a complete list of all types of utility records.

Description of Record	Period to be Retained
(1) Maps showing the location and physical characteristics of existing plant	Currently
(2) Engineering records in connection with construction projects	Permanently
(3) Supply records:	
(a) Station and system supply records	Permanently
(b) All other records taken in the plant	6 years
(4) Operating records:	
(a) Load dispatcher data	6 years
(b) Interruption records	6 years

(c)	Meter test records	Until the information in the meter test record is entered in the meter history record and the meter is tested again*
(d)	Meter history records	Life of meter plus 6 years
(e)	Annual meter accuracy summary	6 years
(f)	Heating value records	6 years
(g)	Pressure records	6 years
(h)	Specific gravity records	6 years
(i)	All other records of operation	6 years
(5)	Equipment record: Must be placed in mortality study before destroying	Life of equipment
(6)	Customers' records:	
(a)	Inspection of customers' equipment	10 years
(b)	Complaint record	6 years after the complaint is resolved
(c)	Meter reading records used for billing	6 years
(d)	Billing record	6 years
(e)	Customer deposits	6 years after refund
(7)	Filed rates and rules	Permanently

**Note:** See Federal Power Commission Orders 54 and 156 for preservation of records. Public Service Commission's Classification of Accounts, and s. 18.01, Stats.

**Note:** \* Note that if meter test records are being used as meter history records under PSC 134.19 (1) (c), the meter test records must be preserved for the time period required for meter history records.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; **CR 13-033: am. Register July 2015 No. 715, eff. 8-1-15.**

**PSC 134.21 Heating values and specific gravity.**

(1) Each utility which is furnishing gas service shall have on file with this commission for each municipality served the heating value, specific gravity, and composition of each type of gas regularly supplied and also for the gas which may be used for standby purposes and the range of values for peak shaving. The heating value filed shall be the total heating value with the indication whether it is on a wet or dry basis. (See definitions in s. PSC 134.02.)

(2) All gases whether the regular gas supply, a mixture of gases or a substitute gas used for peak shaving purposes shall operate properly in normal gas utilization equipment. Where used for emergency or standby, the gas shall operate reasonably well in such equipment. (The customer requiring gas of a particular chemical composition shall make such arrangements as may be required to protect against damage by reason of change in composition.)

(3) The monthly average heating value of the gases as delivered to the customers in any service area shall not be less than the heating value standard on file with this commission and the heating value at any time at constant specific gravity shall not be more than 5% above or 4% below this standard. At constant heating value, the specific gravity of the gas shall not vary more than 10% from the standards filed with the commission. If the heating value is varied by a greater amount than specified, the specific gravity shall be varied in such a way that the gas will operate satisfactorily

in the customer's utilization equipment. Customers using processes that may be affected by a change in the chemical composition of the gas shall be notified of changes. Agreements with such customers shall specify the allowable variation in composition.

(4) For required periodic heating value tests see s. PSC 134.25. The specific gravity of the gas shall be determined at least once each month when there is no change in the type or sources of gas and when there is a change in the type of gas. Whenever emergency or peak shaving plants are ran or when mixed gases are used, daily determinations of specific gravity shall be made.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.22 Purity of gas.** (1) In no case shall gas contain more than 30 grains of sulphur per 100 standard cubic feet, 5 grains of ammonia per 100 standard cubic feet, nor more than 0.1 grain of hydrogen sulphide per 100 standard cubic feet. (Exception. If the gas is not to be placed in pipe or bottle type holders the hydrogen sulphide content may be 0.3 grains per 100 standard cubic feet.)

(2) Utilities supplying gas containing coal or water gas shall make quantitative determinations of total sulphur at least once every 6 months and qualitative hydrogen sulphide tests at intervals of 1 hour to 2 weeks depending upon the probability of this impurity being found.

(3) Utilities supplying liquefied petroleum gas, or liquefied petroleum air mixtures, or natural gas shall test the gas periodically for impurities or periodically obtain data concerning impurities from sources they believe the commission can accept as reliable.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.23 Pressure variation.** (1) Every utility supplying gas shall file with the commission a standard service pressure by service areas. The service pressure shall be of such a value that the maximum pressure at any outlet as specified below shall not be greater than 12 inches of water column except for customers utilizing high-pressure service.

(2) For customers receiving standard service pressure, the gas pressure at the outlet of the utility's service meters shall meet the following requirements:

(a) At no outlet in the service area shall it ever be greater than one and one-fourth of the standard service pressure nor greater than 12 inches of water nor ever be less than one-half of the standard service pressure nor less than 4 inches of water.

(b) At any single outlet it shall never be greater than twice the actual minimum at the same outlet.

(c) At any one outlet the normal variation of pressure shall not be greater than the following:

Minimum Pressure	Normal Variation Permissible
4-5 in. ....	3 in.
5-6 in. ....	3½ in.
6-8 in. ....	4 in.

(3) For customers utilizing gas at high pressure, a service pressure shall be agreed upon by the utility and the customer, and the maximum pressure variation shall not exceed 15% of the agreed pressure unless the commission shall authorize a greater variation.

(4) No utility shall furnish gas to any customer at pressures higher than its filed standard service pressure until it has filed with the commission acceptable service rules governing high-pressure service to customers desiring to utilize gas at pressures higher than standard service pressure. Such service rules shall provide that the utility will make high-pressure service available to its customers upon request whenever high pressure gas is available at the customer's premises or may be made available in accordance with the utility's filed extension rules, and when such high pressure is

required for proper operation of the customer's present or proposed utilization equipment.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 134.25 General use of calorimeter equipment.**

(1) Unless specifically directed otherwise a calorimeter shall be maintained at each gas producing or mixing plant whether the plant is in continuous operation or used only for standby or peak shaving purposes. The calorimeter shall be used to check the operation of the plant and shall measure the heating value of the gas going to the gas lines.

(2) Unless specifically directed otherwise calorimeters shall be maintained in operation in locations where the heating value of the gas can be measured from each different supplier.

(3) Unless specifically directed otherwise a calorimeter shall be maintained and used to measure the heating value of the gas actually sold to customers in those cases where mixed gases are used.

(4) Tests of heating value of the gas shall be made daily whenever gas is supplied at the calorimeter location unless specifically directed otherwise by the commission. The original records of the tests shall be dated, labeled and kept on file for 6 years. A copy of the daily average heating value of gas sold to customers shall be sent to the commission each calendar month.

(5) The calorimeter equipment shall be maintained so as to give results within + or - 1%. Recording calorimeters used to test or control the production or mixing of gas or measure the heating value of purchased gas when therm rates are not applicable shall be tested with a gas of known heating value at least 3 times a year or when the accuracy is in question. Recording calorimeters used only with standby or peak shaving production plants shall be tested with a gas of known heating value at least 2 times a year. Non-recording calorimeter equipment such as the Junkers shall be tested with a gas of known heating value at least once a year or tested against another calorimeter of known accuracy at least once a year.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. (5), Register, January, 1965, No. 109, eff. 2-1-65.

**PSC 134.251 Use of recording calorimeter for therm billing.**

(1) In the application of gas rates based on the therm, a recording calorimeter shall be used to determine the heating value of the gas being distributed to utility customers. These calorimeters will be located as set forth in s. PSC 134.25 (2) and (3). They shall have such accuracy characteristics as to be able to measure the heating value of the gas to within + or - 2 B.t.u., shall be able to reproduce these readings to within + or - 2 B.t.u., and shall be able to hold their accuracy over an extended period of time. The instruments shall be installed in accordance with the manufacturer's recommendations.

(2) Each utility selling gas shall file with the commission a complete installation report stating the following information: location of calorimeter, kind of gas tested, type of scale, uniform or split scale range, date installed, publication number of manufacturer's applicable book of instructions, outline of the building, the location of the calorimeter or calorimeters within the building, the size, length, gas pressure, and general route of the gas sample pipe from the supply main to each calorimeter and location of all secondary equipment necessary for the operation of the recording calorimeter.

(3) (a) Each utility selling gas shall keep a chronological record of dates and results of tests and operations performed on the calorimeter to test and maintain accuracy.

(b) Twice every month the following tests shall be made:

1. Two days of each month shall be selected for the performance of an "as found" accuracy test, mechanical tests, adjustments, and an "as left" accuracy test of each recording calorimeter, and thereafter the specified accuracy tests, adjustments, and

maintenance work shall be performed on the same days of each month insofar as practicable.

2. In making the accuracy tests on the calorimeter, the utility shall use reference natural gas which has been certified by the Institute of Gas Technology before cleaning parts or making any adjustments to either the tank unit or the recorder mechanism. The change from line gas to the certified gas should be made so as to have a continuous chart recording. The inlet pressure used should be the same for both calibration and subsequent operation.

3. If the "as found" accuracy test is within + or - 3 B.t.u., no adjustment will be required and the instrument may be returned to service. If the "as found" accuracy test is not within + or - 3 B.t.u., maintenance shall be performed to restore the accuracy of the instrument.

4. In order that adequate information concerning each cylinder of natural gas which is to be used for the semi-monthly check tests be available at all times, the following information shall be entered on a form or in a log book provided for the purpose and also on a label or tag securely attached to each cylinder in which the gas is stored:

- a. Institute of Gas Technology Cylinder Number.
- b. Institute of Gas Technology Certificate Number.
- c. Date cylinder was certified.
- d. Date cylinder was received by the utility.
- e. Heating value certified by Institute of Gas Technology.
- f. Basis of the heating value in subd. 4. e.
- g. Heating value to be used in the semi-monthly accuracy tests. This heating value will not include any plus or minus values. For example, if the heating value is 1,000 + or - 0.9 B.t.u. per cubic foot, the heating value is 1,000 B.t.u. per cubic foot.
- h. Basis of the heating value in subd. 4. g.

(5) The original chart records produced by the recording calorimeters shall be dated, labeled, and kept on file for 6 years. A copy of the daily average heating value of gas and the results of the semi-monthly "as found" and "as left" test shall be sent to the commission each calendar month.

(6) A gravitometer may be substituted for the calorimeter equipment required to control standby or peak shaving plants in subs. (1) and (5) provided the heat content of the standby or peak shaving gas produced does not directly affect the therm billing of the gas customer receiving it.

**History:** Cr. Register, January, 1965, No. 109, eff. 2-1-65; cr. (6), Register, July, 1983, No. 331, eff. 8-1-83.

**PSC 134.26 Meter testing and testing equipment.**

(1) Each public utility giving gas service is responsible for the accuracy of equipment used to measure service to its customers and all gas supplied by the utility shall be metered unless specific exemption is obtained from the public service commission. The utility shall own and maintain the equipment and facilities necessary for accurately testing the various types and sizes of meters used by the utility for the measurement of gas, shall make the tests required by these rules, shall maintain the measuring devices, and maintain their accuracy; unless arrangements are made to have the work done by others who have properly equipped laboratories, are approved by the commission and arrangements are also made to have equipment and procedures checked by the public service commission. A test by the manufacturer of a metering device is not acceptable unless witnessed by a utility representative.

(2) Each public utility giving gas service shall own and maintain, except as provided in sub. (1), a meter prover of sufficient capacity to test meters in accordance with s. PSC 134.28. The meter prover shall be complete with all accessories needed for accurate meter testing, shall be suitably located for meter testing, and shall be protected from drafts and excessive temperature changes. The equipment shall be maintained in good condition and correct adjustment and be capable of determining the accuracy of service meters to within one-half of one per cent. When

the meter prover is used to test temperature-compensating meters, there shall be present a temperature-indicating device to accurately determine the temperature of the prover to within + or - 1° Fahrenheit.

(3) Each public utility giving gas service through turbine or rotary displacement type meters shall a) own and maintain, except as provided in sub. (1), a flow or volumetric meter of suitable capacity, together with necessary accessories, and it shall maintain such equipment in proper adjustment so that it will be capable of determining the accuracy of turbine or rotary displacement type meters to within one-half of one percent; or b) have a record of tests of each turbine or rotary displacement type meter made by an acceptable laboratory or by a manufacturer witnessed by a representative of the utility. The record should show that the test included a check of the recording device.

(4) Each public utility giving gas service through orifice type meters shall own and maintain, except as provided in sub. (1), instruments for checking the diameter of the orifice, a water column for testing the pressure differential recorder, and a mercury column or a dead weight gauge tester for testing the static pressure recorder so that the utility will be capable of determining the accuracy of these orifices and recorders to within one-half of one percent.

(5) All instruments and equipment used for testing of meters shall be maintained in good condition and correct adjustment and be capable of determining the accuracy of service meters to within one-half of one percent. Bell type provers shall be checked at least once each 3 years against a standard by either the bottling or strapping method. All electrical and electronic equipment associated with testing equipment shall be tested every 6 months.

(6) A rotary displacement type meter, when used as a standard for testing other service meters, shall be given a differential test every 6 months. An original differential test record of the standard meter shall be established and all future differential test results shall be recorded and compared with the original test record. When the test differential pressure differs from the original test record by more than 25% at approximately 25% of the capacity of the meter, the meter shall be cleaned and/or repaired. All associated electrical equipment shall be tested before each series of tests. Associated pressure and temperature correction equipment shall be tested every 6 months.

(7) A diaphragm-type meter shall not be used as a standard for testing other service meters.

(8) The temperature in the proving and meter storage rooms shall not vary by more than ±3° Fahrenheit, or testing shall be stopped. If the proving equipment can compensate for a temperature differential between the proving equipment and the meter, then testing may be performed within the proving equipment temperature specification. The proving and meter storage rooms shall be equipped with a temperature recording device. A meter shall be stored in the temperature controlled area a minimum of 12 hours before being tested. The meter shop shall be kept in a clean and orderly manner.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. (2), Register, January, 1965, No. 109, eff. 2-1-65; am. (3) and (5), cr. (6) and (7), Register, April, 1969, No. 160, eff. 5-1-69; am. (2) and (5), cr. (8), Register, November, 1989, No. 407, eff. 12-1-89.

**PSC 134.27 Meter accuracies.** All meters shall be set as close to 100% accurate as possible. Diaphragm meters shall be considered correct for service if the results of the multiple tests called for agree within 1% and no test shows an error of more than 1% fast or slow. Turbine and rotary displacement type meters shall be considered correct for service when tested at approximately 10% of rated flow with accuracy between 2% slow and 2% fast, and at approximately 100% flow with accuracy between 1% slow and 1% fast and in the case of turbine type meters, have a spin test time equal to or greater than that on file with the commission

under s. PSC 134.28 (6). In orifice type meters, the deviations in the diameter of the orifice shall not exceed the following:

**PRACTICAL TOLERANCES FOR ORIFICE DIAMETERS**

Orifice Size	Tolerance Plus or Minus	Orifice Size	Tolerance Plus or Minus
.2500 . . . . .	.0003"	1.2500 . . . . .	.0014"
.3750 . . . . .	.0005"	1.5000 . . . . .	.0017"
.5000 . . . . .	.0006"	1.7500 . . . . .	.0020"
.6250 . . . . .	.0008"	2.000 to 5.000 ..	.0025"
.7500 . . . . .	.0009"	over 5.000 . . . . .	.0005"
.8750 . . . . .	.0010"		per inch of diameter
1.0000 . . . . .	.0012"		

In orifice type meters the sharpness of the orifice edge shall be maintained in such a condition that the upstream edge of the orifice shall not appreciably reflect a beam of light when viewed without magnification. No meter which is mechanically defective shall be placed in service or allowed to remain in service after such defect has been discovered. The inlet and outlet of diaphragm type meters shall be capped when not connected in service.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. (intro.), Register, November, 1962, No. 83, eff. 12-1-62; am. (intro.), Register, April, 1969, No. 160, eff. 5-1-69.

**PSC 134.28 Meter testing. (1)** Each meter test of a diaphragm type meter with a capacity of 2,400 cubic feet per hour or less shall consist of one proving at a rate of flow of 15 to 30% of the rated capacity of that meter and one proving at a rate of flow at 90 to 120% of the rated capacity of the meter. The capacity of the meter for test purposes shall be the capacity at one-half inch water column differential pressure.

(2) Each meter test of a diaphragm type meter having a capacity greater than 2,400 cubic feet per hour shall consist of one proving at a rate of flow of 15 to 30% of the rated capacity of that meter and one proving at a rate of flow of 90 to 120% of the rated capacity of the meter but not less than 2,500 cubic feet per hour. The capacity of the meter for test purposes shall be the capacity at one-half inch water column differential pressure.

(3) Rotary meters shall be tested at 2 loads with the minimum load at 10% of rating by the use of a portable or volumetric meter or other approved proving devices, or be given a differential test. In the latter case an original test record shall be set up immediately after installation; future differential test results shall be recorded and compared with the original test record.

(4) A test of an orifice meter shall consist of tests of the recording gauges, and the removal, inspection and measurement of the orifice.

(5) Temperature-compensated gas displacement meters when tested shall be proved to a base temperature of 60° Fahrenheit.

(6) Turbine-type meters shall be tested at 2 loads with the minimum load at 10% of rating by the use of a portable or volumetric meter or other approved proving devices, or be given a turbine blade, rotor and gear assembly spin test, either by manual or velocity rotation. Before a particular type turbine meter can be used, the manufacturer must file with and be accepted by the commission a minimum coasting time which will satisfactorily indicate the operating condition of the internal metering mechanism.

For the spin test method a test record shall be set up; and the original and subsequent spin test results shall be recorded and compared with the specified minimum coasting time as filed with the commission for that type meter.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. (3), Register, November, 1962, No. 83, eff. 12-1-62; cr. (5), Register, January, 1965, No. 109, eff. 2-1-65; cr. (6), Register, April, 1969, No. 160, eff. 5-1-69; am. (1) and (2), Register, November, 1989, No. 407, eff. 12-1-89.

**PSC 134.29 Installation test.** No meter shall be used to meter gas consumption for billing purposes unless it was tested and found correct, as defined in s. PSC 134.27 not longer than 15 months previous to its use. The first test on a meter or a retest after a major overhaul shall include a check of the registering device and linkages.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. Register, April, 1969, No. 160, eff. 5-1-69.

**PSC 134.291 Statistical sample testing plan for new meters.** The following new meter sample testing plan may be used for testing new meters instead of the new meter test requirements of s. PSC 134.26 (1), if the commission authorizes the adoption of the plan by a utility.

(1) Meters, as received from the manufacturer, shall be divided into homogeneous lots by manufacturers and types. The maximum number of meters in any lot may not exceed 1,000 or be less than 96. From each such lot assembled, there shall be drawn a coded sample size specified in Military Standard 414 (MIL-STD-414) dated 11 June 1957, as shown for the various group sizes using Inspection Level IV of Table A-2 on page 4 and a corresponding actual sample size as shown on Table B-3 on page 45. The sample shall be drawn by a random method that ensures that each meter in the lot has an equal chance of being selected.

(2) The test criterion for acceptance or rejection of each lot shall be based on a separate analysis conducted at both the open and check flow rate, as specified in s. PSC 134.28 (1) by means of the Standard Deviation Method, Double Specification Limit and with an Acceptable Quality Level (AQL) of .25 for the open accuracy analysis and an AQL of .40 for the check accuracy analysis as shown in Table B-3, MIL-STD-414, page 45. The statistical analysis calculations shall be made following the example on page 43 of MIL-STD-414 with the upper and lower specification limits U and L designated at 101% and 99% respectively.

(3) One nonregistering meter may be removed from the sample lot for analysis purposes and replaced with another randomly selected meter. If more than one meter in a sample is found not to be registering, the entire lot shall be rejected.

(4) A lot shall be deemed acceptable for installation if the total estimated percent defective (P) is less than the appropriate maximum allowable percent defective (M) as determined from Table B-3 under the procedures of sub. (2). All meters in an acceptable lot shall be deemed to have met the accuracy requirements of s. PSC 134.26 (1) for placement in service without further testing.

(5) A lot shall be considered rejected and not acceptable for installation if the total estimated percent defective (P) exceeds the appropriate maximum allowable percent defective (M) as determined from Table B-3 under the procedures of sub. (2). All meters in a rejected lot shall be tested and adjusted in accordance with the procedures of s. PSC 134.27 or replaced with meters meeting these requirements.

**Note:** Military Standard 414 is on file at offices of the Public Service Commission, Secretary of State and Legislative Reference Bureau offices.

**History:** Cr. Register, November, 1989, No. 407, eff. 12-1-89.

**PSC 134.30 Periodic testing and maintenance.** Each utility shall test its meters according to the following schedule except as provided in s. PSC 134.26 (1). Where pressure regulators, volume corrective devices, or other measuring devices are used on the service or used in conjunction with the meters, they shall be tested on the same schedule as the meters.

(1) All diaphragm meters that are measuring dry gas and have non-absorptive type diaphragms or were rediaphragmed since the introduction of dry gas shall be due for removal from service, tested, adjusted, repaired if necessary, and retested if reused, every 180 months if the meter capacity is 2,400 cubic feet per hour or less at 1/2-inch water column and every 48 months if the capacity is greater than 2,400 cubic feet. Meters shall be tested during the calendar year in which said 180th or 48th month falls.

(2) All diaphragm meters that are measuring dry gas that do not have non-absorptive-type diaphragms and have not been rediaphragmed since the introduction of dry gas shall be removed from service, tested, adjusted, re-diaphragmed and retested within 48 months of the introduction of dry gas if the meter capacity is 2,400 cubic feet per hour at 1/2-inch water column and within 24 months if the capacity is greater than 2,400 cubic feet.

(3) All diaphragm meters that measure other than dry gas shall be removed from service, tested, adjusted, repaired, if necessary, and retested if reused every 96 months if the meter capacity is 2,400 cubic feet per hour or less at 1/2-inch water column and every 48 months if the capacity is greater than 2,400 cubic feet.

(4) Rotary meters having a capacity of 15,000 cubic feet per hour or less at 4 oz. water column pressure shall be given a differential test at least once every 96 months and once every 48 months if the capacity is greater than 15,000 cubic feet. When the differential differs from the original test record by more than 50%, the meter shall be cleaned and/or repaired.

(5) Orifice meters shall have their differential and static recording gauges tested at least once each month, the diameter and condition of the orifice checked at least once a year. The specific gravity of the gas shall be checked as required in s. PSC 134.21 (4), and any temperature recording devices tested annually.

(6) Turbine meters shall be given an inspection and spin test at least once every 12 months. When the coasting time is equal to or less than the specified minimum coasting time as on file with the commission, the meter shall be cleaned and/or repaired.

(7) Turbine meters which are capable of automatically adjusting shall be inspected and tested at least once every 12 months. They shall be tested in accordance with s. PSC 134.28 (6) or with the use of the meter manufacturer's electronic field prover.

(8) Whenever an automatically adjusting turbine meter automatically adjusts the volume for plus or minus 5% or more while in operation at a steady flow rate of 10% or more of the meter's rated capacity, the meter shall be cleaned and/or repaired.

(9) Whenever an automatically adjusting turbine meter is being tested at a steady flow rate of 10% or more of the meter's rated capacity and indicates an error of plus or minus 1% or more, the meter shall be cleaned and/or repaired.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; am. (4), Register, November, 1962, No. 83, eff. 12-1-62; am. (1), Register, January, 1965, No. 109, eff. 2-1-65; am. (4) and cr. (6), Register, April, 1969, No. 160, eff. 5-1-69; cr. (7) to (9), Register, December, 1984, No. 348, eff. 1-1-85; am. (1) and (4), Register, November, 1989, No. 407, eff. 12-1-89.

**PSC 134.31 Request and referee tests.** (1) Each utility furnishing gas service shall make a test of the accuracy of any gas meter upon request of the customer, provided the customer does not request such test more frequently than once in 6 months. A report giving the results of each request test shall be made to the customer and the complete, original record shall be kept on file in the office of the utility. A customer or group of customers may not abuse the request test procedures. Abuse shall be determined by the commission.

(2) Any gas meter may be tested by a commission inspector upon written application of the customer. For such test, a fee shall be forwarded to the commission by the customer with the application. The amount of this fee shall be refunded to the customer by the utility if the meter is found to be more than 2% fast as determined in s. PSC 134.14 (1). The amount of the fee that is to be remitted for such tests shall be \$5 for each consumption meter that has a rated capacity not exceeding 1,000 cubic feet per hour; for

larger consumption meters, demand meters, etc., the test fee shall be the actual expense of the test.

(3) All referee meter tests shall include an inspection of the meter index by removing the index from the meter body. The dials, gears and all other parts of the index shall be visually inspected for wear, misalignment or other mechanical defects which would affect the accuracy of the meter on a continuing or sporadic basis. Any defects affecting the meter's accuracy shall be noted and evaluated in the report of the test.

(4) METER RETENTION. (a) *After a customer requested test.* When a utility performs a customer-requested test on a customer's meter under sub. (1) or when the commission requests that a meter be tested, the utility shall keep the tested meter, in "as tested" condition, at a designated location on the utility's premises for at least one full billing period plus four weeks after the test result report is issued so that the meter is available should another meter test be requested. If the meter tests as accurate, the utility may choose to keep the tested meter installed at the customer's premises for the designated time period rather than storing it at the utility's premises.

(b) *After a referee test.* When a utility performs a referee test

on a customer's meter under sub. (2), the utility shall keep the tested meter, in "as tested" condition, at a designated location on the utility's premises for at least 10 business days after the test result report is issued so that the meter is available should further testing or review be needed. If the meter tests as accurate, the utility may choose to keep the tested meter installed at the customer's premises for the designated time period rather than storing it at the utility's premises.

(c) *When a complaint or dispute occurs.* When a utility receives a complaint under s. PSC 134.17 or is notified about a dispute under s. PSC 134.064 involving meter accuracy, the utility shall keep the meter, in "as tested" condition, at a designated location on the utility's premises for at least one full billing period plus four weeks after the complaint or dispute and any appeal of that dispute is resolved so that the meter is available should testing be requested. If the meter was tested during the complaint or dispute process, and it tested as accurate, the utility may choose to keep the tested meter installed at the customer's premises for the designated time period rather than storing it at the utility's premises.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; cr. (3), Register, July, 1983, No. 331, eff. 8-1-83; am. (2), Register, December, 1984, No. 348, eff. 1-1-85; am. (1) and (2), Register, November, 1989, No. 407, eff. 12-1-89; **CR 13-033: am. (3), cr. (4) Register July 2015 No. 715, eff. 8-1-15.**