

## Chapter PSC 104

### RECORDING AND REPORTING UTILITY ACCIDENTS

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**PSC 104.01 General.** (2) The requirements of ch. PSC 104 shall be observed by all public utilities, both privately and publicly owned.

(3) The manner of enforcing the rules in ch. PSC 104 is prescribed in s. 196.66, Stats., and such other means as provided in sections administered by the public service commission.

(4) The purpose of these rules is to obtain information to enable the public service commission to make rules regarding safety in supplying utility service.

**History:** Cr. Register, October, 1959, No. 46, eff. 11-1-59; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501, eff. 10-1-97; CR 06-046: r. (1) Register April 2007 No. 616, eff. 5-1-07.

**PSC 104.02 Definitions.** As used in these rules, the following words shall have the meaning hereinafter stated, unless the context clearly requires otherwise.

(1) “Accident” as used in ch. PSC 104 is any unscheduled or unforeseen event occurring upon a public utility’s premises or directly or indirectly arising from or connected with its maintenance or operation which:

(a) Results in any of the following:

1. A fatality.
2. More than 3 days’ lost time by an employee.
3. Personal injury to non-employee requiring hospital confinement.
4. Property damage or other loss to the utility or another person exceeding \$500.

(b) Or results from any of the following:

1. A malfunction, failure or improper use of equipment owned, controlled or used by the utility, other than a telephone utility, the use, strength, or location of which is prescribed by any rule of the commission.
2. A malfunction, failure or improper use of any equipment referred to in subd. 1., which results in an interruption of service to the extent set forth a) in s. PSC 113.0606 for an electric utility, b) in s. PSC 134.18 for a gas utility, and c) for other utilities, except telephone utilities, an interruption of service affecting an entire distribution system of an urban area or an important division of a community.
3. A malfunction, failure, or improper use of equipment which results in an interruption of telephone service to all customers in any one exchange or a major portion thereof.

(2) “Person” includes, in addition to a natural person, all associations, firms, partnerships, corporations, municipal and private.

(3) The term “public utility” or “utility” is defined by s. 196.01 (5), Stats., but does not include a telecommunications utility or an alternative telecommunication utility.

**Note:** Alternative telecommunications utilities certified by the commission under s. 196.203, Stats., includes those certified through use of the notice procedure in s. 196.50 (2) (j) 1. a., Stats.

**History:** Cr. Register, October, 1959, No. 46, eff. 11-1-59; corrections in (1) (b)

2. and (3) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; CR 13-025: am. (3) Register January 2014 No. 697, eff. 2-1-14.

**PSC 104.03 Recording of accidents.** Every public utility shall keep a record of all known accidents, which record shall contain insofar as is known, a general description of the accident, the location, cause, personnel involved and injuries or damages sustained. Such record shall be made available to the commission or its agents for inspection at the utility’s principal office and reports as to individual accidents shall be supplied to the commission when requested.

**History:** Cr. Register, October, 1959, No. 46, eff. 11-1-59.

**PSC 104.04 Notification of accidents.** (1) The utility shall notify the commission immediately or as soon as reasonably possible by telephone or telegraph of all fatal accidents and explosions involving property damage exceeding \$1,500.

(2) The utility shall notify the commission of the failure of any principal unit of equipment which results in an interruption of service to the extent set forth in s. PSC 104.02 (1) (b) 2. and 3.; of accidents involving property loss to others in excess of \$1,500; or of accidents involving loss or damage to utility property estimated to exceed \$10,000. Such notification shall be given within 6 days after knowledge of such failure or accident.

(3) The utility shall notify the commission of accidents resulting in personal injuries to non-employees requiring hospital confinement. Such notification shall be given within 6 days after knowledge of such accident.

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

(5) The notification shall indicate the location of the accident, its nature, the names of any injured persons and whether any such persons are employees.

(6) The utility and others are urged to notify the commission of any unusual occurrences which, because of their number or dangerous potential, indicate the desirability of corrective action.

(7) Notifications provided for in s. PSC 104.04 and reports provided for in s. PSC 104.05 shall be required only for occurrences which result from functions directly connected with the furnishing of service by a utility. Accidents arising for reasons not related to specific public utility functions and which arise out of circumstances common to general business operations require no notification or report. Such matters as motor vehicle accidents, accidents occurring on the premises of a utility or third person due to slippery floors, falls or the like, are types of situations where notification or reports are not required. The enumeration is not exclusive but is intended to be indicative of the type of case where notification or reports are not required.

**History:** Cr. Register, October, 1959, No. 46, eff. 11-1-59; CR 06-046: am. (4) Register April 2007 No. 616, eff. 5-1-07.

**PSC 104.05 Commission procedure. (1)** When a notification of an accident is received, the commission may make an investigation or request a report from the utility.

**(2)** If notice of an accident is received from a source other than a utility the commission may direct that an investigation be made or request the utility to investigate and report.

**(3)** If the commission requests a report from a utility, such report shall contain information usually gathered in the case of accident investigations plus any special information requested. Such report shall be transmitted within 6 days after the date the request is made, unless the time therefor shall be extended by the commission. The receipt of a report from a utility does not preclude the commission from making its own investigation.

**(4)** Every utility shall furnish a report in any specific case not covered by the above, when requested by the public service commission.

**History:** Cr. Register, October, 1959, No. 46, eff. 11-1-59.

**PSC 104.06 Status of notification and reports. (1)** All utility reports furnished at the commission's request under s. PSC 104.05 shall be considered restricted as provided for in s. 196.72 (1) (b), Stats.

**(2)** Information obtained by the commission or its staff as a result of its own inquiry or investigation shall be treated in the same manner as other information in the commission's files.

**History:** Cr. Register, October, 1959, No. 46, eff. 11-1-59.