



2023 SENATE BILL 648

November 9, 2023 - Introduced by Senators COWLES and STROEBEL, cosponsored by Representatives NEYLON, GUSTAFSON, TITTL, BALDEH, GREEN, KRUG, MURPHY, O'CONNOR, PENTERMAN, RETTINGER, ROZAR, SPIROS and TRANEL. Referred to Committee on Utilities and Technology.

1 **AN ACT to amend** 196.26 (1m), 196.26 (2) (a), 196.26 (2) (b) and 196.26 (2) (c); and
2 **to create** 196.26 (1) (d), 196.26 (1) (e), 196.26 (1e), 196.26 (2) (d), 196.26 (4),
3 196.26 (5), 196.26 (6) and 196.26 (7) of the statutes; **relating to:** procedures
4 related to certain complaints filed with the Public Service Commission.

Analysis by the Legislative Reference Bureau

This bill makes various changes to procedures for complaints filed with the Public Service Commission, including the following:

1. Authorizing PSC to investigate complaints filed by persons adversely affected by a person who has received a Certificate of Public Convenience and Necessity from PSC. Under current law, a person must obtain a CPCN before constructing a large electric generating facility or a high-voltage transmission line.

2. Authorizing PSC to investigate complaints filed by persons adversely affected by a continuous interruption of electric or gas service exceeding 180 minutes or who experienced at least two separate interruptions of electric or gas service during a one-year period.

3. Requiring PSC to disclose, upon request of a complainant or public utility or party that is the subject of a complaint, all documents and written materials that are generated or gathered related to the complaint. Under the bill, PSC may decline to disclose the documents and written materials if it determines that that disclosure would jeopardize an ongoing investigation, but PSC must disclose the documents and written materials as soon as it is feasible to do so without jeopardizing the investigation.

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4. Prohibiting PSC from dismissing a complaint unless a majority of the commission votes to dismiss the complaint while present at a hearing that is open to the public.

5. Prohibiting PSC from dismissing a complaint for failure to contact the public utility against whom a complaint was made if the complainant made at least one documented attempt to contact the public utility before filing the complaint and certain other conditions are satisfied.

6. Authorizing PSC to order any appropriate relief, including a lower rate, a bill credit, or other compensation for complainants and similarly situated persons. The cost to a public utility of any relief ordered by PSC may not be recovered through the public utility's rates.

7. Requiring PSC to provide information on its website about the process for filing a complaint.

8. Authorizing PSC to combine multiple investigations into a single investigation if it determines that the investigations arise from complaints made against the same person and the subject matter of the complaints is substantially similar.

9. Prohibiting PSC from closing to the public a hearing based on a complaint unless both the complainant and the person that is the subject of the complaint consent.

10. Increasing from 10 days to 20 days the amount of notice that PSC must give to a complainant and a public utility or person that is the subject of a complaint before holding a hearing related to a complaint.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.26 (1) (d) of the statutes is created to read:

2 196.26 (1) (d) A complaint filed with the commission by a person adversely
3 affected by a person who has received a certificate of public convenience and
4 necessity from the commission under s. 196.491 (3), including an alleged violation
5 of a final order issued by the commission under s. 196.491 (3).

6 **SECTION 2.** 196.26 (1) (e) of the statutes is created to read:

7 196.26 (1) (e) A complaint filed with the commission by a person adversely
8 affected by a continuous interruption to the person's electric or gas service of a

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1 duration exceeding 180 minutes or who experienced 2 or more separate interruptions
2 to the person's electric or gas service during a one-year period.

3 **SECTION 3.** 196.26 (1e) of the statutes is created to read:

4 196.26 (1e) INFORMATION ON COMPLAINT PROCEDURES. (a) The commission shall
5 provide on its website information on the procedures for filing a complaint under this
6 section, including information that assists a person in filing a complaint, the
7 information that should be provided in a complaint, and suggested formatting for a
8 complaint.

9 (b) The commission shall include a link on the home page of its website to the
10 information described in par. (a).

11 **SECTION 4.** 196.26 (1m) of the statutes is amended to read:

12 196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or
13 manufacturing society, body politic, or municipal organization, ~~or 25 persons file a~~
14 person files a complaint specified in sub. (1) (a) or (d) against a public utility, or if the
15 commission terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b.,
16 or if a person files a complaint specified in sub. (1) (c), the commission, with or
17 without notice, may investigate the complaint under this section as it considers
18 necessary. The commission may not issue an order based on an investigation under
19 this subsection without a public hearing.

20 **SECTION 5.** 196.26 (2) (a) of the statutes is amended to read:

21 196.26 (2) (a) Prior to a hearing under this section, the commission shall notify
22 the public utility ~~or~~, party to an interconnection agreement, or person complained of
23 that a complaint has been made, and ~~10~~ 20 days after the notice has been given the
24 commission may proceed to set a time and place for a hearing and an investigation.
25 This paragraph does not apply to a complaint specified in sub. (1) (b).

SENATE BILL 648**SECTION 6**

1 **SECTION 6.** 196.26 (2) (b) of the statutes is amended to read:

2 196.26 (2) (b) The commission shall give the complainant and either the public
3 utility ~~or~~, party to an interconnection agreement ~~which~~, or person that is the subject
4 of a complaint specified in sub. (1) (a) ~~or~~, (c), or (d) or, for a complaint specified in sub.
5 (1) (b), a party to an interconnection agreement who is identified in a notice under
6 s. 196.199 (3) (b) 1. b., ~~10~~ 20 days' notice of the time and place of the hearing and the
7 matter to be considered and determined at the hearing. The complainant and either
8 the public utility ~~or~~, party to the interconnection agreement, or person that is the
9 subject of the complaint may be heard. The commission may subpoena any witness
10 at the request of the public utility, party to the interconnection agreement, person
11 that is the subject of the complaint, or complainant.

12 **SECTION 7.** 196.26 (2) (c) of the statutes is amended to read:

13 196.26 (2) (c) Notice under pars. (a) and (b) may be combined. The combined
14 notice may not be less than ~~10~~ 20 days prior to hearing.

15 **SECTION 8.** 196.26 (2) (d) of the statutes is created to read:

16 196.26 (2) (d) The commission may not close a hearing under this section to the
17 public unless the complainant and the person that is the subject of the complaint
18 consent to closing the hearing to the public.

19 **SECTION 9.** 196.26 (4) of the statutes is created to read:

20 196.26 (4) **COMBINING INVESTIGATIONS.** The commission may combine multiple
21 investigations into a single investigation if the commission determines that the
22 investigations arise from complaints made against the same person and the subject
23 matter of the complaints is substantially similar.

24 **SECTION 10.** 196.26 (5) of the statutes is created to read:

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1 196.26 (5) DISCLOSURE OF MATERIALS. (a) Upon request of a complainant or a
2 public utility, party to an interconnection agreement, or person that is the subject of
3 a complaint, the commission shall make available all documents and written
4 materials generated or gathered related to the complaint.

5 (b) Notwithstanding par. (a), the commission may decline, for a limited time,
6 to make available the documents and written materials described in par. (a) if the
7 commission determines that disclosing the documents and written materials would
8 jeopardize an ongoing investigation based on the complaint, but the commission
9 shall make the documents and written materials available to the person that
10 requested them under par. (a) as soon as it is feasible to disclose the documents and
11 written materials without jeopardizing the investigation.

12 **SECTION 11.** 196.26 (6) of the statutes is created to read:

13 196.26 (6) DISMISSAL OF COMPLAINTS. (a) The commission may not dismiss a
14 complaint filed under this section unless a majority of the commission votes to
15 dismiss the complaint while present at a hearing that is open to the public.

16 (b) The commission may not dismiss a complaint filed under this section for
17 failure to contact the public utility against whom the complaint is made if any of the
18 following applies:

19 1. The complainant made at least one documented attempt to contact the public
20 utility at least 20 days before filing the complaint and the complainant responded to
21 any subsequent communications from the public utility.

22 2. If the complaint relates to a disconnection in service, the complainant made
23 at least one documented attempt to contact the public utility at least 5 days before
24 filing the complaint.

25 **SECTION 12.** 196.26 (7) of the statutes is created to read:

