



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2302/1
EHS:kjf&amn

2021 SENATE BILL 316

April 21, 2021 - Introduced by Senators COWLES, L. TAYLOR, BALLWEG and MARKLEIN, cosponsored by Representatives THIESFELDT, KNODL, BROOKS, MOSES, SINICKI and SKOWRONSKI. Referred to Committee on Utilities, Technology and Telecommunications.

1 **AN ACT** *to renumber* 196.49 (5r) (a); and *to create* 196.372 (3) (am) and 196.49
2 (5r) (ad) of the statutes; **relating to:** deadlines for certain Public Service
3 Commission actions after a water public utility application for certificate of
4 authority or approval of lead service line financial assistance is filed.

Analysis by the Legislative Reference Bureau

This bill provides deadlines for certain Public Service Commission actions after a water public utility or a combined water and sewer public utility submits an application for a certificate of authority and after a water public utility submits an application for approval of lead service line financial assistance.

Current law generally requires public utilities to obtain a certificate of authority from PSC before engaging in certain construction, installation, or improvement projects. Also under current law, a water public utility seeking to provide financial assistance to the owner of a property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead (LSL assistance) must apply to PSC for approval. Under this bill, no later than 45 days after a water public utility or a combined water and sewer public utility files an application for a certificate of authority or after a water public utility submits an application for approval of LSL assistance and no later than 30 days after such an application is refiled, PSC must determine whether the application is complete and notify the applicant in writing about that determination. If PSC determines an application is incomplete, the notice must identify any part of the application PSC has determined to be incomplete and state

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the reasons for the determination. In that case, the applicant may supplement and refile the application an unlimited number of times. If PSC fails to determine whether an application is complete within the 45-day or 30-day time limit, whichever applies, the bill provides that the application is considered complete. The bill requires PSC to issue a notice opening a docket on an application as soon as practicable but no later than 14 days after determining that the application is complete.

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

1 **SECTION 1.** 196.372 (3) (am) of the statutes is created to read:

2 196.372 **(3)** (am) The commission shall determine whether the application
3 under par. (a) is complete and, no later than 45 days after the application is
4 submitted the first time and no later than 30 days after the application is refiled a
5 2nd or subsequent time, notify the applicant in writing about the determination. If
6 the commission determines that the application is incomplete, the notice shall
7 identify any part of the application the commission has determined to be incomplete
8 and state the reasons for the determination. An applicant may supplement and refile
9 an application that the commission has determined to be incomplete. There is no
10 limit on the number of times that an applicant may refile an application under this
11 paragraph. If the commission fails to determine whether an application is complete
12 within 45 days after the application is filed or 30 days after the application is refiled,
13 the application shall be considered to be complete. As soon as practicable after
14 determining that an application is complete, and no later than 14 days after that
15 determination, the commission shall issue a notice opening a docket on the
16 application.

17 **SECTION 2.** 196.49 (5r) (a) of the statutes is renumbered 196.49 (5r) (am).

18 **SECTION 3.** 196.49 (5r) (ad) of the statutes is created to read:

