

2009 DRAFTING REQUEST

Bill

Received: 12/02/2009

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry Tuschen**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public service commission intervenor funding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 12/02/2009	bkraft 12/02/2009		_____			State
/1			rschluet 12/02/2009	_____	lparisi 12/02/2009	mbarman 01/21/2010	

FE Sent For:

↳ At Intro.

<END>

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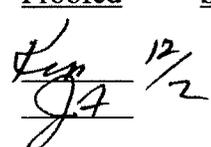
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/?	mkunkel	1 bjk 12/2		 12/2			

FE Sent For:

<END>

Kunkel, Mark

From: Tuschen, Terry
Sent: Monday, November 30, 2009 11:33 AM
To: Kunkel, Mark
Subject: RE: LRB 3099 PSC intervenor financing

Thanks Mark!

-----Original Message-----

From: Kunkel, Mark
Sent: Saturday, November 28, 2009 4:41 PM
To: Tuschen, Terry
Subject: RE: LRB 3099 PSC intervenor financing

Terry, will take care of on Monday am. Was out of office for holiday.
-- Mark

-----Original Message-----

From: Tuschen, Terry
Sent: Wed 11/25/2009 2:10 PM
To: Kunkel, Mark
Subject: RE: LRB 3099 PSC intervenor financing

Hi Mark, also, can you have editing or whoever copy me on the notice to Senator Risser when the draft is ready? I can check my email from home but not his.
Thanks, Terry

From: Tuschen, Terry
Sent: Wednesday, November 25, 2009 2:08 PM
To: Kunkel, Mark
Cc: Tuschen, Terry
Subject: LRB 3099 PSC intervenor financing
Importance: High

Hi Mark, yet another version of this bill. This is simple. Take the language from /1 and redraft without the fuel rule language. This we just want the intervenor funding language only as it appeared in the original draft and what was used during budget deliberations. No references to CUB specifically, etc. And if possible, can you give this a new LRB number? /5 is starts to look silly.

I would also like to make this a RUSH request for Senator Risser. Let me know if you have any questions and I appreciate your help. I will be out of the office on Friday but at home and reachable by phone (695-0519) if you have any questions.
Thanks again, Terry

<< File: 09-30991.pdf >>



State of Wisconsin
2009 - 2010 LEGISLATURE

FROM 3099/1
LRB-3099/1
MDK:bjk:
stays
-3924/1
RM NOT
OWN

2009 BILL

→ today
pm

SA

gen cat

1 AN ACT to amend 20.155 (1) (j) and 196.20 (4) (d); to repeal and recreate 196.20
2 (4) (c); and to create 196.31 (2m) of the statutes; relating to: ~~Authority of the~~
3 Public Service Commission ~~regarding fuel costs of certain electric public~~
4 ~~utilities, commission intervenor grants, granting rule-making authority, and~~
5 making an appropriation.

Analysis by the Legislative Reference Bureau

Current law allows the Public Service Commission (PSC) to grant a rate increase to an electric public utility for increases in fuel costs that are of an extraordinary or emergency nature. The PSC may grant the increase after a hearing limited in scope to the question of the increase in fuel costs. For purposes of the foregoing, current law excludes the following from the definition of "electric public utility": 1) a public utility wholly owned and operated by a municipality or cooperative association; 2) a public utility that purchases, under federal or state approved wholesale rates, more than 50 percent of its electric power requirements from entities that are not affiliated interests of the public utility; and 3) a public utility with annual total gross operating revenues of \$2.5 million or more whose electric generation equipment has a total capacity of less than 30 megawatts.

This bill eliminates the PSC's authority described above and allows the PSC, after a hearing, to approve a fuel cost plan for an electric public utility, or, if an electric public utility's actual fuel costs are outside of the utility's fuel cost annual tolerance, as established by the PSC, to commence a proceeding to adjust rates that is outside

BILL

Public Service Commission (PSC)

of a general rate case proceeding for the electric public utility. "Electric utility" is defined to have the same exclusions as under current law. Also, if the PSC approves a fuel cost plan for an electric public utility, the bill requires the PSC to defer for subsequent rate recovery or refund any under-collection or over-collection of fuel costs that are outside of the utility's symmetrical fuel cost tolerance, as established by the PSC. In addition, the bill requires the PSC to promulgate a rule to implement the bill's requirements.

Current law ~~also~~ allows certain persons who are not public utilities to intervene in proceedings before the ~~PSC~~ and allows the PSC to compensate such persons for their intervention costs. This bill requires the PSC to provide \$300,000 in annual grants from the appropriation for such compensation to a nonprofit corporation that has a history of advocating on behalf of residential ratepayers for affordable rates. The grants must be used to offset the general expenses of the corporation, including salary, benefit, rent, and utility expenses. In addition, the bill increases the appropriation to cover the grants, and changes the appropriation from an annual to a biennial appropriation.

→ FE-S

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

1 SECTION 1. 20.155 (1) (j) of the statutes is amended to read:

2 20.155 (1) (j) *Intervenor financing and grants.* The Biennially, the amounts in
3 the schedule for intervenor financing and grants under s. 196.31. All moneys
4 received for intervenor financing under s. 196.31 (2) shall be credited to this
5 appropriation.

6 SECTION 2. 196.20 (4) (c) of the statutes is repealed and recreated to read:

7 196.20 (4) (c) 1. If an electric public utility has an approved fuel cost plan, the
8 commission shall defer any under-collection or over-collection of fuel costs that are
9 outside of the utility's symmetrical fuel cost annual tolerance, as established by the
10 commission, for subsequent rate recovery or refund.

11 2. The commission may commence a proceeding to adjust rates for an electric
12 public utility outside of a general rate case proceeding if the utility's actual fuel costs

BILL

1 are outside of the utility's fuel cost annual tolerance, as established by the
2 commission.

3 3. Approval of a fuel cost plan and any rate adjustment for deferred fuel costs
4 or refund of over-collected fuel costs shall be determined by the commission after
5 opportunity for hearing.

6 **SECTION 3.** 196.20 (4) (d) of the statutes is amended to read:

7 196.20 (4) (d) The commission shall promulgate a rule to implement this
8 subsection.

9 **SECTION 4.** 196.31 (2m) of the statutes is created to read:

10 196.31 (2m) From the appropriation under s. 20.155 (1) (j), the commission
11 shall make an annual grant of \$300,000 to a nonstock, nonprofit corporation that is
12 described under section 501 (c) (3) of the Internal Revenue Code, and that has a
13 history of advocating on behalf of residential ratepayers for affordable rates, for the
14 purpose of offsetting the general expenses of the corporation, including salary,
15 benefit, rent, and utility expenses.

16 **SECTION 5. Fiscal changes.**

17 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
18 to the public service commission under section 20.155 (1) (j) of the statutes, as
19 affected by the acts of 2009, the dollar amount is increased by \$300,000 for the first
20 fiscal year of the fiscal biennium in which this subsection takes effect to increase
21 funding for the purpose for which the appropriation is made. In the schedule under
22 section 20.005 (3) of the statutes for the appropriation to the public service
23 commission under section 20.155 (1) (j) of the statutes, as affected by the acts of 2009,
24 the dollar amount is increased by \$300,000 for the second fiscal year of the fiscal

BILL

1 biennium in which this subsection takes effect to increase funding for the purpose
2 for which the appropriation is made.

3 (END)

Parisi, Lori

From: Tuschen, Terry
Sent: Wednesday, January 20, 2010 5:02 PM
To: LRB.Legal
Cc: Tuschen, Terry
Subject: Draft Review: LRB 09-3924/1 Topic: Public service commission intervenor funding

Importance:

High



Please Jacket LRB 09-3924/1 for the SENATE.

Got this @ the
last minute -
would you mind
doing it first
thing Thurs A.M.?
Thank -
Lori