

2013 DRAFTING REQUEST

Bill

Received: 12/5/2013 Received By: mkunkel
Wanted: As time permits Same as LRB: -3816
For: Mike Kuglitsch (608) 267-5158 By/Representing: Matt Spencer
May Contact: Drafter: mkunkel
Subject: Criminal Law - miscellaneous Addl. Drafters: chanaman
Public Util. - electric
Public Util. - gas and water
Public Util. - misc. Extra Copies: EVM
Public Util. - telco

Submit via email: YES
Requester's email: Rep.Kuglitsch@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

PSC certificates, definition of transmission facility, customer notice in water utility cases, utility rate schedules, telecommunications utility accident reporting, pay telephone and cable television telecommunications providers, line tampering

Instructions:

Compile -3577, -3578, -3607, -3616, -3617, -3624, -3626, -3652, and -3654

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 12/6/2013			_____			
/1	mkunkel 12/23/2013	csicilia 12/12/2013	rschluet 12/12/2013	_____	lparisi 12/12/2013	sbasford 12/12/2013	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2		wjackson 12/23/2013	jmurphy 12/23/2013	_____	srose 12/23/2013	srose 12/23/2013	

FE Sent For:

<END>

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NEEDED

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12 WLJ 12/23

jm
12/23

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/?	mkunkel	1 gjs 12/12 13	Jan 11/6	Jim 12/12			

FE Sent For:

<END>

Kunkel, Mark

From: Probst, Nick
Sent: Thursday, December 05, 2013 4:28 PM
To: Spencer, Matt; Kunkel, Mark
Subject: RE: Drafts

Correct.

Thanks

From: Spencer, Matt
Sent: Thursday, December 05, 2013 4:25 PM
To: Kunkel, Mark; Probst, Nick
Subject: RE: Drafts

Yes... Nick I believe that is correct?

Matthew Spencer
Office of Representative Mike Kuglitsch
(608) 267-5158

From: Kunkel, Mark
Sent: Thursday, December 05, 2013 4:24 PM
To: Spencer, Matt; Probst, Nick
Subject: RE: Drafts

Okay, will do.

The new combined drafts should no longer be preliminary, right?

--Mark

From: Spencer, Matt
Sent: Thursday, December 05, 2013 12:21 PM
To: Kunkel, Mark; Probst, Nick
Subject: Drafts

Good Afternoon,

Nick Probst sent in drafting requests a few weeks back and we need to combine a few of them together to three separate bills.

Could you combine LRBs: 3607, 3626, 3577, 3654, 3652, 3578, 3624, 3616, 3617 in a separate draft ✓

LRB 3606, 3627 would be combined with the drafting request that "requires the commission to write rules to allow utilities to enter into a territory exchange to serve *de minimum* number of customers in adjacent territories without the receipt of a CA. ✓

LRB 3647 would remain bill. ✓

Thank you.

Matthew Spencer
Office of Representative Mike Kuglitsch
(608) 267-5158



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3779/P1

MDK:/...jm

1

O-NOTE

ys

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RM has
been
run

Adopt
12/12-6

THUR

SAV

Public Service Commission

1 AN ACT ...; relating to: ^{Public Service Commission} certificates ~~and approvals~~ for certain ~~public utility~~

2 activities; tampering with telecommunications or electric wires; ~~certificates of~~

3 ~~public convenience and necessity for large electric generating facilities and~~

4 ~~high-voltage transmission lines;~~ regulation of pay telephone service providers;

5 ^{and} cable television telecommunications service providers; accident reporting by

6 telecommunications utilities; the definition of transmission facility;

7 availability of public utility rate schedules; notice for water public utility rate

8 revisions ^{and rule-making procedures}

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -3577/P1 ***

X Current law imposes various requirements on public utilities. First, current law prohibits a public utility from beginning construction or providing service in a municipality, unless the public utility obtained a certificate from the Public Service Commission (PSC) authorizing the public utility to transact public utility business. Second, current law prohibits a public utility from beginning certain projects involving new or existing plants, equipment, property, or facilities, unless the public utility has complied with applicable PSC rules and orders. Third, current law allows the PSC to prohibit a public utility from proceeding with such a project until the PSC certifies that public convenience and necessity require the project.

INSERT
IA

Case 90

Same

in the foregoing

~~X~~ Current law also includes exemptions to the above prohibitions that are based on the gross cost of the project and the type of public utility that proposes the project. This bill provides that those exemptions apply to the second and third prohibitions described ~~above~~, but not to the first prohibition.

~~*** ANALYSIS FROM -3578/P1 ***~~

~~X~~ Under current law, a person who intentionally destroys, disturbs, interferes with, or injures the property of any telegraph, telecommunications, electric light, or electric power company is guilty of a Class B misdemeanor and a person who intentionally makes a physical electrical connection with any property of any telecommunications or electric power company is guilty of a Class A misdemeanor. This bill adds telegraph companies and electric light companies to the second offense for consistency.

~~*** ANALYSIS FROM -3607/P1 ***~~

~~X~~ Current law ^{also} generally prohibits a person from commencing construction of certain large electric generating facilities or high-voltage transmission lines without obtaining a certificate of public convenience and necessity (CPCN) from the Public Service Commission (PSC). After a person files an application for a CPCN, the PSC must determine whether the application is complete. If the PSC fails to make such a determination within a specified deadline, the application is considered to be complete. Current law requires the PSC to take final action on the application within 180 days after the application is determined or considered to be complete. If the PSC fails to take final action within that deadline, the PSC is considered to have issued a CPCN to the applicant. However, current law also allows the PSC to petition the circuit court for Dane County for an extension of the deadline for no more than an additional 180 days. Upon a showing of good cause, the court may extend the deadline. If the PSC fails to take final action within the extended deadline, the PSC is considered to have issued the CPCN.

same

~~X~~ This bill eliminates the requirement for the PSC to petition the court for a deadline extension. Instead, the bill allows the chairperson of the PSC to extend the deadline for no more than an additional 180 days for good cause. As under current law, if the PSC fails to take final action within the extended deadline, the PSC is considered to have issued the CPCN.

The

~~*** ANALYSIS FROM -3616/P1 ***~~

~~X~~ Under current law, no person may provide service as an alternative telecommunications utility unless the Public Service Commission (PSC) certifies that the person is an alternative telecommunications utility. Current law defines "alternative telecommunications utility" to include the following: 1) cable television telecommunications service providers; 2) telecommunications resellers; 3) pay telephone service providers; and 4) other telecommunications providers that the PSC finds offer service that is available from other telecommunications providers. Current law defines "pay telephone service provider" as a person who owns or leases a pay telephone located on property owned or leased by that person and who otherwise does not offer any telecommunications service to the public. This bill revises the definition of "alternative telecommunications utility" so that it does not include pay telephone service providers.

***** ANALYSIS FROM -3617/P1 *****

Under current law, no person may provide service as an alternative telecommunications utility unless the Public Service Commission (PSC) certifies that the person is an alternative telecommunications utility (ATU). Current law defines an ATU to include cable television telecommunications service providers (CTTSPs) and other telecommunications providers that the PSC finds offer telecommunications service that is available from other telecommunications providers. Current law defines a CTTSP as a telecommunications provider that receives a specified percentage of its gross income from the operation of a cable television system. Current law also requires a CTTSP to file annual statements regarding gross income with the PSC.

This bill eliminates the reference to a CTTSP from the definition of ATU. The bill also repeals the annual filing requirement, as well as the PSC's rules regarding CTTSPs. In addition, the bill provides that a former CTTSP that the PSC certified as an ATU before the bill's effective date is considered certified as an ATU on the basis that the person offers telecommunications service available from other telecommunications providers. The bill also requires the PSC to issue a certification specifying that the former CTTSP is an ATU on that basis.

***** ANALYSIS FROM -3624/P1 *****

Under current law, telecommunications utilities are exempt from a variety of requirements that apply to other public utilities. This bill creates an additional exemption. Under current law, the Public Service Commission has the authority to require public utilities to record or report certain accidents. This bill exempts telecommunications utilities from that authority.

***** ANALYSIS FROM -3626/P1 *****

This bill repeals an obsolete definition of "transmission facility."

***** ANALYSIS FROM -3652/P1 *****

Under current law, certain public utilities must file schedules with the Public Service Commission (PSC) showing their rates for service. Current law requires the PSC to determine the portion of a public utility's rate schedule that is necessary for public use and the public utility must print a copy of that portion in plain type. This bill requires the copy to be produced, rather than printed, in plain type. Current law also requires a public utility to keep the copy on file, in a form and place readily accessible to the public, at every station or office where customers make payments. This bill changes the foregoing requirement so that a public utility must keep the copy on file at the public utility and make the copy available to the public by making it available at locations where customer payments are accepted, on the public utility's Internet site, or in a form and place that is otherwise readily accessible to the public.

***** ANALYSIS FROM -3654/P1 *****

This bill requires a water public utility to inform its customers when the public utility files an application to the Public Service Commission (PSC) to authorize a rate revision that would result in a rate increase. The bill's requirements are similar to requirements under the PSC's rules that apply to water and other types of public utilities. The bill requires a water public utility to inform customers about the

application and the general nature and effect of the filing by providing a notice that includes the following: 1) the amount of the rate revision; 2) the anticipated effective date; 3) the anticipated impact on customer bills for representative customer classes, including residential customers; 4) instructions on how a customer may contact the PSC about the revision; and 5) any other information required by the PSC. The bill requires a water public utility to post the notice at the utility, and allows the utility to publish the notice on its Internet site. Also, if the water public utility issues monthly customer bills, the utility must include the notice on its bill or in a bill insert over one complete billing cycle. If the water public utility does not issue monthly customer bills, the utility must provide the notice to customers by a special mailing or advertisement in a newspaper having general circulation in the utility's service area. The bill also requires a water public utility to file proof of compliance with the foregoing requirements with the PSC. In addition, if a hearing is held on the water public utility's application for revised rates, the utility must file proof of compliance at least three days before the hearing.

Current law allows the PSC to authorize certain rate increases for municipal water public utilities without holding a hearing. Under this bill, if a municipal water public utility applies for such authorization, the utility must comply with the notice requirements described above. In addition, the notice must include a statement that a hearing is not required for the proposed rate increase.

INSEAT 4-1

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

INSEAT 11-16

1 SECTION 1. PSC ch. 171 of the administrative code is repealed. IN SEAT 11-10

2 SECTION 2. 20.395 (3) (jh) of the statutes is amended to read:

3 20.395 (3) (jh) *Utility facilities within highway rights-of-way, state funds.*

4 From the general fund, all moneys received from telecommunications providers, as
 5 defined in s. 196.01 (8p), or cable television telecommunications service providers,
 6 as defined in s. 196.01 (1r), 2011 stats., for activities related to locating,
 7 accommodating, operating, or maintaining utility facilities within highway
 8 rights-of-way, for such purposes.

9 SECTION 3. 101.862 (4) (f) of the statutes, as created by 2007 Wisconsin Act 63,
 10 is amended to read:

INSEAT 4-8

1 101.862 (4) (f) A person engaged in installing, repairing, or maintaining
2 electrical wiring of transmission facilities, as defined in s. 196.01 (12), 2011 stats.

3 **SECTION 4.** 196.01 (1d) (a) of the statutes is repealed.

4 **SECTION 5.** 196.01 (1d) (b) of the statutes is repealed.

5 **SECTION 6.** 196.01 (1r) of the statutes is repealed.

6 **SECTION 7.** 196.01 (4m) of the statutes is repealed.

7 **SECTION 8.** 196.01 (12) of the statutes is repealed.

8 **SECTION 9.** 196.19 (3) of the statutes is amended to read:

9 196.19 (3) A copy of as much of the schedules filed under sub. (1) as the
10 commission determines necessary for the use of the public shall be ~~printed~~ produced
11 in plain type, and kept on file ~~in every~~ at the public utility station or office where
12 ~~payments are made by consumers, and made available to the public at least 10 days~~
13 before the schedules take effect, unless the commission prescribes a shorter time
14 period. In making a copy available to the public, a public utility may make the copy
15 available at locations where customer payments are accepted, on the public utility's
16 Internet site, or in a form and place that is otherwise readily accessible to the public.

17 **SECTION 10.** 196.19 (4) of the statutes is amended to read:

18 196.19 (4) If a schedule of joint rates or charges is in force between public
19 utilities, the schedule shall be ~~printed and~~ filed with the commission under sub. (1).
20 The commission shall determine the portion of the schedule necessary for the use of
21 the public. The public utilities shall file make the portion of the schedule available
22 to the public as provided under sub. (3).

23 **SECTION 11.** 196.192 (3) (b) of the statutes is amended to read:

1 196.192 (3) (b) Nothing in s. 196.20, ~~196.21~~, 196.22, 196.37, 196.60 or 196.604
2 prohibits the commission from approving a filing under sub. (2) or approving
3 market-based rates under par. (a).

4 **SECTION 12.** 196.193 (4) (intro.) of the statutes is renumbered 196.193 (4) and
5 amended to read:

6 196.193 (4) NOTICE REQUIREMENTS. A utility seeking an increase in rates under
7 this section shall notify all customers, ~~upon a form approved by the commission, by~~
8 ~~newspaper publication or by mail. The utility shall include a copy of the issued notice~~
9 ~~in its filing of an application under this section. The notice shall include all of the~~
10 ~~following:~~ as required under s. 196.20 (8).

11 **SECTION 13.** 196.193 (4) (a) to (d) of the statutes are repealed.

12 **SECTION 14.** 196.194 of the statutes is amended to read:

13 **196.194 Gas utility individual contracts.** Nothing in ss. 196.03, 196.19,
14 196.20, ~~196.21~~, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the
15 commission from approving the filing of a tariff which permits a gas utility to enter
16 into an individual contract with an individual customer if the term of the contract
17 is no more than 5 years, or a longer period approved by the commission, and if the
18 commission determines that substitute gas services are available to customers or
19 potential customers of the gas utility and the absence of such a tariff will cause the
20 gas utility to be disadvantaged in competing for business. A tariff filed under this
21 section shall include the condition that any such contract shall be compensatory. The
22 tariff shall include any other condition and procedure required by the commission in
23 the public interest. Within 20 days after a contract authorized under this section or
24 an amendment to such a contract has been executed, the gas utility shall submit the
25 contract to the commission. The commission shall give notice to any person, upon

1 request, that a contract authorized under this section has been received by the
2 commission. The notice shall identify the gas utility that has entered into the
3 contract. Within 6 months after receiving substantial evidence that a contract may
4 be noncompensatory, or upon its own motion, the commission shall investigate and
5 determine whether the contract is compensatory. If the commission determines that
6 the contract is noncompensatory, the commission may make appropriate
7 adjustments in the rates or tariffs of the gas utility that has entered into the contract,
8 in addition to other remedies under this chapter. The dollar amount of the
9 adjustment may not be less than the amount by which the contract was found to be
10 noncompensatory.

11 **SECTION 15.** 196.20 (1) (title) of the statutes is created to read:

12 196.20 (1) (title) IN GENERAL.

13 **SECTION 16.** 196.20 (2) (title) of the statutes is created to read:

14 196.20 (2) (title) RATE DECREASES.

15 **SECTION 17.** 196.20 (2m) (title) of the statutes is created to read:

16 196.20 (2m) (title) RATE INCREASES.

17 **SECTION 18.** 196.20 (4) (title) of the statutes is created to read:

18 196.20 (4) (title) ELECTRIC UTILITY AUTOMATIC ADJUSTMENT CLAUSES.

19 **SECTION 19.** 196.20 (7) (title) of the statutes is created to read:

20 196.20 (7) (title) ELECTRIC UTILITY MITIGATION PAYMENTS.

21 **SECTION 20.** 196.20 (8) of the statutes is created to read:

22 196.20 (8) CUSTOMER NOTICE IN WATER UTILITY RATE CASES. (a) When a water
23 public utility files an application with the commission for a rate revision that, if
24 authorized, would result in a rate increase, the water public utility shall inform its

1 customers of the application and the general nature and effect of the filing by
2 providing a notice that includes all of the following:

- 3 1. The amount of the rate revision and its anticipated effective date.
- 4 2. The anticipated impact on customer bills for representative customer
5 classes, including residential customers, if the rate revision is authorized.
- 6 3. Instructions on how a customer may contact the commission about the
7 application.
- 8 4. If the application is filed for a rate increase under s. 196.193, a statement
9 that the application is subject to that section and that a hearing is not required.
- 10 5. Any other information that the commission requires to be included in the
11 notice.

12 (b) 1. A water public utility shall provide the notice required under par. (a) to
13 its customers by posting the notice at the utility and by including the notice on its
14 bill or in a bill insert over one complete billing cycle, except that if the utility does not
15 issue monthly customer bills, the utility shall provide the notice to customers by a
16 special mailing or by means of a display advertisement in a newspaper having
17 general circulation in the utility's service area.

18 2. A water public utility may also publish the notice required under par. (a) on
19 its Internet site.

20 (c) A water public utility shall file with the commission proof of compliance with
21 this subsection. If a hearing is held on the application described in par. (a) (intro.),
22 the utility shall file the proof of compliance with the commission at least 3 days before
23 the hearing.

24 **SECTION 21.** 196.203 (1m) of the statutes is repealed.

25 **SECTION 22.** 196.21 of the statutes is repealed.

1 SECTION 23. 196.49 (5g) (a) (intro.) of the statutes is amended to read:

2 196.49 (5g) (a) (intro.) A public utility is exempt from the requirement to obtain
3 a certification or approval of the commission under ~~this section sub. (2) or (3)~~ before
4 beginning a proposed project if the estimated gross cost of the proposed project is not
5 more than one of the following cost thresholds:

6 SECTION 24. 196.491 (3) (g) of the statutes is amended to read:

7 196.491 (3) (g) The commission shall take final action on an application filed
8 under par. (a) 1. within 180 days after the application is determined or considered
9 to be complete under par. (a) 2. If the commission fails to take final action within the
10 180-day period, the commission is considered to have issued a certificate of public
11 convenience and necessity with respect to the application, unless the ~~commission,~~
12 ~~within the 180-day period, petitions the circuit court for Dane County for an~~
13 ~~extension of time for taking final action on the application and the court grants an~~
14 ~~extension. Upon a showing of good cause, the court may extend the 180-day~~
15 chairperson of the commission extends the time period for no more than an
16 additional 180 days for good cause. If the commission fails to take final action within
17 the extended period, the commission is considered to have issued a certificate of
18 public convenience and necessity with respect to the application.

19 SECTION 25. 196.50 (2) (i) of the statutes is amended to read:

20 196.50 (2) (i) A telecommunications utility certified under this subsection is
21 exempt from ss. 196.02 (2) and (6), 196.05, 196.06, 196.07, 196.08, 196.09, 196.10,
22 196.12, 196.13, 196.16, 196.18, 196.19, 196.20, ~~196.21~~, 196.219 (3) (c), (e), (g), and (L),
23 (4d), (4m), and (5), 196.24, 196.395 (1), 196.49, 196.52, 196.58, 196.60, 196.64,
24 196.72, 196.78, and 196.79 and, except with respect to wholesale
25 telecommunications service, is exempt from s. 196.219 (4).

strike

22

1 **SECTION 26.** 196.50 (2) (i) of the statutes is amended to read:

2 196.50 (2) (i) A telecommunications utility certified under this subsection is
3 exempt from ss. 196.02 (2) and (6), 196.05, 196.06, 196.07, 196.08, 196.09, 196.10,
4 196.12, 196.13, 196.16, 196.18, 196.19, 196.20, 196.21, 196.219 (3) (c), (e), (g), and (L),
5 (4d), (4m), and (5), 196.24, 196.395 (1), 196.49, 196.52, 196.58, 196.60, 196.64,
6 196.78, and 196.79 and, except with respect to wholesale telecommunications
7 service, is exempt from s. 196.219 (4).

8 **SECTION 27.** 197.10 (4) of the statutes is amended to read:

9 197.10 (4) Insofar as the use, operation, service, management, control, sale,
10 lease, purchase, extension, improvement, rates, value or earnings of the properties
11 of the public utility or provisions looking toward the ultimate acquisition of the same
12 are made subject to the terms of any contract provided for in sub. (1), and so long as
13 said contract remains in force, the following sections of the statutes shall be
14 inapplicable to the same: ss. 196.02 (1) and (2), 196.05, 196.09, 196.10, 196.11,
15 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28, 196.30, 196.37,
16 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03, 197.04, 197.05,
17 197.06, 197.08 and 197.09; provided that nothing in any contract made hereunder
18 shall operate to prevent an appeal to the public service commission by any person,
19 other than a party to said contract, upon any complaint alleging that any rate, fare,
20 charge or classification, or any joint rate, or any regulation, act or practice relating
21 to the production, transmission, delivery or furnishing of gas, heat, light or power,
22 or any service in connection therewith, is unjustly discriminatory, or that any such
23 service is inadequate or cannot be obtained. Upon said appeal the commission shall,
24 as provided by law, determine and by order fix a rate, fare, charge, classification, joint

1 rate or regulation, act or practice or service to be imposed, observed or followed in the
2 future in lieu of that found to be unjustly discriminatory or inadequate.

INSERT
11-15

3 SECTION 28. 941.40 (3) and (4) (b) of the statutes are amended to read:

4 941.40 (3) Any person who, for any purpose, intentionally makes or causes to
5 be made a physical electrical connection with any wire, cable, conductor, ground,
6 equipment, facility, or other property of any telegraph, telecommunications, electric
7 light, or electric power company, including a cooperative association organized under
8 ch. 185, is guilty of a Class A misdemeanor.

9 (4) (b) Subsections (2) and (3) do not apply to a person who acts with the
10 permission of the telegraph, telecommunications, electric light, or electric power
11 company, including a cooperative association organized under ch. 185, that is
12 affected or that owns the wire, pole, cable, conductor, ground, equipment, facility, or
13 other affected property or with the permission of the person who owns the property
14 on which the wire, pole, cable, conductor, ground, equipment, facility, or other
15 affected property is located.

INSERT 11-16

~~INSERT 11-15~~

16 ~~SECTION 29. Initial applicability.~~

17 fix → component (I) PROJECT CERTIFICATES AND APPROVALS. ~~This~~ fact first applies to projects that
18 begin on the effective date of this subsection.

The treatment of section 196.49(5g)(a) (Intro.) of the statutes

19 (J) TAMPERING WITH TELECOMMUNICATIONS OR ELECTRIC WIRES. The treatment of
20 section 941.40 (3) and (4) (b) of the statutes first applies to an act committed on the
21 effective date of this subsection.

22 (K) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; DEADLINE EXTENSION.
23 The treatment of section 196.491 (3) (g) of the statutes first applies to applications
24 received on the effective date of this subsection.

INSERT 13-3

END OF INSERT 13-3

INSERT 13-4

1 SECTION 30. Effective dates. This act takes effect on the day after publication,

2 except as follows:

INSERT 13-3 + 0 INSERT 13-4 ✓

3 ~~¶~~ The treatment of section 101.862 (4) (f) of the statutes takes effect on April

4 1, 2014. ~~¶~~ ✓

END OF INSERT 13-4

5 SECTION 31. Nonstatutory provisions.

6 (1) CABLE TELEVISION TELECOMMUNICATIONS SERVICE PROVIDERS.

7 (a) In this subsection, "cable television telecommunications provider" means
8 a person whom the public service commission has, prior to the effective date of this
9 paragraph, certified as an alternative telecommunications utility defined in section
10 196.01 (1d) (a), 2011 stats.

11 (b) On the effective date of this paragraph, a cable television
12 telecommunications service provider is considered certified as an alternative
13 telecommunications utility defined in section 196.01 (1d) (f) of the statutes,
14 notwithstanding the absence of a finding required under section 196.01 (1d) (f). The
15 public service commission shall issue a certification as an alternative
16 telecommunications utility defined in section 196.01 (1d) (f) to each such cable
17 television telecommunications service provider.

18 SECTION 32. Initial applicability.

19 ~~¶~~ (1) AVAILABILITY OF PUBLIC UTILITY SCHEDULES. The treatment of sections 196.19
20 (3) and (4) and 196.21 of the statutes first applies to schedules that are filed on the
21 effective date of this subsection.

22 ~~SECTION 33. Initial applicability.~~

1

INSERT 1A:

✓
✓
This bill makes changes regarding all of the following: 1) Public Service Commission (PSC) certificates required for certain activities; 2) filing requirements for public utility rate schedules; 3) water public utility rate changes; 4) telecommunications regulation; 4) legislative repeal or modification of agency rules; and 5) tampering with telecommunications or electric wires.

PSC certificates. Current law prohibits a public utility from beginning construction or providing service in a municipality, unless the public utility obtained a certificate from the PSC authorizing the public utility to transact public utility business. Current law also prohibits a public utility from beginning certain projects involving new or existing plants, equipment, property, or facilities, unless the public utility has complied with applicable PSC rules and orders. In addition, current law allows the PSC to prohibit a public utility from proceeding with such a project until the PSC certifies that public convenience and necessity require the project. Current law also includes exemptions that are based on the gross cost of the project and the type of public utility that proposes the project. The bill provides that those exemptions do not apply to the first prohibition described in the foregoing, but do apply to the second and third prohibitions.

Current law also generally prohibits a person from commencing construction of certain large electric generating facilities or high-voltage transmission lines without obtaining a certificate of public convenience and necessity (CPCN) from the PSC. After a person files an application for a CPCN, the PSC must determine whether the application is complete. If the PSC fails to make such a determination within a specified deadline, the application is considered to be complete. Current law requires the PSC to take final action on the application within 180 days after the application is determined or considered to be complete. If the PSC fails to take final action within that deadline, the PSC is considered to have issued a CPCN to the applicant. However, current law also allows the PSC to petition the circuit court for Dane County for an extension of the deadline for no more than an additional 180 days. Upon a showing of good cause, the court may extend the deadline. If the PSC fails to take final action within the extended deadline, the PSC is considered to have issued the CPCN. The bill eliminates the requirement for the PSC to petition the court for a deadline extension. Instead, the bill allows the chairperson of the PSC to extend the deadline for no more than an additional 180 days for good cause. As under current law, if the PSC fails to take final action within the extended deadline, the PSC is considered to have issued the CPCN.

Public utility rate schedules. Under current law, certain public utilities must file schedules with the PSC showing their rates for service. Current law requires the PSC to determine the portion of a public utility's rate schedule that is necessary for public use and the public utility must print a copy of that portion in plain type. The bill requires the copy to be produced, rather than printed, in plain type. Current law also requires a public utility to keep the copy on file, in a form and place readily accessible to the public, at every station or office where customers make

payments. The bill changes the foregoing requirement so that a public utility must keep the copy on file at the public utility and make the copy available to the public by making it available at locations where customer payments are accepted, on the public utility's Internet site, or in a form and place that is otherwise readily accessible to the public.

Water public utility rate changes. The bill requires a water public utility to inform its customers when the public utility files an application to the PSC to authorize a rate revision that would result in a rate increase. The bill's requirements are similar to requirements under the PSC's rules that apply to water and other types of public utilities. The bill requires a water public utility to inform customers about the application and the general nature and effect of the filing by providing a notice that includes the following: 1) the amount of the rate revision; 2) the anticipated effective date; 3) the anticipated impact on customer bills for representative customer classes, including residential customers; 4) instructions on how a customer may contact the PSC about the revision; and 5) any other information required by the PSC. The bill requires a water public utility to post the notice at the utility, and allows the utility to publish the notice on its Internet site. Also, if the water public utility issues monthly customer bills, the utility must include the notice on its bill or in a bill insert over one complete billing cycle. If the water public utility does not issue monthly customer bills, the utility must provide the notice to customers by a special mailing or advertisement in a newspaper having general circulation in the utility's service area. The bill also requires a water public utility to file proof of compliance with the foregoing requirements with the PSC. In addition, if a hearing is held on the water public utility's application for revised rates, the utility must file proof of compliance at least three days before the hearing.

Current law allows the PSC to authorize certain rate increases for municipal water public utilities without holding a hearing. Under the bill, if a municipal water public utility applies for such authorization, the utility must comply with the notice requirements described above. In addition, the notice must include a statement that a hearing is not required for the proposed rate increase.

Telecommunications regulation. Current law exempts telecommunications utilities from a variety of requirements that apply to other public utilities. The bill creates an additional exemption. Under current law, the PSC has the authority to require public utilities to record or report certain accidents. The bill exempts telecommunications utilities from that authority. The bill also repeals an obsolete definition of "transmission facility" relating to telecommunications service.

Under current law, no person may provide service as an alternative telecommunications utility (ATU) unless the PSC certifies that the person is an ATU. Current law defines ATU to include the following: 1) cable television telecommunications service providers (CTTSPs); 2) telecommunications resellers; 3) pay telephone service providers; and 4) other telecommunications providers that the PSC finds offer service that is available from other telecommunications providers. Current law defines a CTTSP as a telecommunications provider that receives a specified percentage of its gross income from the operation of a cable television

system. Current law also requires a CTTSP to file annual statements regarding gross income with the PSC. Current law defines "pay telephone service provider" as a person who owns or leases a pay telephone located on property owned or leased by that person and who otherwise does not offer any telecommunications service to the public.

The bill revises the definition of ATU so that it does not include CTTSPs or pay telephone service providers. The bill also repeals the annual filing requirement for CTTSPs, as well as the PSC's administrative rules regarding CTTSPs. In addition, the bill provides that a former CTTSP that the PSC certified as an ATU before the bill's effective date is considered certified as an ATU on the basis that the person offers telecommunications service available from other telecommunications providers. The bill also requires the PSC to issue a certification specifying that the former CTTSP is an ATU on that basis.

Legislative repeal or modification of agency rules. Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.

4. The final draft of the proposed rule is submitted to the governor for approval.

5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under the bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

Tampering with telecommunications or electric wires. Under current law, a person who intentionally destroys, disturbs, interferes with, or injures the property of any telegraph, telecommunications, electric light, or electric power company is guilty of a Class B misdemeanor and a person who intentionally makes a physical electrical connection with any property of any telecommunications or electric power company is guilty of a Class A misdemeanor. The bill adds telegraph companies and electric light companies to the second offense for consistency.

BILL**INSERT 4-1:**

submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

Administrative rules relating to the estate tax

Under current law, the state does not impose an estate tax. This bill repeals the administrative rules that relate to the estate tax.

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

1 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

2 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
3 227.265 affect the same unit of the Wisconsin administrative code without taking
4 cognizance of the effect thereon of the other rules and if the legislative reference
5 bureau finds that there is no mutual inconsistency in the changes made by each such
6 rule, the legislative reference bureau shall incorporate the changes made by each
7 rule into the text of the unit and document the incorporation in a note to the unit.
8 For each such incorporation, the legislative reference bureau shall include in a
9 correction bill a provision formally validating the incorporation. Section 227.27 (2)
10 is not affected by printing decisions made by the legislative reference bureau under
11 this paragraph.

12 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
14 administrative code a note explaining any change made under par. (b) or (bm).



BILL

INSERT 4-1 (Cont'd):

1 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

2 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
3 apply to any change made by the legislative reference bureau under par. (b) or (bm).

4 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

5 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
6 record of each change made under par. (b) or (bm).

7 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

8 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
9 of each change made under par. (b) or (bm). **END OF INSERT 4-1**

10 **SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,
11 is amended to read:

12 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
13 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
14 preceding register, including emergency rules filed under s. 227.24 (3).

15 **SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
16 is amended to read:

17 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
18 affected by rules filed with legislative reference bureau under s. 227.20 (1) or
19 modified under s. 227.265, in accordance with sub. (3) (e) 1.

20 **SECTION 8.** 35.93 (3) of the statutes is amended to read:

21 35.93 (3) The legislative reference bureau shall compile and deliver to the
22 department for printing copy for a register which shall contain all the rules filed
23 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
24 preceding issue of the register was made and those executive orders which are to be
25 in effect for more than 90 days or an informative summary thereof. The complete

8-1 2013



BILL

INSEAT 4-8 (cont'd):

SECTION 8

1 register shall be compiled and published before the first day of each month and a
 2 notice section of the register shall be compiled and published before the 15th day of
 3 each month. Each issue of the register shall contain a title page with the name
 4 "Wisconsin administrative register", the number and date of the register, and a table
 5 of contents. Each page of the register shall also contain the date and number of the
 6 register of which it is a part in addition to the other necessary code titles and page
 7 numbers. The legislative reference bureau may include in the register such
 8 instructions or information as in the bureau's judgment will help the user to correctly
 9 make insertions and deletions in the code and to keep the code current.

10 **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
 11 Act 20, is amended to read:

12 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
 13 appropriate chapters of the Wisconsin administrative code each permanent rule filed
 14 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265
 15 and, for each chapter of the administrative code affected by a rule, do all of the
 16 following:

17 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
 18 20, is amended to read:

19 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
 20 in accordance with the filing deadline for publication established in the rules
 21 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register
 22 agreed to by the submitting agency and the legislative reference bureau, or, in the
 23 case of a rule modified under s. 227.265, in the end-of-month register for the month
 24 in which the bill modifying the rule is enacted. *END OF INSEAT 4-8*

25 **SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

INSEAT 11-15



BILL

INSEAT 11-15 (Cont'd)

1 227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy,
 2 or general order of general application which has the effect of law and which is issued
 3 by an agency to implement, interpret, or make specific legislation enforced or
 4 administered by the agency or to govern the organization or procedure of the agency.
 5 "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and
 6 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
 7 otherwise meet the definition under this subsection, which:

8 SECTION 12. 227.11 (2) (intro.) of the statutes is amended to read:

9 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
 10 as follows:

11 SECTION 13. 227.265 of the statutes is created to read:

12 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule
 13 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.
 14 Instead, the legislative reference bureau shall publish the repeal or modification in
 15 the Wisconsin administrative code and register as required under s. 35.93, and the
 16 repeal or modification shall take effect as provided in s. 227.22.

17 SECTION 14. 227.27 (2) of the statutes is amended to read:

18 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
 19 as provided by s. 889.01, but this does not preclude reference to or, in case of a
 20 discrepancy, control over a rule filed with the legislative reference bureau or the
 21 secretary of state under s. 227.20 or modified under s. 227.265, and the certified copy
 22 of a rule shall also and in the same degree be prima facie evidence in all courts and
 23 proceedings.

END OF INSEAT 11-15

24 ~~SECTION 15. Chapter Tax 10 of the administrative code is repealed.~~

BILL

SECTION 16

INSERT 12-3 to INSERT 13-4:

1 **SECTION 16. Effective dates.** This act takes effect ~~on the day after publication,~~

2 except as follows:

3 (1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.
4 of the statutes takes effect on January 1, 2015.

END OF INSERT

5 ~~(END)~~

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3779/1dn

MDK:/:....

gs

date -

Rep. Kuglitsch:

This bill is a compile of the following drafts: LRB-3577/P1, LRB-3578/P1, LRB-3607/P1, LRB-3616/P1, LRB-3617/P1, LRB-3624/P1, LRB-3626/P1, LRB-3652/P1, and LRB-3654/P1. ✓
✓
✓
✓

Also, this bill includes the provisions of AB-277 that revise the administrative rule procedures to address the repeal or modification of rules by the legislature. Because AB-277 has not yet been enacted, and because this bill repeals the PSC's rules regarding cable television telecommunications service providers, it is necessary to include AB-277's provisions in this bill. Those provisions are discussed under the analysis heading, "Legislative repeal or modification of agency rules." ✓
✓

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3779/1dn
MDK:cjs:rs

December 12, 2013

Rep. Kuglitsch:

This bill is a compile of the following drafts: LRB-3577/P1, LRB-3578/P1, LRB-3607/P1, LRB-3616/P1, LRB-3617/P1, LRB-3624/P1, LRB-3626/P1, LRB-3652/P1, and LRB-3654/P1.

Also, this bill includes the provisions of AB-277 that revise the administrative rule procedures to address the repeal or modification of rules by the legislature. Because AB-277 has not yet been enacted, and because this bill repeals the PSC's rules regarding cable television telecommunications service providers, it is necessary to include AB-277's provisions in this bill. Those provisions are discussed under the analysis heading, "Legislative repeal or modification of agency rules."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Basford, Sarah

From: Spencer, Matt
Sent: Thursday, December 12, 2013 1:03 PM
To: LRB.Legal
Subject: Draft Review: LRB -3779/1 Topic: PSC certificates, definition of transmission facility, customer notice in water utility cases, utility rate schedules, telecommunications utility accident reporting, pay telephone and cable television telecommunications

Please Jacket LRB -3779/1 for the ASSEMBLY.

Kunkel, Mark

From: Spencer, Matt
Sent: Friday, December 20, 2013 9:32 AM
To: Kunkel, Mark
Subject: LRB 3779

Good morning,

It turns out we are going to need a /2. Could you please remove remove all aspects of LRB 3654, which deals with water utility rates from the package (LRB 3779). Let me know you have any questions and thanks for your help.

Regards,

Matthew Spencer

Sent via the Samsung Galaxy STMIII, an AT&T 4G LTE smartphone



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3654/P1 ✓

MDK:sac:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 196.193 (4) (a) to (d); *to renumber and amend* 196.193 (4)
2 (intro.); and *to create* 196.20 (1) (title), 196.20 (2) (title), 196.20 (2m) (title),
3 196.20 (4) (title), 196.20 (7) (title) and 196.20 (8) of the statutes; **relating to:**
4 notice for water public utility rate revisions.

Analysis by the Legislative Reference Bureau

This bill requires a water public utility to inform its customers when the public utility files an application to the Public Service Commission (PSC) to authorize a rate revision that would result in a rate increase. The bill's requirements are similar to requirements under the PSC's rules that apply to water and other types of public utilities. The bill requires a water public utility to inform customers about the application and the general nature and effect of the filing by providing a notice that includes the following: 1) the amount of the rate revision; 2) the anticipated effective date; 3) the anticipated impact on customer bills for representative customer classes, including residential customers; 4) instructions on how a customer may contact the PSC about the revision; and 5) any other information required by the PSC. The bill requires a water public utility to post the notice at the utility, and allows the utility to publish the notice on its Internet site. Also, if the water public utility issues monthly customer bills, the utility must include the notice on its bill or in a bill insert over one complete billing cycle. If the water public utility does not issue monthly customer bills, the utility must provide the notice to customers by a special mailing or advertisement in a newspaper having general circulation in the utility's service area. The bill also requires a water public utility to file proof of compliance with the

foregoing requirements with the PSC. In addition, if a hearing is held on the water public utility's application for revised rates, the utility must file proof of compliance at least three days before the hearing.

Current law allows the PSC to authorize certain rate increases for municipal water public utilities without holding a hearing. Under this bill, if a municipal water public utility applies for such authorization, the utility must comply with the notice requirements described above. In addition, the notice must include a statement that a hearing is not required for the proposed rate increase.

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

1 ~~SECTION 1.~~ 196.193 (4) (intro.) of the statutes is renumbered 196.193 (4) and
2 amended to read:

3 196.193 (4) NOTICE REQUIREMENTS. A utility seeking an increase in rates under
4 this section shall notify all customers, ~~upon a form approved by the commission, by~~
5 ~~newspaper publication or by mail. The utility shall include a copy of the issued notice~~
6 ~~in its filing of an application under this section. The notice shall include all of the~~
7 ~~following: as required under s. 196.20 (8).~~

8 ~~SECTION 2.~~ 196.193, (4) (a) to (d) of the statutes are repealed.

9 ~~SECTION 3.~~ 196.20 (1) (title) of the statutes is created to read:

10 196.20 (1) (title) IN GENERAL.

11 ~~SECTION 4.~~ 196.20 (2) (title) of the statutes is created to read:

12 196.20 (2) (title) RATE DECREASES.

13 ~~SECTION 5.~~ 196.20 (2m) (title) of the statutes is created to read:

14 196.20 (2m) (title) RATE INCREASES.

15 ~~SECTION 6.~~ 196.20 (4) (title) of the statutes is created to read:

16 196.20 (4) (title) ELECTRIC UTILITY AUTOMATIC ADJUSTMENT CLAUSES.

17 ~~SECTION 7.~~ 196.20 (7) (title) of the statutes is created to read:

18 196.20 (7) (title) ELECTRIC UTILITY MITIGATION PAYMENTS.

1 ~~SECTION 8.~~ 196.20 (8) of the statutes is created to read:

2 196.20 (8) CUSTOMER NOTICE IN WATER UTILITY RATE CASES. (a) When a water
3 public utility files an application with the commission for a rate revision that, if
4 authorized, would result in a rate increase, the water public utility shall inform its
5 customers of the application and the general nature and effect of the filing by
6 providing a notice that includes all of the following:

7 1. The amount of the rate revision and its anticipated effective date.

8 2. The anticipated impact on customer bills for representative customer
9 classes, including residential customers, if the rate revision is authorized.

10 3. Instructions on how a customer may contact the commission about the
11 application.

12 4. If the application is filed for a rate increase under s. 196.193, a statement
13 that the application is subject to that section and that a hearing is not required.

14 5. Any other information that the commission requires to be included in the
15 notice.

16 (b) 1. A water public utility shall provide the notice required under par. (a) to
17 its customers by posting the notice at the utility and by including the notice on its
18 bill or in a bill insert over one complete billing cycle, except that if the utility does not
19 issue monthly customer bills, the utility shall provide the notice to customers by a
20 special mailing or by means of a display advertisement in a newspaper having
21 general circulation in the utility's service area.

22 2. A water public utility may also publish the notice required under par. (a) on
23 its Internet site.

24 (c) A water public utility shall file with the commission proof of compliance with
25 this subsection. If a hearing is held on the application described in par. (a) (intro.),

1 the utility shall file the proof of compliance with the commission at least 3 days before
2 the hearing.

3 **SECTION 9. Initial applicability.**

4 (1) ~~WATER UTILITY RATE REVISIONS.~~ The treatment of sections 196.20 (8) and
5 196.193 (4) (intro.) and (a) to (d) of the statutes first applies to applications for rate
6 revisions filed on the effective date of this subsection.

7 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3779/1
MDK:cjs:rs

Today

O-NOTE

T
WJ
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M
has been
RWN
2

2013 BILL

agn cart

1 AN ACT *to repeal* 196.01 (1d) (a), 196.01 (1d) (b), 196.01 (1r), 196.01 (4m), 196.01
2 (12), 196.193 (4) (a) to (d), 196.203 (1m) and 196.21; *to renumber and amend*
3 196.193 (4) (intro.); *to amend* 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4)
4 (f), 20.395 (3) (jh), 35.93 (2) (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e) (intro.),
5 35.93 (3) (e) 1., 101.862 (4) (f), 196.19 (3), 196.19 (4), 196.192 (3) (b), 196.194,
6 196.49 (5g) (a) (intro.), 196.491 (3) (g), 196.50 (2) (i), 197.10 (4), 227.01 (13)
7 (intro.), 227.11 (2) (intro.), 227.27 (2) and 941.40 (3) and (4) (b); and *to create*
8 13.92 (4) (bm), 196.20 (1) (title), 196.20 (2) (title), 196.20 (2m) (title), 196.20 (4)
9 (title), 196.20 (7) (title), 196.20 (8) and 227.265 of the statutes; **relating to:**
10 Public Service Commission certificates for certain activities; tampering with
11 telecommunications or electric wires; regulation of pay telephone service
12 providers and cable television telecommunications service providers; accident
13 reporting by telecommunications utilities; the definition of transmission

BILL

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2

facility; availability of public utility rate schedules; notice for water public utility rate revisions, and rule-making procedures.

Analysis by the Legislative Reference Bureau

This bill makes changes regarding all of the following: 1) Public Service Commission (PSC) certificates required for certain activities; 2) filing requirements for public utility rate schedules; 3) water public utility rate changes; 4) telecommunications regulation; 4) legislative repeal or modification of agency rules; and 5) tampering with telecommunications or electric wires.

PSC certificates. Current law prohibits a public utility from beginning construction or providing service in a municipality, unless the public utility obtained a certificate from the PSC authorizing the public utility to transact public utility business. Current law also prohibits a public utility from beginning certain projects involving new or existing plants, equipment, property, or facilities, unless the public utility has complied with applicable PSC rules and orders. In addition, current law allows the PSC to prohibit a public utility from proceeding with such a project until the PSC certifies that public convenience and necessity require the project. Current law also includes exemptions that are based on the gross cost of the project and the type of public utility that proposes the project. The bill provides that those exemptions do not apply to the first prohibition described in the foregoing, but do apply to the second and third prohibitions.

Current law also generally prohibits a person from commencing construction of certain large electric generating facilities or high-voltage transmission lines without obtaining a certificate of public convenience and necessity (CPCN) from the PSC. After a person files an application for a CPCN, the PSC must determine whether the application is complete. If the PSC fails to make such a determination within a specified deadline, the application is considered to be complete. Current law requires the PSC to take final action on the application within 180 days after the application is determined or considered to be complete. If the PSC fails to take final action within that deadline, the PSC is considered to have issued a CPCN to the applicant. However, current law also allows the PSC to petition the circuit court for Dane County for an extension of the deadline for no more than an additional 180 days. Upon a showing of good cause, the court may extend the deadline. If the PSC fails to take final action within the extended deadline, the PSC is considered to have issued the CPCN. The bill eliminates the requirement for the PSC to petition the court for a deadline extension. Instead, the bill allows the chairperson of the PSC to extend the deadline for no more than an additional 180 days for good cause. As under current law, if the PSC fails to take final action within the extended deadline, the PSC is considered to have issued the CPCN.

Public utility rate schedules. Under current law, certain public utilities must file schedules with the PSC showing their rates for service. Current law requires the PSC to determine the portion of a public utility's rate schedule that is necessary for public use and the public utility must print a copy of that portion in

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plain type. The bill requires the copy to be produced, rather than printed, in plain type. Current law also requires a public utility to keep the copy on file, in a form and place readily accessible to the public, at every station or office where customers make payments. The bill changes the foregoing requirement so that a public utility must keep the copy on file at the public utility and make the copy available to the public by making it available at locations where customer payments are accepted, on the public utility's Internet site, or in a form and place that is otherwise readily accessible to the public.

Water public utility rate changes. The bill requires a water public utility to inform its customers when the public utility files an application to the PSC to authorize a rate revision that would result in a rate increase. The bill's requirements are similar to requirements under the PSC's rules that apply to water and other types of public utilities. The bill requires a water public utility to inform customers about the application and the general nature and effect of the filing by providing a notice that includes the following: 1) the amount of the rate revision; 2) the anticipated effective date; 3) the anticipated impact on customer bills for representative customer classes, including residential customers; 4) instructions on how a customer may contact the PSC about the revision; and 5) any other information required by the PSC. The bill requires a water public utility to post the notice at the utility, and allows the utility to publish the notice on its Internet site. Also, if the water public utility issues monthly customer bills, the utility must include the notice on its bill or in a bill insert over one complete billing cycle. If the water public utility does not issue monthly customer bills, the utility must provide the notice to customers by a special mailing or advertisement in a newspaper having general circulation in the utility's service area. The bill also requires a water public utility to file proof of compliance with the foregoing requirements with the PSC. In addition, if a hearing is held on the water public utility's application for revised rates, the utility must file proof of compliance at least three days before the hearing.

Current law allows the PSC to authorize certain rate increases for municipal water public utilities without holding a hearing. Under the bill, if a municipal water public utility applies for such authorization, the utility must comply with the notice requirements described above. In addition, the notice must include a statement that a hearing is not required for the proposed rate increase.

Telecommunications regulation. Current law exempts telecommunications utilities from a variety of requirements that apply to other public utilities. The bill creates an additional exemption. Under current law, the PSC has the authority to require public utilities to record or report certain accidents. The bill exempts telecommunications utilities from that authority. The bill also repeals an obsolete definition of "transmission facility" relating to telecommunications service.

Under current law, no person may provide service as an alternative telecommunications utility (ATU) unless the PSC certifies that the person is an ATU. Current law defines ATU to include the following: 1) cable television telecommunications service providers (CTTSPs); 2) telecommunications resellers; 3) pay telephone service providers; and 4) other telecommunications providers that the

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PSC finds offer service that is available from other telecommunications providers. Current law defines a CTTSP as a telecommunications provider that receives a specified percentage of its gross income from the operation of a cable television system. Current law also requires a CTTSP to file annual statements regarding gross income with the PSC. Current law defines "pay telephone service provider" as a person who owns or leases a pay telephone located on property owned or leased by that person and who otherwise does not offer any telecommunications service to the public.

The bill revises the definition of ATU so that it does not include CTTSPs or pay telephone service providers. The bill also repeals the annual filing requirement for CTTSPs, as well as the PSC's administrative rules regarding CTTSPs. In addition, the bill provides that a former CTTSP that the PSC certified as an ATU before the bill's effective date is considered certified as an ATU on the basis that the person offers telecommunications service available from other telecommunications providers. The bill also requires the PSC to issue a certification specifying that the former CTTSP is an ATU on that basis.

Legislative repeal or modification of agency rules. Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.

4. The final draft of the proposed rule is submitted to the governor for approval.

5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules.

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under the bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

Tampering with telecommunications or electric wires. Under current law, a person who intentionally destroys, disturbs, interferes with, or injures the property of any telegraph, telecommunications, electric light, or electric power company is guilty of a Class B misdemeanor and a person who intentionally makes

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a physical electrical connection with any property of any telecommunications or electric power company is guilty of a Class A misdemeanor. The bill adds telegraph companies and electric light companies to the second offense for consistency.

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

1 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

2 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
3 227.265 affect the same unit of the Wisconsin administrative code without taking
4 cognizance of the effect thereon of the other rules and if the legislative reference
5 bureau finds that there is no mutual inconsistency in the changes made by each such
6 rule, the legislative reference bureau shall incorporate the changes made by each
7 rule into the text of the unit and document the incorporation in a note to the unit.
8 For each such incorporation, the legislative reference bureau shall include in a
9 correction bill a provision formally validating the incorporation. Section 227.27 (2)
10 is not affected by printing decisions made by the legislative reference bureau under
11 this paragraph.

12 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
14 administrative code a note explaining any change made under par. (b) or (bm).

15 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

16 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
17 apply to any change made by the legislative reference bureau under par. (b) or (bm).

18 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

19 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
20 record of each change made under par. (b) or (bm).

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1 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

2 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
3 of each change made under par. (b) or (bm).

4 **SECTION 6.** 20.395 (3) (jh) of the statutes is amended to read:

5 20.395 (3) (jh) *Utility facilities within highway rights-of-way, state funds.*
6 From the general fund, all moneys received from telecommunications providers, as
7 defined in s. 196.01 (8p), or cable television telecommunications service providers,
8 as defined in s. 196.01 (1r), 2011 stats., for activities related to locating,
9 accommodating, operating, or maintaining utility facilities within highway
10 rights-of-way, for such purposes.

11 **SECTION 7.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,
12 is amended to read:

13 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
14 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
15 preceding register, including emergency rules filed under s. 227.24 (3).

16 **SECTION 8.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
17 is amended to read:

18 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
19 affected by rules filed with legislative reference bureau under s. 227.20 (1) or
20 modified under s. 227.265, in accordance with sub. (3) (e) 1.

21 **SECTION 9.** 35.93 (3) of the statutes is amended to read:

22 35.93 (3) The legislative reference bureau shall compile and deliver to the
23 department for printing copy for a register which shall contain all the rules filed
24 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
25 preceding issue of the register was made and those executive orders which are to be

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1 in effect for more than 90 days or an informative summary thereof. The complete
2 register shall be compiled and published before the first day of each month and a
3 notice section of the register shall be compiled and published before the 15th day of
4 each month. Each issue of the register shall contain a title page with the name
5 “Wisconsin administrative register”, the number and date of the register, and a table
6 of contents. Each page of the register shall also contain the date and number of the
7 register of which it is a part in addition to the other necessary code titles and page
8 numbers. The legislative reference bureau may include in the register such
9 instructions or information as in the bureau’s judgment will help the user to correctly
10 make insertions and deletions in the code and to keep the code current.

11 **SECTION 10.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
12 Act 20, is amended to read:

13 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
14 appropriate chapters of the Wisconsin administrative code each permanent rule filed
15 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265
16 and, for each chapter of the administrative code affected by a rule, do all of the
17 following:

18 **SECTION 11.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
19 20, is amended to read:

20 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
21 in accordance with the filing deadline for publication established in the rules
22 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register
23 agreed to by the submitting agency and the legislative reference bureau, or, in the
24 case of a rule modified under s. 227.265, in the end-of-month register for the month
25 in which the bill modifying the rule is enacted.

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1 **SECTION 12.** 101.862 (4) (f) of the statutes, as created by 2007 Wisconsin Act
2 63, is amended to read:

3 101.862 (4) (f) A person engaged in installing, repairing, or maintaining
4 electrical wiring of transmission facilities, as defined in s. 196.01 (12), 2011 stats.

5 **SECTION 13.** 196.01 (1d) (a) of the statutes is repealed.

6 **SECTION 14.** 196.01 (1d) (b) of the statutes is repealed.

7 **SECTION 15.** 196.01 (1r) of the statutes is repealed.

8 **SECTION 16.** 196.01 (4m) of the statutes is repealed.

9 **SECTION 17.** 196.01 (12) of the statutes is repealed.

10 **SECTION 18.** 196.19 (3) of the statutes is amended to read:

11 196.19 (3) A copy of as much of the schedules filed under sub. (1) as the
12 commission determines necessary for the use of the public shall be ~~printed~~ produced
13 in plain type, and kept on file ~~in every~~ at the public utility station ~~or office where~~
14 ~~payments are made by consumers, and made available to the public at least 10 days~~
15 before the schedules take effect, unless the commission prescribes a shorter time
16 period. In making a copy available to the public, a public utility may make the copy
17 available at locations where customer payments are accepted, on the public utility's
18 Internet site, or in a form and place that is otherwise readily accessible to the public.

19 **SECTION 19.** 196.19 (4) of the statutes is amended to read:

20 196.19 (4) If a schedule of joint rates or charges is in force between public
21 utilities, the schedule shall be ~~printed and~~ filed with the commission under sub. (1).
22 The commission shall determine the portion of the schedule necessary for the use of
23 the public. The public utilities shall ~~file~~ make the portion of the schedule available
24 to the public as provided under sub. (3).

25 **SECTION 20.** 196.192 (3) (b) of the statutes is amended to read:

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1 196.192 (3) (b) Nothing in s. 196.20, ~~196.21~~, 196.22, 196.37, 196.60 or 196.604
2 prohibits the commission from approving a filing under sub. (2) or approving
3 market-based rates under par. (a).

4 **SECTION 21.** ~~196.193 (4) (intro.) of the statutes is renumbered 196.193 (4) and~~
5 amended to read:

6 196.193 (4) NOTICE REQUIREMENTS. A utility seeking an increase in rates under
7 this section shall notify all customers, ~~upon a form approved by the commission, by~~
8 ~~newspaper publication or by mail. The utility shall include a copy of the issued notice~~
9 ~~in its filing of an application under this section. The notice shall include all of the~~
10 ~~following: as required under s. 196.20 (8).~~

11 **SECTION 22.** ~~196.193 (4) (a) to (d) of the statutes are repealed.~~

12 **SECTION 23.** 196.194 of the statutes is amended to read:

13 **196.194 Gas utility individual contracts.** Nothing in ss. 196.03, 196.19,
14 196.20, ~~196.21~~, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the
15 commission from approving the filing of a tariff which permits a gas utility to enter
16 into an individual contract with an individual customer if the term of the contract
17 is no more than 5 years, or a longer period approved by the commission, and if the
18 commission determines that substitute gas services are available to customers or
19 potential customers of the gas utility and the absence of such a tariff will cause the
20 gas utility to be disadvantaged in competing for business. A tariff filed under this
21 section shall include the condition that any such contract shall be compensatory. The
22 tariff shall include any other condition and procedure required by the commission in
23 the public interest. Within 20 days after a contract authorized under this section or
24 an amendment to such a contract has been executed, the gas utility shall submit the
25 contract to the commission. The commission shall give notice to any person, upon

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1 request, that a contract authorized under this section has been received by the
2 commission. The notice shall identify the gas utility that has entered into the
3 contract. Within 6 months after receiving substantial evidence that a contract may
4 be noncompensatory, or upon its own motion, the commission shall investigate and
5 determine whether the contract is compensatory. If the commission determines that
6 the contract is noncompensatory, the commission may make appropriate
7 adjustments in the rates or tariffs of the gas utility that has entered into the contract,
8 in addition to other remedies under this chapter. The dollar amount of the
9 adjustment may not be less than the amount by which the contract was found to be
10 noncompensatory.

11 **SECTION 24.** 196.20 (1) (title) of the statutes is created to read:

12 196.20 (1) (title) IN GENERAL.

13 **SECTION 25.** 196.20 (2) (title) of the statutes is created to read:

14 196.20 (2) (title) RATE DECREASES.

15 **SECTION 26.** 196.20 (2m) (title) of the statutes is created to read:

16 196.20 (2m) (title) RATE INCREASES.

17 **SECTION 27.** 196.20 (4) (title) of the statutes is created to read:

18 196.20 (4) (title) ELECTRIC UTILITY AUTOMATIC ADJUSTMENT CLAUSES.

19 **SECTION 28.** 196.20 (7) (title) of the statutes is created to read:

20 196.20 (7) (title) ELECTRIC UTILITY MITIGATION PAYMENTS.

21 **SECTION 29.** 196.20 (8) of the statutes is created to read:

22 196.20 (8) CUSTOMER NOTICE IN WATER UTILITY RATE CASES. (a) When a water
23 public utility files an application with the commission for a rate revision that, if
24 authorized, would result in a rate increase, the water public utility shall inform its

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1 customers of the application and the general nature and effect of the filing by
2 providing a notice that includes all of the following:

- 3 1. The amount of the rate revision and its anticipated effective date.
- 4 2. The anticipated impact on customer bills for representative customer
5 classes, including residential customers, if the rate revision is authorized.
- 6 3. Instructions on how a customer may contact the commission about the
7 application.
- 8 4. If the application is filed for a rate increase under s. 196.193, a statement
9 that the application is subject to that section and that a hearing is not required.
- 10 5. Any other information that the commission requires to be included in the
11 notice.

12 (b) 1. A water public utility shall provide the notice required under par. (a) to
13 its customers by posting the notice at the utility and by including the notice on its
14 bill or in a bill insert over one complete billing cycle, except that if the utility does not
15 issue monthly customer bills, the utility shall provide the notice to customers by a
16 special mailing or by means of a display advertisement in a newspaper having
17 general circulation in the utility's service area.

18 2. A water public utility may also publish the notice required under par. (a) on
19 its Internet site.

20 (c) A water public utility shall file with the commission proof of compliance with
21 this subsection. If a hearing is held on the application described in par. (a) (intro.),
22 the utility shall file the proof of compliance with the commission at least 3 days before
23 the hearing.

24 **SECTION 30.** 196.203 (1m) of the statutes is repealed.

25 **SECTION 31.** 196.21 of the statutes is repealed.

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1 **SECTION 32.** 196.49 (5g) (a) (intro.) of the statutes is amended to read:

2 196.49 **(5g)** (a) (intro.) A public utility is exempt from the requirement to obtain
3 a certification or approval of the commission under ~~this section sub. (2) or (3)~~ before
4 beginning a proposed project if the estimated gross cost of the proposed project is not
5 more than one of the following cost thresholds:

6 **SECTION 33.** 196.491 (3) (g) of the statutes is amended to read:

7 196.491 **(3)** (g) The commission shall take final action on an application filed
8 under par. (a) 1. within 180 days after the application is determined or considered
9 to be complete under par. (a) 2. If the commission fails to take final action within the
10 180-day period, the commission is considered to have issued a certificate of public
11 convenience and necessity with respect to the application, unless the ~~commission,~~
12 ~~within the 180-day period, petitions the circuit court for Dane County for an~~
13 ~~extension of time for taking final action on the application and the court grants an~~
14 ~~extension. Upon a showing of good cause, the court may extend the 180-day~~
15 ~~chairperson of the commission extends the time~~ period for no more than an
16 additional 180 days for good cause. If the commission fails to take final action within
17 the extended period, the commission is considered to have issued a certificate of
18 public convenience and necessity with respect to the application.

19 **SECTION 34.** 196.50 (2) (i) of the statutes is amended to read:

20 196.50 **(2)** (i) A telecommunications utility certified under this subsection is
21 exempt from ss. 196.02 (2) and (6), 196.05, 196.06, 196.07, 196.08, 196.09, 196.10,
22 196.12, 196.13, 196.16, 196.18, 196.19, 196.20, ~~196.21~~, 196.219 (3) (c), (e), (g), and (L),
23 (4d), (4m), and (5), 196.24, 196.395 (1), 196.49, 196.52, 196.58, 196.60, 196.64,
24 196.72, 196.78, and 196.79 and, except with respect to wholesale
25 telecommunications service, is exempt from s. 196.219 (4).

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1 **SECTION 35.** 197.10 (4) of the statutes is amended to read:

2 197.10 (4) Insofar as the use, operation, service, management, control, sale,
3 lease, purchase, extension, improvement, rates, value or earnings of the properties
4 of the public utility or provisions looking toward the ultimate acquisition of the same
5 are made subject to the terms of any contract provided for in sub. (1), and so long as
6 said contract remains in force, the following sections of the statutes shall be
7 inapplicable to the same: ss. 196.02 (1) and (2), 196.05, 196.09, 196.10, 196.11,
8 196.15, 196.16, 196.19 (6), 196.20, ~~196.21~~, 196.22, 196.26, 196.28, 196.30, 196.37,
9 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03, 197.04, 197.05,
10 197.06, 197.08 and 197.09; provided that nothing in any contract made hereunder
11 shall operate to prevent an appeal to the public service commission by any person,
12 other than a party to said contract, upon any complaint alleging that any rate, fare,
13 charge or classification, or any joint rate, or any regulation, act or practice relating
14 to the production, transmission, delivery or furnishing of gas, heat, light or power,
15 or any service in connection therewith, is unjustly discriminatory, or that any such
16 service is inadequate or cannot be obtained. Upon said appeal the commission shall,
17 as provided by law, determine and by order fix a rate, fare, charge, classification, joint
18 rate or regulation, act or practice or service to be imposed, observed or followed in the
19 future in lieu of that found to be unjustly discriminatory or inadequate.

20 **SECTION 36.** 227.01 (13) (intro.) of the statutes is amended to read:

21 227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,
22 or general order of general application which has the effect of law and which is issued
23 by an agency to implement, interpret, or make specific legislation enforced or
24 administered by the agency or to govern the organization or procedure of the agency.
25 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and

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1 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
2 otherwise meet the definition under this subsection, which:

3 **SECTION 37.** 227.11 (2) (intro.) of the statutes is amended to read:

4 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
5 as follows:

6 **SECTION 38.** 227.265 of the statutes is created to read:

7 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule
8 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.
9 Instead, the legislative reference bureau shall publish the repeal or modification in
10 the Wisconsin administrative code and register as required under s. 35.93, and the
11 repeal or modification shall take effect as provided in s. 227.22.

12 **SECTION 39.** 227.27 (2) of the statutes is amended to read:

13 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
14 as provided by s. 889.01, but this does not preclude reference to or, in case of a
15 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~
16 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy
17 of a rule shall also and in the same degree be prima facie evidence in all courts and
18 proceedings.

19 **SECTION 40.** 941.40 (3) and (4) (b) of the statutes are amended to read:

20 941.40 (3) Any person who, for any purpose, intentionally makes or causes to
21 be made a physical electrical connection with any wire, cable, conductor, ground,
22 equipment, facility, or other property of any telegraph, telecommunications, electric
23 light, or electric power company, including a cooperative association organized under
24 ch. 185, is guilty of a Class A misdemeanor.

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1 (4) (b) Subsections (2) and (3) do not apply to a person who acts with the
2 permission of the telegraph, telecommunications, electric light, or electric power
3 company, including a cooperative association organized under ch. 185, ~~that is~~
4 ~~affected or~~ that owns the wire, pole, cable, conductor, ground, equipment, facility, or
5 other affected property ~~or with the permission of the person who owns the property~~
6 ~~on which the wire, pole, cable, conductor, ground, equipment, facility, or other~~
7 ~~affected property is located.~~

8 **SECTION 41.** PSC ch. 171 of the administrative code is repealed.

9 **SECTION 42. Nonstatutory provisions.**

10 (1) CABLE TELEVISION TELECOMMUNICATIONS SERVICE PROVIDERS.

11 (a) In this subsection, “cable television telecommunications provider” means
12 a person whom the public service commission has, prior to the effective date of this
13 paragraph, certified as an alternative telecommunications utility defined in section
14 196.01 (1d) (a), 2011 stats.

15 (b) On the effective date of this paragraph, a cable television
16 telecommunications service provider is considered certified as an alternative
17 telecommunications utility defined in section 196.01 (1d) (f) of the statutes,
18 notwithstanding the absence of a finding required under section 196.01 (1d) (f). The
19 public service commission shall issue a certification as an alternative
20 telecommunications utility defined in section 196.01 (1d) (f) to each such cable
21 television telecommunications service provider.

22 **SECTION 43. Initial applicability.**

23 (1) AVAILABILITY OF PUBLIC UTILITY SCHEDULES. The treatment of sections 196.19
24 (3) and (4) and 196.21 of the statutes first applies to schedules that are filed on the
25 effective date of this subsection.

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SECTION 43

9

1 (2) ~~WATER UTILITY RATE REVISIONS.~~ The treatment of sections 196.20 (8) and
2 ~~196.193 (4) (intro.) and (a) to (d) of the statutes first applies to applications for rate~~
3 ~~revisions filed on the effective date of this subsection.~~

4 (3) PROJECT CERTIFICATES AND APPROVALS. The treatment of section 196.49 (5g)
5 (a) (intro.) of the statutes first applies to projects that begin on the effective date of
6 this subsection.

7 (4) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; DEADLINE EXTENSION.
8 The treatment of section 196.491 (3) (g) of the statutes first applies to applications
9 received on the effective date of this subsection.

10 (5) TAMPERING WITH TELECOMMUNICATIONS OR ELECTRIC WIRES. The treatment of
11 section 941.40 (3) and (4) (b) of the statutes first applies to an act committed on the
12 effective date of this subsection.

13 **SECTION 44. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.
16 of the statutes takes effect on January 1, 2015.

17 (2) The treatment of section 101.862 (4) (f) of the statutes takes effect on April
18 1, 2014.

19 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3779/2dn

MDK: f:...

Wly

Date

Rep. Kuglitsch:

This version is identical to the previous version, except that I have removed the provisions of LRB-3654/P1.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3779/2dn
MDK:wlj:jm

December 23, 2013

Rep. Kuglitsch:

This version is identical to the previous version, except that I have removed the provisions of LRB-3654/P1.

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