



2017 ASSEMBLY BILL 774

December 21, 2017 - Introduced by Representatives SANFELIPPO, KUGLITSCH, BRANDTJEN, KNODL, KOYENGA, HUTTON, OTT, SKOWRONSKI, TAUCHEN, WEATHERSTON and WICHGERS, cosponsored by Senators CRAIG, DARLING, WANGGAARD and VUKMIR. Referred to Committee on Energy and Utilities.

1 **AN ACT** *to repeal* 200.55 (1) (g); *to amend* 200.59 (5) (a); and *to create* 200.37
2 (4) of the statutes; **relating to:** the charges, rules, and practices of the
3 Milwaukee Metropolitan Sewerage District.

Analysis by the Legislative Reference Bureau

This bill provides that, when the Public Service Commission investigates a complaint regarding Milwaukee Metropolitan Sewerage District charges, rules, or practices, the PSC must make its determination without deference to MMSD. The bill also removes the presumption that, when the PSC reviews certain charges established by MMSD, the user and service charges established by MMSD are reasonable. Current law requires that user and service charges established by MMSD are presumed reasonable in a review of those charges by the PSC.

This bill also prohibits MMSD from disconnecting sewerage service with a city, village, town, sanitary district, or metropolitan sewerage district that contracts for service with MMSD unless that disconnection is approved by the PSC.

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

4 **SECTION 1.** 200.37 (4) of the statutes is created to read:
5 200.37 (4) DISCONNECTION. The commission may not disconnect any connection
6 with or use of the sewerage system by a city, village, town, sanitary district, or

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1 metropolitan sewerage district that contracts with the commission for service under
2 s. 200.39 (1) unless the disconnection is approved by the public service commission.

3 **SECTION 2.** 200.55 (1) (g) of the statutes is repealed.

4 **SECTION 3.** 200.59 (5) (a) of the statutes is amended to read:

5 200.59 (5) (a) Except as provided under s. 200.41 (2), upon complaint to the
6 public service commission by any user that charges, rules and practices under this
7 section are unreasonable or unjustly discriminatory, according to the standards and
8 criteria which the commission is required to follow under state or federal law,
9 including, without limitation because of enumeration, this section, 33 USC 1251 et
10 seq. and ch. 283, or upon complaint of a holder of a revenue bond or other evidence
11 of debt, secured by a mortgage on the sewerage system or any part thereof or pledge
12 of the income of sewerage service charges, that charges are inadequate, the public
13 service commission shall investigate the complaint. If sufficient cause therefor
14 appears, the public service commission shall set the matter for a public hearing upon
15 10 days' notice to the complainant and the commission. After the hearing, if the
16 public service commission determines that the charges, rules or practices
17 complained of are unreasonable or unjustly discriminatory, it shall determine and
18 by order fix reasonable charges, rules and practices and shall make such other order
19 respecting such complaint as may be just and reasonable. The proceedings under
20 this subsection shall be governed, as far as applicable, by ss. 196.26 to 196.40. The
21 commission may submit the factual data, reports and analyses considered by it in
22 establishing the charges, rules or practices subject to a complaint under this
23 subsection. The public service commission shall give due weight to such data, reports
24 and analyses. The public service commission shall make the determination without
25 deference to the commission. Judicial review of the determination of the public

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1 service commission may be had by any person aggrieved in the manner prescribed
2 under ch. 227. If any user pays a charge and the public service commission or court,
3 on appeal from the public service commission, finds such charge, after reviewing a
4 complaint filed under this subsection, to be excessive, the district shall refund to the
5 user the excess plus the interest thereon computed at the rate then paid by the
6 district for borrowing funds for a term of one year or less.

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(END)