

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 99-041**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The last sentence of s. PSC 2.71 is explanatory in nature and should be placed in a note following the section. [See s. 1.01 (9), Manual.]

b. Introductory material preferably should include a phrase such as “any of the following” or “all of the following” in order to clearly state requirements to the reader. This structure allows additions or subtractions to the subunits following the introduction without having to amend the word “or” or the word “and” that stands prior to the concluding subunit. In any case, in s. PSC 165.11 (3), the introduction should conclude with a colon and the phrase “both (a) and (b) below” should be deleted. If the phrase “all of the following” is included in the introduction, par. (a) 3. should conclude with a period. The entire rule should be reviewed regarding this issue. [See s. 1.03 (8), Manual.]

c. Sections PSC 165.12 (3) and 176.03 allow the Public Service Commission to grant variances from provisions of the Wisconsin Administrative Code. The rules should contain some sort of standard by which to measure the legitimacy of a variance. For example, a standard for a variance could provide that the alternative procedure must achieve the same goals as the rule provision that is avoided.

d. In s. PSC 176.06 (1), the first sentence is an introduction and should conclude with a colon. The second sentence can be placed in a separate subsection.

e. In s. PSC 176.08 (1), the word “will” should be replaced with “shall.” [See s. 1.01 (2), Manual.]

f. In s. PSC 176.16, subs. (2) to (5) define various terms. The definitions should be placed in sub. (1), in alphabetical order and preceded by the introduction “In this section:”. The defined terms should be included in pars. (a) to (d) and the remaining subsections should be renumbered accordingly.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. The phrase “the affiliated interest subchapter” in s. PSC 176.01 should be replaced with “subchapter II.” [See s. 1.07 (2), Manual.]

b. In s. PSC 176.02 (12), the second notation “s.” should be deleted, since the citation uses the disjunctive word “or.” [See s. 1.07 (2), Manual.] The entire rule should be reviewed for this method of citation. Also, since the term “telecommunications service” is defined in sub. (13), it is unnecessary to include the phrase “, as defined in s. 196.01 (9m), Stats.,”.

c. Section 184.15, Stats., was renumbered to be s. 200.15, Stats., by 1997 Wisconsin Act 140. The renumbering of this statute should be made in s. PSC 176.09 and in the analysis to the rule.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. It appears that the word “or” in s. PSC 176.06 (1) (h) 1. should be replaced with the word “of.”

b. Section PSC 176.06 (1) (h) 3. is unclear.

c. In s. PSC 176.10 (3), the sentence would be clearer if the phrase “issued, including” were replaced by the word “issued;” and if the second occurrence of the word “including” were replaced by the word “and.”