

**Report From Agency**

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of the Proposed Repeal of Chapter PSC 98, Wis.  
Admin. Code – Rules Within Meaning of and Pursuant to Section  
300.304 of the Regulations of the Price Commission

1-AC-211

Clearinghouse Rule 06-017

**ORDER ADOPTING PROPOSED RULES**

The Public Service Commission of Wisconsin proposes an order to repeal ch. PSC 98, Wis. Admin. Code, relating to rules adopted to meet all requirements in section 300.304 of the regulations of the Federal Price Commission in regard to increases in rates or charges of utilities, railroads, motor carriers, and carriers by water within the Public Service Commission's jurisdiction.

**REPORT TO THE LEGISLATURE**

Set forth as Attachment A.

**FISCAL ESTIMATE**

This rule change has no fiscal impact, and no financial impact on the private sector. A completed Fiscal Estimate form is included as Attachment B.

**EFFECTIVE DATE**

These rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

**CONTACT PERSON**

Questions from the media may be directed to Linda Barth, Director of Governmental and Public Affairs at (608) 266-9600. Other questions regarding this matter should be directed to docket coordinator, Leon M. Swerin, Assistant General Counsel, at (608) 267-3589. Hearing or speech-impaired individuals may use the Commission's TTY number, if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (608) 267-1479.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed above.

Dated at Madison, Wisconsin, \_\_\_\_\_

By the Commission:

\_\_\_\_\_  
Sandra J. Paske  
Secretary to the Commission

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Attachments

**REPORT TO THE LEGISLATURE**

A. NEED FOR THE RULE

PSC Chapter 98 was created in response to the creation of the federal Price Commission under the Economic Stabilization Act of 1970. The authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory wage and price controls expired on April 30, 1974. Based upon this information there is not a need for the continued existence of Chapter PSC 98.

B. PLAIN LANGUAGE ANALYSIS

Statutory authority: ss. 196.02(3) and 227.11(2), Stats.

**History of Chapter PSC 98**

PSC Chapter 98 was created in Docket No. PC-1 on October 10, 1972. The rules were adopted to meet all requirements in section 300.304 of the regulations of the Federal Price Commission in regard to increases in rates or charges of utilities, railroads, motor carriers, and carriers by water within the Public Service Commission’s jurisdiction. It was created in response to the creation of the Price Commission under the Economic Stabilization Act of 1970. The Price Commission was established by Executive Order No. 11627, 1971, by the Nixon Administration to stabilize prices. This was a time of freezes on the prices of all commodities and services offered for sale except the prices charged for raw agricultural products.

**Present Status**

The authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory wage and price controls expired on April 30, 1974, Executive Order No. 11781. Executive Order No. 11788 dated June 18, 1974, provided for the orderly termination of economic stabilization activities and in Section 10 revoked Executive Order No. 11627 of October 15, 1971. It also abolished the Cost of Living Council in Section 1.

Based upon this information there is not a need for the continued existence of Chapter PSC 98. Therefore, the chapter has been repealed.

C. TEXT OF THE RULE

1  
2 SECTION 1. Ch. PSC 98 is repealed.

3  
4 SECTION 36. **Effective Date.** This rule shall take effect on the first day of the first month  
5 following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2)  
6 (intro.), Stats.

7 (end)

D. PUBLIC HEARING ATTENDEES

The following are the names of those who attended the public hearings and who submitted written comments concerning the proposed rule.

The following persons appeared or registered for or against the proposed rule at the public hearing held on June 7, 2006. No person testified at the hearing.

As Interest May Appear:

WE Energies

By

Debbie Tschudy

22 East Mifflin Street, Suite 850

Madison, WI 53703

No written comments were received.

E. RESPONSE TO LEGISLATIVE COUNCIL REPORT

A copy of the Legislative Council's report are included with this Report as Attachment A1. All of the form, style, and editorial changes suggested by the Legislative Council Staff have been made and incorporated into the order and proposed rules.

F. FINAL REGULATORY FLEXIBILITY ANALYSIS

The rules being repealed are not expected to affect small business as defined in s. 227.114(1), Stats.



LCRC  
FORM 2

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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

**CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 06-017**

AN ORDER to repeal chapter PSC 98, relating to rules adopted to meet all requirements in section 303.304 of the regulations of the federal price commission in regard to increases in rates or charges of utilities, railroads, motor carriers, and carriers by water within the public service commission's jurisdiction.

Submitted by **PUBLIC SERVICE COMMISSION**

02-28-2006 RECEIVED BY LEGISLATIVE COUNCIL.

03-23-2006 REPORT SENT TO AGENCY.

RS:DLL

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Clearinghouse Rule No. 06-017  
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**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]  
Comment Attached      YES       NO
  2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]  
Comment Attached      YES       NO
  3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]  
Comment Attached      YES       NO
  4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]  
Comment Attached      YES       NO
  5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]  
Comment Attached      YES       NO
  6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]  
Comment Attached      YES       NO
  7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]  
Comment Attached      YES       NO
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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**CLEARINGHOUSE RULE 06-017**

**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 January 2005.]**

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

The analysis of the rule, in two places, refers to section 303.304 of the regulations of the Federal Price Commission; the relating clause refers to section 300.304.

<b>FISCAL ESTIMATE</b> DOA-2048 N(R10/96)		<input checked="" type="checkbox"/> ORIGINAL	<input type="checkbox"/> UPDATED	<b>2005 Session</b>	
		<input type="checkbox"/> CORRECTED	<input type="checkbox"/> SUPPLEMENTAL	LRB or Bill No./Adm. Rule No. <b>Ch. PSC 98 (1-AC-211)</b> Amendment No. if Applicable	
<b>Subject</b> In the matter of a proposed repeal of Chapter PSC 98, Wis. Admin. Code – Rules within meaning of and pursuant to Section 300.304 of the regulations of the Price Commission.					
<b>Fiscal Effect</b> <b>State:</b> <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.					
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation			<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
<b>Local:</b> <input checked="" type="checkbox"/> No local government costs					
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____		
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S			<b>Affected Ch. 20 Appropriations</b> 20.155 (1) (g)		
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  The Price Commission was established in 1970 under the Economic Stabilization Act of 1970. The Act was created to help stabilize prices. The authority contained in the Act to impose a system of mandatory wage and price controls expired April 30, 1974. There does not appear to be a need for the continued existence of the Chapter. Elimination of the chapter does not have any fiscal effect on state or local government.					
<b>Long-Range Fiscal Implications</b> NONE					
<b>Agency/Prepared by: (Name &amp; Phone No.)</b> Gordon Grant 267-9086		<b>Authorized Signature/Telephone No.</b> Gordon Grant		<b>Date</b> 11/10/2005	