SERVICE DATE
Jul 13, 2017

Clearinghouse Rule 17-055

PUBLIC SERVICE COMMISSION OF WISCONSIN

Water Utility Service Rules 1-AC-233

NOTICE OF HEARING

Hearing Date	**Thursday, August 10, 2017 – 10:00 a.m.**
Hearing Location:	**Amnicon Falls Hearing Room – 1st Floor** **Public Service Commission** **610 North Whitney way** **Madison, Wisconsin**

Comments Due: **Thursday, August 24, 2017 - Noon**	Address Comments To: Sandra J. Paske, Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854

The Public Service Commission of Wisconsin proposes an order to repeal PSC 185.11(2), 185.12(2), (3m), (3s), (3u), (10e), (10s), (11m), (15), (17m), (18), 185.17, 185.21(2)(d), 185.30(1), (2)(a), 185.305(1), (2)(a), 185.33(13)(a), (b), 185.34, 185.35(3), (4), (5), (7), 185.36(8), (11), (14), 185.361(6), (12), 185.37(4), (5), (6), 185.37(8)(f), 185.38(4)(d), (6), 185.39(4), (5), 185.47, 185.65(2), (4), 185.74(4), 185.81, 185.82(2), 185.85(1)(f), (g), (3)(b), and 185.96; renumber PSC 185.12 (10m) and (20r); renumber and amend PSC 185.12(3), (3e), (16), (17), (19), (20), (20g), 185.33(13)(c), (19)(a), and 185.37(9); amend PSC 185.11(1), (3), (4), (5), (6), 185.12(1), (4), (5), (6), (7), (8), (9), (10), (11), (12), (12m), (13), (14), (22), 185.15, 185.16(1), (1)(c), (2), 185.18, 185.21(1), (1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (2), (2)(a), (b), 185.22(1), (2), (4), (5)(b), 185.30 (Title), (2)(b), (3)(g), 185.305(2)(b), 185.31(1), 185.32, 185.33(1), (1)(a), (b), (c), (d), (e), (f), (g), (1m), (4), (4)(a), (b), (c), (d), (5), (7), (9)(a), (b), (c), (d), (e), (f), (g), (h), (10)(a), (b), (c), (d), (e), (f), (g), (h), (14)(b), (16)(a), (b), (d), (e), (f), (g)1., 2., (17), (19)(am)1., 2., 3., (19)(b)1., 2., 3., (19)(c), 185.35(Title), (2), (6), (8), 185.36(1)(b), (c), (3)(a), (b), (4), (5), (7), (9)(a), (10), (12), (13), 185.361(1), (3)(a), (b), (c), (d), (4)(a), (b), (5)(a), (7), (8)(a), (9), (10), (11), 185.37(1), (a), (b), (1m), (2), (a), (am), (b), (c), (d), (e), (f), (g), (h), (i), (j), (3), (7), (8), (8)(a), (b), (c), (d), (e), (g), (8m), (10), (11), (12), (13), 185.38(1), (2), (3), (a), (b), (c), (d), (e), (4), (a), (b), (c), (8), 185.39(1), (a), (b), (c), (d), (2), (a), (b), (c), (cg), (cr), (d), (3), 185.44(1), 185.52(1), (2), 185.61(1), (2), (3), 185.65(1), (3), (5), 185.73(3), (4), 185.74(1), 185.75(2), 185.76(1), (3), (4), (6), 185.79(Title), (1), (4), 185.83(2), (3), 185.85(Title), (1)(e), (2), (d), (f), (3)(a), 185.86(1), (2), (3), 185.89(1), (2)(a), (3), (d), 185.90(1), (2), (3), (4), (5), (5), (6), (7), 185.97(1), (2), (3)(a)2., 6., (3)(b), (4), (5), (6), and (7); repeal and recreate 185.35 (1), 185.36(1)(a), (2), 185.361(2), 185.74(2), (3), 185.82(1),

185.83(1), 185.85(4), and 185.88; and create PSC 185.11(7), 185.12 (10g), (23), 185.14, 185.21(1)(bm), (1)(cm), (1)(dm), (1)(L), 185.22(6), 185.31(3), 185.33(1)(am), (dm), (fm), (i), (j), (k), 185.33(15m), (16)(fm), (19)(a), 185.36 (1) (d), (14), 185.361(3m), 185.37(2)(gm), (14), 185.38(1m), (3m), (9), 185.40, 185.405, 185.46(1)(a)7., (2)(a)4., 185.76(7), 185.85(1)(bm) regarding the water service rules applicable to public utilities.

ANALYSIS PREPARED BY THE PUBLIC SERVICE COMMISSION OF WISCONSIN

The analysis is set forth as Attachment A.

TEXT OF PROPOSED RULE

The text of the proposed rule is set forth as Attachment B.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rule will not affect small businesses. The Wis. Stat. § 227.114(1) definition of "small business" states that to be considered a small business, the business must not be dominant in its field. The vast majority of water and combined water and sewer utilities are publicly owned and are not small businesses. Further, since water utilities and combined water and sewer utilities are monopolies in their service territories, they are dominant in their fields.

FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

The Fiscal Estimate and Economic Impact Analysis are included as Attachment C.

NOTICE OF HEARING

NOTICE IS GIVEN that pursuant to s. 227.16(1), Stats., the Commission will hold a public hearing on these proposed rule changes in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, on **Thursday, August 10, 2017, at 10:00 a.m.** This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

The Commission intends to webcast any hearing sessions held in the Amnicon Falls Hearing Room live on the Commission's web site at http://psc.wi.gov under the "Live Broadcast" button.

DOCUMENTS. All documents in this docket are filed on the Commission's Electronic Records Filing (ERF) system. To view these documents: (1) go to the Commission's E-Services Portal at http://apps.psc.wi.gov, (2) enter "1-AC-233" in the box labeled "Quick Single Docket Search," and (3) select "Documents."

WRITTEN COMMENTS

Any person may submit written comments on these proposed rules. The hearing record will be open for written comments from the public, effective immediately, and until **Thursday, August 24, 2017, at noon**. All written comments must include a reference on the filing to docket 1-AC-233. File by one mode only.[1]

A person may provide comments in this proceeding without becoming a party and without attorney representation. A person may submit comments in only one of the following ways:

- **Web Comment.** Go to the Commission's web site at http://psc.wi.gov, click on the "File a Comment" button. On the next page select the "File a comment" link that appears for docket number 1-AC-233. Web comments shall be received no later than Thursday, August 24, 2017.
- **Oral Comment.** Spoken testimony at the public session.
- **Written Comment.** Instead of speaking at the hearing, write out a comment and submit it at the public session.
- **Mail Comment.** All comments submitted by U.S. mail shall be received no later than Thursday, August 24, 2017. A mail comment shall include the phrase "Docket 1-AC-233 Comments" in the heading, and shall be addressed to:

  Docket 1-AC-233 Comments
  Public Service Commission
  P.O. Box 7854
  Madison WI 53707-7854

The Commission will not accept comments submitted via e-mail or facsimile (fax). Any material submitted to the Commission is a public record and may appear on the Commission web site. Only one comment may be submitted per person during a comment period. The Commission may reject a comment that does not comply with the requirements described in this notice.

WISCONSIN ENVIRONMENTAL POLICY ACT

This is a Type III action under Wis. Admin. Code § PSC 4.10(3). The Commission will review the potential environmental effects of the project. Type III actions normally do not

[1] As an alternative to submitting your comment directly to the Commission, state law allows anyone to file a web comment on the Legislative Rules Clearinghouse website, https://docs.legis.wisconsin.gov/code/comment. This site forwards the comment to the Commission.

require the preparation of an environmental impact statement under Wis. Stat. § 1.11 or an environmental assessment.

CONTACT PEOPLE

Questions regarding this matter should be directed to the docket coordinator, David Prochaska, at (608) 266-5739 or david.prochaska@wisconsin.gov. Small business questions should be directed to Kristy Nieto at (608) 261-9419 or Kristy.Nieto@wisconsin.gov. Media questions should be directed to the Communications Director, Elise Nelson, at (608) 266-9600.

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 get this document in a different format should contact the docket coordinator, as indicated in the previous paragraph, as soon as possible.

Dated at Madison, Wisconsin, this 13th day of July, 2017.

By the Commission:

Sandra J. Paske
Secretary to the Commission

SJP:ev:DL:01536915

ANALYSIS PREPARED BY THE PUBLIC SERVICE COMMISSION OF WISCONSIN

A. Statutory Authority and Explanation of Authority

This rulemaking is authorized under ss. 196.02 (1) and (3), 196.06 (3), 196.12 (1), 196.15, 196.16 (2), 196.19 (4), and 196.37, 227.11 (2) and 281.346 (8), Stats. Section 196.02 (1) authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3) grants the commission specific authority to promulgate rules to govern its proceedings and to regulate the mode and manner of all inspections, tests, audits, investigations and hearings. Section 196.06 requires each public utility to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission and to comply with all directions of the commission relating to such books, accounts, papers and records. Section 196.12 (1) requires each public utility to furnish to the commission, in the form and at the time the commission requires, accounts, reports or other information. Section 196.15 requires the commission to prescribe for each kind of public utility, other than a telecommunications utility, suitable and convenient standard commercial units of product or service. Section 196.16 (2) requires the commission to establish rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurement of public utility service. Section 196.19 (4) authorizes the commission to prescribe the form of the schedule of all rules and regulations of each public utility that, in the judgment of the commission, in any manner affect the service or product, or the rates charged. Section 196.37 authorizes the commission to determine and make any just and reasonable order relating to a measurement, regulation, practice, act or service to be furnished, imposed, observed and followed in the future by a public utility. Section 227.11 authorizes agencies to promulgate administrative rules. Section 281.346 (8) directs the commission to work in cooperation with the Department of Natural Resources (DNR) and Department of Safety and Professional Services (DSPS) to develop and implement a statewide water conservation and efficiency program, including requirements for water public utilities.

B. Statutes Interpreted

This rulemaking interprets ss. 196.02 (1) and (3), 196.06 (3), 196.12 (1), 196.15, 196.16 (2), 196.19 (4), and 196.37, 227.11 (2) and 281.346 (8), Stats.

C. Related Statutes or Rules

The DNR and the commission have overlapping jurisdiction for some aspects of the regulation of water public utilities, including construction standards and water conservation programs. The DNR's regulatory authority extends beyond water public utilities to include any system that provides water for public use such as schools, mobile home parks, co-ops, and private wells that serve multiple homes or businesses. The commission's authority is limited to water public utilities as defined under s. 196.01(5)(a), Stats.

Chapter NR 809 establishes the standards for safe drinking water. Chapters NR 810 and NR 811 establish the requirements for the operation and maintenance of public water systems and the requirements for the operation and design of community water systems. Chapter NR 852 establishes a statewide water conservation program for all water users, including water public utilities. Chapter NR 856 sets the requirements for water use registration and reporting.

D. Brief Summary of Rule

The commission has promulgated utility service rules for each industry it regulates. Chapter PSC 185, which establishes service rules related to water public utilities, has not been comprehensively updated since 1997. In the last 20 years, the commission has noted numerous policy problems that this proposed rule addresses including: failure to reflect electronic recordkeeping; ensuring utility customers have sufficient information about water utilities' rates and rules; the need for rules governing extraordinary utility investment to extend service to new customers; disputes regarding payment options, and disconnection, deposit, and billing policies; failure to reflect changes in metering technology; lack of whistleblower protections and protections against oppressive and deceptive practices; delayed utility investigations and resolution of meter problems that can result in customers receiving significant back-bills long after they use water; bills for customers who have payment arrangements that do not include sufficient information; disputes related to utility and customer responsibilities during cold weather conditions; meter testing and accuracy limit rules that do not cover all meter types; standards for water loss control based on percentage benchmarks which do not provide utilities with sufficient direction to identify appropriate, cost-effective options for managing water that they pump, treat, and distribute but for which they do not collect revenue; duplication with administrative rules established by the DNR.

The proposed rule allows water public utilities to keep records in electronic format and defines written or in writing to include electronic communications. It will also require utilities to notify customers annually, rather than upon request, about payment options including deferred payment agreements and budget billing, disconnection, and dispute procedures and the contact information for the commission. This requirement aligns the requirements for water utilities with those applicable to electric and gas utilities.

The proposed rule will require additional information to be added to each utility's schedule of rates and rules to address situations involving water leaks, the provision of wholesale service, extraordinary investment by the utility to extend service to new customers or significantly increase the quantity or quality of service provided to an existing customer. The proposed rule also updates the billing requirements to require utility bills to display a customer's consumption in gallons and include the number of days in the billing period, the bill due date, clear explanation of any codes, abbreviations or terminology used on the bill and clear itemization of any payment arrangements. If necessary, the proposed rule allows the utility to provide the information in separate mailing or electronic mailing if applicable.

The proposed rule clarifies the process for addressing utility billing errors, including malfunction of meters and misapplication of rates, to create a single section addressing this

process and repeals inconsistent requirements associated with certain types of metering technology. The proposed rule also updates the requirements associated with deposits and deferred payment agreements to establish uniform, consistent payment terms.

The proposed rule includes whistleblower protections that prohibit a utility from interfering with, restraining, or coercing any employee from disclosing information to the commission or other governmental body regarding the safety and reliability of the utility or retaliating against the employee for disclosing such information. The proposed rule also includes prohibitions against unconscionable, oppressive and deceptive practices.

The proposed rule updates the meter accuracy requirements to cover all types of utility meters and allows any meter to be used to measure water so long as it meets the accuracy requirements. The proposed rule also allows a utility, in lieu of periodic testing, to adopt a new meter replacement program that results in each meter being replaced within 20 years of the original date of installation if the utility has data to demonstrate that the meters remain accurate for the 20-year period.

The proposed rule revises conservation requirements to eliminate percentage benchmarks and instead require a water audit be conducted and used to establish utility goals to reduce non-revenue water. The proposed rule also eliminates duplication with administrative rules established by the DNR related to flushing and pressure.

Finally, the proposed rule updates and clarifies the rules related to utility and customer responsibilities during winter conditions and freezing. The proposed rule includes definitions of the facilities for which the utility and customer are responsible, responsibilities for thawing and, if applicable, providing an alternative source of water, identification of the source of the freezing and annual customer notices, information to be included on notices when a utility requests that a customer run water to prevent freezing and a method for calculating the credits for the water run.

E. Comparison with Existing or Proposed Federal Legislation

Rates and service rules for water public utilities are the exclusive jurisdiction of the States. There are no existing or proposed federal regulations pertaining to water quantity or water conservation that affect water public utilities. However, water public utilities must comply with regulations promulgated under the federal Safe Drinking Water Act, which may include conditions or restrictions on system design and construction to protect public health and ensure safe drinking water. The Great Lakes Compact, an interstate compact ratified by the U.S. Congress, applies to water public utilities that withdraw surface or groundwater from the Lake Michigan and Lake Superior watersheds.

F. Comparison with Similar Rules in Surrounding States

All eight Great Lakes States (New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Michigan, and Minnesota) are party to the Great Lakes Compact, which requires each state to do all of the following:

1. Adopt a mandatory or voluntary water conservation program.

2. Regulate withdrawals from the Great Lakes watershed, both groundwater and surface water.

3. Prohibit the diversion of water from the Great Lakes watershed, with some limited exceptions.

Specifically, the Great Lakes Compact required each state to implement a water conservation and efficiency program by December 2010, including state-specific water conservation and efficiency goals and objectives and either voluntary or mandatory conservation requirements for water users. The DNR has adopted administrative rules to implement the Compact in chs. NR 850, NR 852, NR 856, and NR 860.

Because water utility regulation is a state matter, each state regulates its water public utilities differently. The commission has the most comprehensive jurisdiction over both municipal and privately-owned water utilities in the upper Great Lakes region. State commission jurisdiction in the surrounding states varies from partial regulation of regional and privately-owned systems to a completely deregulated water industry. Some of the surrounding states have enacted more comprehensive water conservation programs than Wisconsin. The requirements in the surrounding states are described below.

Minnesota

Neither municipal nor investor-owned water utilities are subject to Minnesota Public Utilities Commission oversight. Instead, rates and charges are subject to the oversight of the local municipal or regional governing body. Nonetheless, Minnesota statutes require each water utility serving more than 1,000 people to adopt a water rate structure that promotes conservation, including seasonal rates, time of use rates, water budget rates, excess use rates, or inclining block rates. Public water utilities must update their plan and, upon notification, submit it to the Minnesota Department of Natural Resources for approval every ten years. Water utilities are also required to provide educational information about water conservation to their customers. The Minnesota Department of Natural Resources also recommends that utilities meter all customer usage and conduct a water audit, and implement a leak detection and repair program if unaccounted for water is greater than 10 percent of water pumped.

Illinois

The Illinois Commerce Commission (ICC) regulates investor-owned utilities, including 33 water, 5 sewer, and 14 combined water and sewer utilities. Illinois has administrative rules governing applications for service, deposits, billing requirements, payment plans, irregular billing, refunds and credits and disconnections. However, municipally-owned utilities are not regulated by the ICC. Communities that are served by Lake Michigan, including the City of Chicago and many suburbs, are subject to special requirements known as the Lake Michigan Water Allocation Program, which authorizes the Illinois Department of Natural Resources to manage the

allocation of water among regional organizations and municipalities. These requirements include water conservation as a condition of their allocation permit and are intended to fulfill the state's requirement under a U.S. Supreme Court Decree. The requirements include metering for all new construction and remodeling; reducing unaccounted-for water to less than 8 percent of annual water pumped; establishing ordinances for water-saving fixtures; adopting water rate structures based on metered usage and which discourage excessive use; and restricting non-essential outdoor usage.

Iowa

The Iowa Utilities Board regulates investor-owned water utilities, but not municipally-owned water utilities. Iowa has administrative rules governing utility records, tariffs, metering, meter reading, extensions of service, customer information, deposits, inaccurate billing, disconnection of service, customer complaints and meter testing. In addition, the Iowa Department of Natural Resources may, in any permit granted to a community public water supply, include conditions requiring water conservation practices and require emergency conservation practices after notification by the Department. Generally, water conservation practices are not required, although individual permits may have conservation requirements added to them by the state.

Michigan

The Michigan Public Service Commission does not regulate water utility rates and charges. Michigan does not have other water conservation requirements for public water utilities outside of its responsibilities under the Great Lakes Compact.

Indiana

The Indiana Utility Regulatory Commission (lURC) regulates the rates, terms, and conditions of service for both municipal- and investor-owned water and wastewater utilities. However, all municipal utilities and investor-owned wastewater utilities serving fewer than 300 customers can opt out of IURC regulation. Indiana has administrative rules governing records retention, metering, meter testing, meter accuracy, billing, billing inaccuracies, deposits, disconnection, reconnection, customer information, rate schedules and extensions. Indiana does not have other water conservation requirements for public water utilities outside of its responsibilities under the Great Lakes Compact.

G. Effect on Small Business

This rule will not affect small businesses. The Wis. Stat. § 227.114(1) definition of “small business” states that to be considered a small business, the business must not be dominant in its field. The vast majority of water and combined water and sewer utilities are publicly owned and are not small businesses. Further, since water utilities and combined water and sewer utilities are monopolies in their service territories, they are dominant in their fields.

H. Comments

Comments on this rule may be submitted as outlined in the Notice of Hearing.

I. Accommodation

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 below.

J. Agency Contact People

Questions regarding this rule should be directed to docket coordinator, David Prochaska, at (608) 266-5739 or david.prochaska@wisconsin.gov. Small Business questions should be directed to the small business regulatory coordinator, Kristy Nieto at (608) 261-9419 or Kristy.Nieto@wisconsin.gov. Media questions should be directed to the Communications Director, Elise Nelson, at (608) 266-9600 or Elise.Nelson@wisconsin.gov. Hearing or speech-impaired individuals using TTY may call these numbers via Wisconsin Telecommunications Relay Service (WTRS) by dialing 711 and requesting to call one of these agency staff contact numbers.

FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

A completed Fiscal Estimated and Economic Impact Analysis are included as Attachment C.

TEXT OF PROPOSED RULE

SECTION 1. PSC 185.11 (1) is amended to read:

(1) Chapter PSC 185 is part of the Wisconsin administrative code and constitutes a general order of the ~~public service~~ commission, the issuance of which is authorized by ss. 227.11 (2), 281.346 (8), 196.02, 196.06, 196.12, 196.15, 196.16, 196.19, and 196.37, Stats.

SECTION 2. PSC 185.11 (2) is repealed.

SECTION 3. PSC 185.11 (3) is amended to read:

(3) The requirements of ch. PSC 185 shall be observed by all water public utilities, both privately and publicly owned, engaged in the pumping, purchasing, transmission, or distribution of water except that an exemption may be given by the ~~public service~~ commission.

SECTION 4. PSC 185.11 (4) is amended to read:

(4) Nothing in this chapter shall preclude the commission from giving special and individual consideration ~~being given~~ to exceptional or unusual situations and, upon due investigation of the facts and circumstances involved, ~~the adoption of~~ adopting requirements as to individual utilities or services which ~~shall~~ may be lesser, greater, other, or different than those provided in this chapter.

SECTION 5. PSC 185.11 (5) is amended to read:

(5) The manner of enforcing this chapter is prescribed in s. 196.66, Stats., and such other means as provided in statutory sections administered by the ~~public service~~ commission.

SECTION 6. PSC 185.11 (6) is amended to read:

(6) In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of this chapter, immediate corrective action shall be taken by the utility, which action, however, shall be subject to review by the ~~public service~~ commission.

SECTION 7. PSC 185.11 (7) is created to read:

(7) Nothing in this chapter shall prevent the imposition of sanctions, fines, forfeitures, penalties or damages under more than one section of this chapter or ch. 196, Stats., or other statutes, for the same incidence or occurrence.

SECTION 8. PSC 185.12 (1) is amended to read:

(1) "Ability to pay" means a customer's financial capacity to meet the customer's utility service obligation~~;~~.

SECTION 9. PSC 185.12 (2) is repealed.

SECTION 10. PSC 185.12 (3) is renumbered PSC 185.12(2) and amended to read:

(2) "Automatic meter reading~~" (AMR)~~ system" means a system which provides digitally encoded information from an encoded meter register. The encoded information is transferred to the utility by means of remote receptacles, telephone lines, cable TV lines, power lines, or cellular or radio transmission~~;~~.

SECTION 11. PSC 185.12 (3e) is renumbered PSC 185.12(3) and amended to read:

(3) "Class AB utility" means a ~~public~~ utility that has more than 4,000 service connections.

SECTION 12. PSC 185.12 (3m) is repealed.

SECTION 13. PSC 185.12 (3s) is repealed.

SECTION 14. PSC 185.12 (3u) and the Note following PSC 185.12(3u) are repealed.

SECTION 15. PSC 185.12 (4) is amended to read:

(4) "Commission" means public service commission of Wisconsin;~~.~~

SECTION 16. PSC 185.12 (5) is amended to read:

(5) "Complaint" means a statement or question by any person, whether a utility customer or not, concerning a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a utility, or failure of a utility to meet a utility obligation~~;~~.

SECTION 17. PSC 185.12 (6) is amended to read:

(6) "Customer" means any person, owner, occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc., provided with ~~water~~ service by any ~~water public~~ utility and is the party billed for payment of bills issued for use of utility service at a given premises. This definition is intended to create billing and payment responsibilities, but does not limit the need to afford occupants other protection under this chapter (e.g., evictions, emergency)~~;~~.

SECTION 18. PSC 185.12 (7) is amended to read:

(7) "Customer-requested termination" is cessation of service at the request of the customer;~~.~~

SECTION 19. PSC 185.12 (8) is amended to read:

(8) "Deferred payment agreement" means an arrangement between a utility and a customer for payment of a delinquent amount ~~or deposit in installments;~~ that meets the requirements of s. PSC 185.38.

SECTION 20. PSC 185.12 (9) is amended to read:

(9) "Denied or refused service" means service that a utility has refused to provide to a present or future customer, occupant, or premises~~;~~.

SECTION 21. PSC 185.12 (10) is amended to read:

(10) "Disconnection" means an event or action taken by the utility to terminate or discontinue the provision of service, but does not include a customer-requested termination of service~~;~~.

SECTION 22. PSC 185.12 (10e) is repealed.

SECTION 23. PSC 185.12 (10g) is created to read:

(10g) “Dwelling” means a place at which a home or regular abode is maintained, and requires both a personal presence and an intent to remain for a period of time.

SECTION 24. PSC 185.12 (10m) is renumbered PSC 185.12(10r).

SECTION 25. PSC 185.12 (10s) is repealed.

SECTION 26. PSC 185.12 (11) is amended to read:

(11) "Meter" means an instrument installed to measure the volume and/or rate of flow of water delivered through it~~;~~.

SECTION 27. PSC 185.12 (11m) and the Note following PSC 185.12(11m) are repealed.

SECTION 28. PSC 185.12 (12) is amended to read:

(12) "New residential customer," for purpose of deposit, means a customer who has not received utility service in his or her name during the previous 6 months from the utility from which service is requested~~;~~.

SECTION 29. PSC 185.12 (12m) is amended to read:

(12) "~~Non-residential~~ Nonresidential customer" means any c~~ommercial, industrial, or public authority~~ customer that is not a residential customer.

SECTION 30. PSC 185.12 (13) is amended to read:

(13) "Occupant" means the resident or residents of a premise or premises to which utility service is provided~~;~~.

SECTION 31. PSC 185.12 (14) is amended to read:

(14) "Percent registration" means the ratio of the meter registration divided by the actual volume or rate of flow, stated in percent. Stated more simply for domestic (volumetric) meters, this is the percent of the water delivered through a meter which the meter actually registers~~;~~.

SECTION 32. PSC 185.12 (15) is repealed.

SECTION 33. PSC 185.12 (16) is renumbered PSC 185.12 (15) and amended to read:

(15) "Prompt full payment" means payment of the amount due prior to the time when a utility could issue a notice of disconnection for nonpayment of an amount not in dispute, including the current utility service charges plus any deferred payment agreement installment or deposit installment amounts due~~;~~.

SECTION 34. PSC 185.12 (17) is renumbered PSC 185.12 (16) and amended to read:

(16) "Protective ~~service~~ services emergency" means a threat to the health or safety of a resident because of the infirmities of aging, ~~mental retardation~~ an intellectual disability, other developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young~~;~~.

SECTION 35. PSC 185.12 (17m) is repealed.

SECTION 36. PSC 185.12 (18) and the Note following PSC 185.12(18) are repealed.

SECTION 37. PSC 185.12 (19) is renumbered PSC 185.12(20) and amended to read:

(20) "~~Public utility~~ Utility" means ~~an entity or individual included~~ a public utility as defined in s. 196.01 (5), Stats., which provides water for the public and an entity authorized by s. 66.0819, Stats., which provides water and sewer service for the public~~;~~.

SECTION 38. PSC 185.12 (20) is renumbered PSC 185.12 (17) and amended to read:

(17) "Remote outside meter" or "~~(~~ROM~~)~~" means an analog device attached to a building structure which displays the reading of the base meter through electronic pulses sent from the base meter. Remote outside meters are considered part of the utility's metering configuration.

SECTION 39. PSC 185.12 (20g) is renumbered PSC 185.12 (18) and amended to read:

(18) "Residential customer" means a customer taking service for residential or domestic purposes ~~but does not include a multi-family residential customer~~ and includes customers at properties such as duplexes and residential apartment buildings.

SECTION 40. PSC 185.12 (20r) is renumbered PSC 185.12 (19).

SECTION 41. PSC 185.12 (22) is amended to read:

(22) "Water conservation" means practices, techniques, and technologies that reduce the demand for water, reduce ~~water loss~~ non-revenue water or waste, or improve water use efficiency.

SECTION 42. The Note following PSC 185.12 (22) is repealed.

SECTION 43. PSC 185.12 (23) is created to read:

(23) "Written" or "in writing" means legibly printed on paper or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.

SECTION 44. PSC 185.14 is created to read:

PSC 185.14 Whistleblower protection. (1) No utility may interfere with, restrain, or coerce any employee or other person in the exercise of the right to disclose information to the commission or other governmental body regarding the safety and reliability of any portion of the water or regulated sewer system, provided that the employee or other person reasonably believes that such information is true.

(2) No utility may dismiss, discipline, demote, transfer, reprimand, harass, reduce the pay of, discriminate against, or otherwise retaliate against any employee or other person because that person engaged in any of the activities described in sub. (1).

SECTION 45. PSC 185.15 is amended to read:

PSC 185.15 Free or discriminatory service prohibited. ~~No~~ A utility shall not provide ~~water~~ service free or at a rate different than provided for in its rates. (See ss. 196.22 and 196.60, Stats.) This section applies to, but is not limited to, ~~water~~ service for all nonutility municipal purposes such as street and sewer flushing, and service to nonutility public buildings.

SECTION 46. PSC 185.16 (1) is amended to read:

(1) A ~~water public~~ utility upon receipt of written notice as required by s. 66.0831, Stats., from the property owner or from a contractor of work which may affect its facilities used for serving the public:

SECTION 47. PSC 185.16 (1) (c) is amended to read:

(c) May, in order to protect its interests, require that the property owner or contractor perform certain work upon or removal of that part of the ~~service piping from the property~~ facilities upon which the excavating, building, or wrecking operations are being performed.

SECTION 48. PSC 185.16 (2) is amended to read:

(2) This section is not intended to affect the responsibility of the contractor or property owner, or the liability or legal rights of any party.

SECTION 49. PSC 185.17 is repealed.

SECTION 50. PSC 185.18 is amended to read:

PSC 185.18 Location of records. ~~All~~ A utility shall keep all records required or necessary for the administration of this chapter ~~shall be kept~~ within this state unless otherwise authorized by

the commission. These records shall be available for examination by the commission or its authorized representative at all reasonable hours. (See s. 196.06 (6), Stats.) A utility may fulfill the requirements of this section by being able to access electronic copies of the original records.

SECTION 51. PSC 185.21 (1) is amended to read:

(1) ~~INCLUDED IN SCHEDULES~~ SCHEDULES TO BE FILED. Each utility shall file with the commission its schedule of rates and rules, as required by s. 196.19, Stats. The schedules of rates and rules shall be ~~filed with the commission by the utility and shall be~~ classified, designated, arranged, and submitted so as to conform to the requirements of the current tariff or rate schedules and ~~the~~ special instructions which have been and may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation, and shall include, together with such other information as may be deemed pertinent, all of the following:

SECTION 52. PSC 185.21 (1) (a) is amended to read:

(a) All rates and charges for service, including water sold for resell to another utility, with indication for each rate and charge of the class of customers to which it applies. There shall also be shown any limitations on the service furnished under such rate, the prices per unit of service, and the number of units per billing period to which the prices apply, the period of billing, the minimum bill, method of measuring demands (where applicable) and consumptions, and any special terms and conditions applicable. The charge for late payment, if any, and the period during which the bill may be paid without late payment charge shall be specified~~;~~.

SECTION 53. PSC 185.21 (1) (b) is amended to read:

(b) At commission discretion a copy of each contract or the standard contract form with a summary of the provisions of each signed contract may be required if service to other utilities or municipalities for resale is furnished at a standard filed rate~~;~~.

SECTION 54. PSC 185.21 (1) (bm) is created to read:

(bm) The rates and rules applicable to a reduced rate for water wasted due to a leak unknown to the customer that is found in an appliance or the plumbing, if the utility offers a reduced rate.

SECTION 55. PSC 185.21 (1) (c) is amended to read:

(c) Extension rules for extending service to new customers indicating what portion of the extension or cost shall be furnished by the utility, and if the rule is based on cost, the items of cost included~~;~~.

SECTION 56. PSC 185.21 (1) (cm) is created to read:

(cm) Rules governing extraordinary investment by the utility to extend service to new customers or significantly increase the quantity or quality of service provided to an existing customer.

SECTION 57. PSC 185.21 (1) (d) is amended to read:

(d) Designation of such portion of the service facilities as the utility furnishes, owns, and maintains~~;~~.

SECTION 58. PSC 185.21 (1) (dm) is created to read:

(dm) Designation of such portion of the service facilities as the customer furnishes, owns, and maintains.

SECTION 59. PSC 185.21 (1) (e) is amended to read:

(e) Rules with which prospective customers shall comply as a condition of receiving service and the terms of any contracts required~~;~~.

SECTION 60. PSC 185.21 (1) (f) is amended to read:

(f) Rules governing ~~the establishing of credit by customers for payment of service bills~~ deferred payment agreements and budget billing~~;~~.

SECTION 61. PSC 185.21 (1) (g) is amended to read:

(g) Rules governing the procedures followed in disconnecting and reconnecting service~~;~~.

SECTION 62. PSC 185.21 (1) (h) is amended to read:

(h) Notice required from customer for having service disconnected~~;~~.

SECTION 63. PSC 185.21 (1) (i) is amended to read:

(i) Rules governing temporary, emergency, auxiliary, and standby service~~;~~.

SECTION 64. PSC 185.21 (1) (j) is amended to read:

(j) Rules governing any limitations on the type of equipment which may or may not be connected~~;~~.

SECTION 65. PSC 185.21 (1) (k) is amended to read:

(k) A list of the municipalities and unincorporated communities in which service is rendered and the rates under which service shall be provided. The list of service areas and the rates shall be filed in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities.

SECTION 66. PSC 185.21 (1) (L) is created to read:

(L) Any other rates, charges, rules, terms or conditions of service.

SECTION 67. PSC 185.21 (2) is amended to read:

(2) RATES FOR ~~WATER~~ SERVICE.

SECTION 68. PSC 185.21 (2) (a) is amended to read:

(a) A ~~public~~ utility shall adopt general service water rates that reflect the cost of service for each class of customer and include a volume charge based on actual customer consumption.

SECTION 69. PSC 185.21 (2) (b) is amended to read:

(b) A ~~public~~ utility may not adopt a rate under par. (a) if the commission finds that the rate is discriminatory or otherwise not in the public interest.

SECTION 70. PSC 185.21 (2) (d) is repealed.

SECTION 71. PSC 185.22 (1) is amended to read:

(1) A utility shall have copies of its rates and rules applicable to the locality available in its office where payments are received, ~~and~~ at area libraries and on its public website, if it has one. A utility shall give reasonable notice to customers as to where the information is available to them.

SECTION 72. PSC 185.22 (2) is amended to read:

(2) Each ~~water~~ utility, for every municipality and unincorporated area in which it serves, shall provide in the respective telephone directories a telephone listing by which the utility shall be notified during a 24-hour day of any utility service deficiency or emergency which may exist. Each utility shall also provide the telephone listing by which the utility shall be notified during a 24-hour day of any utility service deficiency or emergency which may exist on its public website, if it has one.

SECTION 73. PSC 185.22 (4) is amended to read:

(4) Each utility shall ~~have available and~~ provide ~~upon request~~ written notice to its existing residential customers annually, and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options including deferred payment agreements and budget billing, disconnection, and dispute procedures and the contact information for the commission. Such notice shall contain a reply procedure to allow customers an opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons

or the use of human life-sustaining equipment, and to advise the utility to contact a specific third-party agency or individual prior to any disconnection action being taken.

SECTION 74. PSC 185.22 (5) (b) is amended to read:

(b) Upon a residential customer request, the ~~public~~ utility shall provide consumption information by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons to similar residential customers in the same class and to evaluate water conservation efforts.

SECTION 75. The Note following PSC 185.22 (5) (b) is repealed.

SECTION 76. PSC 185.22 (6) is created to read:

(6) At least annually, a utility shall provide information to each customer that may assist the customer in reducing outdoor water use, repairing water leaks, and implementing other water conservation measures. Alternatively, this information may be provided on the utility's public web site.

SECTION 77. The Title of PSC 185.30 is amended to read:

PSC 185.30 Application for residential ~~and multifamily~~ service.

SECTION 78. PSC 185.30 (1) is repealed.

SECTION 79. PSC 185.30 (2) (a) is repealed.

SECTION 80. PSC 185.30 (2) (b) is amended to read:

(b) ~~A~~ If a utility requires an application, the utility may require a verbal or written application for residential service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service.

SECTION 81. PSC 185.30 (3) (g) is amended to read:

(g) If an applicant refuses to provide the information under pars. (c) or (d) or a utility finds, with reasonable certainty, that the verification is falsified, the utility may request an additional item, refuse service or disconnect service. An applicant refused service or disconnected because of this paragraph shall be informed in writing of the opportunity to dispute the matter to the commission, and shall be provided with the address, telephone number and web site of the commission.

SECTION 82. PSC 185.305 (1) is repealed.

SECTION 83. PSC 185.305 (2) (a) is repealed.

SECTION 84. PSC 185.305 (2) (b) is amended to read:

(b) ~~A~~ If a utility requires an application, the utility may require a verbal or written application for nonresidential service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service.

SECTION 85. PSC 185.31 (1) is amended to read:

(1) ~~Except where~~ Unless otherwise authorized by the commission, ~~all water sold by~~ a utility shall ~~be~~ sell all water on the basis of meter measurement, except that the volume of water used for fire protection, street, main or sewer flushing, construction, or similar purposes where metering is not practicable may be estimated. (See s. PSC 185.15.)

SECTION 86. PSC 185.31 (3) is created to read:

(3) Unless otherwise authorized by the commission, a utility shall own, supply and install the meter being used to measure the water it sells.

SECTION 87. PSC 185.32 is amended to read:

(1) Readings of all meters used for determining charges to customers shall be taken by the utility monthly, bimonthly, quarterly, or for such other period or in such other manner as may be authorized by law.

(2) An effort shall be made to read meters on corresponding days of each meter-reading period. The meter-reading date may be advanced or postponed not more than 10 days without approval from the commission and adjustment of the billing period.

(3) Bills for service shall be rendered within ~~50~~ 30 days from the reading of the meter except as may be otherwise specifically authorized by the commission.

(4) The utility may permit the customer to supply the meter readings. Meter readings supplied by the customer or third party, acceptable to the utility, ~~shall be considered the actual reading~~ are not required to be marked as an estimated bill.

(5) The utility ~~is obligated~~ shall, upon request, ~~to~~ obtain a final read from both the base and ROM meters when there is a change of customers.

(5m) The utility shall, upon request, obtain and compare the reading from the base meter and the automatic meter reading system.

(6) The utility shall make reasonable efforts to read the meters of customers who cannot be available during normal business hours and when there is a change of customer. The utility may make a final read through ~~AMR technology~~ an automatic meter reading system, if available.

(7) If the automatic meter reading system does not provide a meter reading or indicates zero consumption, the utility shall promptly investigate with the intent to evaluate and resolve the situation within 30 days.

(8) If a utility is unable to obtain a meter reading, the utility may issue an estimated bill. A utility shall not issue more than 3 consecutive estimated bills or bills based on readings supplied under sub. (4), unless specifically authorized by the commission.

SECTION 88. PSC 185.33 (1) is amended to read:

(1) ~~For each bill provided by the utility, the customer's receipt shall show for each meter the following information~~ A utility shall include all of the following information for each meter on each bill issued to a customer:

SECTION 89. PSC 185.33 (1) (a) is amended to read:

(a) The billing address, and service address, if different from the billing address~~;~~.

SECTION 90. PSC 185.33 (1) (am) is created to read:

(am) The customer's name. If the utility does not have the customer's name, the utility may address the bill to the occupant.

SECTION 91. PSC 185.33 (1) (b), (c) and (d) are amended to read:

(b) The customer's account number and class of service~~;~~.

(c) The present and last preceding meter readings~~;~~.

(d) The present and last preceding meter reading dates~~;~~.

SECTION 92. PSC 185.33 (1) (dm) is created to read:

(dm) The number of days in the billing period.

SECTION 93. PSC 185.33 (1) (e) and (f) are amended to read:

(e) The number of units consumed~~;~~.

(f) The rate ~~schedule~~ under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, volume blocks, demand charges, minimum bills, and all other billing factors necessary for the customer

to check the calculation of the bill. ~~In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective and at least once a year, supply each customer with the schedule of rates at which the bills are computed and any other rates that might be applicable;~~.

SECTION 94. PSC 185.33 (1) (fm) is created to read:

(fm) Clear itemization of any transferred balances. In lieu of including the clear itemization of any transferred balances on the bill, the utility may provide the information in separate mailing.

SECTION 95. PSC 185.33 (1) (g) is amended to read:

(g) Clear itemization of the amount of the bill for the present billing period and any unpaid balance from previous billing periods including any late payment charges~~;~~.

SECTION 96. PSC 185.33 (1) (i), (j) and (k) are created to read:

(i) The bill due date.

(j) Clear explanation of any codes, abbreviations or terminology used on the bill.

(k) Clear itemization of any payment arrangements, including the remaining amount owing under the payment agreement. In lieu of including clear itemization of any payment arrangements on the bill, including the remaining amount owing under the payment agreement, the utility may provide the information in separate mailing.

SECTION 97. PSC 185.33 (1m) is amended to read:

(1m) A ~~public~~ utility that calculates its volume charges in units of cubic feet shall include customer usage in both cubic feet and gallons on the customer bill ~~or provide a formula for converting usage in cubic feet to gallons on the customer bill. In lieu of providing the information on the customer bill, a public utility may provide the information in a document provided to each customer under sub. (1) (f)~~.

SECTION 98. PSC 185.33 (4), (4) (a), (b), (c) and (d) are amended to read:

(4) Any partial payments received ~~should~~ shall be applied to the customer's account in the following order:

(a) Current utility service~~;~~.

(b) ~~Current~~ Installment payments on a deposit or deferred payment agreement~~;~~.

(c) Utility service arrears~~;~~.

(d) Miscellaneous utility charges~~;~~.

SECTION 99. PSC 185.33 (5) is amended to read:

(5) Where the billings also include charges for other utility services, including electric, gas or sewer service ~~billed on a volumetric basis~~, payment for current service or arrears ~~should~~ shall be applied on a prorata basis, unless otherwise requested by the customer.

SECTION 100. PSC 185.33 (7) is amended to read:

(7) Costs or fees incurred by and awarded to the utility by a court of law, for pursuing bill collection through other agencies, such as small claims courts, or extraordinary collection charges as allowed and specified in the utility's ~~tariffs~~ schedule of rates and rules filed with the commission, may be included on the utility service bill. Such ~~tariffs~~ schedule of rates and rules shall be established on the basis of rate case proceedings or generic proceedings to establish the reasonableness of such charges.

SECTION 101. PSC 185.33 (9) (a) is amended to read:

(a) The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied~~;~~.

SECTION 102. PSC 185.33 (9) (b) is amended to read:

(b) Except as provided in par. (h), late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill~~;~~.

SECTION 103. PSC 185.33 (9) (c) is amended to read:

(c) The amount of the late payment charge shall be 3% of the unpaid bill, except a minimum charge of $0.50 shall apply. ~~The utility need not calculate a late payment charge on unpaid amounts of less than $20.00, if allowed by utility tariff;~~

SECTION 104. PSC 185.33 (9) (d) is amended to read:

(d) Late payment charges shall be applied to all customer classes and rate classifications~~;~~.

SECTION 105. PSC 185.33 (9) (e) is amended to read:

(e) Unless otherwise authorized by the commission the utility shall not waive any properly applied late payment charges~~;~~.

SECTION 106. PSC 185.33 (9) (f) is amended to read:

(f) A late payment charge shall be applied only once to any given amount outstanding~~;~~.

SECTION 107. PSC 185.33 (9) (g) is amended to read:

(g) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility~~;~~.

SECTION 108. PSC 185.33 (9) (h) is amended to read:

(h) Bills issued for utility service previously unbilled because of meter diversion or tampering with the proper metering of the account ~~may~~ shall include a late payment charge when issued. The late payment charge shall be applied from the estimated date that the diversion or tampering began.

SECTION 109. PSC 185.33 (10) (a) is amended to read:

(a) The amount of the charge shall be no more than ~~one percent~~ 1% per month for late charges related to service provided for the utility's residential class of customers, and shall be no more than ~~one and one-half percent~~ 1.5% per month for late charges related to service provided for all other purposes. The amount of the charge shall be filed with and approved by the commission before it may be applied~~;~~.

SECTION 110. PSC 185.33 (10) (b) is amended to read:

(b) The late payment charge shall be applied to the total unpaid balance for utility service including unpaid late payment charges~~;~~.

SECTION 111. PSC 185.33 (10) (c) is amended to read:

(c) Except as provided in par. (h), the late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill~~;~~.

SECTION 112. PSC 185.33 (10) (d) is amended to read:

(d) The late payment charge shall be applied to all customer classes and rate classifications~~;~~.

SECTION 113. PSC 185.33 (10) (e) is amended to read:

(e) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility~~;~~.

SECTION 114. PSC 185.33 (10) (f) is amended to read:

(f) The utility shall not waive any properly applied late payment charge~~;~~.

SECTION 115. PSC 185.33 (10) (g) is amended to read:

(g) No additional late payment charge may be applied to a delinquent account for utility service after the date on which the delinquent account was written off by the utility as uncollectible~~;~~.

SECTION 116. PSC 185.33 (10) (h) is amended to read:

(h) Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account ~~may~~ shall include a late payment charge when issued. The late payment charge ~~may~~ shall be applied from the estimated date that the diversion or tampering began.

SECTION 117. PSC 185.33 (13) (a) and (b) are repealed.

SECTION 118. PSC 185.33 (13) (c) is renumbered (13) and amended to read:

(13) When ~~an actual~~ a meter reading indicates that a previous estimated bill was abnormally high or low, the utility shall calculate the bill for the entire period as if use of service was normally distributed throughout the period. The previous estimated charge shall be deducted from the recomputed total. If there is evidence to indicate that actual use was not uniform throughout the period, the billing shall be adjusted according to available information.

SECTION 119. PSC 185.33 (14) (b) is amended to read:

(b) Adjustments to past bills rendered because of meter inaccuracies, errors in billing, or misapplication of rates shall be ~~separated~~ shown separately from the current regular billing and the charges explained in detail.

SECTION 120. PSC 185.33 (15m) is created to read:

(15m) If the meter reading date is advanced or postponed under s. PSC 185.32 (2), the bill shall be prorated on a daily basis unless otherwise authorized by the commission.

SECTION 121. PSC 185.33 (16) (a) is amended to read:

(a) If a utility offers budget payment plans to residential customers, a ~~A~~ budget payment plan ~~tariff~~ shall be on file with the commission and included in the utility's schedule of rates and rules, applicable only to charges for utility services under commission jurisdiction.

SECTION 122. PSC 185.33 (16) (b) is amended to read:

(b) A budget payment plan may be established at any time of the year. The budget amount shall be calculated on the basis of the estimated consumption and estimated applicable rates. If the budget period is a fixed year, then ~~prospective~~ new and existing customers requesting a budget payment plan after the start of the fixed year shall have their initial monthly budget amount determined on the basis of the number of months remaining in the current budget year.

SECTION 123. PSC 185.33 (16) (d) is amended to read:

(d) ~~Customers~~ The utility shall notify customers on the budget payment plan ~~shall be notified~~ of adjustments by means of a bill insert, a message printed on the bill itself, or a separate mailing ~~both~~. ~~The customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.~~

SECTION 124. PSC 185.33 (16) (e) is amended to read:

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears, ~~according to the provisions of~~ if applicable under s. PSC 185.38.

SECTION 125. PSC 185.33 (16) (f) is amended to read:

(f) Budget payment plans shall be subject to ~~the~~ late payment ~~charge provisions~~ charges. ~~In addition, if a budget payment is not paid, the customer shall be notified with the next billing that if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.~~

SECTION 126. PSC 185.33 (16) (fm) is created to read:

(fm) If a customer does not make a payment under a budget payment plan, the utility shall notify the customer with the next billing that if payment of the overdue budget amount is not received by the due date of that bill, the utility may remove the customer from the budget plan.

SECTION 127. PSC 185.33 (16) (g) 1. is amended to read:

1. A ~~customer's~~ customer may pay the debit balance ~~shall be~~ paid in full or, ~~at the customer's option~~ if unpaid, ~~on a deferred basis~~ the utility shall incorporate the balance into the budget amount for the next 12 months~~;~~.

SECTION 128. PSC 185.33 (16) (g) 2. is amended to read:

2. A ~~customer's~~ customer may request that a credit balance be refunded ~~shall be applied~~ or, ~~at the customer's option~~ if no request is made, the utility shall incorporate the balance into the budget amount for the next 12 months ~~against the customer's account credited in installments to the customer's account over the course of the next budget year, or refunded to the customer~~.

SECTION 129. PSC 185.33 (17) is amended to read:

(17) ~~An~~ A utility shall bill an occupant, or other responsible party who uses utility service but does not apply for it, ~~may be billed~~ or a customer continuing to use the service after the date termination is requested, an estimated or actual amount ~~at a later date~~ for service used ~~prior to the time of application~~. The utility shall have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The utility shall inform the occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 185.39.

SECTION 130. PSC 185.33 (19) (a) is renumbered (19) (am) and amended to read:

(am) A utility shall pay interest on customer overpayments not refunded to the customer within 60 days of ~~the determination~~ receipt by the utility ~~or commission that refund is due,~~ if the net

amount refunded exceeds $20.00 per refund and the overpayment was made to the utility due to any of the following:

SECTION 131. PSC 185.33 (19) (a) is created to read:

(a) A utility shall refund customer overpayments if a recalculated bill indicates that more than $5.00 is due an existing customer or $10.00 is due a person no longer a customer of the utility. The utility shall refund to the customer the full amount of the calculated difference between the amount paid and the recalculated amount. The refund to an existing customer may be in cash or as credit on a bill. If a refund is due a person no longer a customer of the utility, a written notice shall be mailed to the last known address and the utility shall, upon request, refund the amount due.

SECTION 132. PSC 185.33 (19) (am) 1. is amended to read:

1. ~~Meters registering fast as defined in~~ Metering inaccuracies requiring an adjustment of bills under s. PSC 185.35~~;~~.

SECTION 133. PSC 185.33 (19) (am) 2. is amended to read:

2. Billing based on a switched-meter condition where the customer was billed on the incorrect meter~~;~~.

SECTION 134. PSC 185.33 (19) (am) 3. is amended to read:

3. Misapplication of rates, provided the information furnished by the customer to the utility was not deficient~~;~~.

SECTION 135. PSC 185.33 (19) (b) 1. is amended to read:

1. Financing of service extensions or other equipment~~;~~.

SECTION 136. PSC 185.33 (19) (b) 2. is amended to read:

2. Budget payment plans~~;~~.

SECTION 137. PSC 185.33 (19) (b) 3. is amended to read:

3. Estimated bills~~;~~.

SECTION 138. PSC 185.33 (19) (c) is amended to read:

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in s. PSC 185.36 (9) (b). Interest shall be paid from the date a refund is determined to be due until the date the overpayment is refunded. Interest shall be compounded annually and calculated on the net amount overpaid in each calendar year.

SECTION 139. PSC 185.34 is repealed.

SECTION 140. PSC 185.35 (title) is amended to read:

PSC 185.35 Adjustment of bills for metering or billing inaccuracies.

SECTION 141. PSC 185.35 (1) is repealed and recreated to read:

(1) A utility shall recalculate bills for service for the full period of inaccuracy in any of the following circumstances:

(a) A meter does not meet the accuracy requirements under s. PSC 185.65. The utility shall prorate the underbilled consumption or overbilled consumption from the date of the last base meter reading, unless consumption information demonstrates the inaccuracy started at a different date. No recalculation shall be required unless the meter in service is found not to register or is found to have an average percent registration of less than 98 or more than 102.

(b) The meter index and reading from the automatic metering reading system or ROM are different. The utility shall prorate the underbilled consumption or overbilled consumption registering on the automatic metering reading system or ROM from the date of the last base meter reading, unless consumption information demonstrates the inaccurate automatic meter

reading system or ROM readings started at a different date. If the base meter does not meet the accuracy requirements under s. PSC 185.65, par. (a) shall apply.

(c) The billing was based on a switched-meter condition where the amount the customer was billed was based on the incorrect meter.

(d) Misapplication of the rates.

(e) Any other erroneous billing.

SECTION 142. PSC 185.35 (2) is amended to read:

(2) For the purposes of this ~~rule~~ section, the average percent registration shall be the average percent registration ~~for those normal~~ of the intermediate and maximum test points ~~which are within the normal test flow limits of the meter~~ required to be tested under s. PSC 185.65, except that the test point within the ~~"~~change-over~~"~~ range for compound meters shall be ignored. ~~(For positive displacement meters the light flow test point would not be considered.)~~

SECTION 143. PSC 185.35 (3), (4) and (5) are repealed.

SECTION 144. PSC 185.35 (6) is amended to read:

(6) Subject to the utility's ~~written rules~~ schedule of rates and rules setting forth the method of determining a reduced rate, if a leak unknown to the customer is found in an appliance or the plumbing, the utility is encouraged to estimate the water wasted and bill for it at a reduced rate not less than the utility's cost. No such adjustment shall be made for water supplied after the customer has been notified and has had an opportunity to correct the condition.

SECTION 145. PSC 185.35 (7) is repealed.

SECTION 146. PSC 185.35 (8) is amended to read:

(8) A utility shall keep a record ~~shall be kept~~ of the number of refunds and charges made because of inaccurate meters, misapplication of rates, and erroneous billing. A summary of the record for

the previous calendar year shall~~, upon request,~~ be submitted to the commission on or before April 1 of each year.

SECTION 147. PSC 185.36 (1) (a) is repealed and recreated to read:

(a) A utility may require a deposit or other guarantee within 30 days of the application as a condition of new residential service if all of the following are true:

1. The applicant has an outstanding account balance with the utility which accrued within the last 6 years that remains outstanding and not in dispute.

2. There is no agreement or arrangement for payment being honored by the customer.

SECTION 148. PSC 185.36 (1) (b) is amended to read:

(b) A utility shall not require a deposit under this section ~~shall not be required~~ if the customer provides the utility with information showing that the customer's gross quarterly income is at or below 200% of federal income poverty guidelines.

SECTION 149. PSC 185.36 (1) (c) is amended to read:

(c) A utility shall inform the customer of the customer's right to provide a deposit or guarantee and, if applicable, to enter into a deferred payment agreement for payment of the outstanding balance ~~deposit amount and of the customer's right to appeal any deposit request or amount required under this section to the commission~~.

SECTION 150. PSC 185.36 (1) (d) is created to read:

(d) A utility may require the customer pay the first installment on the deposit amount under sub. (4) or provide a guarantee, and enter into a deferred payment agreement for payment of the outstanding balance prior to providing service.

SECTION 151. PSC 185.36 (2) is repealed and recreated to read:

(2) EXISTING RESIDENTIAL SERVICE.

(a) A utility may require a deposit as a condition of residential service within 30 days of any of the following circumstances:

1. The utility has disconnected the customer's service for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

2. Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

3. A new residential customer accrues charges for service that become 60 days or more past due within the first 8 months of service.

(b) A utility shall inform the customer of the customer's right to provide a deposit, guarantee and, if applicable, to enter into a deferred payment agreement for payment of the outstanding balance. The utility shall give the customer at least 30 days to provide the deposit, pay the first installment on the deposit amount under sub. (4) or provide a guarantee.

(c) A utility shall not require a deposit under this section if the customer provides the utility with information showing that the customer's gross quarterly income is at or below 200% of the federal income poverty guidelines.

SECTION 152. PSC 185.36 (3) (a) is amended to read:

(a) A utility ~~may accept~~ shall allow a customer to provide, in lieu of a cash deposit for new or existing residential service, a contract signed by a guarantor satisfactory to the utility where payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or where the guarantor accepts responsibility for payment of all future bills. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the customer in writing of the agreement and of the customer's right to refuse such an agreement. The term of the contract shall be for no longer than one year, but it shall automatically terminate after the residential customer

has closed the account with the utility, or on the guarantor's request upon a 30-day written notice to the utility.

SECTION 153. PSC 185.36 (3) (b) is amended to read:

(b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon a ~~20~~ 30-day written notice to the customer. The utility may disconnect the service of any customer who fails to comply with these requirements ~~may be disconnected~~ upon ~~an 8-day~~ providing written notice consistent with s. PSC 185.37(11).

SECTION 154. PSC 185.36 (4) is amended to read:

(4) ~~DEFERRED PAYMENT~~ INSTALLMENT PAYMENTS. ~~In lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account balance accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement, as defined in s. PSC 185.38 for the outstanding account.~~ A utility requiring a deposit under this section shall allow a customer to pay the deposit in not less than three equal monthly installments. A customer who ~~defaults on this deferred payment agreement~~ fails to pay an installment payment may be required by the utility to ~~furnish a deposit for the remaining balance~~ pay the remainder of the deposit immediately. If the customer fails to pay an installment payment or the remainder of the deposit if required by the utility, the utility may disconnect the service of the customer upon providing written notice consistent with s. PSC 185.37(11).

SECTION 155. PSC 185.36 (5) is amended to read:

(5) WRITTEN EXPLANATION. A utility requiring a deposit under this section shall provide a customer with written explanation of why a deposit or guarantee is being required ~~for a~~

~~residential account~~. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the commission.

SECTION 156. PSC 185.36 (7) is amended to read:

(7) AMOUNT OF DEPOSIT. The maximum deposit for a new or existing residential account shall not exceed the highest estimated or actual gross ~~bill~~ bills for any 3 consecutive months within the preceding 12 months ~~billing period (not to exceed 4 months) selected by the utility~~.

SECTION 157. PSC 185.36 (8) is repealed:

SECTION 158. PSC 185.36 (9) (a) is amended to read:

(a) Deposits for residential accounts shall bear interest compounding annually payable from the date a deposit is ~~made~~ paid in full to the date it is applied to an account balance or is refunded.

SECTION 159. PSC 185.36 (10) is amended to read:

(10) REFUND. The utility shall refund the deposit and interest ~~of~~ to a residential customer after 12 consecutive months of prompt full payment. If the customer has entered into a deferred payment agreement on any arrears, the utility shall not deduct the arrears from the refund unless the customer fails to make a payment required by the deferred payment agreement.

SECTION 160. PSC 185.36 (11) is repealed.

SECTION 161. PSC 185.36 (12) is amended to read:

(12) METHOD OF REFUND. Any deposit or portion refunded to a residential customer shall be refunded ~~by check~~ directly to the customer unless both the customer and the utility agree to a credit on the regular billing~~, or unless sub. (13) or (14) applies~~.

SECTION 162. PSC 185.36 (13) is amended to read:

(13) REFUND AT TERMINATION OF SERVICE. On termination of residential service, the utility shall credit the deposit, with accrued interest, to the customer's final bill and return the

balance within 30 days of issuing the final bill. The utility may deduct any arrears owed by the customer, whether the arrears arose prior to or after the date of the deposit.

SECTION 163. PSC 185.36 (14) is repealed.

SECTION 164. PSC 185.36 (14) is created to read:

(14) A municipal utility may adopt deposit rules and practices as provided in s. 66.0809(10). Any deposit rules and practices adopted by the municipal utility shall be included in the municipal utility's schedule of rates and rules.

SECTION 165. PSC 185.361 (1) is amended to read:

(1) NEW NONRESIDENTIAL SERVICE. If the credit of an applicant for nonresidential service has not been established satisfactorily to the utility, the utility may require the applicant to post deposit or provide a guarantee. The utility shall notify the applicant within ~~10~~ 30 days of the request for service as to whether a deposit shall be required. The ~~10~~ 30-day period shall begin from the date the applicant provides all information requested under s. PSC 185.305 (2) to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (2). A utility may require the customer pay the first installment on the deposit amount under sub. (3m) or provide a guarantee prior to providing service. ~~If a request for a deposit is made, the applicant shall be given at least 30 days to provide payment, or guarantee, or to establish a deferred payment agreement.~~

SECTION 166. PSC 185.361(2) is repealed and recreated to read:

(**2)** EXISTING NONRESIDENTIAL SERVICE. **(a)** The utility may require an existing nonresidential customer to furnish a deposit within 30 days of any of the following circumstances:

1. The customer has not made prompt full payment of a bills.

2. The utility disconnects the customer's service for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

3. Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

(b) If the utility requests a deposit of an existing customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish a deferred payment agreement.

SECTION 167. PSC 185.361 (3) (a) is amended to read:

(a) Credit information from a credit reporting service~~;~~.

SECTION 168. PSC 185.361 (3) (b) is amended to read:

(b) Letter of credit from a financial institution or another utility~~;~~.

SECTION 169. PSC 185.361 (3) (c) is amended to read:

(c) Applicant's business characteristics, including type of business, estimated size of the utility bills, previous bill payment history, and applicant's business experience~~;~~.

SECTION 170. PSC 185.361 (3) (d) is amended to read:

(d) Assets of the business~~;~~.

SECTION 171. PSC 185.361 (3m) is created to read:

(3m) INSTALLMENT PAYMENTS. A utility requiring a deposit under this section shall allow a customer to pay the deposit in not less than three equal monthly installments. A customer who fails to pay an installment payment may be required by the utility to pay the remainder of the deposit immediately. If the customer fails to pay an installment payment or the remainder of the deposit if required by the utility, the utility may disconnect the service of the customer upon providing written notice consistent with s. PSC 185.37(11).

SECTION 172. PSC 185.361 (4) (a) is amended to read:

(a) The ~~utility may accept~~ customer may provide, in lieu of a cash deposit for new or existing nonresidential service, a contract signed by a guarantor satisfactory to the utility where payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but it shall automatically terminate after the customer has closed its account with the utility, or at the guarantor's request, on a 30-day written notice to the utility.

SECTION 173. PSC 185.361 (4) (b) is amended to read:

(b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on a ~~20~~ 30-day written notice to the customer. The utility may disconnect service of a customer who fails to comply with these requirements ~~may be disconnected on a 10-day~~ after providing written notice, ~~subject to the establishment of a deferred payment agreement for the deposit~~ consistent with s. PSC 185.37(11).

SECTION 174. PSC 185.361 (5) (a) is amended to read:

(a) A utility requiring a deposit under this section shall provide a customer with written explanation of why a deposit or guarantee is being required ~~for nonresidential service~~. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the commission.

SECTION 175. PSC 185.361 (6) is repealed.

SECTION 176. PSC 185.361 (7) is amended to read:

(7) AMOUNT OF DEPOSIT. The maximum deposit for a new or existing account shall not exceed the highest estimated or actual gross bill for any 3 consecutive months within the preceding 12 months ~~billing period (not to exceed 4 months) selected by the utility~~. If the deposit

amount is estimated and after a 12-month period the deposit amount is shown to be greater than warranted based on actual consumption, the utility shall at the customer's request refund the difference between the 2 amounts plus interest.

SECTION 177. PSC 185.361 (8) (a) is amended to read:

(a) Deposits for nonresidential service shall bear interest compounding annually payable from the date a deposit is ~~made~~ paid in full to the date it is applied to an account balance or refunded.

SECTION 178. PSC 185.361 (9) is amended to read:

(9) ~~TIME OF~~ REFUND. The deposit of a customer shall be refunded after 24 consecutive months of prompt full payment. The utility may deduct any arrears owed by the customer, whether the arrears arose prior to or after the date of the deposit.

SECTION 179. PSC 185.361 (10) is amended to read:

(10) METHOD OF REFUND. Any deposit or portion thereof refunded to a customer shall be refunded ~~by check~~ directly to the customer unless both the customer and the utility agree to a credit on the regular billing~~, or unless sub. (11) or (12) applies~~.

SECTION 180. PSC 185.361 (11) is amended to read:

(11) REFUND AT TERMINATION OF SERVICE. ~~Upon~~ On termination of nonresidential service, the utility shall credit the deposit, with accrued interest, ~~shall be credited~~ to the customer's final bill~~,~~ and return the balance ~~shall be returned~~ within 30 days of issuing the final bill. The utility may deduct any arrears owed by the customer, whether the arrears arose prior to or after the date of the deposit.

SECTION 181. PSC 185.361 (12) is repealed.

SECTION 182. PSC 185.37 (1) and (1) (a) and (b) are amended to read:

(1) NOTICE.

(a) ~~In no circumstances shall the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill.~~ A customer shall have, in all instances, at least 20 days from the date a utility issues the bill to provide payment. An account may be deemed delinquent for the purpose of disconnection after such period has elapsed.

(b) At least 10 calendar days prior to disconnection, the utility shall give a written notice of disconnection upon a form approved by the commission and which conforms to the requirements of sub. (11), unless excepted elsewhere.

SECTION 183. PSC 185.37 (1m) is amended to read:

(1m) JOINTLY-METERED PROPERTIES. Prior to disconnecting a jointly-metered property containing more than one rental dwelling unit and where service is in the property owner's or manager's name, the utility shall first make an attempt to transfer the debt to the property owner's or manager's residence or office service. If a transfer is permitted under sub. (7) (a) the utility shall pursue available collection efforts at the owner's or manager's property prior to disconnecting the jointly-metered property.

SECTION 184. PSC 185.37 (2) is amended to read:

(2) REASONS FOR DISCONNECTION. Utility service may be disconnected or refused for any of the following reasons:

SECTION 185. PSC 185.37 (2) (a) is amended to read:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement. ~~(see s. PSC 185.38);~~ A payment by a customer that is not honored by a financial institution is considered a failure to pay.

SECTION 186. PSC 185.37 (2) (am) is amended to read:

(am) Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if ~~an account is transferred~~ an application for service is submitted by ~~to~~ a new ~~account holder or customer~~ applicant and the previous account holder or customer continues to be an occupant of the dwelling unit to be served. If service is disconnected or refused under this paragraph the utility shall inform the applicant of the right to contact the commission. The applicant shall bear the burden of demonstrating that the previous customer is no longer an occupant of the dwelling unit. A utility shall accept any of the following items as adequate to demonstrate that the previous customer is no longer an occupant of the dwelling unit, although it may accept other items:

1. A current driver's license, state identification card, or passport from the previous customer issued within the previous 3 months showing a new address.

2. A utility bill dated within the previous 3 months in the name of the previous customer showing a new address.

3. A lease dated within the previous 3 months in the name of the previous customer showing a new address.

4. A pay stub dated within the previous 3 months in the name of the previous customer showing a new address.

SECTION 187. PSC 185.37 (2) (b) is amended to read:

(b) Failure to pay for an outstanding account balance with the utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding~~;~~.

SECTION 188. PSC 185.37 (2) (c) is amended to read:

(c) Failure to ~~comply with~~ pay a deposit or provide a guarantee ~~arrangements~~ as specified in s. PSC 185.36 or 185.361~~;~~.

SECTION 189. PSC 185.37 (2) (d) is amended to read:

(d) Diversion of service around the meter~~;~~.

SECTION 190. PSC 185.37 (2) (e) is amended to read:

(e) Refusal or failure to permit authorized utility personnel to read the meter at least once every 4 months where the utility bills monthly or bimonthly, or at least once every 9 months where the utility bills quarterly or less frequently than quarterly. The 4- or 9- month period begins with the date of the last meter reading~~;~~.

SECTION 191. PSC 185.37 (2) (f) is amended to read:

(f) Refusal or failure to permit authorized utility personnel access to the base meter or inspect plumbing in order to locate and correct cross connections~~;~~.

SECTION 192. PSC 185.37 (2) (g) is amended to read:

(g) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation~~;~~.

SECTION 193. PSC 185.37 (2) (gm) is created to read:

(gm) Failure to repair a leaking or broken portion of the service line for which the property owner or customer is responsible, if the customer has first been notified and provided with reasonable opportunity to make the repairs.

SECTION 194. PSC 185.37 (2) (h) is amended to read:

(h) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to utility service~~;~~.

SECTION 195. PSC 185.37 (2) (i) is amended to read:

(i) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's ~~tariffs~~ schedule of rates and rules filed with the commission~~;~~.

SECTION 196. PSC 185.37 (2) (j) is amended to read:

(j) Failure to comply with the utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters~~;~~.

SECTION 197. PSC 185.37 (3) is amended to read:

(3) EXCEPTIONS TO PROVIDING NOTICE. (a) A utility may disconnect utility service without prior notice where a dangerous condition exists for as long as the condition exists. A dangerous condition may include a vacant, unheated property at risk of the water piping freezing. Upon disconnection, the utility shall provide a written explanation of the dangerous condition.

(b) A utility may disconnect service without prior notice where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods or devices or methods that stop or interfere with the proper metering of the utility service.

(c) A utility may disconnect service without prior notice where service has been connected or reconnected without the utility's authorization.

(d) If service is disconnected without prior notice, at the time of the disconnection the utility shall leave a written notice on the premises explaining the reason for the disconnection and the actions that must be taken for reconnection.

SECTION 198. PSC 185.37 (4), (5) and (6) are repealed.

SECTION 199. PSC 185.37 (7) is amended to read:

(7) OWNER OR MANAGER OF RENTAL DWELLING UNITS.

(a) Account arrears incurred by an owner or property manager for rental residential dwelling units may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears to the owner or property manager prior to making the transfer.

(c) If the transferred account arrears remain unpaid, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 185.37.

SECTION 200. PSC 185.37 (8) is amended to read:

(8) DISCONNECTION PROHIBITED. Utility service may not be disconnected or refused for any of the following reasons:

SECTION 201. PSC 185.37 (8) (a) is amended to read:

(a) Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the passage of additional time results from other provisions of this chapter or from good faith negotiations or arrangements made with the customer~~;~~.

SECTION 202. PSC 185.37 (8) (b) is amended to read:

(b) Failure to pay for merchandise or charges for nonutility service billed by the utility, except where authorized by law as in s. PSC 185.33 (1) (h) ~~;~~.

SECTION 203. PSC 185.37 (8) (c) is amended to read:

(c) Failure to pay for a different type or class of utility service, except as provided by sub. (7) (c)~~;~~.

SECTION 204. PSC 185.37 (8) (d) is amended to read:

(d) Failure to pay the account of another customer as guarantor of that account~~;~~.

SECTION 205. PSC 185.37 (8) (e) is amended to read:

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing~~;~~.

SECTION 206. PSC 185.37 (8) (f) is repealed.

SECTION 207. PSC 185.37 (8) (g) is amended to read:

(g) For the intentional removal or eviction of a tenant from rental property~~;~~.

SECTION 208. PSC 185.37 (8m) is amended to read:

(8m) EXTENUATING CIRCUMSTANCES. If the utility is provided notice that there are extenuating circumstances, such as infirmities of aging, developmental, ~~mental~~ intellectual or physical disabilities, the use of life support systems, or like infirmities incurred at any age, or the frailties associated with being very young, the utility shall take these circumstances into consideration and ensure compliance with s. PSC 185.37 (10) prior to disconnecting service.

SECTION 209. PSC 185.37 (9) is renumber 185.37 (8e) and amended to read:

(8e) COLD WEATHER DISCONNECTION PROHIBITED. Residential water utility service to an occupied dwelling may not be disconnected during the period November 1 to April 15 if the water service is a necessary part of a dwelling's heating system.

SECTION 210. PSC 185.37 (10) is amended to read:

(10) MEDICAL AND PROTECTIVE SERVICES EMERGENCIES.

SECTION 211. PSC 185.37 (11) is amended to read:

(11) DISCONNECTION NOTICE.

(a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served upon a responsible party at least 10 calendar days prior to the first date of the proposed disconnection except as provided in sub. ~~subs.~~ (3)~~, (4), and (7)~~.

(ag) If the billing address is different from the service address, notice shall be posted at ~~each individual dwelling unit of~~ the service address not less than 5 days before disconnection. ~~If access is not possible, this~~ This notice shall be posted, at a minimum, at each individual dwelling unit or ~~to~~ all entrances to the building and in the lobby. The notice shall contain all of the following: ~~1) the~~

1. The date of the notice~~;~~. ~~2) the~~

2. The proposed date of disconnection~~;~~. ~~and 3) that~~

3. That, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. ~~Refusal or acceptance of the application for service is subject to those conditions set out in this chapter.~~

(ar) If disconnection is not accomplished on or before the 20th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the customer and the utility agree to extend the 20-day time period.

(b) The utility shall make a reasonable effort to have a personal or telephone contact with the residential customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions shall be taken to avoid disconnection.

(c) The utility shall keep a record of these contacts and contact attempts.

(d) When a residential customer, either directly or through the commission, disputes a disconnection notice under s. PSC 185.37, the utility shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, utility service shall not be disconnected over this matter.

(e) If a disputed issue cannot be resolved, the utility shall inform the customer of the right to appeal to the commission.

(f) Disconnection notice shall be given on a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different;

2. A statement of the reason for the proposed disconnection of service and that disconnection shall occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default;

3. A statement that the customer shall communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if the customer disputes the notice of delinquent account, if the customer wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances, as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of residents who use life support systems or equipment or residents who have ~~mental retardation~~ an intellectual disability or other developmental ~~or mental~~ disabilities;

4. A statement that residential utility service shall be continued for ~~up to~~ 21 days during serious illness if the account holder submits a statement or notice pursuant to sub. (10);

5. A statement that the customer may appeal to the commission staff in the event that the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the customer has pursued the available remedies with the utility.

SECTION 212. PSC 185.37 (12) is amended to read:

(12) BUSINESS OFFICES CLOSED. Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate, or otherwise consider the customer's objection to the disconnection as provided under s. PSC 185.39, and proper service personnel are readily available to restore service 24 hours per day.

SECTION 213. PSC 185.37 (13) is amended to read:

(13) LIMITATION. Notwithstanding any other provision of this chapter, utility service may not be refused because of a delinquent account if the customer or applicant provides, as a condition of future service a deposit or guarantee, as governed by s. PSC 185.36, or a voucher agreement. If the guarantor has agreed to be responsible for payment of all future bills, the customer shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

SECTION 214. PSC 185.37 (14) is created to read:

(14) TIMELY RECONNECTION. A utility shall promptly reconnect service as soon as the cause for the disconnection has been eliminated but, in any event, shall restore service no later than the end of the second day following elimination of the cause for the disconnection, unless the utility cannot gain access to the necessary utility facilities.

SECTION 215. PSC 185.38 (1) is amended to read:

(1) A utility ~~is required to~~ shall offer deferred payment agreements to residential ~~accounts~~ customers and is encouraged to offer such agreements to other customers.

SECTION 216. PSC 185.38 (1m) is created to read:

(1m) A utility shall offer a deferred payment agreement at any of the following times:

(a) Prior to disconnection.

(b) If the customer is disconnected and requesting reconnection.

(c) Every 15 months if a utility has a policy or practice to not disconnect customers for nonpayment.

SECTION 217. PSC 185.38 (2) is amended to read:

(2) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service shall not be discontinued if the customer does all of the following:

(a) ~~pays~~ Pays a reasonable amount of the outstanding bill not to exceed the lesser of $600 or 50% of the amount outstanding, except a utility may require a customer provided with service through a master meter to pay up to 50% of the amount outstanding.~~,~~

(b) ~~agrees~~ Agrees to pay the remaining outstanding balance in not less than three equal monthly installments. ~~, and~~

(c) ~~agrees~~ Agrees to pay the current bill by the due date.

SECTION 218. PSC 185.38 (3) is amended to read:

(3) For purposes of determining reasonableness in sub. (2), the parties shall consider the customer's ability to pay, including all of the following factors:

SECTION 219. PSC 185.38 (3) (a) is amended to read:

(a) Size of the delinquent account~~;~~.

SECTION 220. PSC 185.38 (3) (b) is amended to read:

(b) Customer's payment history including the number of late payments, number of missed payments, number of previous deferred payment agreements~~;~~.

SECTION 221. PSC 185.38 (3) (c) is amended to read:

(c) Time that the debt has been outstanding~~;~~.

SECTION 222. PSC 185.38 (3) (d) is amended to read:

(d) Reasons why the debt has been outstanding~~;~~.

SECTION 223. PSC 185.38 (3) (e) is amended to read:

(e) Any other relevant factors ~~concerning the circumstances of the customer such as household size, income, and necessary expenses~~.

SECTION 224. PSC 185.38 (3m) is created to read:

(3m) A utility may permit a customer to enter into a deferred payment agreement verbally or require a customer to enter into a written deferred payment agreement.

SECTION 225. PSC 185.38 (4) is amended to read:

(4) A written deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 sizes larger than any other print used, that:

SECTION 226. PSC 185.38 (4) (a) is amended to read:

(a) You have the right to suggest a different payment agreement~~;~~.

SECTION 227. PSC 185.38 (4) (b) is amended to read:

(b) If you believe the terms of this agreement are unreasonable, DO NOT SIGN IT~~;~~.

SECTION 228. PSC 185.38 (4) (c) is amended to read:

(c) If you and the utility cannot agree on terms, you may ask the commission to review the disputed issues~~;~~.

SECTION 229. PSC 185.38 (4) (d) is repealed.

SECTION 230. PSC 185.38 (6) is repealed.

SECTION 231. PSC 185.38 (8) is amended to read:

(8) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the utility, the utility shall inform the customer in writing why the customer's offer was not acceptable and notify the customer of the right to request the commission review the dispute.

SECTION 232. PSC 185.38 (9) is created to read:

(9) A municipal utility may adopt deferred payment agreement rules and practices as provided in s. 66.0809(9).

SECTION 233. PSC 185.39 (1) is amended to read:

(1) INITIAL PROCESS. Whenever ~~the~~ a customer or applicant disputes ~~the utility's request for a deposit or other guarantee, or advises the utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute,~~ a utility's action or inaction under this chapter the utility shall do all of following:

SECTION 234. PSC 185.39 (1) (a) is amended to read:

(a) Investigate the dispute promptly and completely~~;~~.

SECTION 235. PSC 185.39 (1) (b) is amended to read:

(b) Advise the customer of the results of the investigation~~;~~.

SECTION 236. PSC 185.39 (1) (c) is amended to read:

(c) Attempt to resolve the dispute~~;~~.

SECTION 237. PSC 185.39 (1) (d) is amended to read:

(d) Provide the ~~opportunity for residential customers, nonresidential customers at utility discretion, per s. PSC 185.38 (1) to enter into a deferred payment agreement when reasonable in order to resolve the dispute~~ contact information for the commission if the dispute is not resolved.

SECTION 238. PSC 185.39 (2) is amended to read:

(2) COMMISSION STAFF DETERMINATION.

SECTION 239. PSC 185.39 (2) (a) is amended to read:

(a) After the customer or applicant has pursued the available remedies with the utility, the customer may request that the commission staff informally review the dispute ~~disputed issue and recommend terms of settlement~~. Such a request shall be considered an informal complaint under s. PSC 2.08.

SECTION 240. PSC 185.39 (2) (b) is amended to read:

(b) A request for informal review may be made in any reasonable manner such as by written or telephone request directed to the commission. Either by telephone or written request, the commission staff may request that the utility ~~to~~ investigate the dispute.

SECTION 241. PSC 185.39 (2) (c) is amended to read:

(c) The utility shall designate employees for responding to commission ~~complaints~~ requests who are readily available and have an appropriate and sufficient authority level for investigating and resolving concerns raised by the commission and its staff. Utilities shall provide the names of the designated employees to the commission and shall promptly inform the commission of any changes in these designations.

SECTION 242. PSC 185.39 (2) (cg) is amended to read:

(cg) A utility shall respond to ~~the public service~~ a request by the commission or its staff ~~staff's request~~ for an investigation by attempting to contact the complainant within 48 hours ~~for most circumstances~~, or 4 hours in an emergency situation, and by providing a response to the commission within ~~10 business~~ 7 calendar days. Staff may extend this time period if the utility requests more time to complete its investigation.

SECTION 243. PSC 185.39 (2) (cr) is amended to read:

(cr) Based on information provided by the utility and the customer, ~~the~~ commission staff shall make ~~an informal~~ a determination ~~for settlement of~~ on the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing within 10 calendar days of the date the determination is communicated to both parties. The determination by commission staff shall be binding on the utility and the customer unless the commission grants a request for formal review under sub. (3). Commission staff shall inform any customer disputing ~~an informal~~ a determination of the right to ~~pursue~~ request a formal review.

SECTION 244. PSC 185.39 (2) (d) is amended to read:

(d) There shall be at least 7 calendar days between the date the commission staff telephones or mails written notice of terms of ~~settlement after informal review~~ the determination and any subsequent disconnection.

SECTION 245. PSC 185.39 (3) is amended to read:

(3) REQUEST FOR COMMISSION REVIEW. ~~(a) After informal review, any~~ Any party to the dispute may make a written request for a formal review by the commission within 20 calendar days of the date the determination is communicated to both parties. If the determination is provided by telephone and the basis is requested in writing under sub. (2)(cr) the 20-day period

begins on the day the written determination is issued. ~~To avoid disconnection~~ The utility may not disconnect service pending a request for formal review for the issue in dispute, if the customer ~~shall request~~ requests ~~a~~ formal review by the commission, in writing, within 7 calendar days of the ~~issue~~ issuance of the ~~informal~~ commission staff determination. ~~All other requests for formal review shall be made within 30 calendar days of the date the commission staff telephones or provides written notice of terms of the settlement after informal review. If written confirmation is requested, the 30-day period begins from the date of that mailing.~~ A request for formal review shall be considered a request to open a docket under s. PSC 2.07 and the process in ch. PSC 2 shall apply.

~~(b) Within 7 calendar days of receiving a request for formal review in a dispute involving a pending disconnection of service, the commission shall make a determination whether to grant the request for formal review. The commission shall base its determination on the request for formal review and commission staff's informal complaint file. Within 35 calendar days from the time that all other requests for formal review are made, commission staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 calendar days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments shall be filed with the commission 2 working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.~~

SECTION 246. PSC 185.39 (4) and (5) are repealed.

SECTION 247. PSC 185.40 is created to read:

PSC 185.40 Unconscionability.

(1) If the commission finds that any conduct or aspect of a transaction directed against a customer by a utility is unconscionable, it may refuse to enforce any unconscionable aspect or conduct to avoid any unconscionable result.

(2) Without limiting the scope of sub. (1), the commission may consider, among other things, the following as pertinent to the issue of unconscionability:

(a) That the practice unfairly takes advantage of the lack of knowledge, ability, experience or capacity of customers.

(b) That those engaging in the practice know of the inability of customers to receive benefits properly anticipated from the goods or services involved.

(c) That there exists a gross disparity between the price of goods or services and their value as measured by the price at which similar goods or services are readily obtainable by other customers, or by other tests of true value.

(d) That the practice may enable merchants to take advantage of the inability of customers to reasonably protect their interests by reason of physical or intellectual disabilities, illiteracy or inability to understand the language of the agreement, ignorance or lack of education or similar factors.

(e) That the terms of the transaction require customers to waive legal rights.

(f) That the terms of the transaction require customers to unreasonably jeopardize money or property beyond the money or property immediately at issue in the transaction.

(g) That the natural effect of the practice would reasonably cause or aid in causing customers to misunderstand the true nature of the transaction or their rights and duties thereunder.

(h) That the writing purporting to evidence the obligation of the customer in the transaction contains terms or provisions or authorizes practices prohibited by law.

SECTION 248. PSC 185.405 is created to read:

PSC 185.405 Oppressive and deceptive practices prohibited. A utility shall not engage in any oppressive or deceptive practices. It shall not do any of the following:

(1) Use or threaten force or violence to cause physical harm to the person, dependents, or property of the ratepayer.

(2) Threaten criminal prosecution without merit or authority.

(3) Initiate or threaten to initiate communications with the ratepayer's employer except as permitted by statute.

(4) Engage in any conduct which can reasonably be expected to threaten or harass a ratepayer.

(5) Claim or attempt to claim to enforce a right, with knowledge or reason to know that the right does not exist.

(6) Use obscene, threatening, or abusive language in communicating with a ratepayer or a person related to a ratepayer.

(7) Threaten to disconnect a customer if the utility has a policy or practice not to disconnect customers for nonpayment.

SECTION 249. PSC 185.44 (1) is amended to read:

(1) Each utility shall notify the commission as soon as possible of any unusual occurrence which has caused or is expected to cause an interruption of service for one hour or longer to ~~all~~ 25% of the customers or 500 (or more) customers, whichever number is the smaller. (This supplement does not preempt the requirements of ch. PSC 104.)

SECTION 250. The note following PSC 185.44 (1) is repealed.

SECTION 251. PSC 185.46 (1) (a) 7. is created to read:

7. The readings before and after the test.

SECTION 252. PSC 185.46 (2) (a) 4. is created to read:

4. The cost of the meter.

SECTION 253. PSC 185.47 is repealed.

SECTION 254. PSC 185.52 (1) is amended to read:

(1) MAINS.

(a) *Ownership of mains*. Unless otherwise provided in the utility's schedule of rates and rules, a utility shall own, maintain, repair and replace all mains in its distribution system.

(am) *Installed depth.* ~~Mains~~ A utility shall ~~be placed~~ place any main that it owns at such depth or otherwise protected as shall prevent freezing.

~~**(b)** Dead-ends. Where practical the utility shall design its distribution system to avoid dead-end mains. Where dead-ends are necessary, hydrants or other flushing devices shall be installed to permit flushing. (See s. PSC 185.86.)~~

(c) *Networked systems.* Where practical, each utility shall design and construct its ~~the~~ distribution system ~~shall be laid out~~ to maximize service reliability.

(d) *Segmentation of system.* A utility shall provide ~~Valves~~ valves ~~shall be provided~~ at reasonable intervals and at appropriate locations so that repairs to or maintenance of the mains shall minimize service interruptions.

(e) *Location of mains.* Utility-owned mains shall be located either in a public right-of-way, or in a readily accessible easement. As much as possible, easements shall be free of encumbrances such as pavement, expensive landscaping, mobile home pads, permanent structures, etc.

(f) *Main ownership conditions*. A utility may choose whether or not it shall accept for ownership the mains within a mobile home park. Mains may only be accepted if they meet the utility's construction standards and the requirements of ss. PSC 185.51 and 185.52.

(g) *Repairs to mains*. A utility may temporarily shut off the water supply to make repairs, replacements, alterations, or additions to its plant or distribution system.

1. The utility shall make a reasonable attempt to notify any customers who are directly affected by a scheduled service interruption at least 24 hours prior to shutting off the water supply. This notice may be provided verbally or in writing.

2. A utility may not provide a credit to a customer for a temporary interruption of the water supply due to repairs, replacements, alteration, or additions under this section.

SECTION 255. PSC 185.52 (2) is amended to read:

(2) SERVICE ~~LATERALS~~ LINES.

(a) *Ownership, repair and replacement.* Unless otherwise provided in the utility's schedule of rates and rules, a utility shall own the portion of the service line from the main up to and including the curb stop box. The utility shall be responsible for the maintenance, repair, and replacement of the utility-owned portion of a service line. Unless otherwise provided in the utility's schedule of rates and rules, the customer shall own the portion of the service line from the connection to the curb stop box to the meter. The customer shall be responsible for the maintenance, repair, and replacement of the customer-owned portion of a service line.

(am) *Installed depth*. ~~Laterals shall be placed~~ A utility shall place the utility-owned portion of a service line at such depth or otherwise protected as will prevent freezing.

(b) *Single connections.* ~~A customer's~~ The customer-owned portion of a ~~lateral~~ service line shall be directly connected to utility-owned facilities, and there shall be no other customer connection downstream from the utility's shut-off valve. This does not apply to multi-occupancy premises, such as apartments, condominiums, and shopping centers if a single owner is responsible to maintain, repair or replace the customer-owned portion of the service line.

SECTION 256. PSC 185.61 (1) is amended to read:

(1) GENERAL. A utility may use any type of meter as long as it meets the accuracy requirements specified in s. PSC 185.65. All meters used for measuring the quantity of water delivered to a customer shall be owned and installed by the utility and in good working condition. ~~They~~ A utility shall select meters that are ~~be~~ adequate in size and design for the type of service measured and consistent with the temperature, pressure and flow ranges specified by the manufacturer ~~and shall be accurate to the standard specified in s. PSC 185.65~~. Cold water ~~meters of the~~ turbine type meters shall be used for metered service only where the actual flow rates fall entirely within the ~~normal test~~ flow limits of the meter specified by the manufacturer. ~~Flow meters, including magnetic and ultrasonic meters, may be used for customer metering only with the specific approval of the commission.~~

SECTION 257. PSC 185.61 (2) is amended to read:

(2) OWNERSHIP. Meters, ROMs and ~~remote~~ automatic meter reading devices and systems necessary for the billing of utility service shall be owned and maintained by the utility except where otherwise authorized by the commission.

SECTION 258. PSC 185.61 (3) is amended to read:

(3) SALE OF METERS. A utility may sell meters if such meters are to be used solely for nonutility purposes, such as unregulated sewer service. This section does not prohibit the sale of meters between utilities.

SECTION 259. PSC 185.65 (1) is amended to read:

(1) ~~The test flow limits for positive displacement, compound, and turbine meters shall be as follows:~~ A utility shall test all meters for accuracy at the minimum, intermediate and maximum

flow rates using the specified test quantity of water in accordance with table below. The accuracy limits apply to all meters including new, repaired and rebuilt meters.

~~Note: See AWWA Standards C-700 (Positive Displacement Meters), C-702 (Compound Meters), and C-701 (Turbine Meters).~~

~~Note: * See s. PSC 185.61 (1).~~

Summary of Test Conditions and Accuracy Requirements for all Meters

Meter Size (inches)	Minimum Test Rate				Intermediate Test Rate			Maximum Test Rate			Accuracy Limit (Intermediate and Maximum Test Flows) (%)
	Flow Rate (gpm)	Test Quantity		Accuracy Limit * (Min. Test Flow) (%)	Flow Rate (gpm)	Test Quantity		Flow Rate (gpm)	Test Quantity		
		Gallons	Ft^3			Gallons	Ft^3		Gallons	Ft^3	
5/8	1/4	10	1	95 - 101	2	10	1	15 - 20	100	10	98 - 102
3/4	1/2	10	1	95 - 101	3	10	1	25 - 30	100	10	98 - 102
1	3/4	10	1	95 - 101	4	10	1	40 - 50	100	10	98 - 102
1 1/2	1 1/2	100	10	95 - 101	8	100	10	80 - 100	100	10	98 - 102
2	2	100	10	95 - 101	15	100	10	120 - 160	100	10	98 - 102
3	6	100	10	98 - 102	35	100	10	320 - 350	1000	100	98 - 102
4	8	100	10	98 - 102	60	100	10	600 - 630	1500	200	98 - 102
6	15	1000	100	98 - 102	125	1000	100	1250 - 1400	4000	500	98 - 102
8	50	1000	100	98 - 102				1600 - 2400	7000	900	98 - 102
10	75	1000	100	98 - 102				2300 - 3800	10000	1300	98 - 102
12	120	1000	100	98 - 102				5000 - 5800	15000	2000	98 - 102
16	200	1000	100	98 - 102				10000 - 11500	30000	4000	98 - 102
20	300	1000	100	98 - 102				13500 - 15000	40000	5000	98 - 102

* Section PSC 185.73 (3) provides that at this flow rate the test quantity may be reduced to that equivalent to one-half revolution of the test dial. For the typical 5/8-inch meter the minimum test quantity would, therefore, be 5 gal. or 1/2 cu. ft.

SECTION 260. PSC 185.65 (2) and the note following PSC 185.65 (2) are repealed.

SECTION 261. PSC 185.65 (3) is amended to read:

(3) ~~Compound meters shall have a percent registration between 97 and 103 throughout the range of normal test flow limits.~~ At flows within the change-over flow range, the percent registration for compound meters shall not be less than 90%.

SECTION 262. PSC 185.65 (4) is repealed.

SECTION 263. PSC 185.65 (5) is amended to read:

(5) ~~For~~ Metering accuracy requirements apply to the complete meter ~~installations~~ installation including the ~~with remote reading~~ ROM or automatic meter reading systems ~~devices the above accuracy requirements apply to the metering accuracy of the complete installation~~.

SECTION 264. PSC 185.73 (3) is amended to read:

(3) ~~The~~ Notwithstanding the test quantity specified in the table in s. PSC 185.65, the volume of water through the meter at each test flow point shall be sufficient to produce at least one revolution of the test dial except at the "minimum test flow" point when said volume of water shall produce at least one-half revolution of the test dial.

SECTION 265. PSC 185.73 (4) is amended to read:

(4) A meter not meeting the accuracy or other requirements of s. PSC 185.61 or 185.65 shall, unless the meter must be retained under s. PSC 185.77 (3), be repaired or rebuilt to meet those requirements before further use, or discarded.

SECTION 266. PSC 185.74 (1) is amended to read:

(1) TESTS. The minimum, intermediate and maximum test flow rates ~~and "normal test flow limits"~~ as used herein refer to those listed in s. PSC 185.65. The stated test flows apply for both As Found and As Left tests.

SECTION 267. PSC 185.74 (2) is repealed and recreated to read:

(2) METERS OTHER THAN COMPOUND METERS. For each test of a meter other than a compound meter, the percent registration shall be determined at each of the following test flows:

(a) At least one test at the minimum test flow rate.

(b) At least one test at the intermediate test flow rate, except were excluded on the table in s. PSC 185.65.

(c) At least one test within the maximum test flow rate.

(d) At least one test at or near the maximum registration specified by the meter manufacturer, if practicable.

SECTION 242. PSC 185.74 (3) is repealed and recreated to read:

(3) COMPOUND METERS. For each test of a compound meter it shall be determined whether or not the by-pass unit operates at the minimum test flow and, in addition, the percent registration shall be determined at each of the following test flows as determined from accuracy curves for the particular type and size of meter:

(a) At least one test at the flow rate for maximum registration of the by-pass unit specified by the meter manufacturer.

(b) At least one test at a flow rate near the point of minimum registration within the change-over range specified by the meter manufacturer.

(c) At least one test within the maximum test flow range.

(d) At least one test at the maximum registration specified by the meter manufacturer, if practicable.

(e) At least one test at approximately 50% of the maximum registration, but above the change-over rate.

SECTION 268. PSC 185.74 (4) is repealed.

SECTION 269. PSC 185.75 (2) is amended to read:

(2) Periodically to ~~insure~~ ensure accuracy, (see s. PSC 185.76);

SECTION 270. PSC 185.76 (1) is amended to read:

(1) Customer meters ("in-use" meters) shall be tested as frequently as is necessary to maintain their accuracies within requirements set forth in s. PSC 185.65. Unless otherwise authorized by

the commission, each utility shall observe a test schedule such that the intervals between tests do not exceed the following:

METER TEST INTERVALS	
Meter ~~size~~ Size (in.)	Test Interval (yr.)
5/8, 3/4, 1	10
1 1/2 and 2	~~4~~ 6
3 and 4	2
6 and over	1

SECTION 271. PSC 185.76 (3) is amended to read:

(3) Where local water conditions permit and with specific commission approval, the test interval for 5/8-, 3/4-, and 1-inch meters may be extended. This contemplates that the utility shall demonstrate that the accuracy of its meters shall be retained for this ~~such~~ period.

SECTION 272. PSC 185.76 (4) is amended to read:

(4) ~~For~~ Where local water conditions permit and with specific commission approval, the test interval for 3- and 4-inch meters~~, the above test interval~~ may be extended to 4 years. ~~where~~ This contemplates that the utility shall demonstrate that the accuracy of its meters shall be retained for this period.

SECTION 273. PSC 185.76 (6) is amended to read:

(6) ~~When system losses are less than the prescribed percentages under s. PSC 185.85 (4), a utility in~~ In lieu of testing every meter as required under sub. (1), a utility may satisfy the requirements of this section for 5/8, 3/4, and 1-inch meters by adopting a new meter replacement program that results in each meter being replaced within 20 years of the original date of installation if the utility has data to demonstrate that the meters remain accurate for the 20-year period. The utility shall provide this data to the commission upon request.

Note: See s. PSC 185.85(4)(d).

SECTION 274. PSC 185.76 (7) is created to read:

(7) When requesting commission approval under sub. (3) or (4), a utility shall provide the commission meter test data demonstrating the meters remain accurate for the extended period. This data shall include the year in which a meter was purchased, the number of meters purchased during that year and, as to the meters purchased in each year, all of the following:

(a) The test results for all of the meters.

(b) The number of years each meter was accurate without repairs.

(c) The number of meters that were retired during the extended period and the age at retirement.

(d) The number of meters that needed to be repaired during the extended period before being placed back into service.

SECTION 275. PSC 185.79 title is amended to read:

PSC 185.79 Remote outside meter (ROM) and automatic meter reading ~~(AMR)~~ system tests.

SECTION 276. PSC 185.79 (1) is amended to read:

(1) The ROM and ~~AMR~~ automatic meter reading systems shall be tested each time the associated meter is tested. If the total recorded consumption of the ROM or automatic meter reading system agrees with that of the base meter ~~or the AMR system read and the base meter read are the same~~, no further testing of the ROM or ~~AMR~~ automatic meter reading systems is ~~needed~~ required.

SECTION 277. PSC 185.81 is repealed.

SECTION 278. PSC 185.82 (1) is repealed and recreated to read:

(1) The residual pressure at the meter shall be within the distribution system pressure required under s. NR 810.10.

SECTION 279. PSC 185.82 (2) is repealed.

SECTION 280. PSC 185.79 (4) is amended to read:

(4) Each utility shall make such pressure tests or surveys as to assure that the pressure limitations of ~~subs.~~ sub. (1) ~~and (2) are~~ is being met.

SECTION 281. PSC 185.83 (1) is repealed and recreated to read:

(1) A utility shall install station meters at all locations necessary to accurately measure the water pumped into the distribution system. A station meter shall ordinarily be installed in the inlet rather than outlet line of pressure tank storage reservoirs.

SECTION 282. PSC 185.83 (2) is amended to read:

(2) ~~Station meters shall be maintained~~ A utility shall maintain station meters to ensure reasonable accuracy and shall ~~have~~ check the accuracy ~~checked~~ at least once every 2 years.

SECTION 283. PSC 185.83 (3) is amended to read:

(3) ~~Station~~ A utility shall select station meters ~~shall be selected~~ so that the actual flow rates are entirely within the normal flow range for the particular meter, as defined by the manufacturer. ~~These meters shall ordinarily be installed in the inlet rather than outlet line of pressure tank storage reservoirs.~~

SECTION 284. PSC 185.85 title is amended to read:

PSC 185.85 Water audits and ~~water loss~~ non-revenue water control.

SECTION 285. PSC 185.85 (1) (bm) is created to read:

(bm) "Economic level of leakage" means the level at which the cost of leakage abatement activities exceeds the marginal cost of the water saved.

SECTION 286. PSC 185.85 (1) (e) is amended to read:

(e) "Revenue water" means the ~~volume of water entering the distribution system that is billed and for which the utility receives revenue~~ portion of authorized consumption that is billed and produces revenue, including billed metered consumption and billed unmetered consumption.

SECTION 287. PSC 185.85 (1) (f), (g) and the note following (g) are repealed.

SECTION 288. PSC 185.85 (2) is amended to read:

(2) UTILITY PRACTICES. A ~~public~~ utility shall do all of the following:

SECTION 289. PSC 185.85 (2) (d) is amended to read:

(d) Identify and repair leaks in its distribution system to the extent that it is reasonable for the ~~public~~ utility to do so.

SECTION 290. PSC 185.85 (2) (f) is amended to read:

(f) Maintain a continuing record of ~~system pumpage~~ water supplied to the distribution system and ~~metered~~ authorized consumption.

SECTION 291. PSC 185.85 (3) (a) is amended to read:

(a) A ~~public~~ utility shall conduct an annual water audit on a calendar year basis using software specified by the commission and shall submit the results of the audit to the commission no later than April 1 of the subsequent year.

SECTION 292. PSC 185.85 (3) (b) is repealed.

SECTION 293. PSC 185.85 (4) is repealed and recreated to read:

(4) NON-REVENUE WATER CONTROL.

(a) Based on the results of its water audit, each utility shall establish both a plan and individual goals for reducing its non-revenue water. A utility shall file its plan and a brief summary of its goals with the commission at the same time it files its water audit under sub. (3) (a), or at a date set by the commission.

(b) A utility shall file the plan required by par. (a) in a form and manner prescribed by the commission. The plan shall consider measures such as the following:

1. Leakage management, including distribution system water leakage detection and repairs or replacements.

2. Finished water meter flow verification.

3. Customer water meter testing and calibration.

4. Billing system business process evaluation.

5. Resource allocation, including planned preventative maintenance.

(c) A utility shall file the individual goals required by par. (a) in a form and manner prescribed by the commission. The utility's goals shall consider measures such as the following:

1. The infrastructure leakage index from the water audit.

2. The data validity score from the water audit.

3. Operational real losses as shown in the water audit.

4. Operational apparent losses as shown in the water audit.

5. Economic level of leakage.

6. Other measures related to system efficiency.

(d) The commission may consider a utility's progress in reducing non-revenue water during investigations and proceedings and require the utility to take any reasonable action.

Note: Reasonable action may include requiring periodic meter testing in accordance with s. PSC 185.76(1).

SECTION 294. PSC 185.86 (1) is amended to read:

(1) ~~Dead-end mains, or other low flow portions of distribution systems, shall be flushed as needed to eliminate or minimize complaints from consumers arising from an objectionable~~

~~condition of water due to lack of circulation. Hydrants or other flushing devices shall be placed to allow for flushing of the entire system.~~ A utility shall establish a schedule for flushing dead-end mains or mains in other areas to remove sediment or water of poor quality consistent with s. NR 810.13.

SECTION 295. PSC 185.86 (2) is amended to read:

(2) When practical, a utility shall give public notice of proposed flushing of mains ~~shall be given~~ by radio, newspaper announcement, or other appropriate means.

SECTION 296. PSC 185.86 (3) is amended to read:

(3) A utility shall keep a record ~~shall be kept~~ of all flushing of mains, showing the date, place, and estimated volume of water used. This record shall be used by the utility ~~to determine the necessary frequency of flushing and~~ to estimate unmetered water use.

SECTION 297. PSC 185.88 is repealed and recreated to read:

PSC 185.88 Cold weather conditions and freezing.

(1) DEFINITIONS. For purposes of this section:

(a) "Utility-owned portion" means, unless otherwise specified in the utility's schedule of rates and rules, all of the following:

1. The main and all facilities preceding the main.

2. The portion of the service line between the main and the curb stop.

3. The curb stop box and valve, including the connection to the customer-owned portion.

(b) "Customer-owned portion" means, unless otherwise specified in the utility's schedule of rates and rules, that portion of the service line from the connection to the curb stop box to the meter.

(c) "Unable to thaw" means an inability to remove a blockage created by freezing but does not include a utility's failure to have proper equipment, personnel or training to thaw a utility-owned portion or customer-owned portion.

(2) THAWING FROZEN PORTIONS OF A WATER SUPPLY SYSTEM. **(a)** *General rule.* A utility shall be responsible for the cost of thawing the utility-owned portion. Except as provided in par. (b), a customer shall be responsible for the cost of thawing the customer-owned portion.

(b) *Exceptions*. **1.** A utility shall be responsible for the cost of thawing the customer-owned portion, at no cost to the customer, if the customer has not received a notice under sub. (5) (b) or (6).

2. A utility shall be responsible for the cost of thawing the customer-owned portion, at no cost to the customer, if the freezing is a direct result of the utility disconnecting the customer for a reason other than a dangerous condition and the disconnection occurs during a time when conditions are such that freezing could reasonably be expected to occur. A dangerous condition may include a vacant, unheated property at risk of the water piping freezing.

(c) *Alternative method of providing water*. A utility shall supply a customer with water until the customer-owned portion or utility owned portion is thawed using an alternative method, if practicable, if any of the following apply:

1. The utility is unable to thaw the utility-owned portion.

2. The utility is responsible for thawing the customer-owned portion and is unable to thaw the customer-owned portion.

3. The utility has thawed the utility-owned portion and that portion freezes a second or more time within 3 months because the customer failed to take the temporary corrective action recommended by the utility.

4. The utility has thawed the customer-owned portion and that portion freezes a second or more time within 3 months because the customer failed to take the temporary corrective action recommended by the utility.

(3) DETERMINING THE SOURCE OF THE FREEZING. (a) A utility shall employ reasonable methods for determining whether the source of the freezing was in the utility-owned portion or the customer-owned portion.

(b) If the utility is unable to determine the source of the freezing, the utility shall treat freezing as having begun in the utility-owned portion if there is no record of the customer-owned portion freezing in the past.

(c) A utility shall document its findings about where freezing began.

(4) UTILITY RESPONSIBILITY TO PREVENT FUTURE FREEZES. **(a)** A utility is responsible for preventing future freezes if it determines under sub. (3) that freezing began in the utility-owned portion.

(b) If a utility is responsible for preventing future freezes, it shall do all of the following:

1. Initiate an immediate temporary corrective action that will prevent the utility-owned portion from freezing again, such as giving the customer a run water notice under sub. (6).

2. Within a reasonable period of time, provide a lasting solution which may include adding ground cover or insulation to protect the utility-owned portion from freezing.

Note: See s. PSC 185.52 (2) (am) which requires a utility to place the utility-owned portion of a service line at such depth or otherwise protected as will prevent freezing.

(5) CUSTOMER RESPONSIBILITY TO PREVENT FUTURE FREEZES. **(a)** A utility is not responsible for preventing future freezes if the utility determines under sub. (3) that freezing began in the customer-owned portion.

(b) If the utility is not responsible for preventing future freezes, the utility shall provide a notice to the customer in writing, containing of all of the following:

1. That freezing began in the customer-owned portion and the customer is responsible for preventing future freezes.

2. That the customer may wish to initiate some immediate temporary corrective action to prevent the customer-owned portion from freezing again, such as running the water at the customer's expense.

3. That the customer should provide a lasting solution to prevent future freezing, such as adding ground cover or insulation.

4. That the customer will be responsible for thawing the customer-owned portion in the future.

5. A statement that the customer may contact the commission staff in the event that the customer disputes this finding and has pursued available remedies with the utility.

6. The commission's address, telephone number and web site.

(c) A utility shall provide the notice under sub. (b) at the following times:

1. At the time the utility first determines that freezing began in the customer-owned portion.

2. Between October 1 and December 1 of each succeeding year.

3. When a new customer applies for service at that location between the time the notice was given under subd.1. or 2. and April 1 of the following year.

(6) RUN WATER NOTICE - INDIVIDUAL. (a) A utility shall include all of the following in a notice under this subsection:

1. An explanation of why water should be run.

2. The date on which the customer should begin running water.

3. The volume of water to be run, such as at the rate of 1 gallon per X minutes or Y fluid ounces per X minutes.

4. An explanation of how the volume in subd. 3. can be easily determined.

5. An explanation of how the customer will know when to stop running water.

6. That the customer will receive a credit for the water that it runs at the utility's request up to the volume requested and a description of the method that will be used to calculate the credit for the customer.

7. A statement that if the customer does not run water after receiving the notice, the customer will be responsible for the cost of thawing the customer-owned portion.

(b) A utility shall deliver a notice under this subsection in at least 1 of the following ways:

1. First-class mail to the mailing address and the service address, if different.

2. Hand delivery to an adult member of the household at the service address.

3. Unless the customer has notified the utility that the premises is likely to be empty because the customer is seasonal, leaving a notice at the service address.

(c) A utility shall keep a record of its method of delivery for each notice issued under this subsection.

(d) A utility that issues a notice under this subsection shall notify the commission within 7 days of issuing it if a notice is sent to the lesser of the following:

1. 500 customers.

2. 20% of the utility's customers.

(7) RUN WATER NOTICE – EMERGENCY NOTICE. **(a)** When weather conditions result in a risk of the utility-owned portion of a significant number of customer services freezing, the utility may issue an emergency notice to customers informing them that they should run water to

prevent freezing. The utility shall issue the notice in a manner most likely to reach its customers, including television, radio, and its web site.

(b) A utility shall include all of the following in the notice under par. (a):

1. An explanation of why water should be run.

2. The volume of water to be run, such as at the rate of 1 gallon per X minutes or Y fluid ounces per X minutes.

3. An explanation of how the volume in subd. 2. can be easily determined.

4. A statement that the customer will receive a credit for the water the customer actually runs, up to the volume requested by the utility.

(c) A utility shall issue an individual written notice under sub. (6) to each affected customer as soon as practicable after issuing an emergency notice under this subsection.

(d) A utility that issues a notice under this subsection shall notify the commission within 7 days of issuing the notice.

(8) CREDIT FOR WATER RUN TO PREVENT FREEZING. If a utility requests that a customer run water to prevent freezing in a portion of a water supply system for which the utility is responsible the utility shall adjust the bill for the excess consumption which results up to the volume of water the utility requested be run by the customer.

SECTION 298. PSC 185.89 (1) is amended to read:

(1) ADEQUACY OF WATER SUPPLY. A ~~public~~ utility shall exercise reasonable diligence to furnish a continuous and adequate supply of water to its customers.

SECTION 299. PSC 185.89 (2) (a) is amended to read:

(a) A ~~public~~ utility shall make reasonable provisions to meet an emergency resulting from the failure of power supply or from fire, storm, or similar events. A ~~public~~ utility shall inform its

employees of procedures to be followed in an emergency to prevent or mitigate the interruption or impairment of ~~water~~ service.

SECTION 300. PSC 185.89 (3) is amended to read:

(3) INTERRUPTIONS OF SERVICE.

(a) A ~~public~~ utility shall make all reasonable efforts to prevent interruptions of service. If an interruption occurs, the ~~public~~ utility shall make reasonable efforts to re-establish service with the shortest possible delay, consistent with safety to its employees, customers, and the general public.

(b) If an emergency interruption significantly affects fire-protection service, a ~~public~~ utility shall immediately notify the fire chief or other responsible local official.

(c) A ~~public~~ utility shall make reasonable efforts to schedule planned interruptions at times that minimize customer inconvenience. A ~~public~~ utility shall make reasonable efforts to notify customers of the time and anticipated duration of a planned interruption.

(d) A ~~public~~ utility shall notify the ~~Commission~~ commission of a service interruption under s. PSC 185.44 (1).

SECTION 301. PSC 185.90 (1) is amended to read:

(1) DECLARATION. A ~~public~~ utility may declare a water supply shortage if the ~~public~~ utility cannot adequately meet customer demand due to drought, insufficient source capacity, or excessive demand.

SECTION 302. PSC 185.90 (2) is amended to read:

(2) PLAN. A ~~public~~ utility may adopt a water supply shortage curtailment plan and file the plan with the commission under s. PSC 185.21.

SECTION 303. PSC 185.90 (3) is amended to read:

(3) APPLICABILITY. Unless a ~~public~~ utility has adopted a water supply shortage curtailment plan under sub. (2), the provisions of this section apply.

SECTION 304. PSC 185.90 (4) is amended to read:

(4) TEMPORARY CURTAILMENT. Except as provided in sub. (6), a ~~public~~ utility may temporarily curtail ~~water~~ service to some or all of its customers during a water supply shortage, if the curtailment is necessary to protect ~~public~~ utility facilities, to prevent a dangerous condition, or to alleviate a condition that presents an imminent threat to public health, welfare, or safety.

SECTION 305. PSC 185.90 (5) is amended to read:

(5) UTILITY RESPONSIBILITIES. If a ~~public~~ utility determines that it is necessary to curtail service under this section, the ~~public~~ utility shall do all of the following:

(a) Make reasonable efforts to notify customers affected by the water supply shortage.

(b) Request that all customers ~~to~~ enact voluntary water conservation measures to reduce water consumption, including limiting irrigation and other non-essential uses.

(c) Implement any curtailment in an equitable manner that allows the ~~public~~ utility to maintain reasonably adequate service to the greatest number of customers, consistent with public health, welfare or safety.

(d) Promptly restore service.

SECTION 306. PSC 185.90 (6) is amended to read:

(6) APPROVAL TO CURTAIL ESSENTIAL USE CUSTOMERS. A ~~public~~ utility may not curtail service to a customer under this section without the commission's prior approval if the customer provides essential public health, welfare, or safety functions that require consistent ~~water~~ service or if any of the conditions described in s. PSC 185.37 (8) (h), (8e), (8m), ~~(9),~~ or (10) apply.

SECTION 307. PSC 185.90 (7) is amended to read:

(7) REPORT. A ~~public~~ utility shall report to the commission within 7 days of declaring a water supply shortage. The ~~public~~ utility shall include in the report the reasons for any curtailment, the number of customers affected, the duration of the curtailment, and any other information requested by the commission.

SECTION 308. PSC 185.96 is repealed.

SECTION 309. PSC 185.97 (1) is amended to read:

(1) DEFINITION. In this section, "voluntary program" means a water conservation program a ~~public~~ utility voluntarily proposes to administer or fund that provides rebates or other direct financial incentives to customers for water-efficient products or services.

SECTION 310. PSC 185.97 (2) is amended to read:

(2) REQUEST TO ADMINISTER OR FUND A VOLUNTARY PROGRAM. A ~~public~~ utility may not administer or fund a voluntary program without commission approval. A ~~public~~ utility may file a request with the commission for authorization to administer or fund one or more voluntary programs within its service area. A utility requesting a voluntary program shall provide all of the following information:

(a) A description of the proposed program, including the target market, eligible measures, delivery strategy, marketing and communications strategy, incentive strategy, and potential market effects.

(b) The proposed annual program budget, including administrative costs, and source of funding.

(c) Annual and multi-year performance targets that are consistent with commission goals and policies.

(d) A portfolio and program level net cost effectiveness analysis.

(e) A description of the ~~public~~ utility's proposed tracking and reporting system.

(f) A description of the ~~public~~ utility's proposed evaluation, measurement, and verification plan.

(g) A description of how the ~~public~~ utility will coordinate its voluntary program with any statewide water conservation program, including any requirements contained in ch. NR 852.

(h) Any other information the commission requests.

SECTION 311. PSC 185.97 (3) (a) 2. is amended to read:

2. The likelihood the ~~public~~ utility will achieve its program goals.

SECTION 312. PSC 185.97 (3) (a) 6. is amended to read:

6. The adequacy of the ~~public~~ utility's evaluation, measurement, and verification plan.

SECTION 313. PSC 185.97 (3) (b) is amended to read:

(b) Unless the voluntary program is included in a general rate proceeding, the commission shall issue its decision to approve, deny, or modify a proposed voluntary program in writing within ~~40~~ 60 working days after receiving the proposal. If the commission denies or modifies a proposed voluntary program it shall explain its reasons for the denial or modification. If the commission denies a voluntary program, the ~~public~~ utility may revise and resubmit a request for approval of a voluntary program at any time.

SECTION 314. PSC 185.97 (4) is amended to read:

(4) MODIFYING OR DISCONTINUING A VOLUNTARY PROGRAM. A ~~public~~ utility may request that the commission authorize the modification or discontinuation of a voluntary program at any time. A ~~public~~ utility may not modify or discontinue a voluntary program without commission approval.

SECTION 315. PSC 185.97 (5) is amended to read:

(5) RETURN OF FUNDS. The commission may require a ~~public~~ utility to return any unspent funds collected for a voluntary program approved under this section to its ratepayers.

SECTION 316. PSC 185.97 (6) is amended to read:

(6) ANNUAL REPORTS. A ~~public~~ utility receiving commission approval for a voluntary program under this section shall submit an annual report to the commission no later than April 1 following the covered year. The report shall include all of the following:

(a) A summary of program activities in the previous calendar year.

(b) An itemized accounting of administrative and program costs.

(c) The program balance or deficit at the end of the year.

(d) Estimated water savings attributable to the program, by customer class.

(e) The number of customers receiving rebates or other incentives.

(f) Estimated non-water benefits, including energy savings.

(g) Other performance metrics identified by the ~~public~~ utility.

(h) Any other information requested by the commission.

SECTION 317. PSC 185.97 (7) is amended to read:

(7) AUDITS AND VERIFICATION. The commission may conduct an audit, or contract with an independent third-party evaluator to conduct an audit, to verify the performance of a ~~public~~ utility's voluntary program. The ~~public~~ utility shall pay for the costs of the evaluation, as determined by the commission.

(END)

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
June 19, 2017

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
PSC 185, Standards for Water Public Utility Service

4. Subject
Updated standards for water public utility service

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected

7. Fiscal Effect of Implementing the Rule
☒ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget
Decrease Cost

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy ☐ Specific Businesses/Sectors
☒ Local Government Units ☒ Public Utility Rate Payers
Small Businesses **(if checked, complete Attachment A)**

9. Would Implementation and Compliance Costs Be Greater Than $20 million?
☐ Yes ☒ No

10. Policy Problem Addressed by the Rule
The Commission has promulgated utility service rules for each industry it regulates. Ch. PSC 185, which establishes service rules related to water public utilities, has not been comprehensively updated since 1997. In the last 20 years, the Commission has noted numerous policy problems that this proposed rule addresses including: failure to reflect electronic record keeping, ensuring utility customers have sufficient information about water utilities' rates and rules; the need for rules governing extraordinary utility investment to extend service to new customers; disputes regarding payment options, and disconnection, deposit, and billing policies; failure to reflect changes in metering technology; lack of whistleblower protections and protections against oppressive and deceptive practices; delayed utility investigations and resolution of meter problems that can result in customers receiving significant back-bills long after they use water; bills for customers who have payment arrangements that do not include sufficient information; disputes related to utility and customer responsibilities during cold weather conditions; meter testing and accuracy limit rules that do not cover all meter types; standards for water loss control based on percentage benchmarks which do not provide utilities with sufficient direction to identify appropriate, cost-effective options for managing water that they pump, treat, and distribute but for which they do not collect revenue; duplication with administrative rules established by the Wisconsin Department of Natural Resources.

11. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
The Commission requested comments on the economic impact of the proposed rule through its publicly accessible Electronic Records Filing (ERF) System from all interested parties including all water public utilities, Citizens Utility Board, League of Wisconsin Municipalities, Wisconsin Towns Association, Wisconsin Alliance of Cities, American Water Works Association – Wisconsin Section, Wisconsin Rural Water Association, Wisconsin Federation of Independent Business, and Wisconsin Manufacturers and Commerce.

12. Identify the local governmental units that participated in the development of this EIA.
Five municipally-owned water utilities, Green Bay Water Utility, Kenosha Water Utility, Racine Water and Wastewater Utilities, Wisconsin Rapids Water Works & Lighting Commission, and the City of Appleton Finance Department, provided economic impact estimates. The Commission also held two workgroup meetings in 2015 and 2016. Representatives of approximately 20 utilities of varying size, as well as utility industry associations, attended those

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meetings.

13. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Some utilities may incur increased costs associated with mailing expenses related to customer notifications, as well as possible costs in updating billing systems. Some utilities are expected to have savings associated with decreased meter testing frequencies when the utility is on a 20-year replacement cycle. There may be additional costs to gather data and develop plans to reduce non-revenue water, however, these costs are expected to be more than offset by the savings resulting from minimizing the amount of water treated, pumped and distributed without receiving revenue. In 2015, utilities produced approximately $63,000,000 worth of non-revenue water. Some utilities are also expected to have reduced operating costs due to more consistent, easier to implement rules related to deferred payment agreements and deposits. The public utility rate payers may incur less costs associated with back bills where inaccurate billing is identified and corrected more quickly.

14. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule will clarify procedures related to utility customer billing practices which may reduce time to resolve disputes. The rules regarding deferred payment agreements, which allow customers to catch up on outstanding bills, and deposits have been clarified to ensure consistency and ease of implementation. The rule's clarification of utility and customer responsibilities during winter conditions and freezing will help reduce the potential for costly damages to infrastructure and protracted disputes between utilities and their customers.

The updated table summarizing test conditions and accuracy requirements covers all types of water utility meters. This more comprehensive guidance should reduce confusion and lead to more consistent meter accuracy. The proposed rule provides greater clarity and flexibility to water utilities in reducing non-revenue water and will help utilities identify and prioritize appropriate, cost-effective actions that reduce operating expenses, increase revenue, and protect water resources. By eliminating duplication with administrative rules established by the Wisconsin Department of Natural Resources, the rule will save utility staff time and money. These benefits will accrue to both utilities and ratepayers.

15. Long Range Implications of Implementing the Rule

Long-term cost savings may accrue to those utilities that opt to offer e-billing to their customers. Consistent payment options for deposits and deferred payment agreements may result in fewer customers with outstanding balances owed on their water bills, leading to fewer outstanding balances placed on the municipal tax roll in those communities where that practice is allowed. The rule will also help reduce lingering customer billing disputes related to credits for water wasted through leaks and transferred balances. By using a systematic, cost-effective approach to reduce non-revenue water, utilities' annual operating costs and wear and tear on distribution systems will be reduced. The proposed rule regarding non-revenue water will ultimately result in net savings to utilities, as the costs of developing and implementing programs will be offset by reductions to the amount of water for which utilities collect no revenue. In 2015, utilities produced approximately $63,000,000 worth of non-revenue water. This approach will enhance coordination between utilities' operational and financial functions.

16. Compare With Approaches Being Used by Federal Government

Rates and service rules for water public utilities are the exclusive jurisdiction of the States. There are no existing or proposed federal regulations pertaining to water quantity or water conservation that affect water public utilities. However, water public utilities must comply with regulations promulgated under the federal Safe Drinking Water Act, which may include conditions or restrictions on system design and construction to protect public health and ensure safe drinking water. The Great Lakes Compact, an interstate compact ratified by the U.S. Congress, applies to water public utilities that withdraw surface or groundwater from the Lake Michigan and Lake Superior watersheds.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Minnesota

Neither municipal nor investor-owned water utilities are subject to Minnesota Public Utilities Commission oversight. Instead, rates and charges are subject to the oversight of the local municipal or regional governing body. Nonetheless,

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Minnesota statutes require each water utility serving more than 1,000 people to adopt a water rate structure that promotes conservation, including seasonal rates, time of use rates, water budget rates, excess use rates, or inclining block rates. Public water utilities must update their plan and, upon notification, submit it to the Minnesota DNR for approval every ten years. Water utilities are also required to provide educational information about water conservation to their customers. The Minnesota DNR also recommends that utilities meter all customer usage and conduct a water audit, and implement a leak detection and repair program if unaccounted for water is greater than 10 percent of water pumped.

Illinois

The Illinois Commerce Commission (ICC) regulates investor-owned utilities, including 33 water, 5 sewer, and 14 combined water and sewer utilities. Illinois has administrative rules governing applications for service, deposits, billing requirements, payment plans, irregular billing, refunds and credits and disconnections. However, municipally owned utilities are not regulated by the ICC. Communities that are served by Lake Michigan, including the City of Chicago and many suburbs, are subject to special requirements known as the Lake Michigan Water Allocation Program, which authorizes the Illinois DNR to manage the allocation of water among regional organizations and municipalities. These requirements include water conservation as a condition of their allocation permit and are intended to fulfill the state's requirement under a U.S. Supreme Court Decree. The requirements include metering for all new construction and remodeling; reducing unaccounted-for water to less than 8 percent of annual water pumped; establishing ordinances for water-saving fixtures; adopting water rate structures based on metered usage and which discourage excessive use; and restricting non-essential outdoor usage.

Iowa

The Iowa Utilities Board regulates investor-owned water utilities but not municipally-owned water utilities. Iowa has administrative rules governing utility records, tariffs, metering, meter reading, extensions of service, customer information, deposits, inaccurate billing, disconnection of service, customer complaints and meter testing. In addition, the Iowa DNR may, in any permit granted to a community public water supply, include conditions requiring water conservation practices and require emergency conservation practices after notification by the department. Generally, water conservation practices are not required, although individual permits may have conservation requirements added to them by the state.

Michigan

The Michigan Public Service Commission does not regulate water utility rates and charges. Michigan does not have other water conservation requirements for public water utilities outside of its responsibilities under the Great Lakes Compact.

Indiana

The Indiana Utility Regulatory Commission (lURC) regulates the rates, terms, and conditions of service for both municipal- and investor-owned water and wastewater utilities. However, all municipal utilities and investor-owned wastewater utilities serving fewer than 300 customers can opt out of IURC regulation. Indiana has administrative rules governing records retention, metering, meter testing, meter accuracy, billing, billing inaccuracies, deposits, disconnection, reconnection, customer information, rate schedules and extensions. Indiana does not have other water conservation requirements for public water utilities outside of its responsibilities under the Great Lakes Compact.

18. Contact Name	19. Contact Phone Number

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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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This document can be made available in alternate formats to individuals with disabilities upon request.

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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

N/A

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No