

Chapter PSC 2

PROCEDURE AND PRACTICE

PSC 2.01	Communications and documents addressed to commission (p. 3)	PSC 2.62	Denial of applications by lapse of time (p. 13)
PSC 2.02	Parties (p. 4)	PSC 2.63	Petitions for reopening (p. 13)
PSC 2.03	Computation of time (p. 4)	PSC 2.64	Right of petition (p. 14)
PSC 2.04	Furnishing copies of records (p. 4)	PSC 2.65	Declaratory rulings (p. 14)
PSC 2.05	Service of documents (p. 5)	PSC 2.66	Prehearing conference (p. 14)
PSC 2.10	Informal complaints (p. 5)	PSC 2.70	Municipal acquisition proceedings (p. 14)
PSC 2.11	Formal complaints (p. 5)	PSC 2.71	Abandonment or discontinuance of public utility service (p. 15)
PSC 2.12	General procedure (p. 5)	PSC 2.72	Sale of utility; reports; assessments (p. 15)
PSC 2.20	Form of applications (p. 5)	PSC 2.73	Application for rate increase; notice to utility customers (p. 15)
PSC 2.30	Notice of hearings (p. 6)	PSC 2.80	Applications for motor carrier authority and assignment thereof (p. 15)
PSC 2.31	Conduct of hearings (p. 6)	PSC 2.81	Nonappearance of motor carrier applicants at hearings; examiner's proposed decision (p. 17)
PSC 2.32	Appearances (p. 7)	PSC 2.90	Categorization of commission actions for environmental review purposes (p. 17)
PSC 2.33	Changes in time or place of hearing; adjournments (p. 8)	PSC 2.91	Environmental screening procedure (p. 20)
PSC 2.34	Order of presenting evidence (p. 8)	PSC 2.92	Preliminary environmental report (p. 21)
PSC 2.35	Rules of evidence (p. 8)	PSC 2.93	Environmental impact statement (p. 22)
PSC 2.36	Transcripts (p. 10)	PSC 2.94	Public hearing (p. 24)
PSC 2.37	Close of hearing and evidence (p. 10)	PSC 2.95	Joint environmental impact statement (p. 25)
PSC 2.38	Briefs (p. 10)		
PSC 2.39	Witnesses, subpoenas and depositions (p. 11)		
PSC 2.391	Objections to proposed decisions (p. 12)		
PSC 2.40	Requirements for judicial review (p. 12)		
PSC 2.60	Application for rehearing; objections (p. 12)		
PSC 2.61	Service of rehearing applications and objections; technical defects (p. 13)		
PSC 2.611	Order entered without hearing; rehearing; evidence (p. 13)		

GENERAL

PSC 2.01 Communications and documents addressed to commission. (1) All written communications and documents shall be addressed to Public Service Commission of Wisconsin, Hill Farms State Office Building, 4802 Sheboygan Avenue, P.O. Box 7854, Madison, Wisconsin 53707, and not to individual members of the staff. All communications and documents delivered at the office of the secretary are officially received.

(2) The secretary may designate agents to receive written communications and documents. Presiding officers will receive communications and documents at hearings.

(3) The first page of all communications and documents shall contain a distinctive title identifying the action requested, and a docket number, if one exists.

PSC 2

(4) Office hours are 7:45 to 11:45 a.m. and 12:30 to 4:30 p.m., Monday through Friday. Offices are closed on Saturdays and Sundays and on holidays listed in s. 16.275 (6), Stats.

History: 1-2-56; am. (1), Register, September, 1964, No. 105, eff. 10-1-64; cr. (3), Register, December, 1966, No. 132, eff. 1-1-67; am. (1) and (2), Register, January, 1977, No. 253, eff. 2-1-77; am. (1) and (2), renum. (3) to be (4), cr. (3), Register, June, 1982, No. 318, eff. 7-1-82.

PSC 2.02 Parties. Parties to proceedings are known as complainants, defendants, interveners, respondents, applicants, objectors, and petitioners according to the nature of the proceeding and the relationship of the parties thereto.

(1) Parties who file complaints are complainants, the parties complained against are defendants, and other parties to the proceeding are interveners.

(2) In investigations or upon orders to show cause, the parties investigated or ordered to show cause are respondents. If the proceeding is initiated by the commissioner upon complaint, the parties complaining are complainants.

(3) All persons seeking approvals, authority, certificates of authority or of public convenience and necessity or other certificates, licenses, permits, or exemptions or other relief are applicants. Those opposing such applicants are objectors. Parties to such proceedings other than the applicants and objectors are interveners.

(4) Intervenors "As Their Interest May Appear" who fail to resolve their appearances further will be considered to be not "In Opposition" to the cause which initiated the proceeding.

History: 1-2-56; cr. (4), Register, December, 1966, No. 132, eff. 1-1-67.

PSC 2.03 Computation of time. The time within which an act is to be done as provided in any rule or order promulgated by the commission, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Saturday, Sunday, or a legal holiday, the act may be done on the next secular day. When any such time is expressed in hours, the whole of any intervening Saturday, Sunday, or legal holiday, from midnight to midnight, shall be excluded. When the time within which an act is to be done as specified in any rule or order promulgated by the commission is expressed in days and said period of time consists of less than 10 days, and said latter period contains both a Sunday and a legal holiday, as designated in s. 256.17, Stats., the time within which said act may be done is increased by 2 additional days.

History: 1-2-56; am. Register, June, 1965, No. 114, eff. 7-1-65; am. Register, May, 1967, No. 137, eff. 6-1-67.

PSC 2.04 Furnishing copies of records. (1) One certified copy of the decision in a proceeding will be furnished free of charge at the time of issuance to each party of record, except that when a party of record is represented by counsel, a copy of the decision will be furnished to said counsel. When a municipal utility is a party of record to a proceeding, a copy of the decision will be furnished both to the management of the utility and to the appropriate official of the municipality free of charge at the time of issuance.

Register, December, 1982, No. 324

(2) General orders will be distributed free of charge at the time of issuance under the supervision of the executive secretary.

(3) Except for copies distributed free of charge as enumerated in subs. (1) and (2) of this section and in s. PSC 2.36 (1), copies of transcripts, orders, or other records of the commission may be obtained upon payment, in advance, of applicable rates determined by the commission.

History: 1-2-56; am. Register, September, 1964, No. 105, eff. 10-1-64; am. Register, December, 1971, No. 192, eff. 1-1-72.

PSC 2.05 Service of documents. (1) Service of documents upon other parties in commission proceedings may be made by deposit thereof in the first class mail or by delivery in person.

(2) The date of service shall be the day when the matter served is deposited in the mail or is delivered in person, as the case may be.

COMPLAINTS AND INVESTIGATIONS

PSC 2.10 Informal complaints. (1) Informal complaints may be made in writing addressed to the commission. Letters may be considered as informal complaints. Matters thus presented are handled by correspondence or other informal investigation or by a formal investigation instituted by the commission upon its own motion.

(2) Complaints with respect to public utility rates, practices, or service made by less than 25 persons (see s. 196.26, Stats.) will be treated as informal complaints. The commission may initiate formal proceedings in such cases upon its own motion.

PSC 2.11 Formal complaints. No particular form of complaint is required. Formal complaints shall be in writing and shall state:

(1) The names, places of residence, and post office addresses of complainants;

(2) The name of the company or person complained of;

(3) The matter concerning which complaint is made. A sufficient number of copies shall be furnished to enable the commission to provide each defendant with one copy.

PSC 2.12 General procedure. Sections 196.26 to 196.34, Stats., prescribe the procedure to be followed in investigation and complaint proceedings involving public utility rates and service. The commission will follow the same procedure in other investigation and complaint cases so far as consistent with other provisions of the statutes and of these rules.

APPLICATIONS

PSC 2.20 Form of applications. Applications shall be in writing, shall state their object, shall contain a concise statement of the facts in support of the same, and shall be signed by the applicant or his authorized agent. They shall conform in all particulars to the requirements of applicable statutes and of these rules and of general orders of the commission. (For general orders see Wisconsin Administrative Code: Public Service Commission). Forms of applications in typical cases will be furnished upon request. See s. PSC 2.80 for applications for motor carrier authority and assignment thereof.

PUBLIC HEARINGS

PSC 2.30 Notice of hearings. (1) Written notice of hearing will be sent to all parties and also to others requesting notice. The notice will be mailed sufficiently in advance to give parties, after receipt thereof, the full time provided by statute.

(2) A motor transportation calendar will be issued each week containing applications scheduled for hearing, grants of authority without hearing, full or partial assignments of authority approved without hearing, and changes in previously scheduled hearings. The weekly motor carrier calendar will be sent by first class mail to each person applying therefor, upon payment for a calendar year, or on a proportionate quarterly basis, of the charge determined by the commission and based primarily on postage rates. The motor transportation calendar will be mailed to each county clerk with a request for posting in a prominent place in the court house. Copies will also be furnished to various publications of motor carrier organizations in Wisconsin upon request and to newspapers of general circulation and will also be posted in the main office and in the motor carrier authorities section of the transportation division of the public service commission.

(3) When the commission deems a hearing necessary for the discontinuance of train service under s. 196.81, Stats., it shall give notice in such proceeding by mailing a copy of the notice to the clerk of every incorporated city or village, where the railroad company maintains a station, along the portion of the line on which discontinuance of service is proposed.

(4) Anyone who has an interest in an application and so informs the commission in writing will be notified of any changes or cancellation of hearing.

History: 1-2-56; am. (2), Register, September, 1964, No. 105, eff. 10-1-64; cr. (4), Register, December, 1966, No. 132, eff. 1-1-67; am. (2), Register, December, 1971, No. 192, eff. 1-1-72.

PSC 2.31 Conduct of hearings. (1) Public hearings will be conducted by one or more commissioners or a duly authorized examiner. Parties making exceptions to rulings may present the same to the commission for review in the manner provided in s. PSC 2.35 (1).

(2) The presiding officer will open the hearing and make a concise statement of its scope and purposes. Appearances then will be entered on the record. If the matter is contested, the examiner then will state the issues in the proceeding. Thereafter, parties may make motions or opening statements in accordance with the practice in circuit courts of Wisconsin.

(3) When opening statements are made they shall be confined to:

(a) A brief summary or outline in clear and concise form of the evidence intended to be offered; and

(b) A statement of ultimate legal points relied upon. There shall be no argument on either the facts or legal theories.

(4) Parties may be off the record only when the examiner permits. If a discussion off the record is pertinent, the examiner will summarize it on the record. Any argument before the examiner on objections to receipt of