

state as long as the said buildings and grounds are used for military purposes, as herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 9, 1907.

No. 933, A.]

[Published July 11, 1907.]

CHAPTER 499.

AN ACT to create section 1797m—1 to 1797m—108, inclusive, statutes of 1898, giving the Wisconsin railroad commission jurisdiction over public utilities, providing for the regulation of such public utilities, appropriating a sum sufficient to carry out the provisions of this act, and repealing certain acts in conflict with the provisions hereof.

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

SECTION 1. There are added to the statutes of 1898, 108 new sections to read:

* * * * *

SECTION 2. (Repeals Section 925—97a, statutes of 1898, chapter 389, laws of 1905 and chapter 459, laws of 1905.)

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved July 9, 1907.

board of public works or other proper city officer, may be accepted by said board in lieu of money.

(Ch. 493, 1907.)

Repeal. SECTION 925—97a, statutes of 1898, chapter 389, laws of 1905, and chapter 459, laws of 1905, are repealed.

(Ch. 499, 1907.)

Cities fourth class; water systems adopted prior to chapter 40a, authority to extend. SECTION 925—100.

1. The board of public works, before laying any water pipe along any street, alley or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front or abut on the proposed line of water pipe, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as such lot or parcel of land will be, in the judgment of said board, specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section :

2. * * * No lot, parcel of land or part thereof shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

3. Before making such assessment they shall give notice by publication in the official city paper to the owners of such lots or parcels of the time when and place where they will meet to hear objections to the proposed assessment, and they shall make no assessment of benefits upon such lots, nor any apportionment of any part of the cost of laying such pipe between different lots, until after such hearing. The owner of any such lot may appear at such time and place and be heard upon the question of assessment and apportionment.

4. *In cities of the fourth class wherein a water system was constructed and water pipes laid along the public streets, previous to the adoption of chapter 40a, statutes of 1898, by said city for its government, entirely at the public expense, the common council may by a majority vote of all the members thereof, cause water mains to be extended from such system along the public streets and alleys as they may direct at the expense of such city, the same to be constructed as other public works as provided by such statutes.*

(Ch. 260, 1907.)

Repeal. SECTION 925—113 of the statutes is repealed.

(Sec. 1, Ch. 480, 1907.)

Telephone connections with railroads. SECTION 1797g—1. Every railroad company shall furnish reasonably adequate telephonic connection with its offices, buildings and grounds.

(Ch. 614, 1907.)

Railroad commission to regulate abuses. SECTION 1797g—2. Upon complaint to the railroad commission of Wisconsin that any telephonic service with any railroad is inadequate or in any respect unreasonably or unjustly discriminatory or that such service can not be had it shall be the duty of said commission to investigate the same and if upon investigation the commission shall find that any telephonic service is inadequate or unreasonably or unjustly discriminatory or that such service can not be had it shall determine and by order fix a reasonable regulation, practice or service to be installed, imposed, observed and followed in the future.

(Ch. 614, 1907.)

Orders of commission; actions to set aside. SECTION 1797g—3. All orders made by the commission under the provisions of this act shall have the same force and effect and an action may be commenced to vacate and set aside the same, as provided in chapter 362, laws of 1905.

(Ch. 614, 1907.)

Water-ways commissioner: appointment, term, salary, etc. SECTION 1797m. A water-ways commission is created for a period of three years to be composed of one commissioner, who shall be appointed in the same manner, for a term of three years, receive the same compensation, take the same oath of office and be under the same restrictions, so far as practicable, as members of the railroad commission.

(Ch. 429, 1907. See Sections 1797n to 1797v, inclusive.)

Public utilities law: definitions; "public utility," etc. SECTION 1797m—1. 1. The term "public utility" as used in this act shall mean and embrace every corporation, company, individual, association of individuals, their lessees, trustees or receivers appointed by any court whatsoever, and every town, village or city that now or hereafter may own, operate, manage or control any plant or equipment or any part of a plant or equipment within the state, for the conveyance of telephone messages or

for the production, transmission, delivery or furnishing of heat, light, water or power either directly or indirectly to or for the public.

2. The term "municipal council" as used in this act shall mean and embrace the common council, the board of aldermen, the board of trustees, the town or village board, or any other governing body of any town, village or city wherein the property of the public utility or any part thereof is located.

3. The term "municipality" as used in this act shall mean any town, village or city wherein property of a public utility or any part thereof is located.

4. The term "service" is used in this act in its broadest and most inclusive sense.

5. The term "indeterminate permit" as used in this act shall mean and embrace every grant, directly or indirectly from the state, to any corporation, company, individual, association of individuals, their lessees, trustees or receivers appointed by any court whatsoever, of power, right or privilege to own, operate, manage or control any plant or equipment or any part of a plant or equipment within this state for the production, transmission, delivery or furnishing of heat, light, water or power, either directly or indirectly, to or for the public, which shall continue in force until such time as the municipality shall exercise its option to purchase as provided in this act or until it shall be otherwise terminated according to law.

6. The term "commission" as used in this act shall mean the railroad commission of Wisconsin.

(Ch. 499, 1907.)

Railroad commission's powers. SECTION 1797m—2. The railroad commission of Wisconsin is vested with power and jurisdiction to supervise and regulate every public utility in this state and to do all things necessary and convenient in the exercise of such power and jurisdiction.

(Ch. 499, 1907.)

Utility charges to be reasonable and just. SECTION 1797m—3. Every public utility is required to furnish reasonably adequate service and facilities. The charge made by any public utility for any heat, light, water or power produced, transmitted, delivered or furnished or for any telephone message conveyed or for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every

unjust or unreasonable charge for such service is prohibited and declared unlawful.

(Ch. 499, 1907.)

Facilities to be granted to other utilities; complaint and appeal. SECTION 1797m—4. 1. Every public utility, and every person, association or corporation having conduits, subways, poles or other equipment on, over or under any street or highway shall for a reasonable compensation permit the use of the same by any public utility whenever public convenience and necessity require such use and such use will not result in irreparable injury to the owner or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users.

2. In case of failure to agree upon such use or the conditions or compensation for such use any public utility or any person, association or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owner or other users of such equipment nor in any substantial detriment to the service to be rendered by such owner or other users of such equipment, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensation for such joint use.

3. Such use so ordered shall be permitted and such conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed and paid, subject to recourse to the courts upon the complaint of any interested party as provided in section 1797m—64 to 1797m—73, inclusive, and such sections so far as applicable shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion.

(Ch. 499, 1907.)

Utility property; valuation. SECTION 1797m—5. The commission shall value all the property of every public utility actually used and useful for the convenience of the public. In making such valuation the commission may avail itself of any information in possession of the state board of assessment.

(Ch. 499, 1907.)

Valuation: commission's hearing and report. SECTION 1797m—6. 1. Before final determination of such value the commission shall, after notice to the public utility, hold a public hearing as to such valuation in the manner prescribed for a hearing in sections 1797m—45 to 1797m—55 inclusive, and the provisions of such sections so far as applicable shall apply to such hearing.

2. The commission shall within five days after such valuation is determined serve a statement thereof upon the public utility interested, and shall file a like statement with the clerk of every municipality in which any part of the plant or equipment of such public utility is located.

(Ch. 499, 1907.)

Re-valuation. SECTION 1797m—7. The commission may at any time on its own initiative make a re-valuation of such property.

(Ch. 499, 1907.)

Uniform accounting by utilities; other business separate. SECTION 1797m—8. 1. Every public utility shall keep and render to the commission in the manner and form prescribed by the commission uniform accounts of all business transacted.

2. Every public utility engaged directly or indirectly in any other business than that of the production, transmission or furnishing of heat, light, water or power or the conveyance of telephone messages shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this act shall apply with like force and effect to the books, accounts, papers and records of such other business.

(Ch. 499, 1907.)

Forms of book-keeping; prescription. SECTION 1797m—9. The commission shall prescribe the forms of all books, accounts, papers and records required to be kept, and every public utility is required 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

(Ch. 499, 1907.)

Blanks. SECTION 1797m—10. The commission shall cause to be prepared suitable blanks for carrying out the purposes of this act, and shall, when necessary, furnish such blanks to each public utility.

(Ch. 499, 1907.)

No other books. SECTION 1797m—11. No public utility shall keep any other books, accounts, papers or records of the business transacted than those prescribed or approved by the commission.

(Ch. 499, 1907.)

Books: office for; no removal from state. SECTION 1797m—12. Each public utility shall have an office in one of the towns, village or cities in this state in which its property or some part thereof is located, and shall keep in said office all such books, accounts, papers and records as shall be required by the commission to be kept within the state. No books, accounts, papers or records required by the commission to be kept within the state shall be at any time removed from the state, except upon such conditions as may be prescribed by the commission.

(Ch. 499, 1907.)

Balance sheet filed annually. SECTION 1797m—13. The accounts shall be closed annually on the 30th day of June and a balance sheet of that date promptly taken therefrom. On or before the first day of August following, such balance sheet together with such other information as the commission shall prescribe, verified by an officer of the public utility, shall be filed with the commission.

(Ch. 499, 1907.)

Audit and inspection. SECTION 1797m—14. 1. The commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission.

2. The agents, accountants or examiners employed by the commission shall have authority under the direction of the commission to inspect and examine any and all books, accounts, papers, records and memoranda kept by such public utilities.

(Ch. 499, 1907.)

Depreciation rates and accounts; commission's rules; depreciation fund and use thereof. SECTION 1797m—15.

1. Every public utility shall carry a proper and adequate depreciation account whenever the commission after investigation shall determine that such depreciation account can be reasonably required. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. The rates shall be such as will provide the amounts required over and above the expense of maintenance, to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary.

2. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect.

3. The commission shall provide for such depreciation in fixing the rates, tolls and charges to be paid by the public.

4. All moneys thus provided for shall be set aside out of the earnings and carried in a depreciation fund. The moneys in this fund may be expended in new constructions, extensions or additions to the property of such public utility, or invested, and if invested the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section and for depreciation.

(Ch. 499, 1907.)

New constructions; accounting. SECTION 1797m—16.

The commission shall keep itself informed of all new construction, extensions and additions to the property of such public utilities and shall prescribe the necessary forms, regulations and instructions to the officers and employes of such public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

(Ch. 499, 1907.)

Profit-sharing and sliding scales, when and while commission approves. SECTION 1797m—17.

1. Nothing in this act shall be taken to prohibit a public utility from entering into any reasonable arrangement with its customers or consumers or

with its employes, for the division or distribution of its surplus profits, or providing for a sliding scale of charges, or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purposes of this act. Such arrangement shall be under the supervision and regulation of the commission.

2. The commission shall ascertain, determine and order such rates, charges and regulations as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates, charges and regulations as the commission may ascertain and determine to be necessary and reasonable and the right to revoke its approval and amend or rescind all orders relative thereto is reserved and vested in the commission notwithstanding any such arrangement and mutual agreement.

(Ch. 499, 1907.)

Report by utilities; items. SECTION 1797m—18. Each public utility shall furnish to the commission in such form and at such times as the commission shall require, such accounts, reports and information as shall show in itemized detail: (1) the depreciation per unit, (2) the salaries and wages separately per unit, (3) legal expenses per unit, (4) taxes and rentals separately per unit, (5) the quantity and value of material used per unit, (6) the receipts from residuals, by-products, services or other sales separately per unit, (7) the total and net cost per unit, (8) the gross and net profit per unit, (9) the dividends and interest per unit, (10) surplus or reserve per unit, (11) the prices per unit paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe in order to show completely and in detail the entire operation of the public utility in furnishing the unit of its product or service to the public.

(Ch. 499, 1907.)

Commission's reports, annual and other; values shown. SECTION 1797m—19. 1. The commission shall publish annual reports showing its proceedings and showing in tabular form the details per unit as provided in section 1797m—18 for all the public utilities of each kind in the state, and such monthly or occasional reports as it may deem advisable.

2. The commission shall also publish in its annual reports the value of all the property actually used and useful for the convenience of the public and the value of the physical property actually used and useful for the convenience of the public, of every public utility as to whose rates, charges, service or regulations any hearing has been held by the commission under section 1797m—45 and 1797m—46 or the value of whose property has been ascertained by it under section 1797m—5.

(Ch. 499, 1907.)

Commission's records public. SECTION 1797m—20. All facts and information in the possession of the commission shall be public and all reports, records, files, books, accounts, papers and memoranda of every nature whatsoever in their possession shall be open to inspection by the public at all reasonable times except as provided in section 1797m—21.

(Ch. 499, 1907.)

Temporary secrecy. SECTION 1797m—21. 1. Whenever the commission shall determine it to be necessary in the interest of the public to withhold from the public any facts or information in its possession, such facts may be withheld for such period after the acquisition thereof not exceeding ninety days as the commission may determine.

2. No facts or information shall be withheld by the commission from the public for a longer period than ninety days nor be so withheld for any reason whatsoever other than in the interest of the public.

(Ch. 499, 1907.)

Units of product or service. SECTION 1797m—22. The commission shall ascertain and prescribe for each kind of public utility suitable and convenient standard commercial units of product or service. These shall be lawful units for the purposes of this act.

(Ch. 499, 1907.)

Standard measurements; accurate appliances. SECTION 1797m—23. 1. The commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility and prescribe reasonable regulations for examination and

testing of such product or service and for the measurement thereof.

2. It shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

3. Nothing contained in this section shall limit in any manner any powers or authority vested in municipal corporations as provided in section 1797m—87.

(Ch. 499, 1907.)

Tests of measuring instruments; fees. SECTION 1797m—24. 1. The commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility.

2. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission.

3. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

(Ch. 499, 1907.)

Public equipment for tests. SECTION 1797m—25. The commission may purchase such materials, apparatus and standard measuring instruments for such examinations and tests as it may deem necessary.

(Ch. 499, 1907.)

Entry upon premises. SECTION 1797m—26. The commission, its agents, experts or examiners, shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this act and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

(Ch. 499, 1907.)

Publicity of rate schedules. SECTION 1797m—27. Every public utility shall file with the commission within a time to be

fixed by the commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls and charges shown on such schedules shall not exceed the rates, tolls and charges in force April 1, 1907.

(Ch. 499, 1907.)

Publicity of rules and regulations. SECTION 1797m—28. Every public utility shall file with and as a part of such schedule all rules and regulations that in any manner effect the rates charged or to be charged for any service.

(Ch. 499, 1907.)

Files accessible to public. SECTION 1797m—29. A copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type, and kept on file in every station or office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and as can be conveniently inspected.

(Ch. 499, 1907.)

Publicity of joint rates. SECTION 1797m—30. Where a schedule of joint rates or charge is or may be in force between two or more public utilities, such schedules shall in like manner be printed and filed with the commission and so much thereof as the commission shall deem necessary for the use of the public shall be filed in every such station or office as provided in section 1797m—29.

(Ch. 499, 1907.)

Changes of rates; ten days' notice. SECTION 1797m—31. No change shall thereafter be made in any schedule, including schedules of joint rates, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided, that the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

(Ch. 499, 1907.)

Publicity of revised schedules. SECTION 1797m—32. Copies of all new schedules shall be filed as hereinbefore provided in every station and office of such public utility where payments are made by consumers or users ten days prior to the same are to take effect, unless the commission shall prescribe a less time.

(Ch. 499, 1907.)

Unlawful to depart from schedules. SECTION 1797m—33. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation for any service performed by it within the state or for any service in connection therewith than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedule. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed as provided in this act.

(Ch. 499, 1907.)

Schedule forms prescribed. SECTION 1797m—34. The commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

(Ch. 499, 1907.)

Classification of utility service. SECTION 1797m—35. The commission shall provide for a comprehensive classification of service for each public utility and such classification may take into account the quantity used, the time when used, the purpose for which used, and any other reasonable consideration. Each public utility is required to conform its schedules of rates, tolls and charges to such classification.

(Ch. 499, 1907.)

Commission's rules of procedure. SECTION 1797m—36. The commission shall have power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits and investigations and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it. All hearings shall be open to the public.

(Ch. 499, 1907.)

Business management; inquiries. SECTION 1797m—37.

The commission shall have authority to inquire into the management of the business of all public utilities and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

(Ch. 499, 1907.)

Books subject to inspection. SECTION 1797m—38. 1.

The commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility and to examine, under oath, any officer, agent or employe of such public utility in relation to its business and affairs.

2. Any person other than one of said commissioners, who shall make such demand shall produce his authority to make such inspection.

(Ch. 499, 1907.)

Judicial process to obtain papers. SECTION 1797m—39.

1. The commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the circuit court, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without the state of Wisconsin, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction.

2. Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum of not less than fifty dollars nor more than five hundred dollars.

(Ch. 499, 1907.)

Commission's employes. SECTION 1797m—40. The commission is authorized to employ such engineers, examiners, experts, clerks, accountants and other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

(Ch. 499, 1907.)

Agents of commission; powers. SECTION 1797m—41. 1. For the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order.

2. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission and the same powers as a court commissioner with regard to the taking of depositions; and all powers granted by law to a court commissioner relative to depositions are hereby granted to such agent.

3. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so order nor further investigation.

(Ch. 499, 1907.)

Response of utilities to commission's calls. SECTION 1797m—42. 1. Every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all questions submitted by the commission.

2. Any public utility receiving from the commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent or general manager of such public utility and returned to the commission at its office within the period fixed by the commission.

3. Whenever required by the commission, every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

(Ch. 499, 1907.)

Complaint by consumers. SECTION 1797m—43. Upon a complaint made against any public utility by any mercantile,

agricultural or manufacturing society or by any body politic or municipal organization or by any twenty-five persons, firms, corporations or associations, that any of the rates, tolls, charges or schedules or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act whatsoever affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or any service in connection therewith or the conveyance of any telephone message or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, measurements, practice or act complained of shall be entered by the commission without a formal public hearing.

(Ch. 499, 1907.)

Hearing on complaint. SECTION 1797m—44. The commission shall, prior to such formal hearing, notify the public utility complained of that a complaint has been made, and ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

(Ch. 499, 1907.)

Ten days' notice of hearing. SECTION 1797m—45. The commission shall give the public utility and the complainant, if any, ten days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

(Ch. 499, 1907.)

Commission to fix rates and regulations. SECTION 1797m—46. 1. If upon such investigation the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this act, the commission shall have power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

2. If upon such investigation it shall be found that any regulation, measurement, practice, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this act, or if it be found that any service is inadequate or that any reasonable service cannot be obtained, the commission shall have power to substitute therefor such other regulations, measurements, practices, service or acts and to make such order respecting, and such changes in such regulations, measurements, practices, service or acts as shall be just and reasonable.

(Ch. 499, 1907.)

Costs of investigation. SECTION 1797m—47. If upon such investigation it shall be found that any rate, toll, charge, schedule or joint rate or rates is unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this act, or that any regulation, practice, act or service complained of is unjust, unreasonable, insufficient, preferential or otherwise in violation of any of the provisions of this act, or if it be found that any service is inadequate or that any reasonable service cannot be obtained, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

(Ch. 499, 1907.)

Separate rate hearings; absence of direct damage. SECTION 1797m—48. The commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

(Ch. 499, 1907.)

Summary investigations. SECTION 1797m—49. Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility should for any reason be made, it may on its own motion, summarily investigate the same with or without notice.

(Ch. 499, 1907.)

Followed by formal hearings. SECTION 1797m—50. If, after making such investigation, the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

(Ch. 499, 1907.)

Hearings: notices and procedure. SECTION 1797m—51. Notice of the time and place for such hearing shall be given to the public utility and to such other interested persons as the commission shall deem necessary as provided in section 1797m—45, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

(Ch. 499, 1907.)

Utilities may complain. SECTION 1797m—52. Any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by any mercantile, agricultural or manufacturing society, body politic or municipal organization or by any twenty-five persons, firms, corporations or associations.

(Ch. 499, 1907.)

Evidence and witnesses; proceedings for contempt. SECTION 1797m—53. 1. Each of the commissioners and every agent provided for in section 1797m—41 of this act for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

2. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner or any subpoena, or, on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the commission or its agent authorized as

provided in section 1797m—41, it shall be the duty of the circuit court of any county or the judge thereof, on application of a commissioner to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(Ch. 499, 1907.)

Witness fees and mileage. SECTION 1797m—54. 1. Each witness who shall appear before the commission or its agent by its order, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission.

2. No witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

(Ch. 499, 1907.)

Depositions. SECTION 1797—55. The commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

(Ch. 499, 1907.)

Stenographic records. SECTION 1797m—56. A full and complete record shall be kept of all proceedings had before the commission or its agent on any formal investigation had and all testimony shall be taken down by the stenographer appointed by the commission.

(Ch. 499, 1907.)

In court actions, commission to file testimony. SECTION 1797m—57. Whenever any complaint is served upon the commission under the provisions of section 1797m—64 of this act, the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the circuit court of the county where the action is pending.

(Ch. 499, 1907.)

Certified transcripts of testimony as evidence. SECTION 1797m—58. A transcribed copy of the evidence and proceedings or any specific part thereof, on any investigation taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript in longhand of all the testimony on the investigation or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified.

(Ch. 499, 1907.)

Free transcripts for parties. SECTION 1797m—59. A copy of such transcript shall be furnished on demand free of cost to any party to such investigations.

(Ch. 499, 1907.)

Commission to determine rates and regulations; utility at fault to pay costs; orders, service and effect. SECTION 1797m—60. 1. Whenever, upon an investigation made under the provisions of this act, the commission shall find any existing rates, tolls, charges, schedules or joint rate or rates to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this act, the commission shall determine and by order fix reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this act.

2. Whenever, upon an investigation made under the provisions of this act, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this act: or shall find that any service is inadequate or that any service which can be reasonably demanded cannot be obtained, the commission shall determine and declare and by order fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient, preferential, un-

justly discriminatory, inadequate or otherwise in violation of this act as the case may be, and shall make such other order respecting such measurement, regulation, act, practice or service as shall be just and reasonable.

3. Whenever, upon an investigation made under the provisions of this act, the commission shall find that any rate, toll, charge, schedule or joint rate or rates is unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this act, or that any measurement, regulation, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this act, or it shall find that any service is inadequate or that any service which can reasonably be demanded cannot be obtained, the commission shall ascertain and declare and by order fix the expenses incurred by the commission upon such investigation and shall by such order direct such public utility to pay to the state treasurer within twenty days thereafter such expenses so incurred.

4. The commission shall cause a certified copy of all such orders to be delivered to an officer or agent of the public utility affected thereby, and all such orders shall of their own force take effect and become operative twenty days after service thereof, unless a different time be provided by said order.

(Ch. 499, 1907.)

Utilities to conform. SECTION 1797m—61. All public utilities to which the order applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner and the same shall take effect within such time thereafter as the commission shall prescribe.

(Ch. 499, 1907.)

Commission may change orders. SECTION 1797m—62. The commission may at any time, upon notice to the public utility and after opportunity to be heard as provided in section 1797m—45, rescind, alter or amend any order fixing any rate or rates, tolls, charges or schedules, or any other order made

by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

(Ch. 499, 1907.)

Findings prima facie lawful and reasonable. SECTION 1797m—63. All rates, tolls, charges, schedules and joint rates fixed by the commission shall be in force and shall be prima facie lawful, and all regulations, practices and services prescribed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose pursuant to the provisions of section 1797m—64.

(Ch. 499, 1907.)

Utility dissatisfied; action to set aside; precedence on calendar. SECTION 1797m—64. 1. Any public utility and any person or corporation in interest being dissatisfied with any order of the commission fixing any rate or rates, tolls, charges, schedules, joint rate or rates or any order fixing any regulations, practices, act or service may commence an action in the circuit court for Dane county against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, tolls, charges, schedules, joint rate or rates, fixed in such order is unlawful, or that any such regulation, practice, act or service fixed in such order is unreasonable, in which action the complaint shall be served with the summons.

2. The answer of the commission to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

3. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions.

(Ch. 499, 1907.)

Action to set aside, ninety days for. SECTION 1797m—65. Every proceeding, action or suit to set aside, vacate or amend any determination or order of the commission or to enjoin the enforcement thereof or to prevent in any way such order or determination from becoming effective, shall be commenced,

and every appeal to the courts or right or recourse to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such ninety days after such entry or rendition thereof.

(Ch. 499, 1907.)

Injunction procedure. SECTION 1797m—66. No injunction shall issue suspending or straying any order of the commission, except upon application to the circuit court or presiding judge thereof, notice to the commission, and hearing.

(Ch. 499, 1907.)

New evidence before court—stay while commission reconsiders. SECTION 1797m—67. 1. If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for fifteen days from the date of such transmission.

2. Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

(Ch. 499, 1907.)

Upon commission's refunding, conclusion of trial. SECTION 1797m—68. 1. If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon as though made by the commission in the first instance.

2. If the original order shall not be rescinded or changed by the commission judgment shall be rendered upon such original order.

(Ch. 499, 1907.)

Appeal to supreme court. SECTION 1797m—69. Either party to said action, within sixty days after service of a copy of the order or judgment of the circuit court, may appeal to the supreme court. Where an appeal is taken the cause shall, on the return of the papers to the supreme court, be immediately placed on the state calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the state calendar.

(Ch. 499, 1907.)

Burden of proof. SECTION 1797m—70. In all trials, actions and proceedings arising under the provisions of this act or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful as the case may be.

(Ch. 499, 1907.)

Court procedure and officers. SECTION 1797m—71. In all actions and proceedings in court arising under this act all processes shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes shall execute any process issued under the provisions of this act and shall receive such compensation therefor as may be prescribed by law for similar services.

(Ch. 499, 1907.)

Incriminating evidence. SECTION 1797m—72. No person shall be excused from testifying or from producing books, accounts and papers in any proceeding based upon or growing out of any violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall

be exempted from prosecution or punishment for perjury in so testifying.

(Ch. 499, 1907.)

Distribution of orders. SECTION 1797m—73. Upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

(Ch. 499, 1907.)

Competition of utilities, municipal and other. SECTION 1797m—74. 1. No license, permit or franchise shall be granted to any person, copartnership or corporation to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality where there is in operation under an indeterminate permit as provided in this act a public utility engaged in similar service without first securing from the commission a declaration after a public hearing of all parties interested, that public convenience and necessity require such second public utility.

2. Any existing permit, license or franchise which shall contain any term whatsoever interfering with the existence of such second public utility is hereby amended in such a manner as to permit such municipality to grant an indeterminate permit for the operation of such second public utility pursuant to the provisions of this act.

3. No municipality shall hereafter construct any such plant or equipment where there is in operation under an indeterminate permit as provided in this act, in such municipality a public utility engaged in similar service, without first securing from the commission a declaration, after a public hearing of all parties interested, that public convenience and necessity require such municipal public utility. But nothing in this section shall be construed as preventing a municipality acquiring any existing plant by purchase or by condemnation as hereinafter provided.

4. Nothing in this section shall be construed so as to prevent the granting of an indeterminate permit or the construction of a municipal plant where the existing public utility is operating without an indeterminate permit as provided in this act.

(Ch. 499, 1907.)

Foreign utilities excluded. SECTION 1797m—75. No license permit or franchise to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power shall be hereafter granted, or transferred except to a corporation duly organized under the laws of the state of Wisconsin.

(Ch. 499, 1907.)

Grants hereafter to be indeterminate; municipal acquisition. SECTION 1797m—76. Every license, permit or franchise hereafter granted to any public utility shall have the effect of an indeterminate permit subject to the provisions of this act, and subject to the provision that the municipality in which the major part of its property is situate may purchase the property of such public utility actually used and useful for the convenience of the public at any time as provided herein, paying therefor just compensation to be determined by the commission and according to the terms and conditions fixed by said commission. Any such municipality is authorized to purchase such property and every such public utility is required to sell such property at the value and according to the terms and conditions determined by the commission as herein provided.

(Ch. 499, 1907.)

Voluntary change to indeterminate plan—contract waiver implied. SECTION 1797m—77. Any public utility, being at the time a corporation duly organized under the laws of the state of Wisconsin, operating under an existing license, permit or franchise shall, upon filing at any time prior to the expiration of such license, permit or franchise and prior to July 1, 1908, with the clerk of the municipality which granted such franchise and with the commission, a written declaration legally executed that it surrenders such license permit or franchise, receive by operation of law in lieu thereof, an indeterminate permit as provided in this act; and such public utility shall hold such permit under all the terms, conditions and limitations of this act. The filing of such declaration shall be deemed a waiver by such public utility of the right to insist upon the fulfillment of any contract theretofore entered into relating to any rate, charge or service regulated by this act.

(Ch. 499, 1907.)

Grants hereafter: implied consent and waiver. SECTION 1797m—78. Any public utility accepting or operating under any license, permit or franchise hereafter granted shall, by acceptance of any such indeterminate permit be deemed to have consented to a future purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of it is situate for the compensation and under the terms and conditions determined by the commission, and shall thereby be deemed to have waived the right of requiring the necessity of such taking to be established by the verdict of a jury, and to have waived all other remedies and rights relative to condemnation, except such rights and remedies as are provided in this act.

(Ch. 499, 1907.)

Municipal powers under utility law. SECTION 1797m—79. 1. Any municipality shall have the power, subject to the provisions of this act, to construct and operate a plant and equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power.

2. Any municipality shall have the power, subject to the provisions of this act, to purchase by an agreement with any public utility any part of any plant, provided, that such purchase and the terms thereof shall be approved by the commission after a hearing as provided in sections 1797m—81 and 1797m—82.

3. Any municipality shall have the power, subject to the provisions of this act to acquire by condemnation the property of any public utility actually used and useful for the convenience of the public then operating under a license, permit or franchise existing at the time this act takes effect, or operating in such municipality without any permit or franchise.

4. Any municipality shall have the power, subject to the provisions of this act, to acquire by purchase as provided in this act, the property of any public utility actually used and useful for the convenience of the public operating under any indeterminate permit as provided herein.

(Ch. 499, 1907.)

Plants now existing, municipality's action to acquire. SECTION 1797m—80. If the municipality shall have determined to acquire an existing plant then operated under a license, permit or franchise existing at the time this act takes effect, such

municipality shall bring an action in the circuit court against the public utility as defendant praying the court for an adjudication as to the necessity of such taking by the municipality, in which action the complaint shall be served with the summons. The public utility shall serve and file its answer to such complaint within ten days after the service thereof, whereupon such action shall be at issue and stand ready for trial upon ten days' notice by either party. Unless the parties thereto waive a jury, the question as to the necessity of the taking of such property by the municipality shall be as speedily as possible submitted to a jury.

(Ch. 499, 1907.)

Under indeterminate permit—municipality's notices for acquisition. SECTION 1797m—81. If the municipality shall have determined to acquire an existing plant and the public utility owning such plant shall have consented to the taking over of such plant by the municipality by acceptance of an indeterminate permit as provided herein, or, in case such public utility shall not have waived or consented to such taking, if the jury shall have found that a necessity exists for the taking of such plant, then the municipality shall give speedy notice of such determination and of such consent or such verdict of a jury to the public utility and to the commission.

(Ch. 499, 1907.)

Compensation for property to be determined by commission. SECTION 1797m—82. The commission shall thereupon after public hearing and within three months from the receipt of such notice and upon notice to the municipality and the public utility interested, by order fix and determine and certify to the municipal council and to the public utility just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public and all other terms and all conditions of sale and purchase which it shall ascertain to be reasonable. The compensation and other terms and the conditions of sale and purchase thus certified by the commission shall constitute the compensation and terms and conditions to be paid, followed and observed in the purchase of such plant from such public utility. Upon the filing of such certificate with the clerk of such municipality the exclusive use of the property taken shall vest in such municipality.

(Ch. 499, 1907.)

Appeal to court from compensation order. SECTION 1797m—83. Any public utility or the municipality being dissatisfied with such order may commence and prosecute an action in the circuit court to alter or amend such order or any part thereof as provided in sections 1797m—64 to 1797m—73 inclusive, and said sections so far as applicable shall apply to such action.

(Ch. 499, 1907.)

If decision for commission. SECTION 1797m—84. If the plaintiff shall not establish to the full satisfaction of the court that the compensation fixed and determined in such order is unlawful or that some of the terms or conditions fixed and determined therein are in some particulars unreasonable, the compensation, terms and conditions fixed in said order shall be the compensation, terms and conditions to be paid, followed and observed in the purchase of said plant from such public utility.

(Ch. 499, 1907.)

If decision for utility. SECTION 1797m—85. If the plaintiff shall establish to the full satisfaction of the court and the court shall adjudge that such compensation is unlawful or that some of such terms or conditions are unreasonable, the court shall remand the same to the commission with such findings of fact and conclusions of law as shall set forth in detail the reasons for such judgment and the specific particulars in which such order of the commission is adjudged to be unreasonable or unlawful.

(Ch. 499, 1907.)

Reconsideration of compensation. SECTION 1797m—86. 1. If the compensation fixed by the previous order of the commission be adjudged to be unlawful, the commission shall forthwith proceed to set a re-hearing for the re-determination of such compensation as in the first instance.

2. The commission shall forthwith otherwise alter and amend such previous order with or without a re-hearing as it may deem necessary so that the same shall be reasonable and lawful in every particular.

(Ch. 499, 1907.)

Power of councils to regulate utilities; appeal. SECTION 1797m—87. Every municipal council shall have power.

(1.) To determine by contract, ordinance or otherwise the quality and character of each kind of product or service to be furnished or rendered by any public utility furnishing any product or service within said municipality and all other terms and conditions not inconsistent with this act upon which such public utility may be permitted to occupy the streets, highways or other public property within such municipality and such contract, ordinance or other determination of such municipality shall be in force and prima facie reasonable. Upon complaint made by such public utility or by any qualified complainant as provided in section 1797m—43, the commission shall set a hearing as provided in sections 1797m—45 and 1797m—46 and if it shall find such contract, ordinance or other determination to be unreasonable, such contract, ordinance or other determination shall be void.

(2.) To require of any public utility by ordinance or otherwise such additions and extensions to its physical plant within said municipality as shall be reasonable and necessary in the interest of the public, and to designate the location and nature of all such additions and extensions, the time within which they must be completed and all conditions under which they must be constructed subject to review by the commission as provided in subdivision 1 of this section.

(3.) To provide for a penalty for non-compliance with the provisions of any ordinance or resolution adopted pursuant to the provisions hereof.

(4.) The power and authority granted in this section shall exist and be vested in said municipalities, anything in this act to the contrary notwithstanding.

(Ch. 499, 1907.)

Franks and privileges to political committees and candidates; penalty. SECTION 1797m—88. No public utility or any agent or officer thereof, or any agent or officer of any municipality constituting a public utility as defined in this act shall offer or give for any purpose to any political committee or any member or employe thereof, to any candidate for or incumbent of, any office or position under the constitution or laws or under any ordinance of any municipality of this state, or to any person at the request, or for the advantage of all or any of them, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered, or to be produced, transmitted, delivered, furnished or rendered by

any public utility, or the conveyance of any telephone message or communication or any free product or service whatsoever.

2. No political committee and no member or employe thereof, no candidate for and no incumbent of any office or position under the constitution or laws or under any ordinance of any town or municipality of this state, shall ask for or accept from any public utility or any agent or officer thereof, or any agent or officer of any municipality constituting a public utility as defined in this act, or use in any manner or for any purpose any frank or privilege withheld from any person, for any product or service produced, transmitted, delivered, furnished or rendered, or to be produced, transmitted, delivered, furnished or rendered by any public utility, or the conveyance of any telephone message or communication.

3. Any violation of any of the provisions of this section shall be punished by imprisonment in the state prison not more than five years nor less than one year or by fine not exceeding one thousand dollars nor less than two hundred dollars.

(Ch. 499, 1907.)

Unjust discrimination: definition and penalty. SECTION 1797m—89. 1. If any public utility or any agent or officer thereof, or any officer of any municipality constituting a public utility as defined in this act shall, directly or indirectly, by any device whatsoever or otherwise, charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone messages or for any service in connection therewith than that prescribed in the published schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects or receives from any other person, firm or corporation for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared to be unlawful, and upon conviction thereof shall forfeit and pay into the state treasury not less than one hundred dollars nor more than one thousand dollars for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

(Ch. 499, 1907.)

Facilities in exchange for compensation prohibited. SECTION 1797m—90. It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm or corporation of any part of the facilities incident thereto; provided nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone messages and paying a reasonable rental therefor.

(Ch. 499, 1907.)

Undue preference or prejudice; penalty. SECTION 1797m—91. If any public utility make or give any undue or unreasonable preference or advantage to any particular person, firm or corporation or shall subject any particular person, firm or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited and declared unlawful.

The furnishing by any public utility, of any product or service at the rates and upon the terms and conditions provided for in any existing contract executed prior to April 1, 1907, shall not constitute a discrimination within the meaning specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

(Ch. 499, 1907.)

Rebates, concessions and discriminations unlawful; penalty. SECTION 1797m—92. It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, concession or discrimination in respect to any service in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of telephone messages within this state, or for any service in connection therewith whereby any such service shall, by any device whatsoever, or otherwise, be rendered free or at a less rate than that named in the published schedules and tariffs in force as provided herein, or whereby any service or advantage

is received other than is herein specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

(Ch. 499, 1907.)

Utilities liability for damages. SECTION 1797m—93. If any public utility shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable to the person, firm or corporation injured thereby in treble the amount of damages sustained in consequence of such violation; provided, that any recovery as in this section provided, shall in no manner affect a recovery by the state of the penalty prescribed for such violation.

(Ch. 499, 1907.)

Information, papers and accounting: delinquency penal. SECTION 1797m—94. Any officer, agent or employe of any public utility or of any municipality constituting a public utility as defined in this act who shall fail or refuse to fill out and return any blanks as required by this act, or shall fail or refuse to answer any question therein propounded, or shall knowingly or wilfully give a false answer to any such question or shall evade the answer to any such question where the fact inquired of is within his knowledge or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner or any person authorized to examine the same, any book, paper, account, record, or memoranda of such public utility which is in his possession or under his control or who shall fail to properly use and keep his system of accounting or any part thereof as prescribed by the commission, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars for each offense.

2. And a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the public utility for each such offense when such officer, agent or

employe acted in obedience to the direction, instruction or request of such public utility or any general officer thereof.

(Ch. 499, 1907.)

Violations in general, penalty; utility responsible for agents. SECTION 1797m—95. 1. If any public utility shall violate any provision of this act, or shall do any act herein prohibited or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission or the municipal council or any judgment or decree made by any court upon its application, for every such violation, failure or refusal such public utility shall forfeit and pay into the treasury a sum not less than one hundred dollars nor more than one thousand dollars for each such offense.

2. In construing and enforcing the provisions of this section the act, omission or failure of any officer, agent or other person acting for or employed by any public utility acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility.

(Ch. 499, 1907.)

Municipal officers' delinquency penal. SECTION 1797m—96. If any officer of any town, village or city constituting a public utility as defined in this act shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit, fail, neglect or refuse to do any act, matter or thing required by this act of such officer to be done, or shall omit, fail, neglect or refuse to perform any duty enjoined upon him and relating directly or indirectly to the enforcement of this act, or shall omit, fail, neglect or refuse to obey any lawful requirement or order made by the commission or any judgment or decree made by the court upon its application, for every such violation, failure or refusal such officer shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

(Ch. 499, 1907.)

Interference with commission's equipment penal. SECTION 1797m—97. 1. Any person who shall destroy, injure or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agent shall be deemed

guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding one hundred dollars or imprisonment for a period not exceeding thirty days or both.

2. Any public utility permitting the destruction, injury to, or interference with, any such apparatus or appliance, shall forfeit a sum not exceeding one thousand dollars for each offense.

(Ch. 499, 1907.)

Every day's violation distinct. SECTION 1797m—98. Every day during which any public utility or any officer, agent or employe thereof shall fail to observe and comply with any order or direction of the commission or to perform any duty enjoined by this act shall constitute a separate and distinct violation of such order or direction or of this act as the case may be.

(Ch. 499, 1907.)

Temporary alteration or suspension of rates. SECTION 1797m—99. 1. The commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the people or any public utility of this state in case of any emergency to be judged of by the commission, to temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, schedules and order relating to or affecting any public utility or part of any public utility in this state.

2. Such rates so made by the commission shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

(Ch. 499, 1907.)

Followed by permanent rate regulation. SECTION 1797m—100. Whenever, after hearing and investigation as provided in this act, the commission shall find that any rate, toll, charge, regulation or practice for, in, or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of any telephone message or any service in connection therewith not hereinbefore specifically designated, is unreasonable or unjustly discriminatory, it shall have the power to regulate the same as provided in section 1797m—43 to 1797m—51 and 1797m—60 to 1797m—62, inclusive.

(Ch. 499, 1907.)

Lives lost: utility must report; investigation. SECTION 1797m—101. 1. Every public utility shall, whenever an accident attended with loss of human life occurs within this state upon its premises or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission.

2. In the event of any such accident the commission, if it deem the public interest require it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for greater convenience of those concerned it shall order such investigation to be held at some other place; and said investigation may be adjourned from place to place as may be found necessary and convenient. The commission shall seasonably notify the public utility of the time and place of the investigation.

(Ch. 499, 1907.)

Law enforcing power; attorneys' aid; court and counsel. SECTION 1797m—102. 1. The commission shall inquire into any neglect or violation of the laws of this state by any public utility doing business therein, or by the officers, agents or employes thereof or by any person operating the plant of any public utility, and shall have the power and it shall be its duty to enforce the provisions of this act as well as all other laws relating to public utilities, and to report all violations thereof to the attorney general.

2. Upon the request of the commission it shall be the duty of the attorney general or the district attorney of the proper county to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this act and of all other laws of this state relating to public utilities and for the punishment of all violations thereof.

3. Any forfeiture or penalty herein provided shall be recovered and suit therein shall be brought in the name of the state of Wisconsin in the circuit court for Dane county. Complaint for the collection of any such forfeiture may be made by the commission or any member thereof, and when so made the action so commenced shall be prosecuted by the attorney general.

4. The commission shall have authority to employ counsel in any proceeding, investigation, hearing or trial.

(Ch. 499, 1907.)

Commission's work: technical omissions not to invalidate. SECTION 1797m—103. A substantial compliance with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts and regulations of the commission and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

(Ch. 499, 1907.)

Other rights of action; penalties cumulative. SECTION 1797m—104. This act shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise, under any law of this state; and all penalties and forfeitures accruing under this act shall be cumulative and a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

(Ch. 499, 1907.)

Rates of April 1, 1907, to govern; reports thereof; proceedings to change. SECTION 1797m—105. 1. Unless the commission shall otherwise order, it shall be unlawful for any public utility within this state to demand, collect or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service on the first day of April, 1907.

2. Every public utility in this state shall, within thirty days after the passage and publication of this act, file in the office of the commission, copies of all schedules of rates and charges including joint rates, in force on the first day of April, 1907, and all rates in force at any time subsequent to said date.

3. Any public utility desiring to advance or discontinue any such rate or rates may make application to the commission in writing stating the advance in or discontinuation of the rate or rates desired, giving the reasons for such advance or discontinuation.

4. Upon receiving such application the commission shall fix a time and place for hearing and give such notice to interested parties as it shall deem proper and reasonable. If, after such hearing and investigation, the commission shall find that the change or discontinuation applied for is reasonable, fair and just, it shall grant the application either in whole or in part.

5. Any public utility being dissatisfied with any order of the commission made under the provisions of this section may com-

mence an action against it in the circuit court in the manner provided in sections 1797m—64 to 1797m—73, inclusive, of this act, which action shall be tried and determined in the same manner as is provided in said sections.

(Ch. 499, 1907.)

Employes of commission. SECTION 1797m—106. The employment of agents, experts, engineers, accountants, examiners or assistants by the commission as provided in this act, and the payment of their compensation and traveling and other expenses, shall be under the provisions of section 1, chapter 362, of the laws of 1905, and acts amendatory thereof.

(Ch. 499, 1907.)

Appropriation. SECTION 1797m—107. A sum sufficient to carry out the provisions of this act is appropriated out of any money in the state treasury not otherwise appropriated, not exceeding fifty-two thousand dollars.

(Ch. 499, 1907.)

Conflicting laws repealed. SECTION 1797m—108. All acts and parts of acts conflicting with the provisions of this act are repealed in so far as they are inconsistent herewith.

(Ch. 499, 1907.)

Water ways commission: water passenger and freight regulation. SECTION 1797n. Such commission shall have the same power and authority over persons, companies or corporations engaged in the business of transporting passengers and freight over and upon the inland waters of this state and rivers bounding the same, as that conferred by chapter 362 of the laws of 1905 upon the railroad commission over railroads so far as applicable, and the duties of such water-ways commission in regard to transportation by water shall be the same as that of the railroad commission over transportation by rail, so far as applicable, or unless otherwise prescribed herein.

(Ch. 429, 1907.)

Mississippi dock limits and steamboats. SECTION 1797o. It shall be the duty of the commission to define the dock limit in any city or village on the Mississippi river, or its tributaries, at the request of the proper authorities of such city or village,