

Chapter PSC 5

ASSESSMENT OF COSTS

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Note: Chapter PSC 5 as it existed on August 31, 1982 was repealed and a new chapter PSC 5 was created effective September 1, 1982.

PSC 5.01 Scope. The public service commission is authorized by s. 196.85, Stats., to charge any public utility, power district, or sewerage system the expenses attributable to the performance of the commission's duties. The purpose of this chapter is to implement s. 196.85, Stats., authorizing the commission to assess these costs.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

PSC 5.02 Definitions. (1) "Advance assessment" means a bill for the estimated remainder assessment for the current fiscal year, calculated by adding 10% to the remainder assessment for the prior fiscal year.

(2) "Direct assessment" means a bill for costs incurred by the public service commission during the course of an investigation (including the costs of litigation), appraisal or the rendering of requested services, which costs are directly attributable to the utility, power district or sewerage system to which the bill is rendered.

(3) "Remainder assessment" means a pro rata share of the commission's annual expenses for regulation not directly attributable to a specific utility, power district or sewerage system. The remainder assessment for each entity subject to assessment shall be calculated by apportioning the total commission expenses not directly attributable to a specific utility, power district or sewerage system in proportion to gross intrastate operating revenues derived from regulated services during the preceding calendar year.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

PSC 5.03 Occasion for direct assessment of expenses. Direct assessments are made for the costs of:

(1) Investigations instituted by the commission on its own motion, or complaint, or on application made to it; or

(2) The rendering of any engineering or accounting services upon request of a public utility, power district or sewerage system.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

PSC 5.04 Entities subject to assessment. Direct or remainder assessments shall be made against:

(1) Public utilities, as defined in s. 196.01 (5), Stats.

(2) Electric utilities, as defined in s. 196.491 (1) (d), Stats. (for direct assessments only).

(3) Power districts, as defined in s. 198.01 (1) and (3), Stats.

(4) Sewerage systems, as governed by ss. 66.0821 and 200.59, Stats.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82; corrections in (1) and (4) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

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PSC 5.05 Other types of assessment. (1) COSTS OF MUNICIPAL ACQUISITION. A municipality seeking to acquire the property of a public utility under the provisions of ch. 196, Stats., shall be assessed the costs of the commission's expenses in making any required appraisal or investigation of utility property.

(2) COSTS OF SECURITY ISSUANCE. A public service corporation seeking to issue securities under the provisions of ch. 201, Stats., shall be assessed the costs of the commission's expenses in making any required investigation of its books, accounts and practices or appraisal of its property.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

PSC 5.06 Direct and remainder assessment; types of expenses. (1) The following types of expenses attributable to performance of the commission's regulatory duties shall be included in direct assessment:

(a) Salary, including fringe benefits.

(b) Travel expenses.

(c) Any other directly attributable expenses deemed appropriate.

(2) Overhead expenses shall be included in the remainder assessment.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

PSC 5.07 Chargeable personnel time; direct and remainder assessments. (1) The time of the following commission personnel shall be directly assessed:

(a) All employees — except those specified in sub. (2) — engaged directly on a specific investigation, appraisal or rendering of requested services. This time shall include, but not be limited to travel, testimony and attendance at hearings, preparation of audits, summaries and exhibits, and writing and typing reports.

(b) Department heads, when engaged directly on an investigation, appraisal or rendering of requested services rather than in a general supervisory capacity.

(c) Consultants working on a specific proceeding.

(2) The time of the following personnel shall be included in remainder assessments:

(a) Department heads acting in a general supervisory capacity.

(b) Hearing examiners.

(c) Reporters, stenographers and clerks in preparation of transcripts, docketing, or filing.

(d) Commissioners.

PSC 5.08 Direct charges; supporting records. (1) TIME RECORDS. Charges made to the direct assessment for the time of commission staff members shall be supported by weekly time sheets which record activities performed each day according to docket numbers.

(2) TRAVEL EXPENSE RECORDS. Travel expense charges to direct assessment shall be supported by records of the travel expense accounts of commission staff members.

(3) OTHER EXPENSES. Any other directly attributable expenses directly assessed shall be supported by cost records.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

PSC 5.09 Direct assessments; procedure for billing and collection. (1) NOTICE OF FINDING OF NECESSITY FOR INVESTIGATION AND INTENTION TO ASSESS COSTS. (a) Prior to making any assessment of costs under s. 196.85 (1), Stats., arising out of any investigation of the books, accounts, practices and activities or appraisal of the property of a public utility, power district or sewerage system, the commission shall make an express finding of necessity of the investigation or appraisal and of its intention to assess the costs of the proceeding.

(b) Notice of the commission's finding of necessity, its intention to assess costs, and the duty to pay "the expenses reasonably attributable" to the scheduled investigation or appraisal shall be served on the affected utility, power district or sewerage system.

(2) BILLING. (a) The commission shall determine the expenses reasonably attributable to the specific investigation, appraisal, or rendition of services and mail a bill to the public utility, power district or sewerage system. The bill may be mailed during the progress of the investigation, appraisal, or rendition of services or at its conclusion and shall constitute notice of the assessment and demand for its payment.

(b) The commission shall render monthly statements to utilities, power districts, and sewerage systems itemizing the names of commission employees engaged in billable work, the hours expended, the hourly rates and the total amount of charges.

(3) DIVISION OF EXPENSES IN JOINT PROCEEDINGS. In a joint investigation or where the charges in one investigation are to be divided between two or more public utilities, power districts or sewerage systems, the charges shall be assessed, unless otherwise ordered, in proportion to their respective gross intrastate operating revenues for the preceding calendar year.

(4) LIMIT TO DIRECT CHARGES. (a) Charges directly assessed

to a public utility, power district or sewerage system under ss. 196.85 (1) and 184.10 (3), Stats., shall not exceed four-fifths of one per cent of its gross operating revenues derived from intrastate operations in the last preceding calendar year.

(b) The limitation of par. (a) may not include or apply to charges against municipalities under s. 196.855, Stats.

(5) PERIOD FOR PAYMENT. Direct assessments shall be paid within 30 days after the bill is mailed to each public utility, power district or sewerage system.

(6) COLLECTION PROCEDURE. Direct assessments not paid within 30 days after mailing shall be collected according to the provisions of s. 196.85 (3), Stats. Objection to an assessment shall be made within 30 days after mailing according to the provisions of s. 196.85 (4) (a), Stats.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82; am. (1) (a), Register, September, 1983, No. 333, eff. 10-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501.

PSC 5.10 Remainder and advance assessments; procedure for billing and collection. (1) BILLING. Within 90 days of the beginning of each fiscal year, the commission shall render an advance assessment to each public utility, power district or sewerage system.

(2) PERIOD FOR PAYMENT. Advance assessments shall be paid within 30 days after they are mailed.

(3) COLLECTION PROCEDURE. Advance assessments not paid within 30 days after mailing shall be collected according to the provisions of s. 196.85 (4) (a), Stats.

(4) RECONCILIATION. When an advance assessment is paid, the commission shall either credit or charge the utility, power district or sewerage system for the difference between the prior fiscal year's remainder assessment and the prior fiscal year's advance assessment.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.

PSC 5.11 Accounting records. The commission's accounting system shall include all functions and activities and account for all receipts and expenditures. The commission's accounts shall be open for inspection by the public.

History: Cr. Register, August, 1982, No. 320, eff. 9-1-82.