

Chapter PSC 113

SERVICE RULES FOR ELECTRICAL UTILITIES

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PSC 113.01 Application of rules. (1) All public utilities, whether privately or municipally owned or operated, in respect to the supply of electric energy and provision of electric service in this state, shall comply with and conform to rules set forth in this order except insofar as exception may be made by order of the commission as hereinafter mentioned.

(2) Nothing in this chapter of the Wisconsin Administrative Code shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in said rules.

PART I

Miscellaneous Service Requirements

PSC 113.015 General requirement. Every utility shall furnish reasonably adequate service and facilities at the rates filed with the commission and subject to these rules and the rules of the utility applicable thereto and not otherwise. The energy shall be generated, transmitted, converted, and distributed by the utility, and utilized, whether by the utility or the customer, in such manner as to obviate so far as reasonably practicable undesirable effects upon the operation of standard services or equipment of the utility, its customers, or other utilities or agencies.

Note: As used in these rules the terms "rules of the utility" or "utility's rules" means the rules of the utility on file with the commission.

PSC 113.02 Adoption of standard by reference. (1) ADOPTION OF STANDARD. Military Standard 414 (Mil-STD-414) dated June 11, 1957 is hereby incorporated by reference into ch. PSC 113 in part consisting of the cover page and pages 1, 2, 3, 4, 41, 42, 43, 45, 47, 48, 49, 50, 51, and 110. This published standard is entitled "Sampling Procedures and Tables for Inspection by Variables for Percent Defective" and is referenced in ss. PSC 113.517 and 113.518 herein for application of these rules on maintenance of electric meter accuracy by statistical sample testing methods. Interim amendments to MIL-STD-414 will not be effective in this state until such time as this chapter is revised to reflect such changes.

(2) CONSENT TO INCORPORATE. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of MIL-STD-414 in part as designated in sub. (1). Copies are on file in the offices of the commission, the secretary of state and the revisor of statutes.

(3) AVAILABILITY OF STANDARD. Copies of that part of MIL-STD-414 adopted herein may be obtained from the commission. Copies of the entire MIL-STD-414 may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

History: Cr. Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.03 Inspection of structures and equipment. History: 1-2-56; r. Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.04 Servicing utilization control equipment. (1) Utilities shall service and maintain any equipment they use on customers' premises so as to provide service in accordance with the rate provisions.

(2) Utilities shall test load-control systems according to procedures as filed with and accepted by the commission. The initial filing may consist of temporary procedures to be observed until the capabilities of the particular system are determined from experience.

(3) Other control devices used by the utility to control loads shall be checked periodically.

History: 1-2-56; am. (2), r. and recr. (3) and cr. (4), Register, February, 1978, No. 266, eff. 3-1-78; am. Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.05 Relocation of poles. (1) When a utility is required by governmental authority or requested by customers to move poles, as, for example, from streets to alleys, the utility is not required to furnish new service entrance conductors, cable, conduit, or service equipment unless

it makes a practice of supplying this equipment. It shall, however, run a service drop to the nearest point on each building served from the new location and remove the old service drop without expense to the customer.

(2) If the utility moves its poles of its own volition the utility shall supply new service entrance conductors, cable, conduit, interior wiring connection, and service equipment, and remove the old; or shall attach its system to the existing service entrance conductors without expense to the customer.

PSC 113.055 Protection of utility facilities. A public utility upon receiving notice as provided in s. 66.047 or 182.0175 (2) (e), Stats., of work which may affect its facilities used for serving the public shall:

(1) If the notice is of work covered by s. 66.047, Stats., investigate and decide what action, if any, must reasonably be taken to protect or alter utility facilities in order to protect service to the public and to avoid unnecessary damage. The utility shall take such action as is reasonably necessary to protect, remove, alter, or reconstruct its facilities, and shall perform such work with reasonable dispatch taking into account the conditions to be met. Nothing in this rule shall be deemed to affect any right which the utility may have to require advance payment or adequate assurance of payment of the reasonable cost thereof to the utility by the property owner or contractor.

(2) If the notice is of work covered by s. 182.0175 (2) (e), Stats., and is not covered by s. 66.047, Stats., the utility shall respond as required by s. 182.0175 (2) (e).

(3) The utility may, in order to protect its interests, require that the owner or contractor perform certain work upon that part of the service piping or wiring on or being removed from the property upon which the excavating, building, or wrecking operations are being performed.

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

History: Cr. Register, June, 1962, No. 78, eff. 7-1-62; am. intro. par., Register, October, 1965, No. 118, eff. 11-1-65; r. and recr. (intro.), (1) and (2), Register, February, 1978, No. 266, eff. 3-1-78.

PSC 113.057 Interference with public service structures. (1) A utility having any work upon, over, along, or under any public street, highway or private property near existing utility facilities shall give reasonable notice to the other utility and shall exercise care when working in close proximity to such existing facilities. Sections 66.047 and 182.0175, Stats., shall be observed where applicable. In all other cases such notice shall provide the other utility with a reasonable opportunity to protect or alter its facilities and such work shall not proceed without an agreement concerning the location and nature of the proposed work.

(2) Nothing in the above shall prevent a utility from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities. (See s. 182.0175 (2) (d), Stats.)

History: Cr. Register, October, 1965, No. 118, eff. 11-1-65; r. and recr. Register, February, 1978, No. 266, eff. 3-1-78.

Register, December, 1987, No. 384

PSC 113.06 Standard voltages and utilization equipment. (1) All utilities shall have available a tabulation showing the character and type of electric service supplied, including the secondary and, where applicable, primary voltages.

(2) Lamps used or furnished by the utility for highway or area illumination shall initially be such that the customer receives the proper illumination in lumens specified in the rate. If the street lighting rate is based on wattage, or if the utility furnishes lamps to customers free or at reduced cost, the lamp bulbs shall be of such efficiency in lumens per watt when used on the utility's circuits that customers may obtain their lighting service under the most favorable conditions practicable under the rate schedule.

History: 1-2-56; am. Register, February, 1978, No. 266, eff. 3-1-78.

PSC 113.07 Tamper-resistant equipment. Where electrical energy has been diverted or the utility's equipment for measuring the service or controlling a customer's load has been interfered with, the utility may require the customer to install entrance and service equipment to prevent current diversion or interference with the metering or control equipment.

Note: See s. PSC 113.37.

Note: Care should be taken in determining the existence of diversion and amount of energy diverted. In case check-meters are used, the possibility of grounds between meters, normal meter inaccuracies, and incorrect connections of meters should not be over-looked. The requirements of the Wisconsin state electrical code for entrances should effectively prevent such diversion. Attention is directed to ss. 939.32 and 943.20, Stats.

History: 1-2-56; am. Register, February, 1978, No. 266, eff. 3-1-78.

PSC 113.08 Power-factor correction of gaseous tube lighting. When fluorescent, neon, zeon, or other hot or cold cathode types of gaseous tube lighting having similar power-factor characteristics are installed as the major lighting source, the customer shall furnish, install, and maintain at his own expense corrective apparatus designed to maintain at not less than 90% lagging the power-factor of individual lighting unit or the entire lighting installation.

History: 1-2-56; r. and recr., Register, October, 1965, No. 118, eff. 11-1-65.

PSC 113.09 Change in type of service. (1) If a change in type of service, such as from 25 to 60 hertz, or a change in voltage to a customer's substation, is effected at the insistence of the utility and not solely by reason of increase in the customer's load or change in the character thereof, the utility shall share equitably in the cost of changing the equipment of the customers affected as determined by the commission in the absence of agreement between utility and customer.

Note: The change in customer's equipment should be made with the greatest possible economy to the customer, and final settlement made at the time of the change. Substantially the following basis was prescribed by the commission in *Jackman v. Janesville Electric Co.*, 17 W.R.C.R. 356, and has been customarily adopted as the basis for settlement:

Payment by the utility to the customer of:

1. The remaining value of the customer's electrical equipment which is made obsolete;
2. The cost of making the resulting necessary change in interior wiring; and
3. The cost of installing the new equipment and removing the old, less the salvage value of such equipment as the customer retains.

(2) If a utility changes its standard voltage it shall notify customers in advance and if customer equipment other than lamps must be changed,

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an adjustment as required in sub. (1) hereof shall be made. If tests of a representative sample of customers' meters indicate that meters have started to creep because of the voltage increase or if the tests of the representative sample show that meters average more than 0.5% fast, meters affected by the change in voltage shall be tested and adjusted.

History: 1-2-56; am. (1), Register, February, 1978, No. 266, eff. 3-1-78.

PSC 113.10 Connection of motor-generator-type welders. The connection of motor-generator-type welders shall be governed by the utilities' rules covering the connection of motors.

PSC 113.101 Connection of other than motor-generator-type welders. (1) Each welder shall be provided with a name plate showing:

- (a) Name of manufacturer.
- (b) Manufacturer's type designation and serial number.
- (c) Frequency.
- (d) Primary volts.
- (e) Maximum input (primary) amperes (at rated output amperes).
- (f) Output volts at rated output amperes.
- (g) Rated output amperes.
- (h) Rated duty cycle or time rating.
- (i) Temperature rise in degrees C.
- (j) Open-circuit voltage.

(2) Each welder shall be provided with a proper disconnecting means, and shall be constructed, installed, and maintained in a manner which does not conflict with the requirements of the Wisconsin state electrical code.

(3) The consent of the utility shall be obtained and any changes in the customer's wiring and in the utility's facilities, necessary to permit welder operation under safe conditions and without interference to the service of other customers, shall be completed before any electrical welder is connected.

(4) Where the utility's distribution facilities supplying the customer using a welder are reasonably adequate and of sufficient capacity to carry other loads normally imposed, variations in the voltage of the utility's supply to such customer caused by his welder in excess of the limits set in ss. PSC 113.25, 113.26 and 113.27 shall not be considered a violation of such order by the utility.

(5) Electric welders not larger than the sizes set forth below and used under the conditions specified shall be served without charges other than applicable to the customer's other service on the same circuit.

(a) All classes of customers in any area. 110-120 or 220-240 volt electrical welders which can be operated on circuits fused at not to exceed 15 amperes and without causing violations of ss. PSC 113.25, 113.26 and 113.27 at other customers' service entrances on a reasonably adequate secondary.

(b) Commercial customers irrespective of location and customers residing in areas where service generally is supplied from individual distribution transformers.

1. 220-240 volt electric arc welders having a rated-maximum operating input current of not to exceed 37.5 amperes with an output-load voltage of 25 volts at an input of 230 volts, where the customer agrees to reduce operation of other electrical equipment to a minimum during periods the welder is in use, and agrees not to use the welder during lighting hours except in case of emergency.

2. Where the welder name plate does not give the rated primary current, the welder primary rated current shall be taken as two-thirds of the maximum final or stable short-circuit current obtainable.

3. The welder transformer used as a part of the welder shall be of the double-winding type, and the secondary shall be thoroughly insulated from the primary.

4. The welders shall not have a final or stable short-circuit current for any current setting exceeding 150% of the rated input current.

(6) Each utility may require that welders not permitted by sub. (5) be served from a separately metered circuit under rates applicable to that arrangement, or may file an extra charge for serving such welders from the general service circuit, which charge shall be based on the excess of the primary input current of the welder over the allowable input welder current, according to location, permitted under sub. (5). The input current shall be taken as two-thirds of the maximum final or stable short-circuit current obtainable.

History: 1-2-56; am. (4) and (5)(a), Register, February, 1978, No. 266, eff. 3-1-78.

PSC 113.102 Radio and television interference. (1) Each utility shall own or otherwise arrange to have available when needed, suitable monitoring equipment for surveying its lines and equipment for possible radio and/or television interference.

(2) Each utility shall establish and routinely utilize in the course of its regular operation, means whereby the presence of radio and/or television interference may be detected.

(3) Each utility shall, upon notification or detection of the presence of radio and/or television interference, survey its lines and equipment for possible sources of radio and television interference. When significant interference is found, reasonable measures shall be taken to locate the source and, if on the utility's system, to mitigate the interference.

(4) Where the source of interference is determined to be equipment owned by a specific customer, the customer shall be so advised and informed of his responsibility to correct the problem (see PSC 113.015).

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

PSC 113.103 Planned service interruptions. (1) Unless conditions of an actual or potential emergency nature require otherwise, each utility shall strive to give reasonable advance notice to affected customers of each planned service interruption expected to last more than 30 minutes. No such notification is necessary when applying load control or on-peak control systems.

(2) Whenever feasible, interruptions expected to last more than 1 hour and affect more than 100 customers, or interruptions to critical loads, shall be scheduled for periods which will cause a minimum of customer inconvenience.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

PART II

Requirements as to Rate Schedules and Rules of the Utility

(See also s. PSC 113.25)

PSC 113.11 Schedules to be filed with commission. The schedules of rates and rules to be filed with the commission by the utility shall be classified, designated, arranged, and submitted so as to conform to the requirements of current tariff or rate schedule circulars and special instructions which have been and may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation, and shall include, together with such other information as may be deemed pertinent, the following:

(1) All rates for service with indication for each rate of the type and voltage of service and the class of customers to which each rate applies. There shall also be shown any limitations on loads and type of equipment which may be connected, the prices per unit of service, and the number of units per billing period to which the prices apply, the period of billing, the minimum bill, method of measuring demands including method of calculating or estimating loads or minimums, and any special terms and conditions applicable. The discount for prompt payment or penalty for late payment, if any, and the period during which the net amount may be paid shall be specified.

(2) By municipalities, but without reference required to any particular part thereof, the voltage at which service will be supplied and the type of service (direct current or single- /or polyphase alternating current).

(3) Forms of standard contracts required of customers for the various types of service available.

(4) If service to other utilities, to electric cooperatives, or municipalities is furnished at a standard filed rate, either a copy of each contract or the standard contract form together with a summary of the provisions of each signed contract. The summary shall show the principal provisions of the contract and shall include the name and address of the customer, the points where energy is delivered, rate, term, minimums, load conditions, voltage of delivery, and any special provisions such as rentals. Standard contracts for such sales as that of energy for resale, street lighting, municipal athletic-field lighting, and for water utilities may be filed in summary form as above outlined.

(5) Copies of special contracts for the purchase, sale, or interchange of energy.

(6) List of villages, cities, and unincorporated communities where urban rates are applicable, and towns in which service is furnished.

(7) The list of service areas and the rates shall be filed in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service at urban rates. If the utility has various rural rates, the areas where the same are available shall be indicated.

(8) Definitions of classes of customers.

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

Note: See Part XII — Standards for Electric Service Extensions.

(10) Type of construction required if in excess of the standards required by the Wisconsin state electrical code.

(11) Specification of such portion of service as the utility furnishes, owns, and maintains, such as service drop, service entrance cable or conductors, conduits, service entrance equipment, meter, and socket. Indication of the portions of interior wiring such as range or water-heater connection, furnished in whole or in part by the utility, and statement indicating final ownership and responsibility for maintaining equipment furnished by utility.

(12) Statement of the type of special construction commonly requested by customers which the utility allows to be connected, and terms upon which such construction will be permitted, with due provision for the avoidance of unjust discrimination as between customers who request special construction and those who do not. This applies, for example, to a case where a customer desires underground service in overhead territory.

(13) Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

(14) Rules governing the establishment of credit by customers for payment of service bills.

(15) Rules governing the procedure followed in disconnecting and reconnecting service.

(16) Notice by customer required for having service discontinued.

(17) Rules covering temporary, emergency, auxiliary, and stand-by service.

(18) Rules covering the type of equipment which may or may not be connected, including rules such as those requiring demand-limiting devices or power-factor corrective equipment.

PSC 113.115 Forms to be filed. History: Cr. Register, March, 1963. No. 87, eff. 4-1-63; r. Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.12 Information available to customers. (1) Each utility shall have available in its offices where payments are received, copies of its rates and rules applicable to the locality. The rates and rules shall be available for customer inspection, and reasonable notice as to their availability shall be provided to customers.

(2) Each electric utility, for every municipality in which it serves shall provide in the respective telephone directories a telephone listing by

which the utility can be notified during a 24-hour day of any utility service deficiency or emergency which may exist.

(3) Where a second language is common in a particular area served by the utility and so identified by the commission, all rules pertaining to billing and credit shall be available upon customer request, for distribution in English and that second language in every business office of the utility in that area accessible to the public and where customer payments are received.

(4) Each utility shall provide written notice to its residential customers annually, and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options including deferred payment agreements and budget billing, disconnection and dispute procedures; of the availability of information on energy conservation practices, of the availability of a clear, concise record of the customer's actual electric consumption (or actual degree-day adjusted electric consumption) for each billing period during the prior 12 months or the actual number of months that the customer has lived at that location if less than 12 months, and of the availability of agencies or programs which may provide financial aid assistance or counseling; and contain a reply procedure to allow customers an opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the utility to contact a specific third party agency or individual prior to any disconnection action being taken.

History: 1-2-56; emerg. cr. (3) and (4), eff. 1-21-75; cr. (3) and (4), Register, January, 1975, No. 229, eff. 2-1-75; r. and recr. (1), r. (2), renun. (3) and (4) to be (2) and (3), cr. (4), Register, March, 1979, No. 279, eff. 4-1-79; am. (4), Register, October, 1980, No. 298, eff. 11-1-80.

PSC 113.131 Deposits. (1) **NEW RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer has an outstanding account balance with the utility which accrued within the last 6 years, and which at the time of the request for new service remains outstanding and not in dispute. (See PSC 113.134).

(2) **EXISTING RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of continued service unless either or both of the following circumstances apply.

(a) The utility has shut off or discontinued the service of the customer within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

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

(3) **NEW COMMERCIAL SERVICE.** (a) If the credit of an applicant for service has not been established satisfactorily to the utility, the applicant may be required to deposit a sum not exceeding the estimated gross bills for any 2 consecutive billing periods selected by the utility.

(b) In determining whether an applicant for service has satisfactorily established its credit, the utility shall consider the following factors before requiring a security deposit.

1. Credit information from credit reporting services;

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2. Letter of credit from a financial institution or another utility;

3. Applicant's business characteristics, such as type of business, length of time the applicant has operated, the applicant's business experience and knowledge, and estimated size of the applicant's bills;

4. Assets of the business;

5. The financial condition of the business, as indicated in a financial statement.

(c) The utility shall notify the applicant within 30 days of the request for service as to whether a deposit will be required. The 30-day period shall begin from the date the applicant provides all requested relevant information to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (4) (a). If a request for a deposit is made, the applicant must be given at least 20 days to provide payment, or guarantee, or to establish an installment payment agreement.

(d) The deposit of a commercial customer shall be refunded after 24 consecutive months of prompt payment. Payment is considered prompt if made prior to notice of disconnection for nonpayment not in dispute.

(4) EXISTING COMMERCIAL SERVICE. (a) An existing commercial customer may be required to furnish a deposit if the customer has not made prompt payment of all bills within the last 24 consecutive months.

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(b) When the utility requests a deposit of an existing commercial customer, the customer shall have 20 days to provide the deposit, guarantee, or to establish an installment payment agreement.

(c) Refund of the deposit of an existing commercial customer shall be made in accordance with s. PSC 113.131 (3) (d).

(5) CONDITIONS OF DEPOSIT. The maximum deposit for a new commercial or residential account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility. The maximum deposit for an existing commercial or residential account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period as determined by the utility.

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(6) INTEREST. Deposits for commercial or residential service shall bear interest of at least 8% payable from the date of deposit to the date of refund or discontinuance of service, whichever is earlier.

(7) ARREARAGES. An arrearage owed by a customer may be deducted from the customer's deposit under the following conditions:

(a) A deposit may be used by the utility to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(8) **REVIEW.** The utility shall review the payment record of each residential utility customer with a deposit on file at 12-month intervals. The utility shall not require or continue to require a cash deposit unless a deposit is required under the provisions of s. PSC 113.131 (2).

(9) **REFUND.** Any deposit or portion thereof refunded to a commercial or residential customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (10) applies.

(10) **ACCRUED INTEREST.** Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill and the balance shall be returned promptly to the customer.

(11) **WRITTEN EXPLANATION.** A utility shall not require any commercial or residential customer to pay a deposit or establish a guarantee in lieu of deposit without explaining, in writing if requested, why that deposit is being required.

(12) **REFUSAL OF SERVICE.** Commercial or residential service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service. (s. PSC 113.132).

(13) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but shall automatically terminate after the commercial or residential customer has closed its account with the utility, or at the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon reasonable 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice, subject to sub. (14) for a residential customer or the establishment of an installment payment agreement for a commercial customer.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

(14) **DEFERRED PAYMENT.** (a) In lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement as defined in s. PSC 113.133 for the outstanding account.

(b) A commercial customer or applicant for commercial service of which a deposit is requested shall have the right to receive service under an installment payment agreement.

(15) **APPLICABILITY.** The rules in subs. (13) and (14) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

History: Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (3) to (14), Register, November, 1980, No. 299, eff. 12-1-80; renum. (7) to (14) to be (8) to (15), cr. (7), Register, April, 1985, No. 352, eff. 5-1-85.

Register, December, 1987, No. 384

PSC 113.132 Disconnection and refusal of service. (1)(a) In no circumstances will the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill and an account may be deemed delinquent for the purpose of disconnection after such period has elapsed.

(b) At least 8 calendar days prior to disconnection, the utility shall give written disconnect notice upon a form which must be in the tariff of the utility filed with the public service commission and which conforms to the requirements of sub. (9) unless excepted elsewhere.

(c) When a customer, either directly or through the public service commission, disputes a disconnection notice the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(d) If a disputed issue cannot be resolved pursuant to s. PSC 113.134 (1), the utility shall inform the customer of the right to contact the public service commission.

(2) Utility service may be disconnected for any of the following reasons, provided that if the commission declares a winter emergency to be in effect, there must be reasonable grounds to believe that such disconnection will not, under the circumstances, endanger human health or life:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement. (See PSC 113.133).

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

(c) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 113.131.

(d) Diversion of service around the meter.

(e) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The six-month period begins with the date of the last meter reading.

(f) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(3) A public utility may disconnect utility service without notice where a dangerous condition exists for as long as the condition exists.

(4) Service may be denied to any customer for failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 101.865, Stats.; or if the customer proposes to use a device that is not so designed that interference with communication and signal services is reasonably minimized.

(5) A utility is not required to furnish service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished

by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

Note: See Part XI — Interconnection of Small Customer-Owned Generation With Utility System Facilities.

(6) Utility service may not be disconnected or refused for any of the following reasons:

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

(b) Delinquency in payment for service by a previous occupant of the premises to be served other than a member of the same household residing at the same premises.

(c) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(d) Failure to pay for a different type or class of utility service.

(e) Failure to pay the account of another customer as guarantor thereof.

(f) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates.

(g) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any faulty metering.

(h) Failure to pay an estimated bill other than a bill rendered pursuant to an approved bimonthly meter reading plan, unless the customer upon request refuses to permit the reading of the meter during normal business hours.

(7) A utility shall not disconnect any residential service without notifying the county department of health and social services at least 5 calendar days prior to the scheduled disconnection, if the customer or responsible person has made a written request for this procedure to the utility. The customer shall be apprised of this right upon application for service.

(8) Notwithstanding any other provision of this section, a utility may not disconnect service to a residential customer if disconnection will aggravate an existing medical emergency of the customer, a member of his family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (a).

(a) A utility shall postpone the disconnection of service for 21 days to enable the customer to arrange for payment, if the customer produces a licensed Wisconsin physician's statement or notice from a public health or social services official which identifies the medical emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended once by renewal of the certificate or notice. No further extension of time shall be granted except upon a showing by the customer of the existence of extraordinary

circumstances and further that he has exercised due diligence in meeting the emergency as evidenced in part by close and continuous communication with the utility.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. However, no action to disconnect that service will be undertaken until expiration of the period of continued service.

(c) If there is a dispute concerning an alleged existing medical emergency, either party shall have the right to an informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued provided that the resident has submitted a statement or notice as set forth in par. (a).

(9) (a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) The utility shall make a reasonable effort to have a personal or telephone contact with the customer prior to disconnection.

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

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

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

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, if he or she wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances.

4. A statement that residential utility service will be continued for up to 21 days during serious illness if the account holder submits a statement or notice pursuant to sub. (8).

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

(10) (a) Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under s. PSC 113.134, and proper service personnel are readily available to restore service 24 hours per day.

(11) Notwithstanding any other provision of this chapter, utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee as governed by s. PSC 113.131, or a voucher agreement.

History: Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1) (a) and (6) (a), Register, December, 1975, No. 240, eff. 1-1-76; emerg. am. (2) (a), eff. 1-19-76; emerg. am. (2), eff. 12-6-77; am. (2) (intro.), Register, March, 1979, No. 279, eff. 4-1-79; emerg. cr. (11), eff. 12-17-81; cr. (2) (e), Register, September, 1982, No. 321, eff. 10-1-82; cr. (11), Register, September, 1983, No. 333, eff. 10-1-83; cr. (2) (f), Register, February, 1985, No. 350, eff. 3-1-85; am. (9) (a), Register, June, 1986, No. 366, eff. 7-1-86; r. (10) (b), Register, May, 1987, No. 377, eff. 6-1-87; am. (4), Register, December, 1987, No. 384, eff. 1-1-88.

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PSC 113.1323 Cold weather disconnections. (1) **SCOPE.** (a) This section applies to disconnections of utility service which provides the primary heat source or a utility service affecting the primary heat source to residential dwelling units occurring during the period November 15 to April 15 in any year for occupied residences south of United States Highway 10 and during the period November 1 to April 15 in any year for all other occupied residences. A municipality divided by United States Highway 10 is considered to be wholly located north of the line.

(b) This section shall not apply to disconnections of service as outlined in s. PSC 113.132 (2) (b) or (d) or (3), or disconnections for remodeling or repairs.

(2) **NOTICE.** (a) Prior to disconnection of service, a utility representative shall attempt to meet personally with a responsible, adult member of the household to discover any circumstances which deserve special attention, such as medical problems or disabilities.

(b) If the utility is unable to establish such personal contact, it shall contact the customer by return-receipt-requested mail. The utility shall maintain a record of all customer contacts and attempted contacts.

(c) Prior to any planned disconnection of service, the utility shall notify the local department of social services.

(3) **TELEPHONE AVAILABILITY.** A utility shall provide its emergency after-hours telephone number to all households scheduled for utility service disconnection.

(4) **SOCIAL SERVICE AGENCIES.** A utility shall inform local law enforcement and social service agencies of the name, if known, and address of the occupants of a residence where service has been disconnected and that a threat to health or life might exist at the disconnected premises. The utility shall immediately notify the same agencies if service is reconnected.

(5) **FINANCIAL ASSISTANCE INFORMATION.** Not less than 5 days prior to disconnection, a utility shall advise a household to contact the county

department of social services and other organizations that may provide financial or shelter assistance.

(6) **CUSTOMER AND OCCUPANT SERVICE INFORMATION.** Prior to disconnection, a utility shall inform the household of the availability of deferred payment agreements, budget billing, fuel assistance, and, in the case of an occupant who is not the utility customer, the option of accepting responsibility for future bills.

(7) **COLD WEATHER DISCONNECTION PROHIBITED.** A utility may not disconnect service to an occupied residence unless there are reasonable grounds to believe that the disconnection will not, under the circumstances, endanger human health or life during the period of disconnection.

(8) **NO DISCONNECTION ON CERTAIN DAYS.** A utility may not disconnect service to an occupied residence on a Friday, Saturday, Sunday, holiday or on a day when utility personnel are not readily available to the customer and occupant 24 hours per day to negotiate restoration of service.

(9) **THIRD PARTY CONTACTS.** If the customer or an individual in a household has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnection of service.

(10) **MANAGEMENT-LEVEL EMPLOYEE.** Service may not be disconnected without the prior written approval of an appropriate management-level utility employee.

(11) **FOLLOW-UP VISIT.** (a) By the end of the work day following the day of disconnection, the utility shall make an in-person visit to the occupied dwelling to check on the household's well-being and to ensure there is no danger to human health or life. The utility shall again inform the household of the availability of deferred payment or budget billing agreements, the availability of fuel assistance, the existence of social service agencies that may provide financial or shelter assistance, and, in the case of an occupant who is not the utility customer, the option of accepting responsibility for payment of future bills.

(b) The utility may request that the visit be made by a representative of a city health department, local health and social service agency, local law enforcement agency, or similar authority but ultimate responsibility for the visit shall remain with the utility.

(c) The utility shall make a written record of the visit.

History: Emerg. cr. eff. 11-7-84; cr. Register, December, 1984, No. 348, eff. 1-1-85; am. Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.1324 Reconnection of service. (1) Prior to October 15 of each year, or at a date designated by the commission, a utility shall attempt by letter, telephone, or personal visit to contact all residential households at premises to which service remains disconnected for nonpayment and inform them of available payment options such as budget billing, or deferred payment agreement. If a letter or telephone call does not result in a response from an adult member of the household, a personal visit shall be made. A record shall be kept of all contacts and attempts.

(2) On October 25 of each year, or at a date designated by the commission, a utility shall inform local law enforcement and county social ser-

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vice agencies of the name and address of each occupied dwelling where service remains disconnected. Upon request of the county department of social services, a utility shall also notify other designated agencies.

(3) On dates designated by the commission, a utility shall file periodic reports to the commission listing the number of occupied dwellings where service remains disconnected.

(4) A utility shall cooperate with law enforcement and social service agencies in negotiating restoration of service. Local law enforcement and social service agencies may use the commission's dispute resolution process on behalf of a household without service because of nonpayment.

History: Emerg. cr. eff. 11-7-84; cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (1), (2) and (4), Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.133 Deferred payment agreement. The utility is required to offer deferred payment agreements only to residential accounts.

(1) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(2) For purposes of determining reasonableness under these rules the parties shall consider the:

- (a) Size of the delinquent account.
- (b) Customer's ability to pay.
- (c) Customer's payment history.
- (d) Time that the debt has been outstanding.
- (e) Reasons why debt has been outstanding.
- (f) Any other relevant factors concerning the circumstances of the customer.

(3) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 typesizes larger than any other used thereon, that "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU HAVE THE RIGHT TO MAKE A COUNTER OFFER AND, IF IT IS REJECTED, YOU HAVE THE RIGHT TO APPEAL THIS PROPOSED AGREEMENT TO THE PUBLIC SERVICE COMMISSION OF WISCONSIN, DURING WHICH TIME THE UTILITY MAY NOT DISCONNECT YOUR SERVICE. THIS DOES NOT RELIEVE YOU FROM THE OBLIGATION TO PAY BILLS THAT ARE INCURRED AFTER COMMENCEMENT OF DISPUTE PROCEDURES. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."

(4) A deferred payment agreement shall not include a finance charge.
Register, December, 1987, No. 384

(5) If an applicant for utility service has not fulfilled terms of a deferred payment agreement, the utility shall have the right to disconnect pursuant to disconnection of service rules (PSC 113.132) and under such circumstances it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(6) Payments made by a customer in compliance with a deferred payment agreement shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

(7) If a deferred payment agreement cannot be reached, and if the customer's proposed deferred payment agreement is unacceptable to the utility, the utility shall inform the customer in writing why the customer's offer was not acceptable.

History: Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (3) and (6), cr. (7), Register, March, 1979, No. 279, eff. 4-1-79.

PSC 113.134 Dispute procedures. (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the utility shall:

(a) Investigate the dispute promptly and completely.

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

(c) Attempt to resolve the dispute.

(d) Provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.

(2) After the customer has pursued the available remedies with the utility, he may request that the public service commission staff informally review the disputed issue and recommend terms of settlement.

(a) A request for informal review may be made in any reasonable manner such as by written notice or telephoned request directed to the public service commission. By telephone or written notice the public service commission staff may request the utility to investigate the dispute.

(b) There must be at least 5 days between the date the commission staff telephones or mails written notice of terms of settlement after informal review, and any subsequent disconnection.

(3) Any party to the dispute after informal review may make a written request for a formal review by the commission. Such request must be made within 5 days of the date the commission staff telephones or mails written notice of terms of settlement after informal review. If written confirmation of the staff telephone notice is requested and mailed, the 5 day period begins from the date of that mailing.

(a) Within 10 days from the time such a request is made, the commission shall decide on the basis of the information it has received from the staff whether to hold hearing on the matter and shall inform both parties of its decision.

(b) If the commission decides to conduct formal hearing on the dispute, the customer shall be required to pay 50% of the bill or deposit in dispute to the utility or post bond for that amount on or before date of

hearing. Such payment or bond may be waived by the commission for good cause shown. Failure to pay the specified amount before hearing will constitute waiver by the customer.

(c) Such a hearing shall conform to the procedures described in ss. 196.26 to 196.34, Stats.

(d) Any such hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(4) Utility service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. In no way does this relieve the customer from obligation of paying charges which are not in dispute.

History: Emerg. cr. eff. 1-21-75; cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (1), (3)(b) and (4), Register, December, 1975, No. 240, eff. 1-1-76; am. (1), Register, March, 1979, No. 279, eff. 4-1-79; emerg. am. (2) (a) and (b) and (3), eff. 12-17-81; am. (2) (a) and (b) and (3), Register, July, 1982, No. 319, eff. 8-1-82.

PSC 113.14 Limiting connected load. If the utility maintains a rate based on connected load, provision shall be made in its rules whereby the customer may arrange his load or wiring in such manner as is reasonably acceptable to the utility, whether by the use of double-throw switches or such other devices as may be approved by the utility, so that only a portion of the load may be served at one time and whereby, in such cases, the connected load to be used for the computation of charges shall be the largest load which can be served at any one time.

PART III

Charges and Billing

PSC 113.15 Meter readings and billing periods. Readings of all meters used for determining charges to customers shall be scheduled monthly, bimonthly, quarterly, or semiannually. An effort shall be made to read meters on corresponding days of each meter-reading period. The meter-reading date may be advanced or postponed not more than 5 days without adjustment of the billing for the period. Bills for service shall be rendered within 40 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings on a form supplied by the utility, provided a utility representative reads the meter at least once each 6 months and when there is a change of customer. The utility shall make reasonable efforts to read the meters of customers who cannot be available during normal business hours.

History: 1-2-56; am. Register, September, 1982, No. 321, eff. 10-1-82.

PSC 113.16 Billing. (1) (a) Each bill, including the customer's receipt, provided by the following investor-owned utilities:

Lake Superior District Power Company

Madison Gas and Electric Company

Northern States Power Company

Superior Water, Light and Power Company

Wisconsin Electric Power Company

Wisconsin Power and Light Company

Wisconsin Public Service Corporation

shall show for each meter the following information:

1. The customer name, billing address and service address (if different from the billing address).
2. For residential customers in multi-unit buildings, current meter identification information or number and account number.
3. The present and last preceding meter readings.
4. The present and last preceding meter reading dates.
5. The next scheduled meter reading date.
6. The number of days in the billing period.
7. The number of units consumed.
8. The class of service with clear explanation of codes and abbreviations.
9. The rate schedule under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, energy blocks, demand charges, minimum bills, and all other billing factors necessary for the customer to check the calculation of the bill.
10. Clear itemized adjustment clause bill calculation.
11. Amount subject to tax, tax rate, and tax billed.
12. Clear itemization of the amount of the bill for the present billing period, any unpaid balance from previous billing periods and any late payment charges.
13. Clear itemization of other utility charges and credits.
14. A statement will be printed on each bill indicating to the customer that the utility will, upon customer request, provide the information and assistance necessary for the customer to evaluate fuel consumption and conservation. Upon receiving such request, the utility shall provide consumption and degree day information by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons and evaluate his or her conservation efforts. In order to assist customers in their conservation monitoring, the utility will provide degree day information with each monthly bill.
15. Bills rendered without an actual meter reading shall be specifically marked as estimated.
16. Each utility subject to the rules in par. (a) will file a plan for implementation as soon as possible and not later than 60 days from date of publication. The plans shall include a list of uniform bill codes developed by the utilities, to be approved by the commission.
 - (b) Each bill including the customer's receipt rendered by electric utilities not included in par. (a), shall show the present and last preceding meter readings, the date of the present reading, the number of units con-

sumed, the class of service if other than residential, and the rate schedule under which the bill is calculated. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective and at least twice a year, supply each customer with the schedule of rates at which the bills are calculated and any other rates that might be applicable. Bills rendered at rates requiring the measurement of a number of different factors shall show all data necessary for the customer to check the calculation of a bill. All monthly adjustment clause factors necessary for a customer to check the calculation of the bill shall be included on the monthly bill. Minimum and estimated bills shall be distinctly marked as such. Estimated bills are bills rendered without actual meter readings.

(c) Merchandise and service repair work charges shall not be included on utility service bills.

(d) The utility may include on the utility service bill charges to the customer resulting from other services, materials, or work provided by the utility as a result of commission-approved conservation and alternative energy programs. The charges shall be listed individually on the bill and the customer shall be permitted to include such payment in his or her payment for electric utility service. Any partial payments will be applied first to the amount due for utility service and the remainder to the other charges.

(e) The commission may authorize the utility to make late payment charges to a customer's utility service bill that is not paid in full within 20 days following issuance of the bill. The late payment charge may be either a one-time charge as provided in par. (f) or a monthly charge as provided in par. (g). The utility shall receive approval from the commission of the method it desires to use and shall not change methods without commission approval.

(f) If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:

1. The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied.
2. Late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill.
3. The amount of the late payment charge shall be 3% of the bill, except a minimum charge of 30¢ shall apply.
4. Late payment charges shall be applied to all customer classes and rate classifications.
5. The utility shall not waive any properly applied late payment charges.
6. A late payment charge shall be applied only once to any given amount outstanding.

(g) If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements.

1. The amount of the charge shall be no more than 1-½% per month and shall be filed with and approved by the commission before it can be applied.

2. The late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late payment charges.

3. The late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill.

4. The late payment charge shall be applied to all customer classes and rate classifications.

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

6. The utility may not waive any properly applied late payment charge.

7. No additional late payment charge may be applied to a delinquent account for utility service after the date on which the delinquent account was written off by the utility as uncollectable.

8. If a utility changes the type of late payment charge or initiates a late payment charge, the new charge shall apply only to utility service provided after the effective date of the change or initiation.

(2) (a) If the billing period is longer or shorter than allowed in s. PSC 113.15, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) If the utility cannot read the meter at the end of each billing period, or if the customer requests it, the utility shall leave meter-reading forms at the premises for completion by the customer. If no form is left or the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered. In cases of emergency, the utility may render minimum or estimated (average) bills without reading meters or supplying meter-reading forms to customers. Only in unusual cases or when approval is obtained from the customer shall more than 3 consecutive estimated bills be rendered.

(c) If meter reading is not scheduled on a monthly basis, the utility shall supply customers with meter-reading forms for the periods when the meter is not scheduled to be read by the utility. Customers shall not be required to provide these meter readings. If the customer informs the utility he or she does not desire to supply a reading or if the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered.

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

(3) (a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) The original billing rendered because of meter inaccuracy, or errors in billing, shall be separated from the regular bill and the charges explained in detail.

(4) Each bill for service shall be computed at the proper filed rate and the rate used shall be the cheapest applicable rate based on 12 months' use of service. If the customer's use is such that it is difficult to be certain what rate should be applied until there has been 12 months' use, the billing shall be adjusted on the first bill following the end of the 12 month use period.

(a) This rule does not prohibit contracts having terms longer than 1 year but does require that the rates paid under such contracts be the utility's lowest applicable rates on file with the commission.

(b) This rule applies to service as it is being supplied. If the customer could reduce his or her bills by installing equipment, combining or separating services, he or she should be notified as required by s. PSC 113.16 (4)(d), but no change in rates shall be made until the customer makes the necessary changes.

(c) Where a customer is eligible to take service under more than one rate schedule, the utility shall inform the customer how to select the rate that results in the lowest cost of service, based on 12 months' service and on the information at hand.

(d) The customer shall be informed of the selection of a rate every 12 months, whenever there is a change in rates that would affect the customer, and at any other time the customer so requests. The customer shall be notified if any combination of service, change in voltage of delivery, or the installation of any equipment will result in a lower cost of service.

(5) Each utility shall offer a budget payment plan to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living, subject to the following minimum requirements.

(a) A budget payment plan tariff shall be on file with the public service commission, applicable only to charges for utility services under PSC jurisdiction.

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

(c) An applicant for a budget plan shall be informed at the time of application and an existing budget plan customer on at least a quarterly basis, that budget amounts shall be reviewed and changed every 6 months if necessary, in order to reflect current circumstances. Adjustments to the budget amount shall be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one month's budget amount.

(d) Customers on the budget payment plan shall be notified of adjustments by means of a bill insert, a message printed on the bill itself, or both. When an adjustment is made to a budget payment amount, the customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears, according to the provisions of s. PSC 113.133.

(f) Budget payment plans shall be subject to the late payment charge provisions of sub. (1) (f) and (g). In addition, if a budget payment is not paid the customer shall be appropriately notified with the next billing. If proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.

(g) At the end of a budget year, if an underbilled or overbilled balance exists in the account, the balance shall be handled as follows:

1. A customer's debit balance will be paid in full or, at the customer's option, on a deferred basis.

2. A customer's credit balance will be applied against the customer's account or, at the customer's option, a refund shall be made.

History: 1-2-56; r. and recr. (1), Register, August, 1976, No. 248, eff. 9-1-76; am. Register, March, 1979, No. 279, eff. 4-1-79; am. (1), Register, October, 1980, No. 298, eff. 11-1-80; am. (5), Register, November, 1980, No. 299, eff. 12-1-80; renum. (1) (d) to be (1) (f) and am. (intro.), cr. (10) (d), (e) and (g) and am. (5) (f), Register, September, 1981, No. 309, eff. 10-1-81.

PSC 113.17 Adjustment of bills for metering inaccuracies. (1) Whenever a meter creeps or whenever a varhour meter or watthour meter installation, with or without pulsing devices and recording equipment, is found upon test to have an average error of more than 2% from 100%, or a demand metering installation more than 1.5% plus the errors allowed in s. PSC 113.41 from 100%, a recalculation of bills for service shall be made for the period of inaccuracy. The recalculation shall be made on the basis that the service meter should be 100% accurate with respect to the working test standard.

Note: (See PSC 113.435 Determination of average meter error.)

(2)(a) If the period of inaccuracy cannot be determined, it shall be assumed that the metering equipment has become inaccurate at a uniform rate since it was installed or last tested except as otherwise provided in (b) and (c).

(b) Recalculation of bills shall be on the basis of actual bills except that if the monthly consumption has been reasonably uniform, averaged less than 500 kW hrs. per month and involves no billings other than for kW hrs., the recalculation of bills may be based on the average monthly consumption and the inaccuracy may be assumed to have existed for a period equal to one-half the time elapsed since the meter was installed or since the last previous test, whichever is later, up to a limit of 10 years.

(c) The error in registration due to "creep" shall be calculated by timing the rate of "creeping" and assuming that this creeping affected the registration of the meter for 25% of the time since the last test or since the meter was installed.

(d) When the average error cannot be determined by test because of failure of part or all of the metering equipment, it shall be permissible to use the registration of check-metering installations, if any, or to estimate the quantity of energy consumed based on available data.

(3) If the recalculated bills indicate that more than \$1 is due an existing customer or \$2 is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility shall upon demand made within 3 months thereafter refund the amount due.

(4) If the recalculated bills indicate that more than \$10 is due the utility, the utility may bill the customer for the amount due. For all customers, the period of backbilling may not exceed 24 months unless there is evidence of fraud or deception.

Note: Section 196.635, Stats., reads as follows:

196.635 Unbilled utility service. All service supplied by a public utility must be billed within 2 years of such service. No customer shall be liable for unbilled service 2 years after the date of the service unless:

(1) The utility made a reasonable effort to measure the service, but the customer did not allow the utility access to any device, including but not limited to a meter, necessary to measure service.

(2) The customer obtained the service by fraud or deception, including but not limited to theft or tampering with any device, including but not limited to a meter, necessary to measure service.

(5) A classified record shall be kept of the number and amount of refunds and charges made because of inaccurate meters, stopped or broken meters, faulty or incorrect metering installations, failure to apply appropriate multipliers or application of incorrect multipliers, misapplication of rates, fraud or theft of service, and other erroneous billing. A report from this record for the calendar year (or an annual period compatible with the meter accuracy summary report required by s. PSC 113.23 (3).) shall be submitted to the commission by April 1 of the following year. The report shall show the number and amount of refunds or charges under each of the categories listed above.

History: 1-2-56; am. (5), Register, October, 1965, No. 118, eff. 11-1-65; am. Register, February, 1978, No. 266, eff. 3-1-78; am. (2) (b), (4) and (5), Register, December, 1987, No. 384, eff. 1-1-88.

PSC 113.18 Billings for grounds. Subject to the utility's rules setting forth the method of determining a reduced rate herein authorized, if an accidental ground is found on a customer's wiring or equipment, the utility may estimate the kilowatt-hours so lost and bill for them at a reduced rate not less than the generated or purchase cost of the energy, but no such adjustment shall be made for energy supplied after the customer has been notified and has had an opportunity to correct the condition. Any demand (kilowatt) caused by an accidental ground may be billed at a rate lower than that filed for the class of service involved. The utility shall notify the customer of the ground whenever it is found or suspected.