

## Chapter PSC 133

### CONSTRUCTION, INSTALLATION, AND PLACING IN OPERATION OF FACILITIES BY GAS UTILITIES

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**Note:** Chapter PSC 133 as it existed on February 28, 1959 was repealed and a new chapter PSC 133 was created effective March 1, 1959.

**PSC 133.01 General. (1)** Chapter PSC 133, constitutes a general order of the public service commission, authorized by ss. 227.11 and 196.49, Stats.

**(2)** Chapter PSC 133 is designed to effectuate and implement s. 196.49, Stats.

**(3)** The requirements of ch. PSC 133 shall be observed by all public utilities, both privately and publicly owned, engaged in the manufacture, mixing, purchasing, storage, transmission and/or distribution of gaseous fuel.

**(4)** The manner of enforcing the rules in ch. PSC 133 is prescribed in ss. 196.66 and 196.49 (6), Stats.

**(5)** In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, immediate corrective action may be taken by the utility, which action, however, shall be subject to review by the public service commission.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 501.

**PSC 133.02 Definitions. (1) GAS LINE.** Gas line means any conduit for the conveyance of gas.

**(2) MIXING UNIT.** Mixing unit means any apparatus designed to mix gas with air or other gas.

**(3) MUNICIPALITY.** Municipality means any town, village or city.

**(4) PLANT.** Plant as used in ch. PSC 133 means all property items includible in the utility plant accounts provided for in the uniform system of accounts prescribed by the public service commission for gas utilities.

**(5) PRINCIPAL GAS MANUFACTURING UNIT.** Principal gas manufacturing unit means any piece of equipment which is capable of generating or manufacturing gas with or without connection to other auxiliary apparatus.

**(6) PUBLIC UTILITY.** Public utility is defined in s. 196.01, Stats., and ch. PSC 133 applies to those supplying public utility gas service.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 133.03 When certificate of authority is required. (1)** Unless and until the public service commission shall have authorized the same, no public utility supplying gas for heat, light, or power shall construct, install, or place in operation:

(a) Any plant or gas line for furnishing service in a municipality in which the utility has not theretofore rendered service.

(b) Any plant or gas line for the purpose of enlarging facilities in any municipality wherein more than one utility is supplying gas; provided however, that this paragraph shall not apply where 2 or more utilities are supplying gas in a municipality where the territorial limits of the service area of each of such utilities are set by agreement on file with the public service commission and such facilities are to be enlarged only in the territory where the utility is so rendering service.

(c) Any production, mixing, standby, peak shaving or storage plant or principal gas manufacturing or mixing unit or any equipment designed to materially change the rated or nominal output characteristics thereof.

(d) Any gas line or plant installed to bring in a new or additional supply of gas from a new or existing supplier.

(e) Any gas line or plant installed to deliver gas for resale to another public gas utility, a gas pipeline company, or a cooperative association.

(f) Any new or altered existing facility or facilities for the purpose of bringing in a new type of gas or to supply a different type of gas to the public.

(g) Any building or addition thereto that contains heating and cooling equipment that maintains a winter temperature greater than 55°F or summer temperature lower than 78°F, the cost of which exceeds \$400,000 or 4% of the utility's gross gas operating revenues received during the previous calendar year, whichever is less. The primary purpose in reviewing these projects will be to optimize the energy efficiency of the proposed addition or structure.

(h) Any single gas line project (other than herein before included) the cost of which exceeds \$600,000 or 4% of the utility's gross gas operating revenue received during the previous calendar year, whichever is less, except for gas lines installed in accordance with filed extension rules and rates, or in compliance with public service commission orders.

(i) Any equipment, property, apparatus, building, facility, or addition thereto (other than hereinbefore included) the cost of which exceeds \$600,000 or 4% of the utility's gross gas operating revenue received during the previous calendar year, whichever is less.

(j) Any gas line or plant in a newly created municipality or newly annexed or consolidated area unless service facilities are already owned in the area and the exclusive right to serve a specified part or area has been established.

**(2)** Unless and until the public service commission shall have authorized the same, no public utility furnishing gas to the public:

(a) Shall substitute one kind for another kind of gas to be sold to the public.

(b) Shall substitute a mixed gas to be regularly sold to the public.

(c) Shall supply gas to a new service location in a newly created municipality or in a newly annexed or consolidated area unless the exclusive right to serve a specified part or area has been established.

(d) Shall change the heating value or specific gravity of the gas normally supplied to customers in excess of variation permitted in ch. PSC 134.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; renum. (1) (g) to (i) to be (h) to (j) and am. (1) (h) and (i), cr. (1) (g), Register, December, 1984, No. 348, eff. 1-1-85.

**PSC 133.04 Information to be included in application.** Application for authorization shall set forth insofar as applicable:

- (1) Description or plan of project;
- (2) Estimated cost and proposed method of financing;
- (3) Purpose and necessity of project with supporting data;
- (4) Effect of the project on cost of operation and on quality and quantity of service;
- (5) Description and cost of any property being replaced;
- (6) Whether consistent with future overall projects;
- (7) Designation of public utilities, municipalities, and others principally affected by the project and a statement as to which, if any, have been notified thereof by the applicant;
- (8) List of authorizations required of other governmental authorities and a statement indicating whether or not authorizations have been obtained.
- (9) Other facts as are necessary to convey a full understanding of the project and the reasons therefor.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.

**PSC 133.05 Public service commission procedure.**

- (1) The application for a certificate of authorization, together with such additional information as may be required, shall be filed with the secretary of the public service commission.

(2) If the application neither proposes a change in the type of gas to be supplied to the public, nor proposes the construction, installation or the placing into operation of facilities which contemplate a change in the type of gas, the public service commission may after investigation issue a certificate without hearing or may hold a public hearing thereon and grant or deny the application, in whole or in part, subject to such conditions as public convenience and necessity may require. (s. 196.49 (3) (b), Stats.)

(3) If the application proposes a change in the type of gas or proposes the construction, installation, or the placing in operation of facilities which contemplate a change in the type of gas, the public service commission shall set the matter for hearing, upon notice being given as provided in s. 196.49 (5), Stats., and grant or deny the application in whole or in part, subject to such condition as the general public interest and public convenience may require.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59; **correction in (2) made under s. 13.93 (2m) (b) 7., Stats.**

**PSC 133.06 Abandonment.** Compliance with s. PSC 2.71 is required.

**History:** Cr. Register, February, 1959, No. 38, eff. 3-1-59.