

Chapter PSC 7

ASSESSMENT FOR ACID DEPOSITION RESEARCH AND MONITORING ACTIVITIES

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Note: Chapter PSC 7 was created as an emergency rule effective June 9, 1986. Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1997, No. 499, eff. 10-1-97.

PSC 7.01 Scope. The purpose of this chapter is to implement s. 196.856, Stats., authorizing the commission to assess against the major utilities the expenses attributable to acid deposition studies and evaluation and monitoring activities which are conducted by the public service commission, the department of natural resources and the department of administration under s. 16.02, Stats., and ch. 285, Stats.

Note: 1997 Wis. Act 27 repealed s. 196.856, Stats.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.

PSC 7.02 Definitions. (1) "Agency" means the public service commission, the department of natural resources and the department of administration; it also means all 3 agencies.

(2) "Assessments" means charges made by the public service commission to the major utilities for the expenditures set forth in ss. PSC 7.03 and 7.05.

(3) "Major utility" has the meaning set forth in s. 285.41 (1) (f), Stats.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.

PSC 7.03 Occasion for assessment of expenditures. (1) FISCAL YEAR 1986-87. The commission shall assess anticipated agency expenditures for acid deposition studies, evaluation and monitoring activities during fiscal year 1986-87 in an amount not to exceed \$400,000. Assessments shall be made against the major utilities as these expenditures are authorized by the legislature.

(2) FISCAL YEARS SUBSEQUENT TO FISCAL YEAR 1986-87. For fiscal years subsequent to the 1986-87 fiscal year, the commission shall, on an annual basis, or more frequently if necessary, assess against the major utilities such amounts as the legislature appropriates for acid deposition studies and for acid deposition evaluation and monitoring activities for each fiscal year.

(3) ADVANCE ASSESSMENTS. The commission may make assessments in advance of agency expenditures for acid deposition studies, evaluation and monitoring.

(4) SUPPLEMENTAL APPROPRIATION. If a supplemental appropriation is made pursuant to s. 13.101 or 16.515, Stats., the commission shall assess the major utilities the amount of the supplemental appropriation within a reasonable time after that appropriation is made, and may assess the amount in advance of expenditure.

(5) ASSESSABLE EXPENDITURES. Assessable agency expenditures include all activities reasonably related to acid deposition studies, including the nitrogen oxide study under s. 285.47 (3), Stats., and to acid deposition evaluation and monitoring activities.

Note: There is no s. 285.47 (3), Stats. 1995 Wis. Act 227 renumbered s. 144.389, Stats., to s. 285.47, Stats. Prior to the renumbering, s. 144.389 (3), Stats., was repealed by 1995 Wis. Act 27.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.

PSC 7.04 Entities subject to assessment. Assessments for acid deposition activities shall be made against the major utilities.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.

PSC 7.05 Assessments, types of expenses. (1) The types of expenditures attributable to the performance of the acid deposition activities of the department of natural resources, the public service commission and the department of administration shall include, but not be limited to:

- (a) Salary, including fringe benefits.
- (b) Travel expenses.
- (c) The cost of consultants.
- (d) Supplies and services.
- (e) The costs of contracting out portions of studies.
- (f) The cost of all equipment necessary to perform acid deposition studies, monitoring and evaluation.
- (g) Laboratory analysis expenses.

(2) Each agency shall maintain its own records, pursuant to standard state practices, which document these expenditures.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.

PSC 7.06 Apportionment among utilities. (1) The assessment for acid deposition activities shall be apportioned among major utilities.

(2) The commission shall charge each major utility its share of the assessment in proportion to that utility's fraction of the total amount of annual sulfur dioxide emissions from major utilities in this state.

(3) The data used to determine the apportionment for each year shall be a report of actual sulfur dioxide emissions which the major utilities shall submit to the public service commission by April 1 of the year following the data base year. This report shall list each utility's calendar year emissions, including its share of emissions from jointly held units. To the extent this information is provided to the department of natural resources under s. 144.385 (3), Stats., this provision may be fulfilled by providing the public service commission with a copy of the report.

Note: 1995 Wis. Act 227 repealed s. 144.385, Stats.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87; r. and recr. Register, June, 1988, No. 390, eff. 7-1-88.

PSC 7.07 Billing. (1) The commission shall, upon completion of the apportionment prescribed by s. PSC 7.06, and pursuant to s. PSC 7.03, mail an apportioned bill to each major utility. The major utility shall, within 30 days after the mailing of the bill for the assessment, pay to the commission the amount for which it is billed.

(2) Within 30 days after the date of the mailing of any assessment bill, the major utility that has been billed may file with the commission objections setting out in detail the grounds upon which the objector regards the bill to be excessive, erroneous, unlawful or invalid. The procedure set forth in s. 196.85 (4), Stats., shall be followed by the objector and the commission. If the commission overrules or disallows the objections, the bill must be paid within 10 days after notice of such overruling or disallowance.

History: Cr. Register, March, 1987, No. 375, eff. 4-1-87.