



**ASSEMBLY AMENDMENT 10,  
TO 1999 ASSEMBLY BILL 389**

June 23, 1999 – Offered by Representatives SERATTI and FREESE.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 3, line 1: after “cooperatives,” insert “separation between certain  
3           public utilities and affiliated interests, nonutility activities by public utilities and  
4           public utility affiliates, subsidies between utility and nonutility affiliates,”.

5           **2.** Page 27, line 5: after that line insert:

6           “**SECTION 21m.** 196.035 of the statutes is created to read:

7           **196.035 Nonutility activities and services; relationship with affiliated**  
8           **interests. (1) DEFINITIONS.** In this section:

9           (a) “Affiliated interest” means a person that is engaged in the performance of  
10          plumbing, electrical, heating, ventilating, air conditioning or sheet metalworking  
11          contracting services or in an activity related to the sale, lease or service of appliances  
12          in this state and that, with respect to a public utility or out-of-state utility, is any  
13          of the following:

1           1. A person owning or holding directly or indirectly 5% or more of the voting  
2 securities of the public utility or out-of-state utility.

3           2. A person in any chain of successive ownership of 5% or more of voting  
4 securities of the public utility or out-of-state utility.

5           3. A corporation 5% or more of whose voting securities is owned by any person  
6 owning 5% or more of the voting securities of the public utility or out-of-state utility  
7 or by any person in any chain of successive ownership of 5% or more of voting  
8 securities of the public utility or out-of-state utility.

9           4. A corporation operating the public utility or out-of-state utility or a  
10 servicing organization for furnishing supervisory, construction, engineering,  
11 accounting, legal and similar services to the public utility or out-of-state utility, has  
12 one or more officers or one or more directors in common with the public utility or  
13 out-of-state utility, and any other corporation that has directors in common with the  
14 public utility or out-of-state utility if the number of such directors of the corporation  
15 is more than one-third of the total number of the public utility's or out-of-state  
16 utility's directors.

17           5. A person that the commission determines as a matter of fact after  
18 investigation and hearing to be actually exercising any substantial influence over  
19 the policies and actions of the public utility or out-of-state utility even if the  
20 influence is not based upon stockholding, stockholders, directors or officers as  
21 specified under subds 1. to 4.

22           6. A person that the commission determines as a matter of fact after  
23 investigation and hearing to be actually exercising substantial influence over the  
24 policies and actions of the public utility or out-of-state utility in conjunction with  
25 one or more other persons that are related by ownership or blood relationship or by

1 action in concert and that together are affiliated with the public utility or  
2 out-of-state utility, even though no one of them alone is so affiliated under subds.  
3 1. to 5.

4 7. A person 5% or more of the securities of which are directly or indirectly owned  
5 by the public utility or out-of-state utility.

6 (b) “Appliance” has the meaning given in s. 196.795 (1) (b).

7 (bg) “Cooperative association” means a cooperative association organized  
8 under ch. 185 for the purpose of producing, transmitting, delivering or furnishing  
9 heat, light, power, natural gas or water to its members only.

10 (bh) “Holding company system” has the meaning given in s. 196.795 (1) (i).

11 (bL) “Municipal electric company” has the meaning given in s. 66.073 (3) (d).

12 (bm) “Municipality” means a city, village or town.

13 (bp) “Nonutility affiliate” has the meaning given in s. 196.795 (1) (j).

14 (br) 1. “Out-of-state utility” means a person that is not a public utility and that  
15 is any of the following:

16 a. A person that is engaged in the production, transmission, delivery or  
17 furnishing of heat, light, power or natural gas either directly or indirectly to or for  
18 the use of the public in another state.

19 b. A lessee, trustee or court-appointed receiver of a person specified in subd.  
20 1. a.

21 c. A person that, in any chain of successive ownership, directly or indirectly as  
22 a beneficial owner, owns, controls or holds 5% or more of the outstanding voting  
23 securities or other voting interest of a person specified in subd. 1. a., with the  
24 unconditional power to vote the securities or interest.

1           2. “Out-of-state utility” does not include a person specified in subd. 1. a. that  
2 is, or is owned or wholly operated by, a municipal electric company, municipality or  
3 cooperative association.

4           (c) 1. “Public utility” means any of the following:

5           a. A person that is engaged in the production, transmission, delivery or  
6 furnishing of heat, light, power or natural gas either directly or indirectly to or for  
7 the use of the public in this state.

8           b. A lessee, trustee or court-appointed receiver of a person specified in subd.  
9 1. a.

10          2. “Public utility” does not include a person specified in subd. 1. a. that is, or  
11 is owned or wholly operated by, a municipal electric company, municipality or  
12 cooperative association.

13          (d) “Public utility affiliate” has the meaning given in s. 196.795 (1) (L).

14          **(2)** IN GENERAL. Except as provided in subs. (2g), (2m), (3) and (5):

15          (a) A public utility may not engage in an activity related to the sale, leasing or  
16 service of appliances.

17          (b) A public utility may not engage in the performance of a plumbing, electrical,  
18 heating, ventilating, air conditioning or sheet metalworking contracting service  
19 unless the service is performed in or on exempt real property, as defined in s. 196.795  
20 (1) (fm).

21          **(2g)** CONTRACTING SERVICES. (a) Except as provided in par. (b), a public utility  
22 may perform plumbing, electrical, heating, ventilating, air conditioning or sheet  
23 metalworking contracting services in a calendar year if the number of hours in which  
24 the services are performed in the calendar year does not exceed the number of hours  
25 in which the public utility performed such services in calendar year 1997, 1998 or

1999. For purposes of this paragraph, “contracting services” include employee travel time, on-premises services, truck stocking, cost estimating and repeat calls to customers. A public utility that performs contracting services under this paragraph shall report to the commission the number of hours in which the public utility performed such services in calendar years 1997, 1998 and 1999.

(b) A public utility may perform contracting services specified in par. (a) in a calendar year in excess of the number of hours specified in par. (a) by an amount that reflects the percentage increase in the number of customers served by the public utility in the calendar year.

**(2m)** STREET LIGHTING. A public utility may provide, operate or maintain lighting systems on public streets on behalf of a municipality.

**(3)** EMERGENCY SERVICES. A public utility shall respond to emergency service requests related to gas odor or pressure, carbon monoxide, fire or other circumstances that reasonably appear to the public utility to endanger property or human health or life and may engage in emergency appliance service work in response to such requests.

**(5)** CONTRACTS OR ARRANGEMENTS WITH AFFILIATED INTERESTS. Except as provided in sub. (6), a public utility may provide services to an affiliated interest pursuant to a contract or arrangement approved under s. 196.52.

**(5m)** VOTING SECURITIES. A public utility may acquire the voting securities or other voting interest of an affiliated interest only in exchange for cash.

**(6)** SEPARATION BETWEEN PUBLIC UTILITIES AND AFFILIATED INTERESTS. (a) *In general.* 1. A public utility may not do any of the following:

a. Except as provided in subd. 4. a., share with or lease, sell or transfer to an affiliated interest any building, office space, equipment or research.

1           am. Share with or lease, sell or transfer to an affiliated interest any service or  
2           system related to appliances or any plumbing, electrical, heating, ventilating, air  
3           conditioning or sheet metalworking contracting service or system.

4           b. Allow an affiliated interest access to the public utility's computer or other  
5           information systems.

6           c. Share or subsidize the costs of an affiliated interest's research and  
7           development activities.

8           d. Jointly purchase with an affiliated interest any goods or services.

9           e. Jointly use with an affiliated interest any system for support or corporate  
10          oversight or governance.

11          1m. An affiliated interest may not do any of the following:

12          a. Except as provided in subd. 4. b., share with or lease, sell or transfer to a  
13          public utility or out-of-state utility any building, office space, equipment or research  
14          in this state.

15          am. Share with or lease, sell or transfer to a public utility or out-of-state utility  
16          any service or system in this state related to appliances or plumbing, electrical,  
17          heating, ventilating, air conditioning or sheet metalworking contracting service or  
18          system in this state.

19          b. Allow a public utility or out-of-state utility access to the affiliated interest's  
20          computer or other information systems in this state.

21          c. Share or subsidize the costs of the research and development activities in this  
22          state of a public utility or out-of-state utility.

23          d. Jointly purchase with a public utility or out-of-state utility any goods or  
24          services for use in this state.

1 e. Jointly use in this state with a public utility or out-of-state utility any  
2 system for support or corporate oversight or governance.

3 3. An affiliated interest and a public utility or out-of-state utility shall  
4 maintain separate books and records.

5 4. a. A public utility may sell real property to an affiliated interest only by a  
6 public sale or by offering the real property to the highest qualified bidder.

7 b. An affiliated interest may sell real property in this state to a public utility  
8 or out-of-state utility only by a public sale or by offering the real property to the  
9 highest qualified bidder.

10 (b) *Restrictions on employees.* 1. A public utility may not do any of the following:

11 a. Lease any of its employees to an affiliated interest.

12 b. Employ the employees or officers of an affiliated interest.

13 c. Except as provided in par. (bg) 1., employ a person who was formerly  
14 employed by an affiliated interest during the 6-month period immediately prior to  
15 the person's employment by the public utility if the person was not employed by the  
16 affiliated interest for the entire 6-month period.

17 1m. An affiliated interest may not do any of the following:

18 a. Lease any of its employees in this state to a public utility or out-of-state  
19 utility.

20 b. Employ in this state the employees, board members or officers of a public  
21 utility or out-of-state utility.

22 c. Except as provided in par. (bg) 2., employ a person in this state who was  
23 formerly employed by a public utility or out-of-state utility with which the affiliated  
24 interest is affiliated during the 6-month period immediately prior to the person's

1 employment by the affiliated interest if the person was not employed by the public  
2 utility or out-of-state utility for the entire 6-month period.

3 3. A public utility shall provide an annual report to the commission that  
4 describes its employment of persons formerly employed by an affiliated interest of  
5 the public utility.

6 (bg) *Employment exception.* 1. A public utility may employ a person who was  
7 formerly employed by an affiliated interest if the person's primary occupation during  
8 his or her former employment was the performance of plumbing, electrical, heating,  
9 ventilating, air conditioning or sheet metalworking contracting services for the  
10 affiliated interest's customers on no more than 10 separate occasions during a  
11 calendar year.

12 2. An affiliated interest may employ a person who was formerly employed by  
13 a public utility or out-of-state utility with which the affiliated interest is affiliated  
14 if the person's primary occupation during his or her former employment was the  
15 performance of plumbing, electrical, heating, ventilating, air conditioning or sheet  
16 metalworking contracting services for the public utility's or out-of-state utility's  
17 customers on no more than 10 separate occasions during a calendar year.

18 (bm) *Exception for director, chief executive officer and certain personnel.*  
19 Notwithstanding par. (b), a public utility may share a member of a board of directors,  
20 a chief executive officer or any personnel engaged solely in legal, accounting or  
21 payroll services with an affiliated interest.

22 (c) *Marketing activities.* 1. A public utility may not do any of the following:

23 a. Promote or advertise its affiliation with an affiliated interest.

24 b. Use the brand name, trademark or logo of an affiliated interest.



1           c. Use any type of marketing identification that resembles a type used by an  
2 affiliated interest.

3           d. Provide any information about its customers to an affiliated interest.

4           e. Participate with an affiliated interest in any marketing activity, including  
5 advertising, sales calls, proposals to existing or potential customers or trade shows,  
6 conferences or similar events.

7           1m. An affiliated interest may not do any of the following:

8           a. Use the corporate or trade name or a portion of the corporate or trade name  
9 of the public utility with which it is affiliated in the affiliated interest's corporate or  
10 trade name, except that an affiliated interest may indicate its affiliation, if any, with  
11 a holding company, as defined in s. 196.795 (1) (h).

12           b. Use in this state the brand name, trademark or logo of a public utility or  
13 out-of-state utility.

14           c. Use in this state any type of marketing identification that resembles a type  
15 used by a public utility or out-of-state utility.

16           d. Provide any information about its customers in this state to a public utility  
17 or out-of-state utility.

18           e. Participate with a public utility or out-of-state utility in any marketing  
19 activity in this state, including advertising, sales calls, proposals to existing or  
20 potential customers or trade shows, conferences or similar events.

21           2. A public utility may not provide an affiliated interest with advertising or  
22 promotional space on any form of communication, including a bill envelope, to a  
23 customer or potential customer of the public utility.

1           (d) *Nondiscrimination.* 1. A public utility may not treat its customers who are  
2 also customers of an affiliated interest any differently than the public utility treats  
3 its customers who are not also customers of an affiliated interest.

4           2. An affiliated interest may not treat its customers in this state who are also  
5 customers of a public utility or out-of-state utility with which the affiliated interest  
6 is affiliated any differently than the affiliated interest treats its customers who are  
7 not customers of the public utility or out-of-state utility.

8           (e) *Providing certain information to customers.* Except as directed by the  
9 commission, a public utility may not provide its customers with any information  
10 about persons who provide heating, ventilating, air conditioning, plumbing or  
11 electrical services or who sell, lease or repair appliances.

12           (f) *Applicability.* 1. In this paragraph, “plan approval date” means the date on  
13 which the commission approves or modifies a plan submitted by a public utility  
14 under subd. 2., except that if the commission fails to approve or modify a plan within  
15 the deadline specified under subd. 2., “plan approval date” means the first day of the  
16 6th month beginning after the date on which the plan is received by the commission.

17           2. No later than the first day of the 6th month beginning after the effective date  
18 of this subdivision .... [revisor inserts date], a public utility may submit a plan to the  
19 commission that describes the actions necessary for the public utility and its  
20 affiliated interests to comply with pars. (a) to (e). No later than the first day of the  
21 6th month beginning after the date on which a plan under this subdivision is received  
22 by the commission, the commission shall approve or modify the plan.

23           3. Paragraphs (a) to (e) first apply to a public utility on the first day of the 6th  
24 month beginning after the effective date of this subdivision .... [revisor inserts date],  
25 except that if a public utility submits a plan to the commission under subd. 2., pars.

(a) to (e) first apply to the public utility on the first day of the 6th month beginning after the plan approval date. Paragraphs (a) to (e) first apply to an affiliated interest of a public utility on the date on which pars. (a) to (e) first apply to the public utility.

**(7) PRIVATE CAUSE OF ACTION AND FORFEITURE.** A public utility or affiliated interest that violates this section is liable to any person injured by the violation for 3 times the amount of damages incurred as a result of the violation, together with costs and, notwithstanding s. 814.04 (1), reasonable attorney fees, and shall forfeit \$2,000 for each violation. Each day of violation is a separate violation.”.

**3.** Page 57, line 17: after that line insert:

“**SECTION 68b.** 196.52 (3) (a) of the statutes, as affected by 1999 Wisconsin Act .... (this act), is renumbered 196.52 (3) (a) (intro.) and amended to read:

196.52 **(3)** (a) (intro.) In this subsection, ~~“contract;~~

1. “Contract or arrangement” means a contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial, research, development or similar services and any contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than management, supervisory, construction, engineering, accounting, legal, financial or similar services, but “contract or arrangement” does not include a contract or arrangement under which a transmission utility, as defined in s. 196.485 (1) (i), sells or transfers securities, as defined in s. 196.485 (1) (fe), that have been issued by a transmission company, as defined in s. 196.485 (1) (ge).

(am) Except as provided under par. (b), unless and until the commission gives its written approval, any contract or arrangement is not valid or effective if the

1 contract or arrangement is made between a public utility and an affiliated interest  
2 after June 7, 1931. Every public utility shall file with the commission a verified copy  
3 of any contract or arrangement, a verified summary of any unwritten contract or  
4 arrangement, and any contract or arrangement, written or unwritten, which was in  
5 effect on June 7, 1931. The commission shall may approve a contract or arrangement  
6 made or entered into after June 7, 1931, only if it ~~shall clearly appear and be~~  
7 ~~established upon~~ all of the following conditions are met:

8 2. After investigation, the commission determines that it the contract or  
9 arrangement is reasonable and consistent with the public interest and does not  
10 result in a violation of s. 196.035 (6) or 196.795 (5) (f). The commission may not  
11 approve any contract or arrangement unless satisfactory proof is submitted to the  
12 commission of the cost to the affiliated interest of rendering the services or of  
13 furnishing the property or service to each public utility or of the cost to the public  
14 utility of rendering the services or of furnishing the property or service to each  
15 affiliated interest. No proof is satisfactory under this paragraph subdivision unless  
16 it includes the original (or verified copies) of the relevant cost records and other  
17 relevant accounts of the affiliated interest, or an abstract of the records and accounts  
18 or a summary taken from the records and accounts if the commission deems the  
19 abstract or summary adequate. The accounts shall be properly identified and duly  
20 authenticated. The commission, where reasonable, may approve or disapprove a  
21 contract or arrangement without submission of the cost records or accounts.

22 **SECTION 68d.** 196.52 (3) (a) 2. of the statutes is created to read:

23 196.52 (3) (a) 2. “Exempt real property” has the meaning given in s. 196.795  
24 (1) (fm).

25 **SECTION 68e.** 196.52 (3) (am) 1. of the statutes is created to read:

1           196.52 (3) (am) 1. If the contract or arrangement involves an activity related  
2           to the sale, lease or service of appliances, as defined in s. 196.795 (1) (b), or the  
3           performance of plumbing, electrical, heating, ventilating, air conditioning or sheet  
4           metalworking contracting services, the activity or service is performed in or on  
5           exempt real property.

6           **SECTION 68f.** 196.52 (3) (b) 1. of the statutes is amended to read:

7           196.52 (3) (b) 1. The Except for a contract or arrangement specified in par. (am)  
8           1. that involves an activity or service that is performed on exempt real property, the  
9           requirement for written approval under par. (a) shall (am) does not apply to any a  
10          contract or arrangement if the amount of consideration involved is not in excess of  
11          \$25,000 or 5% of the equity of the public utility, whichever is smaller. The  
12          requirement under par. (a) (am) also does not apply to a telecommunications utility  
13          contract or arrangement or to contracts or arrangements with joint local water  
14          authorities under s. 66.0735. Regularly recurring payments under a general or  
15          continuing arrangement which aggregate a greater annual amount may not be  
16          broken down into a series of transactions to come within the exemption under this  
17          paragraph. Any transaction exempted under this paragraph shall be valid or  
18          effective without commission approval under this section.

19          **SECTION 68h.** 196.52 (3) (c) 1. of the statutes is amended to read:

20          196.52 (3) (c) 1. May not waive the requirement of the submission of cost  
21          records or accounts under par. (a) (am);

22          **SECTION 68k.** 196.52 (3) (c) 2. of the statutes is amended to read:

23          196.52 (3) (c) 2. Shall review the accounts of the affiliated interest as they relate  
24          to the contract or arrangement prior to the commission approving or disapproving  
25          the contract or arrangement under par. (a) (am); and

1           **SECTION 68m.** 196.52 (3) (d) of the statutes is created to read:

2           196.52 (3) (d) On the effective date of this paragraph .... [revisor inserts date],  
3 each public utility and affiliated interest that, before the effective date of this  
4 paragraph .... [revisor inserts date], have entered into a contract or arrangement that  
5 involves an activity related to the sale, lease or service of appliances, or that involves  
6 the performance of plumbing, electrical, heating, ventilating, air conditioning or  
7 sheet metalworking contracting services, shall terminate the contract or  
8 arrangement if the activity or service is not performed in or on exempt real property.  
9 In this paragraph, “public utility” does not include a public utility that is, or is owned  
10 or wholly operated by, a municipal electric company, as defined in s. 66.073 (3) (d),  
11 or a city, village or town.

12           **SECTION 68o.** 196.52 (4) (a) of the statutes is amended to read:

13           196.52 (4) (a) In any proceeding, whether upon the commission’s own motion  
14 or upon application or complaint, involving the rates or practices of any public utility,  
15 the commission may exclude from the accounts of the public utility any payment or  
16 compensation to or from an affiliated interest for any services rendered or property  
17 or service furnished under an existing contract or arrangement with an affiliated  
18 interest under sub. (3) ~~(a) unless the public utility establishes the reasonableness of~~  
19 ~~the payment or compensation~~ (am).

20           **SECTION 68q.** 196.52 (6) of the statutes is amended to read:

21           196.52 (6) If the commission finds upon investigation that a public utility, other  
22 than a telecommunications utility, is giving effect to a contract or arrangement  
23 without the commission’s approval under this section, the commission shall issue a  
24 summary order directing that public utility to cease and desist from making any  
25 payments, receiving compensation, providing any service or otherwise giving any

1 effect to the contract or arrangement until the contract or arrangement receives the  
2 approval of the commission. The circuit court of Dane county may enforce the order  
3 to cease and desist by appropriate process, including the issuance of a preliminary  
4 injunction, upon the suit of the commission and may require a public utility to forfeit  
5 \$2,000 for each day that the public utility has given effect to a contract or  
6 arrangement without the commission's approval.

7 **SECTION 68s.** 196.52 (7m) of the statutes is created to read:

8 196.52 (7m) A public utility who violates sub. (3) (am) is liable to any person  
9 injured as a result of the violation for 3 times the amount of damages incurred as a  
10 result of the violation, together with costs and, notwithstanding s. 814.04 (1),  
11 reasonable attorney fees.

12 **SECTION 68u.** 196.59 of the statutes is amended to read:

13 **196.59 Merchandising by utilities.** Each public utility engaged in the  
14 production, transmission, delivery or furnishing of heat, light or power either  
15 directly or indirectly to or for the use of the public shall keep separate accounts to  
16 show any profit or loss resulting from the sale of ~~appliances or other~~ merchandise.  
17 The commission may not take the profit or loss into consideration in arriving at any  
18 rate to be charged for service by the public utility.

19 **SECTION 68w.** 196.795 (1) (b) of the statutes is amended to read:

20 196.795 (1) (b) “Appliance” means any equipment used directly for lighting,  
21 cooking, drying, water tempering, space heating, space cooling or space ventilation.  
22 “Appliance” does not include equipment or devices which monitor or control the  
23 primary energy supply or source for any equipment used directly for lighting,  
24 cooking, drying, water tempering, space heating, space cooling or space ventilation.

25 **SECTION 68y.** 196.795 (1) (fm) of the statutes is created to read:

1           196.795 (1) (fm) “Exempt real property” means real property that satisfies any  
2 of the following:

3           1. A public utility has an ownership or leasehold interest in the real property.

4           2. Except for real property that is an improvement, a public utility has an  
5 easement in the real property.

6           3. A public utility that is owned or operated wholly by a municipality or  
7 municipal electric company or a municipality or municipal electric company has an  
8 ownership or leasehold interest in the real property.

9           4. A cooperative association, as defined in s. 196.035 (1) (bg), has an ownership  
10 or leasehold interest in the real property.”.

11           **4.** Page 58, line 4: after that line insert:

12           “**SECTION 71g.** 196.795 (1) (ik) of the statutes is created to read:

13           196.795 (1) (ik) “Municipal electric company” has the meaning given in s.  
14 66.073 (3) (d).

15           **SECTION 71r.** 196.795 (1) (im) of the statutes is created to read:

16           196.795 (1) (im) “Municipality” means a city, village or town.”.

17           **5.** Page 59, line 10: after that line insert:

18           “**SECTION 80b.** 196.795 (5) (q) 1. of the statutes is repealed.

19           **SECTION 80e.** 196.795 (5) (q) 2. (intro.) of the statutes is renumbered 196.795  
20 (5) (q) and amended to read:

21           196.795 (5) (q) ~~Except as provided under subd. 3., no~~ No public utility affiliate  
22 or its subsidiary or a joint venture or partnership having a utility affiliate or its  
23 subsidiary as a member or partner may, in the service territory of the public utility  
24 affiliate, sell at retail, lease, install, maintain or service any appliance that uses as



1 its primary energy source energy supplied by that public utility affiliate ~~under rates~~  
2 ~~and tariffs approved by the commission, unless the appliance is located in facilities~~  
3 ~~owned or operated by that public utility affiliate or its subsidiary or unless the~~  
4 ~~appliance is sold, leased, installed, maintained or serviced:~~ located on exempt real  
5 property.

6 **SECTION 80h.** 196.795 (5) (q) 2. a. of the statutes is repealed.

7 **SECTION 80L.** 196.795 (5) (q) 2. b. of the statutes is repealed.

8 **SECTION 80o.** 196.795 (5) (q) 2. c. of the statutes is repealed.

9 **SECTION 80r.** 196.795 (5) (q) 3. of the statutes is repealed.

10 **SECTION 80u.** 196.795 (5) (q) 4. of the statutes is repealed.”.

11 **6.** Page 61, line 14: after that line insert:

12 “**SECTION 87m.** 196.795 (9m) of the statutes is amended to read:

13 196.795 **(9m)** (title) PRIVATE CAUSE OF ACTION AND FORFEITURE. Any company in  
14 a holding company system which does, causes or permits to be done any prohibited  
15 action under sub. (5) (c) to (dr), (f), (h), (k), (n), (q), (r) or (s), or fails to comply with  
16 any term, limitation or condition imposed under sub. (2) (e) or (f) consistent with sub.  
17 (5) (c) to (dr), (f), (h), (k), (n), (q), (r) or (s), is liable to any person injured thereby in  
18 treble for 3 times the amount of damages ~~sustained in consequence~~ incurred as a  
19 result of the prohibited action or failure to act, together with costs and,  
20 notwithstanding s. 814.04 (1), reasonable attorney fees, and shall forfeit \$2,000 for  
21 each violation or failure to comply. Each day of violation or failure to comply is a  
22 separate violation or failure to comply.”.

23 **7.** Page 67, line 7: after “(1)” insert “CERTIFICATE APPLICATIONS.”.

24 **8.** Page 67, line 10: before “The” insert “LICENSE FEE.”.

**9.** Page 67, line 16: after that line insert:

“(2e) CONTRACTS OR ARRANGEMENTS WITH AFFILIATES. The treatment of sections 196.52 (3) (am) 1. and 196.795 (1) (b) of the statutes, the renumbering and amendment of section 196.52 (3) (a) of the statutes and the creation of section 196.52 (3) (a) 2. of the statutes first apply to contracts or arrangements entered into, renewed, extended or modified on the effective date of this subsection.

(2m) SEPARATION BETWEEN PUBLIC UTILITIES AND AFFILIATED INTERESTS. The treatment of sections 196.035, 196.52 (3) (a) 2. and 196.795 (1) (b) of the statutes first applies to contracts for leases, sales or purchases or transactions that are entered into, renewed, extended or modified on the effective date of this subsection.

(2s) FORFEITURES AND ATTORNEY FEES.

(a) The treatment of section 196.795 (9m) of the statutes first applies to violations or failures to comply that occur on the effective date of this paragraph.

(b) The treatment of section 196.52 (6) and (7m) of the statutes first applies to contracts to which a public utility gives effect on, and violations that occur on, the effective date of this paragraph.

**SECTION 95m. Effective dates.** This act takes effect on the day after publication, except as follows:

(1m) The treatment of sections 196.035, 196.52 (3) (a) 2., (am) 1., (b) 1., (c) 1. and 2. and (d), (4) (a), (6) and (7m), 196.59 and 196.795 (1) (b), (fm), (ik) and (im), (5) (q) 1., 2. (intro.), a., b. and c., 3. and 4. and (9m) of the statutes and the renumbering and amendment of section 196.52 (3) (a) of the statutes take effect on the first day of the 12th month beginning after publication.”.

(END)