

1991 Senate Bill 123

Date of enactment: **December 4, 1991**
Date of publication*: **December 18, 1991**

1991 WISCONSIN ACT 94

AN ACT *to repeal* 196.495 (2) (a), (b), (d) and (e); *to renumber and amend* 196.495 (1), 196.495 (2) (intro.), 196.495 (2) (f) and 196.495 (2) (g); *to repeal and recreate* 196.495 (4) and 196.495 (5); and *to create* 196.495 (1) of the statutes, **relating to:** avoidance of duplicate electric facilities and electric service extensions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 196.495 (1) of the statutes is renumbered 196.495 (1m), and 196.495 (1m) (b), as renumbered, is amended to read:

196.495 (1m) (b) Make a primary voltage extension to serve the premises of any person not receiving electric service and to which service is available from the facilities of another public utility or another such cooperative association through a secondary voltage extension, unless the other public utility or cooperative association consents to the primary voltage extension of service in writing or unless the commission, after notice to the interested parties and hearing, determines that the service rendered or to be rendered by the other public utility or cooperative association is inadequate and is not likely to be made adequate, or that the rates charged for service are unreasonable and are not likely to be made reasonable.

SECTION 2. 196.495 (1) of the statutes is created to read:

196.495 (1) (a) In this section:

1. "Primary voltage extension" means an extension of 500 feet or more.

2. "Secondary voltage extension" means an extension that is less than 500 feet.

(b) The length of an extension shall be measured as the air line distance between an existing local service distribution line that normally operates at less than 35 kilovolts and the nearest point on the principal building or

facility to be served by a primary voltage extension or a secondary voltage extension.

SECTION 3. 196.495 (2) (intro.) of the statutes is renumbered 196.495 (2) and amended to read:

196.495 (2) If a public utility is rendering electric service under an indeterminate permit to a city or village, no cooperative association may extend any new electric service to the premises of any person inside the corporate limits, existing on January 1, 1961, of the city or village without the written consent of the public utility. Within any area annexed to a city or village after January 1, 1961, in which annexed area a cooperative association or public utility, other than the public utility serving the city or village under an indeterminate permit, ~~is rendering service~~ has electric distribution facilities at the time of the annexation, ~~sub. (1) applies, except that, to the cooperative association or other public utility may make service extensions a primary voltage extension or a secondary voltage extension in the annexed area, a cooperative association: subject to sub. (1m).~~

SECTION 4. 196.495 (2) (a), (b), (d) and (e) of the statutes are repealed.

SECTION 5. 196.495 (2) (f) of the statutes is renumbered 196.495 (6) and amended to read:

196.495 (6) ~~Shall~~ A cooperative association shall be subject to the authority of the commission to enforce the provisions of this ~~subsection~~ section and to issue rules and orders relating to the provisions.

SECTION 6. 196.495 (2) (g) of the statutes is renumbered 196.495 (7) and amended to read:

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196.495 (7) ~~Shall~~ A cooperative association shall be subject to the authority of the commission to allocate, assess and collect expenditures of the commission against ~~any~~ a cooperative association involved in ~~any proceedings~~ a proceeding under this section in the same manner as provided for public utilities under s. 196.85.

SECTION 8. 196.495 (4) of the statutes is repealed and recreated to read:

196.495 (4) To avoid duplication of facilities, a public utility and a cooperative association may enter into a written agreement governing the extension of electric distribution lines and the right to serve customers. The commission shall enforce an agreement if the agreement has been filed with the commission and approved by the commission as being in the public interest.

SECTION 9. 196.495 (5) of the statutes is repealed and recreated to read:

196.495 (5) If an interested party files a complaint with the commission that an electric public utility or a cooperative association has made a primary voltage extension that requires approval or consent under this section without obtaining approval or consent, the commission shall hear the complaint upon notice to the interested parties. If the commission determines that the primary voltage extension was made in violation of this section, it shall order the prompt removal of the primary voltage extension.

SECTION 10. Initial applicability. The treatment of section 196.495 (2) (intro.) of the statutes first applies to a primary voltage extension or a secondary voltage extension made on the effective date of this SECTION.