

State of Wisconsin



2021 Assembly Bill 300

Date of enactment: **November 5, 2021**

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2021 WISCONSIN ACT 85

AN ACT *to renumber* 196.49 (5r) (a); *to amend* 196.372 (3) (c) and 196.372 (3) (d); and *to create* 196.372 (3) (am) and 196.49 (5r) (c) of the statutes; **relating to:** deadlines for certain Public Service Commission actions after a water public utility application for certificate of authority or approval of lead service line financial assistance is filed.

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

SECTION 1. 196.372 (3) (am) of the statutes is created to read:

196.372 (3) (am) The commission shall determine whether the application under par. (a) is complete and, no later than 45 days after the application is submitted the first time and no later than 30 days after the application is refiled a 2nd or subsequent time, notify the applicant in writing about the determination. If the commission determines that the application is incomplete, the notice shall identify all parts of the application the commission has determined to be incomplete and state the reasons for the determination. An applicant may supplement and refile an application that the commission has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application under this paragraph. If the commission fails to determine whether an application is complete within 45 days after the application is filed or 30 days after the application is refiled, the application shall be considered to be complete.

SECTION 2. 196.372 (3) (c) of the statutes is amended to read:

196.372 (3) (c) If a hearing is held on an application, the commission shall take final action on the application

within 180 days after ~~the commission issues a notice of hearing on the application~~ is determined to be complete. The chairperson of the commission may extend the time period for an additional 180 days for good cause. If the commission fails to take final action within the initial 180-day period, or the extended 180-day time period, the commission is considered to have granted its approval.

SECTION 3. 196.372 (3) (d) of the statutes is amended to read:

196.372 (3) (d) If a hearing is not held on an application, the commission shall take final action on the application within 90 days after ~~the commission issues a notice opening a docket on the application~~ is determined to be complete. The chairperson of the commission may extend the time period for an additional 90 days for good cause. If the commission fails to take final action within the initial 90-day period, or the extended 90-day time period, the commission is considered to have granted its approval.

SECTION 4. 196.49 (5r) (a) of the statutes is renumbered 196.49 (5r) (am).

SECTION 5. 196.49 (5r) (c) of the statutes is created to read:

196.49 (5r) (c) 1. With respect to an application for a certificate or approval for construction required under

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

this section and filed by a water public utility or a combined water and sewer public utility, the commission shall determine whether the application is complete and, no later than 45 days after the application is filed the first time and no later than 30 days after the application is refiled a 2nd or subsequent time, notify the applicant in writing about the determination. If the commission determines that the application is incomplete, the notice shall identify all parts of the application the commission has determined to be incomplete and state the reasons for the determination. An applicant may supplement and refile an application that the commission has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application under this paragraph. If the commission fails to determine whether an application is complete within 45 days after the application is filed or 30 days after the application is refiled, the application shall be considered to be complete.

2. If a hearing is held on an application under subd. 1., the commission shall take final action on the application within 180 days after the application is determined to be complete. The chairperson of the commission may extend the time period for an additional 180 days for good cause. If the commission fails to take final action within the initial 180-day period, or the extended 180-day time period, the commission is considered to have issued the certificate or approval for construction with respect to the application.

3. If a hearing is not held on an application under subd. 1., the commission shall take final action on the application within 90 days after the application is determined to be complete. The chairperson of the commission may extend the time period for an additional 90 days for good cause. If the commission fails to take final action within the initial 90-day period, or the extended 90-day time period, the commission is considered to have issued the certificate or approval for construction with respect to the application.