

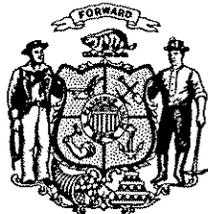
98-156 PSE - WATER / SEWER SERVICE
186 MOBILE HOME PARKS

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-156

AN ORDER to create chapter PSC 186, relating to standards for water or sewer service in mobile home parks.

Submitted by **PUBLIC SERVICE COMMISSION**

10-20-98 RECEIVED BY LEGISLATIVE COUNCIL.

11-17-98 REPORT SENT TO AGENCY.

RNS:DD:kjf;wu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

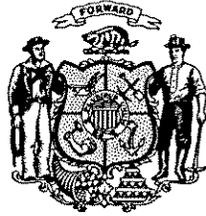
Comment Attached YES NO

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CLEARINGHOUSE RULE 98-156

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

General Comment

The constraints of the narrative comment format of a Clearinghouse report make it difficult to convey the poor condition of this rule; a complete rewrite of the rule by Legislative Council Staff would be necessary to identify all the problems with the rule. The poor organization, lack of clarity and apparent lack of careful editing make what should be a relatively simple, straightforward rule a confusing, seemingly complex rule. A substantial rewrite of the rule is in order.

2. Form, Style and Placement in Administrative Code

- a. The format of the introductory clause is not consistent with s. 1.02 (1), Manual.
- b. The treatment clause of SECTION 1 should read: "Chapter PSC 186 is created to read:". This clause should immediately precede the text of the rule.
- c. Section PSC 186.11 (1) can simply read: "This chapter is authorized by s. 196.498 (2), Stats."
- d. In s. PSC 186.11 (2) and other pertinent provisions of the rule, internal reference to "ch. PSC 186" should be to "this chapter." [See s. 1.07 (2), Manual.]
- e. In s. PSC 186.11 (3), first sentence, "applies to" can be substituted for "shall be observed by all."

f. In s. PSC 186.11 (4), "precludes" should be substituted for "shall preclude." However, the subsection can be simplified along the following lines: "The commission may grant a variance from a nonstatutory requirement of this chapter to . . . if the alternative meets the intent of this chapter." [See comment 5. a. also.]

g. In s. PSC 186.11 (6), a period should follow "operator" and "The action is" should be substituted for "which action, however, shall be."

h. Section PSC 186.12 (intro.) should read: "In this chapter:"

i. The semicolons following subsections in s. PSC 186.12 should be replaced by a period. With the exception of introductory material, which ends with a colon, all subunits of a rule should end with a period. [See s. 1.03 (intro.), Manual.] The entire rule should be reviewed in this regard. Also, introductory material usually includes a phrase such as "all of the following" or "any of the following."

j. In s. PSC 186.12 (8), it is suggested that "alleging" precede "failure."

k. In s. PSC 186.12 (9), the material after the first sentence should be placed in a note to the subsection. [See s. 1.09 (1), Manual.]

l. In s. PSC 186.12 (16), "means" should be substituted for "is."

m. In s. PSC 186.12 (18), the second sentence should begin: "For domestic or volumetric meters, "percent registration" means . . ."

n. In s. PSC 186.12 (21), the acronym should be surrounded by quotation marks rather than parentheses and "or" should precede the acronym. [See s. 1.01 (8), Manual.] The full term or the acronym should then be used in the text of the rule and any occurrences of the acronym in parentheses should be deleted. The second sentence of sub. (21) should be placed in a note to the subsection.

o. Given the definitions of "mobile home park operator" and "mobile home park contractor," it appears that s. PSC 186.13 should begin as follows: "A mobile home park contractor and a mobile home park operator that provides water or sewer service to the occupants of its mobile home park . . ."

p. In s. PSC 186.22 (1), can the first two sentences be combined? If not, the subsection should be divided into two paragraphs--one which includes the first and third sentences and the other which includes the second sentence. In addition, several changes should be made. In the second sentence, "also" and "as required above" should be deleted. In the third sentence, "The" should be substituted for "Such."

q. In s. PSC 186.22 (2), "If" should replace "Where" and "the" should replace "such a."

r. In s. PSC 186.31 (1) (a), "the" should replace "such." The entire rule should be reviewed and where appropriate, "such" should be replaced by an appropriate article.

- s. In s. PSC 186.31 (1) (b), the last sentence should be placed in a note to the paragraph.
- t. In the title to s. PSC 186.32, "METHODS" should replace "METHODOLOGY."
- u. The introductory clause to s. PSC 186.33 (1) should read as follows: "A bill for water or sewer service provided by the mobile home park operator or mobile home park contractor shall include all of the following on the mobile home park occupant's receipt:"
- v. In s. PSC 186.33 (3) (intro.), the use of "should be" is inappropriate. If the intent is to require the allocation in sub. (3) unless a different allocation in sub. (4) is utilized, the introductory clause should read: "Except as provided in sub. (4), a partial payment received for water or sewer service shall be applied, in descending order until fully paid, to each of the following types of charges on the mobile home park occupant's account:"
- w. In s. PSC 186.33 (4), "provided that such" should be replaced by "if the."
- x. In s. PSC 186.33 (5), last sentence, "may" should be substituted for "shall."
- y. In s. PSC 186.33 (8) (a) (intro.), first sentence, "shall apply" should be substituted for "are required to make an application." It appears that the last sentence of the introductory clause should end with "all of the following." Also in that sentence, "a" should replace "the." The subdivisions following par. (a) (intro.) should begin with "The."
- z. In s. PSC 186.33 (8) (b), "may" should be substituted for "shall." The entire rule should be reviewed for situations where "may not" should be substituted for "shall not." [See s. 1.01 (2), Manual.] Finally, it is suggested that sub. (8) be given separate section status and placed at the beginning of the subchapter. Consideration should be given to making sub. (7) a subunit of the new separate section.
- aa. Section PSC 186.34 uses subsection titles; subsection titles are not used elsewhere in the rule. [See s. 1.05 (1), Manual.] Given the length of the rule, subsection titles are useful and consideration should be given to supplying subsection titles in the rest of the rule, especially in s. PSC 186.35.
- ab. It is suggested that the title of s. PSC 186.34 (1) be "NEW OR CONTINUED SERVICE."
- ac. Section PSC 186.34 (1) (a) should begin: "Except as provided in par. (b)."
- ad. In s. PSC 186.34 (1) (b), it is not necessary to include "under this section."
- ae. The title of s. PSC 186.34 (3) should be "DEDUCTION OF ARREARAGES."
- af. Section PSC 186.35 is excessively long and poorly organized. It is suggested that this section be reorganized, including dividing the section into three or more separate sections. For example, one section could specify the permissible reasons for disconnecting or refusing water or sewer service and also specify or cross-reference exceptions to otherwise permissible disconnection or refusal. Another section could indicate the general notice requirement prior to

disconnection and specify or cross-reference exceptions to the general requirement. Another section might specify the content of the required notice. Finally, a separate section might contain the procedure for disconnection.

ag. Section PSC 186.35 (1) (a) is awkwardly drafted. The first sentence could be written to read: "A notice of disconnection may not be issued until at least 20 days after the date of issuance of the bill." The significance of the second sentence is unclear.

ah. It is suggested that s. PSC 186.35 (7) be stated as a prohibition, i.e., ". . . may not disconnect residential water service that is a necessary part of a mobile home's heating system."

ai. In s. PSC 186.35 (8) (c), "is" should be substituted for "shall be" in the first sentence.

aj. In par. (d), "existent" should be deleted, "may request" should be substituted for "shall have the right to" and "if" should be substituted for ", provided that."

ak. Section PSC 186.35 (9) (a) should be divided into at least two subunits and the notice content should be set forth as subdivisions to par. (a). However, consideration should be given to placing the notice content provision in sub. (9) (f).

al. Section PSC 186.35 (9) (b) and (c) may be combined into a single paragraph. In the last sentence of the combined paragraph, "these" should be "the."

am. It appears that s. PSC 186.35 (9) (d) is unnecessary given s. PSC 186.37 (1) and (6). Can s. PSC 186.37 (1) and (6) simply be cross-referenced? In the last sentence of par. (d), "the" should be substituted for "this."

an. Section PSC 186.35 (9) (e) should be placed in s. PSC 186.37. In addition, "dispute" should replace "disputed issue."

ao. Section PSC 186.35 (9) (f) 2. and 3. are awkwardly drafted. In par. (f) 5., "in the event that" should be replaced by "if."

ap. Is s. PSC 186.35 (11) necessary, given s. PSC 186.34?

aq. The last sentence of s. PSC 186.36 (4) is awkwardly drafted. It should be redrafted in the active voice.

ar. In s. PSC 186.36 (5), "a" should replace "current," "the" should precede "terms" and "may" should replace "shall have the right to."

as. In s. PSC 186.37 (1) (intro.), "If a" should replace "Whenever the" and the second "the" should be replaced by "a." It appears that much of the language in sub. (1) (intro.) is superfluous given the definition of "dispute."

at. In s. PSC 186.37 (2) (b), "such as by" should be replaced by ", including." The second sentence should read: "The commission staff may request in writing or by telephone the mobile home park operator or mobile home park contractor to investigate the dispute."

au. In s. PSC 186.37 (3) (a), second sentence, "in writing" should be relocated to follow "request," the commas surrounding the term should be eliminated and "issuance" should be substituted for "issue."

av. In s. PSC 186.37 (3) (b), next-to-last sentence, "A response" should be substituted for "These comments."

aw. In s. PSC 186.37 (4), second sentence, "A request for reconsideration" should replace "Such requests."

ax. Section PSC 186.37 (5) (a) can be better stated: "If the commission decides under sub. (4) to conduct a hearing, the commission may impose conditions on granting the hearing. If the mobile home park occupant fails to meet a condition, the commission may not hold a hearing and no subsequent hearing may be held by the commission on the dispute."

ay. In s. PSC 186.37 (5) (c), "The" should replace "Any such" and "thereon" should be deleted.

az. In s. PSC 186.37 (6), reference to "the" late payment charge should be to "a" late payment charge.

ba. It appears that s. PSC 186.38 can be included in s. PSC 186.37 (1). Again, review the definition of "dispute."

bb. In s. PSC 186.41 (1), "in compliance" should be substituted for "so as to comply."

bc. In s. PSC 186.62 (1), second sentence, "If" should be substituted for "Where."

bd. The title for s. PSC 186.65 should be "REQUESTED TEST." In the next-to-last sentence of the section, "the" should be substituted for "such."

be. In s. PSC 186.66, "required" should be substituted for "needed."

bf. In s. PSC 186.73, it is suggested that the reference to Department of Commerce and Department of Natural Resources requirements be placed in a note to the section.

4. Adequacy of References to Related Statutes, Rules and Forms

a. Consideration should be given to restating or cross-referencing the second sentence of s. PSC 186.11 (3) in subch. III.

b. In s. PSC 186.11 (5), can the reference to "statutory sections administered by the public service commission" be more specific?

c. In s. PSC 186.33 (4), references to "set forth above" and "the allocation methodology set forth above" should be more specific; reference should be made to "under sub. (3)."

d. In s. PSC 186.33 (8) (b), the reference to s. PSC 186.35 should be more specific; i.e., what provision in that lengthy section is an exception to the prohibition in par. (b)?

e. In s. PSC 186.35 (2) (a), the parenthetical cross-reference should be in a note and the reference should be to s. PSC 186.36 (5).

f. In s. PSC 186.35 (9) (a), first sentence, the reference to "pars." (3) and (4) should be to "subs." (3) and (4). In addition, it appears that the cross-reference is incomplete; for example, sub. (5) should be referenced.

g. In s. PSC 186.36 (5), the parenthetical reference is inappropriate. Reference should be made to "under s. PSC 186.35" rather than "pursuant to disconnection of service rules (s. PSC 186.35)."

h. In s. PSC 186.36 (6), should the cross-reference in the last sentence also include "or (4)"?

i. In s. PSC 186.37 (1), it appears that pars. (c) and (d) can be combined to simply read: "(c) Attempt to resolve the dispute, including offering a deferred payment agreement under s. PSC 186.36."

j. In s. PSC 186.37 (2) (a), can the reference to "available remedies" be made more specific?

k. In s. PSC 186.37 (5) (b), can the statutory reference be made more specific and is the procedure outlined in the statutory sections clearly transferrable to the hearing under the rule?

l. In s. PSC 186.51, it appears the reference to ch. PSC 185 should be more specific; where in that chapter is the standard specified? Also see s. PSC 186.63.

m. In s. PSC 186.64 (2), the parenthetical reference should be placed in a note to the subsection.

n. Can cross-references be included for the "requirements" mentioned in ss. PSC 186.71 and 186.73.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section PSC 186.11 (4) fails to set forth a standard and procedure for adopting exceptions to the general procedures of the chapter. It is assumed that the exceptions will not be adopted by rule; therefore, standards and procedures should be set forth in the rules.

b. It is suggested that the definitions in s. PSC 186.12 be reviewed to make certain that they are utilized in the text of the rule. Further, are all the definitions necessary? Consider, for example, the definitions of "deferred payment agreement" and "dispute."

c. In s. PSC 186.12 (5), should it be made clear that the delinquent amount or deposit is for water or sewer service?

d. In s. PSC 186.21, is the use of the first "or" correct? Are there situations in which both the mobile home park operator and mobile home park contractor for that park provide

water and sewer service? If so, may either one maintain a record or are both required to do so? Note that the commission's analysis to the section states that the section requires operators or contractors to keep records of water or sewer service outages lasting more than one hour *and* affecting more than 25% of mobile home park residents. The text of the rule uses "or" rather than "and."

e. In s. PSC 186.22 (1), first sentence, is reference to "the rules" to pertinent rules of ch. PSC 186? Will the commission provide a sample notice for operators and contractors?

f. In s. PSC 186.22 (2), can the rule be more specific as to when a second language is "common" in a mobile home park?

g. In s. PSC 186.31, sub. (1) (intro.) should be an unnumbered introductory clause and pars. (a), (b) and (c) should be subs. (1), (2) and (3). Accordingly, the cross-reference in current par. (c) should be to "sub. (1) or (2)." [See s. 1.03 (intro.), Manual.]

h. In s. PSC 186.31 (1) (c), to whom does the contractor provide written documentation demonstrating that higher charges are necessary?

i. In s. PSC 186.32 (intro.), it should be stated explicitly that the "Bills" referred to are sewer and water bills for mobile home park occupants.

j. Should s. PSC 186.33, relating to billing, include any provisions regarding the frequency of billing?

k. As written, s. PSC 186.33 (4) implies that the allocation of payments *must* be in a different order if requested by the mobile home park occupant. Is that the intent?

l. In s. PSC 186.33 (5), the use of "make" is unclear. Is it intended to mean "impose"? The reference to "par. (3)" should be to "sub. (3)." In addition, should sub. (4) be referenced? In the last sentence, to what is the 1% per month late payment charge to be applied?

m. In s. PSC 186.33 (6) (a), the use of "initiates" is unclear. Its relationship to sub. (5) is unclear. In addition, the relationship of sub. (6) (b) to sub. (5) is unclear. It appears to be a limitation on the imposition under sub. (5) of a late payment charge. Clarification is in order.

n. In s. PSC 186.33 (7), first sentence, the commas should be deleted. Can more specificity be given to "other responsible party"? If the other responsible party uses the water, will the other responsible party, rather than the mobile home park occupant, be billed? If so, should that party be notified of the right to dispute the billing? Is the third sentence necessary; provisions on disconnection are contained in s. PSC 186.35? Further, it appears that the subsection should follow sub. (8).

o. In s. PSC 186.33 (8) (a) (intro.), first sentence, "water and sewer" should precede "service." In the third sentence, to what does "the information" refer?

p. In s. PSC 186.34 (1) (a), whose "estimated gross bill" is referred to?

q. In s. PSC 186.34 (1) (b), will the mobile home park occupant be informed of the opportunity to supply the information? Is the reference to "federal income poverty guidelines" sufficiently specific? Can a note be included that tells persons where to find out what the federal poverty level is for the year? Also, should "gross income for the most recent calendar quarter" replace "gross quarterly income"?

r. Section PSC 186.34 (1) (c) implies that the operator or contractor and the occupant may not agree to more than three instalments. Is that the intent?

s. In s. PSC 186.34 (3) (a), should "for water or sewer service" precede "may"?

t. In s. PSC 186.34 (3) (b), consideration should be given to placing the last sentence in s. PSC 186.35.

u. Section PSC 186.35 (1) (b) and (c) unnecessarily repeat, are less comprehensive than and fail to cross-reference provisions that are set forth later in the section.

v. Section PSC 186.35 (1) (d) should be relocated to an appropriate place in s. PSC 186.37.

w. The reference in s. PSC 186.35 (1) (c) to "over this matter" should be replaced by "as a result of the dispute under investigation."

x. Section PSC 186.35 (2) (a), first independent clause, appears inconsistent with the requirement to offer a deferred payment agreement under s. PSC 186.36.

y. None of the paragraphs following s. PSC 186.35 (2) (intro.) indicate by whom the conduct must be undertaken in order to permit disconnection or refusal.

z. In s. PSC 186.35 (2) (g), the commas should be deleted. Can "extraordinary collection charges" be stated with more specificity?

aa. In s. PSC 186.35 (5), the commas should be deleted.

ab. Section PSC 186.35 (6) (c) is unclear.

ac. In s. PSC 186.35 (8) (b), first sentence, the third comma should be deleted. Also, what determines whether the postponement is less than 21 days? How does the last sentence relate to the rest of the paragraph; does it refer to additional postponements after the 21-day period expires?

ad. In s. PSC 186.35 (9) (a), the third element of the required notice content does not appear to be discussed in the substance of the rule. It is not clear why the fourth sentence of the paragraph is located in the paragraph and what the conditions are that are referred to.

ae. In s. PSC 186.35 (9) (f) 3., the required information in that subdivision is stated in an unclear manner. Will the commission provide a sample disconnection notice for use by operators and contractors?

af. In s. PSC 186.35 (9) (f) 4., is it possible to defined “serious illness”? It appears that the reference to sub. (10) is incorrect.

ag. In s. PSC 186.35 (11), should “or disconnected” follow “refused”?

ah. In s. PSC 186.36 (1), how is a deferred payment agreement offered to an “account”?

ai. In s. PSC 186.36 (2), is the phrase “entered into due to the mobile home park occupant’s inability to pay the outstanding bill in full” necessary? See the definition of “deferred payment agreement.”

aj. It appears that s. PSC 186.36 (7) should be located in sub. (4) or the relationship between the two subsections be made more explicit.

ak. In s. PSC 186.37 (1) (d), it appears that “at the discretion of” refers to providing an opportunity to enter into a deferred payment agreement. Section PSC 186.36 (1) *requires* the operator or contractor to offer a deferred payment agreement.

al. How does s. PSC 186.37 (2) (d) relate to s. PSC 186.35? Also, that paragraph should be rewritten in the active voice.

am. Does the mobile home occupant receive notice of the ability under s. PSC 186.37 (3) (a) to avoid disconnection by requesting a formal review? The last sentence of that paragraph fails to indicate to what “confirmation” refers and who must have “requested” confirmation.

an. Section PSC 186.37 (3) (b) fails to indicate how the commission is to inform both parties of its decision.

ao. In the last sentence of s. PSC 186.37 (4), “a” should be inserted before “hearing.”

ap. What triggers the 10-day period in s. PSC 186.37 (5) (c)? The giving of notice, mailing of notice, receipt of notice?

aq. The relationship of s. PSC 186.37 (6) to sub. (3) (a) and to s. PSC 186.35 should be clarified.

ar. In s. PSC 186.38 (2), “procedure” should be substituted for “methodology.”

as. It is assumed that in ss. PSC 186.62 (2) and 186.63, reference to “As Found” and “As Left” are terms of art understood in the industry. If not, they should be defined.

at. Section PSC 186.65 provides that upon request, the test is to be made in the presence of the mobile home park occupant. Is the occupant informed of this option?

DATE MAILED
OCTOBER 16, 1998

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Standards for Water or Sewer Service in Mobile Home Parks

I-AC-172

NOTICE OF RULEMAKING HEARING AND
REQUEST FOR COMMENTS

Comments Due: January 14, 1999 – Noon	Address Comments To: Lynda L. Dorr Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854 Fax: (608) 266-3957
FAX Due Date: January 13, 1999 – Noon	

To create Wis. Admin. Code ch. PSC 186: Standards for Water or Sewer Service in Mobile Home Parks.

ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Pursuant to the legislature's instruction in Wis. Stat. § 196.498(2), as created by 1997 Wisconsin Act 229, the Public Service Commission is submitting to the Legislative Council for review the following administrative rules establishing standards for the provision of water or sewer service in mobile home parks. A hearing for January 7, 1999, is also being scheduled on these proposed rules. The rules set forth standards in the following areas:

- PSC 186.11. Statutory authority for and applicability of the rules.
- PSC 186.12. Definitions. Defines a number of key terms contained in this chapter.
- PSC 186.13. General requirement of reasonable service. Requires that mobile home park operators or contractors provide mobile home park residents with "reasonably adequate" water and sewer service.
- PSC 186.14. Free or discriminatory service prohibited. Prohibits mobile home park operators or contractors from offering mobile home park residents free water or sewer service or service at a rate different from that offered to other residents.

PSC 186.21. Records of service interruptions. Requires mobile home park operators or contractors to keep records of water or sewer service outages lasting more than one hour and affecting more than 25% of mobile home park residents.

PSC 186.22. Information available to customers. Requires mobile home park operators or contractors to provide mobile home park residents with written notice – if requested – of the rules concerning deposits, payment options, disconnection and dispute procedures.

PSC 186.31. Reasonableness of water or sewer rates. Requires mobile home park operators or contractors to provide water and sewer service at reasonable rates, defined as: (1) not more than 1.5 times the wholesale rate at which the water is purchased; (2) not more than 1.5 times the water rates charged by a Class D water utility, if the mobile home park operator or contractor owns the water supply facilities. The sewer service charge may not exceed 2.5 times the water charge. (3) These limits may be exceeded on a showing of necessity to meet financial requirements.

PSC 186.32. Billing Methodology. Bills may be calculated via the following methods: (1) metered; (2) flat; (3) residential equivalent units; (4) any other reasonable method.

PSC 186.33. Billing. Sets forth the required contents of each water or sewer bill.

PSC 186.34. Deposits for water and sewer service. Sets forth the conditions under which a deposit for new or continued service may be requested and the amount of the deposit -- not more than the highest estimated bills for a two-month period. A deposit must be refunded after 12 consecutive months of prompt payment.

PSC 186.35. Disconnection and refusal of service. Sets forth the reasons and conditions under which water or sewer service can be disconnected or refused, including notification requirements, and the reasons and conditions under which sewer service may not be disconnected, such as during medical emergencies. The contents of a disconnection notice are specified, as well as procedures under which a resident may dispute a disconnection notice.

PSC 186.36. Deferred payment agreement. Requires mobile home park operators or contractors to offer residents deferred payment agreements to pay outstanding bills and sets forth the factors to be considered in setting a deferred payment agreement, including required terms and conditions.

PSC 186.37. Dispute procedures. Sets forth procedures to be followed to resolve disputes raised by mobile home park occupants regarding requests for a deposit, guarantee, service disconnection, billing, or any other matter in dispute. After a required investigation by the mobile home park operator or contractor, review by the public service commission staff and the commission itself is provided for.

PSC 186.38. Complaint procedures. Sets forth procedures to be followed to resolve more general complaints with respect to the adequacy of water or sewer service.

cf. def. of "dispute"

Docket 1-AC-172

PSC 186.41. General construction requirements. Requires that water and sewer systems constructed by mobile home park operators or contractors comply with all federal, state and local requirements.

PSC 186.51. Meters. Requires that all water meters in mobile home parks be in good working condition and meet PSC standards.

PSC 186.61. Meter testing facilities and equipment. Requires all mobile home park operators or contractors who provide metered water service to own meter testing equipment and facilities, or to provide these by contract.

PSC 186.62. Testing of mobile home park occupant meters. Sets forth the manner in which mobile home park water meters must be tested – by comparison of its accuracy with the accuracy of a known "standard" meter.

PSC 186.63. Test flows. Sets forth the required test flow for meter testing – the standard of s. PSC 185.65.

PSC 186.64. Required tests of mobile home park occupant meters. Sets forth the times at which mobile home water meters must be tested: (1) before initial use, if not certified by the vendor; (2) on complaint or request; (3) when damaged; and (4) on removal.

PSC 186.65. Dispute tests. Requires mobile home park owners or contractors to test meters on customer request.

PSC 186.66. Remote outside meter (ROM) system test. Requires the testing of remote outside meters at the same time that inside meters are tested.

PSC 186.71. Quality of water. Requires mobile home park owners or contractors to provide residents with drinking water which meets state and federal quality standards.

PSC 186.72. Adequacy of water supply. Requires mobile home park owners or contractors to furnish mobile home park occupants with a continuous and adequate supply of water.

PSC 186.73. Pressure standards. Requires the water supply system of any mobile home park to meet all federal, state and local pressure standards.

PSC 186.74. Flushing mains. Requires the flushing of dead-end mains and other low-flow portions of water distribution systems in mobile home parks as needed to ensure water quality.

PSC 186.75. Interruptions of service. Requires mobile home park operators or contractors to make all reasonable efforts to prevent service outages and to provide park residents with notice of planned outages.

PSC 186.76. Maintenance of water or sewer laterals. Provides that the thawing of a mobile home park occupant's lateral shall be at the occupant's expense, unless the freeze-up results from an operator-initiated disconnect or a deficiency in the mobile home park distribution system. Sets forth other requirements for the maintenance of water or sewer laterals.

PROPOSED RULES AND STATUTORY AUTHORITY

Pursuant to authority vested in the Public Service Commission by Wis. Stats. §§ 196.498(2) and 227.11(2), and interpreting those provisions, the Public Service Commission proposes to adopt as rules Wis. Admin. Code ch. PSC 186 as follows:

SECTION 1: Chapter PSC 186 is adopted as contained in the attached Appendix. } *no*

FISCAL ESTIMATE AND INITIAL REGULATORY FLEXIBILITY ANALYSIS

There will be no adverse fiscal impact of these proposed rules on state or local units of government. In an effort to minimize the impact of the rules on small businesses, as defined in Wis. Stat. § 227.114(1)(a), the Commission has met with and received input from a number of mobile home park owners as well as the Wisconsin Manufactured Housing Association. Additional input on this issue is invited by correspondence or by appearance at the hearing noticed below.

EFFECTIVE DATE

The rules will become effective on the first day of the month following publication in the Wisconsin Administrative Register, as provided in Wis. Stat. § 227.22.

ENVIRONMENTAL ANALYSIS

This is a Type III action under Wis. Adm. Code s. PSC 4.10(3). No unusual circumstances suggesting the likelihood of significant environmental consequences have come to the Commission's attention. Neither an environmental impact statement under Wis. Stats. § 1.11, nor an environmental assessment is required. *See*

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Public Service Commission will hold public hearing with respect to these proposed rules at 9:00 a.m. on January 7, 1999 in the Amnicon Falls Hearing Room (Room 1300) at the Public Service Commission Building, 610 North Whitney Way, Madison, WI.

NOTICE IS FURTHER GIVEN that the building at 610 North Whitney Way is accessible to people in wheelchairs through the main floor entrance (lobby) on the Whitney Way side of the building. Any person with a disability who needs additional accommodations should contact Richard Teslaw at (608) 267-9766.

Docket I-AC-172

NOTICE IS FURTHER GIVEN that the Commission requests comments on this application. Any party that desires to file comments should submit **an original and 15 copies** addressed as noted above. Comments are due at the Commission no later than **noon on January 14, 1999**. Comments filed by fax are due no later than noon on January 13, 1999. Fax filing cover sheets must state **"Official Filing"** and the number of pages (limit 20 pages). All correspondence should reference docket number I-AC-172. File by one mode only.

Questions regarding the hearing may be directed to Jeff Kitsembel, P.E., at (608) 266-5739.

Dated at Madison, Wisconsin, October 15, 1998

By the Commission:



Lynda E. Dorr
Secretary to the Commission

LLD:JAK:bhh:g:\notice\pending\1-ac-172.doc

Chapter PSC 186

STANDARDS FOR WATER OR SEWER SERVICE IN MOBILE HOME PARKS

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Subchapter I. General

Dis. S.
PSC 186.11 Authorization for and application of rules. (1) Chapter PSC 186 is part of the Wisconsin administrative code and constitutes a general order of the public service commission. the issuance of which is authorized by s. 196.498(2), Stats.

Dis. S.
 (2) Chapter PSC 186 is designed to effectuate and implement s. 196.498, Stats.

Dis.
 (3) The requirements of ch. PSC 186 shall be observed by all mobile home park operators and all mobile home park contractors who supply water or sewer service, or both, to mobile home park residents. Subchapter III is not applicable to mobile home park operators or mobile home park contractors who include the costs associated with water or sewer service in their rental fees.

Dis.
 (4) Nothing in this chapter shall preclude special and individual consideration being given to exceptional or unusual situations. and upon due investigation of the facts and circumstances involved, the adoption of requirements as to individual mobile home park contractors, mobile home park operators, water or sewer services which are different from those provided in this chapter and which fulfill the intent of this chapter.

↑ simply The PSC may grant a variance ...

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(5) The manner of enforcing this chapter is prescribed in s. 196.498(4), (5) and (6), Stats., and such other means as provided in statutory sections administered by the public service commission.

(6) In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of this chapter, immediate corrective action shall be taken by the mobile home park contractor or mobile home park operator, which action, however, shall be subject to review by the public service commission.

PSC 186.12 Definitions. The following terms as used in this chapter mean:

(1) "Ability to pay" means a mobile home park occupant's financial capacity to meet the mobile home park occupant's water or sewer service obligation:

(2) "Actual meter read" means a reading obtained by the mobile home park operator or mobile home park contractor or other party upon physical inspection of the meter or remote outside meter (ROM);

(3) "Commission" means public service commission of Wisconsin;

(4) "Complaint" has the meaning given in s. 196.26(1), Stats.;

(5) "Deferred payment agreement" means an arrangement between a mobile home park operator or mobile home park contractor and a mobile home park occupant for payment of a delinquent amount or deposit in installments;

(6) "Denied or refused service" means that a mobile home park operator or mobile home park contractor has refused to provide water or sewer service to a present or future mobile home park occupant or premises;

(7) "Disconnection" means an event or action taken by the mobile home park operator or mobile home park contractor to terminate or discontinue the provision of water or sewer service, but does not include a mobile home park occupant-requested termination of service;

(8) "Dispute" means a statement or question by a mobile home park occupant alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a mobile home park operator or mobile home park contractor, or failure of a mobile home park operator or mobile home park contractor to meet its obligation to supply water or sewer service;

(9) "General service charges" means charges billed to the mobile home park occupant by the mobile home park operator or mobile home park contractor and intended to recover the cost of supplying water or sewer service. The expenses typically recovered by general service charges are operation and maintenance expense, taxes, depreciation or debt service. Expenses such as late payment charges, non-sufficient funds check charges, or reconnection charges are not typically recovered through general service charges but are separate, additional charges applied to the mobile home park occupant's account.

(10) "Manufactured home" has the meaning given in s. 101.91(2), Stats.;

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- (11) "Meter" means an instrument installed to measure the volume and/or rate of flow of water delivered through it:
- (12) "Mobile home" has the meaning given in s. 101.91(1), Stats.:
- (13) "Mobile home park" has the meaning given in s. 196.01(3p), Stats.:
- (14) "Mobile home park contractor" has the meaning given in s. 196.01(3q), Stats.:
- (15) "Mobile home park occupant" has the meaning given in s. 196.01(3s), Stats.:
- (16) "Mobile home park occupant-requested termination" is cessation of service at the request of the mobile home park occupant:
- (17) "Mobile home park operator" has the meaning given in s. 196.01(3t), Stats.:
- (18) "Percent registration" means the ratio of the meter registration divided by the actual volume or rate of flow, stated as a percentage. ~~Stated more simply for domestic (volumetric) meters, this is the percentage of the water delivered through a meter which the meter actually registers.~~ *means ✓*
- (19) "Prompt payment" means payment prior to the time when a mobile home park operator or mobile home park contractor could issue a notice of disconnection for nonpayment of an amount not in dispute:
- (20) "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, mental retardation, other developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young;
- or "ROM"*
- (21) "Remote outside meter" (ROM) means an analog device attached to a building structure which displays the reading of the base meter through electronic pulses sent from the base meter. Remote outside meters are considered part of the mobile home park operator or mobile home park contractor's metering configuration.
- (22) "Voucher agreement" means a payment agreement guaranteed by a third party who has access to or control over the benefits and finances of a public assistance recipient.

Note: Examples of some public assistance are:

- (a) Wisconsin Works (W2) and Temporary Assistance to Needy Families (TANF) restrictive payment arrangements;
- (b) General relief voucher payment systems.

Notes

PSC 186.13 General requirement. Every mobile home park operator and every mobile home park contractor which provides water or sewer service to the occupants of its mobile home park shall furnish reasonably adequate service and facilities as required by this chapter.

PSC 186.14 Free or discriminatory service prohibited. No mobile home park operator or mobile home park contractor may provide water or sewer service at a rate different from that provided to all other occupants of its mobile home park.

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Subchapter II. Records and Available Information

PSC 186.21 Records of service interruptions. Each mobile home park operator or mobile home park contractor shall maintain a record of each interruption of service which results from a failure or disruption of the mobile home park water supply or sewer collection system lasting more than one hour or affecting more than 25 percent of the mobile home park occupants, showing the date and time it began, the duration, the cause, and the approximate number of mobile home park occupants affected.

Note: See also s. PSC 186.75, Interruptions of service.

PSC 186.22 Information available to customers. (1) Each mobile home park operator or mobile home park contractor shall have available and provide upon request, to the mobile home park occupant making the request, written notice of the rules on deposits, payment options including deferred payment agreements, disconnection, and dispute procedures. Each mobile home park operator or mobile home park contractor shall also provide a written notice to all new mobile home park occupants of the rules on deposits, payment options, disconnection, and dispute procedures as required above. Such notice shall contain a reply procedure to allow mobile home park occupants an opportunity to advise the mobile home park operator or mobile home park contractor of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the mobile home park operator or mobile home park contractor to contact a specific third-party agency or individual prior to any disconnection action being taken.

(2) Where a second language is common in a particular mobile home park, the mobile home park operator or mobile home park contractor shall reasonably accommodate a request by a mobile home park occupant to provide rules pertaining to billing and credit in that second language unless the mobile home park operator or mobile home park contractor can demonstrate that accommodating such a request will cause undue hardship.

Subchapter III. Rates, Service and Billing

PSC 186.31 Reasonableness of water or sewer rates. (1) A mobile home park operator or mobile home park contractor may establish general service charges for water or sewer service in one of the following ways:

(a) If a mobile home park operator or mobile home park contractor purchases water or sewer service on a wholesale basis and resells such service to the occupants of the mobile home park, the water or sewer charge to a mobile home park occupant may not exceed 1.5 times the wholesale charges incurred for service rendered to that occupant.

(b) If a mobile home park operator or mobile home park contractor owns the water supply facilities or the sewerage treatment facilities which serve the mobile home park, the water charge to a mobile home park occupant may not exceed 1.5 times the average amount charged for a similar level of water utility service furnished by Wisconsin Class D water public utilities. The charge for sewer service may not exceed 2.5 times the charge for water service. Information relative to the rates of Wisconsin Class D water public utilities is available from the commission.

(c) A mobile home park operator or mobile home park contractor may establish water or sewer rates in excess of those set forth in sub. (a) or sub. (b) if the mobile home park operator or mobile home park contractor can provide written documentation which demonstrates that higher

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charges are necessary to meet the reasonable costs associated with all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair or depreciation of the water or sewer system and for the payment of all or part of the principal and interest of any indebtedness associated with providing water or sewer service at a reasonable cost.

PSC 186.32 Billing methodology. Bills may be based on one of the following methods:

- (1) Metered,
- (2) Flat rate,
- (3) Residential equivalent units,
- (4) Any other method that can be shown to reasonably allocate costs among mobile home park occupants.

PSC 186.33 Billing. (1) ~~For Each~~ ^a Each bill provided by the mobile home park operator or mobile home park contractor, the mobile home park occupant's receipt shall show the following information:

- (a) The service address;
- (b) The present and last preceding meter readings if service is metered;
- (c) The present and last preceding meter reading dates if service is metered;
- (d) The number of units consumed if service is metered;
- (e) Clear itemization of the amounts included in the bill for the present billing period and any unpaid balance from previous billing periods, including any late payment charges.

(2) Estimated bills shall be distinctly marked as such, if service is on a metered basis.

(3) Any partial payments received should be applied to the mobile home park occupant's account in the following order:

- (a) Current water and sewer service;
- (b) Current deferred payment agreement;
- (c) Water and sewer service arrears;
- (d) Miscellaneous water and sewer charges;
- (e) All other charges.

(4) Upon mobile home park occupant request, or at the discretion of the mobile home park operator or mobile home park contractor, partial payments may be allocated differently than set forth above provided that such allocation does not result in a disconnection of service or the

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imposition of a late payment penalty which would not have occurred under the allocation methodology set forth above *under sub 3*

(5) The mobile home park operator or mobile home park contractor may make late payment charges to any portion of mobile home park occupant's water and sewer service bill that is not paid in full based on the order of payment application as provided in par. (3), within 20 days following issuance of the bill. The late payment charge shall not exceed one percent per month.

(6) (a) If a mobile home park operator or mobile home park contractor initiates a late payment charge, the new charge shall apply only to water and sewer service provided after the effective date of initiation.

(b) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the mobile home park operator or mobile home park contractor.

(7) A mobile home park occupant, or other responsible party who uses water and sewer service but does not apply for it, may be billed an estimated or actual amount at a later date for service used prior to the time of application. The mobile home park operator or mobile home park contractor shall have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 186.37.

(8) (a) All new mobile home park occupants are required to make an application for service. The mobile home park operator or mobile home park contractor may require that either a verbal or written application be made. The mobile home park operator or mobile home park contractor shall establish a written policy for obtaining the information. The mobile home park operator or mobile home park contractor may require the mobile home park occupant to provide:

1. Name or names of parties responsible for bill payment.
2. Address where service is to be provided.
3. Address of residence immediately prior to application.

(b) Except as provided in s. PSC 186.35, water and sewer service shall not be disconnected or refused for refusal to provide any information other than that specified in par. (a).

PSC 186.34 Deposits for water or sewer service. (1) **NEW SERVICE.** (a) A mobile home park operator or mobile home park contractor may require a deposit as a condition of new or continued water or sewer service. The amount of the required deposit shall not exceed the highest estimated gross bill for any consecutive two-month period selected by the mobile home park operator or mobile home park contractor.

(b) A deposit under this section shall not be required if the mobile home park occupant provides the mobile home park operator or mobile home park contractor with information showing

must account for?

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that the mobile home park occupant's gross quarterly income is at or below 200 percent of federal income poverty guidelines.

(c) A mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the mobile home park occupant's right to enter into an installment plan for payment of the deposit amount. Under the installment plan, the deposit amount shall be paid to the mobile home park operator or mobile home contractor in no more than three equal monthly installments.

(2) REFUND. The mobile home park operator or mobile home park contractor shall refund the water or sewer deposit of a mobile home park occupant after 12 consecutive months of prompt payment.

Deduct from

(3) ARREARAGES. (a) Any arrearage owed by a mobile home park occupant may be deducted from the mobile home park occupant's water or sewer deposit.

(b) If the mobile home park operator or mobile home park contractor deducts a water or sewer arrearage from a mobile home park occupant's deposit, it may require the mobile home park occupant to bring the water or sewer deposit up to its original amount. Failure of the mobile home park occupant to do so within 20 days of mailing a written request for payment is a ground for disconnection.

PSC 186.35 Disconnection and refusal of service. (1) (a) In no circumstances shall the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill. An account may be deemed delinquent for the purpose of disconnection after such period has elapsed.

(b) At least 8 calendar days prior to disconnection, the mobile home park operator or mobile home park contractor shall give a written notice of disconnection.

(c) When a mobile home park occupant, either directly or through the commission, disputes a disconnection notice, the mobile home park operator or mobile home park contractor shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, water or sewer service shall not be disconnected over this matter.

(d) If a disputed issue cannot be resolved pursuant to s. PSC 186.37(1), the mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the right to contact the commission.

(2) Water or sewer service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (see s. PSC 186.36) *but, must give opportunity for*

(b) Failure to comply with deposit arrangements as specified in s. PSC 186.34; *under*

(c) Diversion of service around the meter;

(d) Refusal or failure to permit authorized mobile home park operator or mobile home park contractor personnel access to the base meter or remote register;

pay
pay when

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(e) Use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if the mobile home park occupant has first been notified and provided with reasonable opportunity to remedy the situation;

(f) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to water or sewer service; *→ s.w.c. 11.02*

(g) Failure to pay costs or fees incurred by and awarded to the mobile home park operator or mobile home park contractor by a court of law, for pursuit of collection of water or sewer bills, or failure to pay extraordinary collection charges associated with water or sewer service; *→ et. (2)(a)*

(h) Use of a device that unreasonably interferes with communications or signal services used for reading meters.

(3) A mobile home park operator or mobile home park contractor may disconnect water or sewer service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the mobile home park operator or mobile home park contractor shall provide the mobile home park occupant a written explanation of the dangerous condition.

(4) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water or sewer.

(5) A mobile home park operator or mobile home park contractor may disconnect water or sewer service, without notice, where it has reasonable evidence that water or sewer service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the water or sewer service.

(6) Water or sewer service may not be disconnected or refused for any of the following reasons:

(a) Failure to pay the account of another mobile home park occupant as guarantor of that account;

(b) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing;

(c) *For* the intentional removal or eviction of a tenant from rental property;

(d) If a heat advisory or warning has been declared by the national weather service for a geographic area which includes the mobile home park.

(7) Between the dates of November 1 and April 15 of each year, a mobile home park operator or mobile home park contractor may disconnect residential water service, unless water service is a necessary part of a mobile home's heating system. *causing disconnection during other periods*

(8) (a) Notwithstanding any other provision of this section, a mobile home park operator or mobile home park contractor may not disconnect service or refuse to reconnect service to a residential mobile home park occupant if disconnection will aggravate an existing medical or protective services emergency of the occupant, a member of the mobile home park occupant's family or other permanent resident of the premises where service is rendered, and if the mobile home park occupant conforms to the procedures described in sub. (b). *UNLESS THE OCCUPANT CONFORMS TO THE PROCEDURES DESCRIBED IN SUB. (B)*

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(b) A mobile home park operator or mobile home park contractor shall postpone the disconnection of service, or reconnect the service if disconnected, for up to 21 days to enable the mobile home park occupant to arrange for payment, if the mobile home park occupant produces a licensed physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection shall aggravate the circumstances. During the period of continued service, the mobile home park operator or mobile home park contractor and mobile home park occupant shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. Postponements may be granted if there is evidence of reasonable communication between the mobile home park operator or mobile home park contractor and mobile home park occupant in attempting to make arrangements for payment.

(c) During the period service is continued under the provisions of this subsection, the mobile home park occupant shall be responsible for the cost of residential water or sewer service. However, no action to disconnect that service shall be undertaken until expiration of the period of continued service.

(d) If there is a dispute concerning an alleged existent medical emergency, either party shall have the right to an informal review by the commission staff. During the informal review, residential water or sewer service shall be continued, provided that the mobile home park occupant has submitted a statement or notice as set forth in sub. (b).

(9) (a) A mobile home park operator or mobile home park contractor shall not disconnect service unless written notice by first class mail is sent to the mobile home park occupant or personally served upon a responsible party at least 8 calendar days prior to the first date of the proposed disconnection except as provided in pars. (3) and (4). If the billing address is different from the service address, notice shall be posted at the service address not less than 5 days before disconnection. The notice shall contain: (1) the date of the notice; (2) the proposed date of disconnection; and (3) that, if feasible, the mobile home park occupants may apply to the mobile home park operator or mobile home park contractor to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the mobile home park occupant and the mobile home park operator or mobile home park contractor agree to extend the 15-day time period. If disconnection is not accomplished on or before the 30th day after the original eight-day disconnection notice was issued, the mobile home park operator or mobile home park contractor shall issue a new eight-day disconnection notice prior to proceeding with the disconnection of water or sewer service.

(b) The mobile home park operator or mobile home park contractor shall make a reasonable effort to have a personal or telephone contact with the residential mobile home park occupant prior to disconnection. If a contact is made, the mobile home park operator or mobile home park contractor shall review the reasons for the pending disconnection of service and explain what actions shall be taken to avoid disconnection.

(c) The mobile home park operator or mobile home park contractor shall keep a record of these contacts and contact attempts.

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186.37
see (86.37 (1) and 2)
(d) When a residential mobile home park occupant, either directly or through the commission, disputes a disconnection notice under s. PSC 186.37, the mobile home park operator or mobile home park contractor shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, water or sewer service shall not be disconnected over this matter.

(e) If a disputed ~~issue~~ *dispute* cannot be resolved, the mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the right to appeal to the commission. *→ place in 186.37*

(f) A disconnection notice shall contain the following information: *needs attention*

1. The name and address of the mobile home park occupant and the address of the service, if different;

2. A statement of the reason for the proposed disconnection of service and that disconnection shall occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the mobile home park occupant which are considered to constitute default;

3. A statement that the mobile home park occupant shall communicate immediately upon receipt of the notice with the mobile home park operator's or mobile home park contractor's designated office, listing a telephone number, if the mobile home park occupant disputes the notice of delinquent account, if the mobile home park occupant wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances, such as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of residents who use life support systems or equipment or residents who have mental retardation or other developmental or mental disabilities;

4. A statement that residential water or sewer service shall be continued for up to 21 days during serious illness if the account holder submits a statement or notice pursuant to sub. (10);

5. A statement that the mobile home park occupant may appeal to the commission staff in the event that the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the mobile home park occupant has pursued the available remedies with the mobile home park operator or mobile home park contractor.

(10) Service shall not be disconnected on a day, or on the day immediately preceding a day, when the business offices of the mobile home park operator or mobile home park contractor are not available to the mobile home park occupants for the purpose of transacting all business matters, unless the mobile home park operator or mobile home park contractor provides personnel which are readily available to the mobile home park occupant 24 hours per day to evaluate, negotiate, or otherwise consider the mobile home park occupant's objection to the disconnection as provided under s. PSC 186.37, and proper service personnel are readily available to restore service 24 hours per day.

(11) Notwithstanding any other provision of this chapter, water or sewer service may not be refused because of a delinquent account if the mobile home park occupant or applicant provides a

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deposit as a condition of future service, as governed by s. PSC 186.34, or a voucher agreement. If the guarantor has agreed to be responsible for payment of all future bills, the mobile home park occupant shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

PSC 186.36 Deferred payment agreement. (1) A mobile home park operator or mobile home park contractor shall offer deferred payment agreements to mobile home park occupant accounts for water or sewer service. The term of the deferred payment agreement shall not extend past the termination date of the lease in effect for the mobile home park occupant.

(2) Every deferred payment agreement entered into due to the mobile home park occupant's inability to pay the outstanding bill in full shall provide that service not be discontinued if the mobile home park occupant pays a reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments, and agrees to pay the current bill by the due date. *include deposit?*

(3) For purposes of determining reasonableness in sub. (2), the mobile home park operator or mobile home park contractor shall consider the mobile home park occupant's ability to pay, including the following factors:

- (a) Size of the delinquent account;
- (b) Mobile home park occupant's water and sewer service payment history;
- (c) Time that the debt has been outstanding;
- (d) Reasons why the debt has been outstanding;
- (e) Any other relevant factors concerning the circumstances of the mobile home park occupant such as household size, income, and necessary expenses.

(4) A deferred payment agreement offered by a mobile home park operator or mobile home park contractor shall set out all terms and conditions of the agreement. If the mobile home park operator or mobile home park contractor and the mobile home park occupant cannot reach agreement on the terms and conditions of the deferred payment agreement, the mobile home park occupant shall be informed of the right to ask the commission to review the agreement being offered. The mobile home park occupant shall be informed that signing the agreement does not affect the responsibility of the mobile home park occupant to pay for current service or meet the payment schedule set out in the agreement. Allowing any bill for current service or any payment under the agreement to become delinquent places the mobile home park occupant in default of the agreement.

(5) If an applicant for mobile home park water or sewer service or current mobile home park occupant has not fulfilled terms of a deferred payment agreement and there has not been a significant change in the mobile home park occupant's ability to pay since the agreement was negotiated, the mobile home park operator or mobile home park contractor shall have the right to disconnect pursuant to disconnection of service rules (s. PSC 186.35), and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection. *may*

delete parents

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(6) Any payments made by a mobile home park occupant solely in compliance with a deferred payment agreement, and not as part of a payment for other mobile home park services, shall first be considered as payment toward the deferred payment agreement, with any remainder credited to the current bill. Payments made to satisfy a current bill for mobile home park service, which may include a portion for a deferred payment agreement, shall be credited as set forth in s. PSC 186.33 (3) *or (4)?*

(7) If a deferred payment agreement cannot be reached because the mobile home park occupant's offer is unacceptable to the mobile home park operator or mobile home park contractor, the mobile home park operator or mobile home park contractor shall inform the mobile home park occupant why the mobile home park occupant's offer was not acceptable.

PSC 186.37 Dispute procedures. (1) Whenever the mobile home park occupant disputes the mobile home park's request for a deposit, or advises the mobile home park's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the mobile home park operator or mobile home park contractor shall: *any/all*

- (a) Investigate the dispute promptly and completely;
- (b) Advise the mobile home park occupant of the results of the investigation;

(c) Attempt to resolve the dispute: *if applicable?*

(d) Provide the opportunity for mobile home park occupants, at the discretion of the mobile home park operator or mobile home park contractor, per s. PSC 186.36(1), to enter into a deferred payment agreement when reasonable in order to resolve the dispute.

(2) (a) After the mobile home park occupant has pursued the available remedies with the mobile home park operator or mobile home park contractor, the mobile home park occupant may request that the commission staff informally review the disputed issue and recommend terms of settlement.

(b) A request for informal review may be made in any reasonable manner such as by written or telephone request directed to the commission. *including* Either by telephone or written request, the commission staff may request the mobile home park operator or mobile home park contractor to investigate the dispute. *they've already done it under s. 186.36*

(c) A mobile home park operator or mobile home park contractor shall respond to the commission staff's request for an investigation promptly. Based on information provided by the mobile home park operator or mobile home park contractor and the mobile home park occupant, the commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing. Commission staff shall inform any mobile home park occupant disputing an informal determination of the right to pursue a formal review. *passive*

(d) There shall be at least 7 calendar days between the date the commission staff telephones or mails written notice of terms of settlement after informal review and any disconnection. *cf. 186.35 - how relate?*

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(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the commission. To avoid disconnection pending a formal review, the mobile home park occupant shall request a formal review by the commission, in writing, within 7 calendar days of the ~~issue~~ of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the commission staff telephones or provides written notice of terms of the settlement after informal review. If written confirmation is requested, the 30-day period begins from the date of that mailing.

(b) The commission shall base its determination on the request for formal review and commission staff's informal dispute file. Within 45 calendar days from the time that a request for formal review is made, commission staff shall provide the commission with a memorandum based on the information it has received from the mobile home park operator or mobile home park contractor and the mobile home park occupant. A copy of the commission staff memorandum shall be provided to the parties 15 calendar days prior to consideration by the commission. Either party to the dispute may file a response to the commission staff's memorandum. These comments shall be filed with the commission 2 working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.

(4) Either party to the dispute may request that the commission reconsider its formal determination under this section. Such requests shall comply with s. 227.49, Stats., and shall be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original dispute. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold hearing on the matter for the gathering of additional information.

(5) (a) If the commission decides to conduct a formal hearing under sub. (4) on the dispute, the commission may impose conditions on the granting of a formal hearing. Failure to meet these conditions before hearing shall constitute waiver of the dispute by the mobile home park occupant.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) Any such hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

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(6) Mobile home park water or sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The mobile home park operator or mobile home park contractor shall inform the mobile home park occupant that pursuing a disputed matter does not relieve the mobile home park occupant of the obligation of paying charges which are not in dispute, prevent disconnection of water or sewer service for nonpayment of undisputed charges, or prevent the application of the late payment charge to amounts in dispute and later determined to be correct.

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PSC 186.38 Complaint procedures. (1) Mobile home park occupants may complain to the commission concerning adequacy of supply, general condition of the mobile home park's water distribution system, sewer collection system or sewer treatment system, the mobile home park operator's or mobile home park contractor's billing methodology, or any other general concern.

procedure
(2) The methodology for resolving complaints will be as set forth in s. PSC 186.37.

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Subchapter IV. Engineering

PSC 186.41 General construction requirements. (1) Water or sewer systems owned by a mobile home park operator or mobile home park contractor shall be constructed and maintained so as to comply with the applicable requirements of all federal, state or local agencies, including the Wisconsin department of commerce and Wisconsin department of natural resources.

(2) If water service is supplied by a mobile home park operator or mobile home park contractor on a metered basis, service may not be supplied to any mobile home park occupant from facilities which are downstream from another mobile home park occupant's meter.

Subchapter V. Customer Meters. Accuracy Requirements

PSC 186.51 Meters. All meters used for measuring the quantity of water delivered to a mobile home park occupant shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to the standard specified in ch. PSC 185.

Subchapter VI. Meter Testing

PSC 186.61 Meter testing facilities and equipment. Each mobile home park operator or mobile home park contractor billing for water or sewer service on a metered basis shall own or provide, through contract or otherwise, adequate equipment and facilities to provide for testing all of its water meters.

PSC 186.62 Testing of mobile home park occupant meters. (1) The test of any mobile home park occupant's meter shall consist of a comparison of its accuracy with that of a standard of known accuracy. Where the test standard consists of a previously calibrated reference or service meter, the test results for the mobile home park occupant meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.

(2) Meters shall be tested before repair ("As Found") and after repair ("As Left"), if applicable.

(3) Meters not meeting the accuracy or other requirements of ch. PSC 185 shall be repaired or rebuilt to meet those requirements before further use.

PSC 186.63 Test flows. The required test flow and "normal test flow limits" are as listed in ch. PSC 185. The stated test flows apply for both "As Found" and "As Left" tests.

PSC 186.64 Required tests of mobile home park occupant meters. Meters shall be tested by the mobile home park operator or mobile home park contractor at the following times:

- (1) Before use if the meter has not been tested or certified to be accurate. *all of*
- (2) Upon mobile home park occupant request or dispute (see s. PSC 186.65);
- (3) When damaged or otherwise suspected of being inaccurate;
- (4) Upon removal.

PSC 186.65 Dispute tests. Each mobile home park operator or mobile home park contractor shall promptly make an accuracy test of any metering installation upon request of a mobile home park occupant. If less than six months has elapsed since the last meter test, the mobile home park operator or mobile home park contractor is not obligated to test the meter unless there is evidence that the meter is damaged or otherwise registering incorrectly. When a meter test is performed upon request of the mobile home park occupant, an amount equal to 50 percent of the estimated cost of the meter test shall be advanced to the mobile home park operator or mobile home park contractor by the mobile home park occupant. This amount shall be refunded if the test shows the meter to be overregistering by more than 2 percent. A report giving the results of such test shall be made to the mobile home park occupant and a complete original test record shall be kept on file by the mobile home park operator or mobile home park contractor for six months following the test date. Upon request, the test shall be made in the presence of the mobile home park occupant during normal business hours.

PSC 186.66 Remote outside meter (ROM) system tests. The ROM system, if used, shall be tested each time the associated meter is tested. If the total recorded consumption of the ROM agrees with that of the base meter, no further testing of the ROM system is needed.

Subchapter VII. Operating Requirements

PSC 186.71 Quality of water. (1) Mobile home park operators or mobile home park contractors shall provide water of such quality that it complies with state and federal requirements for drinking water. *ref.*

(2) Each water supply system shall be designed and operated so that the water supplied to all mobile home park occupants is reasonably free from objectionable taste, color, odor, and sand or other sediment.

PSC 186.72 Adequacy of water supply. Each mobile home park operator or mobile home park contractor shall furnish a continuous and adequate supply of water to its mobile home park occupants.

PSC 186.73 Pressure standards. *ref.* The pressure of any mobile home park water supply system shall meet all applicable federal, state or local requirements such as those set forth by the Wisconsin Department of Commerce or Wisconsin Department of Natural Resources.

PSC 186.74 Flushing mains. If practical, dead-end mains, or other low flow portions of distribution systems, shall be flushed as needed to eliminate or minimize complaints from mobile home park occupants arising from an objectionable condition of water due to lack of circulation.

PSC 186.75 Interruptions of service. (1) Each mobile home park operator or mobile home park contractor shall make all reasonable efforts to prevent interruptions of service. When such interruptions occur, the mobile home park operator or mobile home park contractor shall endeavor to re-establish service with the shortest possible delay consistent with safety to its employees, mobile home park occupants, and the general public.

(2) Reasonable notice shall be given to mobile home park occupants of planned interruptions of service.

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PSC 186.76 Maintenance of water or sewer laterals. (1) Thawing of a mobile home park occupant's frozen lateral shall be at the mobile home park occupant's expense unless:

(a) The freeze-up is a direct result of a disconnect initiated by the mobile home park operator or mobile home park contractor and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur (or);

(b) The freeze-up is a result of a deficiency in the mobile home park distribution or collection system.

(2) All other maintenance of water or sewer laterals shall be at the expense of the mobile home park operator or mobile home park contractor unless the water or sewer lateral is physically damaged by the activities of the mobile home park occupant or by the discharge of improper materials into the sewer lateral by the mobile home park occupant. Improper materials include, but are not limited to, such materials as: any flammable or explosive liquids, solids, or gases; wastes having a pH lower than 5.0 or in excess of 10.0; or solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the lateral.