

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3276/P1dn
MDK:kmg:kjf

September 5, 2001

Senator Gronemus:

Please review this preliminary draft carefully to make sure that it achieves your intent. In particular, please note the following:

1. I understand that you want a 10-year deadline on remedying voltage problems. Therefore, the draft requires remedies no later than January 1, 2012. Is that okay? Or should remedies be required within a certain amount of time after a problem is discovered? Also, you may want to consider how to address problems that are discovered after the 10-year deadline.
2. On a point related to the above, what should happen to an electric utility or cooperative that fails to carry out its duty to remediate? Do you want to create a penalty?
3. I called the board the "electric remediation board." Is that name okay? Also, the instructions requested attaching the board to DOA's division of energy. However, that division is not created in the statutes, but is created by DOA. Because it is possible that DOA could rescind the division, I didn't mention it in the draft. Also, it's not necessary to be specific about which division the board is attached to, as long as the draft provides for attachment to DOA. In addition, please review who the members of the board are and how they are appointed, such as whether or not senate confirmation is required for the governor's appointments. Are these provisions okay?
4. The draft requires the board to consider IEEE's and EPRI's standards in promulgating rules, instead of requiring the board to adopt those standards. This approach gives the board more flexibility. Also, it avoids the issue of a potential improper delegation of legislative authority to a private organization.
5. On a point related to the above, should the draft refer to both IEEE and EPRI, or just one of those organizations?
6. I'm not sure whether it is necessary to define "neutral-to-earth voltage" or "total harmonic distortion voltage." Definitions might not be necessary because the board must consider IEEE's and EPRI's standards. Therefore, the board will, to some extent, be bound by IEEE's and EPRI's understanding of these terms. However, if these terms have definitions that aren't settled or are controversial, you may want to revise the

draft to provide definitions. Also, please review the draft's reference to "objectionable levels." Are they okay?

7. The instructions provide for allowing customers and community groups to petition the board for funding. However, I'm not exactly sure about your intent and didn't include such a provision. Perhaps I don't understand your intent, but I've assumed that electric utilities and cooperatives will apply for awards, not their customers or members. Please contact me if I've misunderstood your intent.

8. The draft allows a contiguous electric utility or cooperative to perform a remedy only if a customer's or member's electric utility or cooperative is unable to perform the remedy. I'm not sure how or why an electric utility or cooperative would be unable to perform a remedy. The draft doesn't provide any details on this point. Do you want to make this requirement more specific?

9. The appropriation for the awards is a sum certain from the fund that is created. I wasn't sure what amounts should be specified for fiscal years 2001-02 and 2002-03. Please contact me if you know how much should be appropriated. Alternatively, you could revise the appropriation so that it is a sum sufficient from the fund. However, under that alternative, the board could pay out the entire amount of the fund in any fiscal year.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us