

2001 DRAFTING REQUEST

Bill

Received: **01/18/2002**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Changing name of public service commission to utilities service commission

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 01/25/2002	hhagen 01/28/2002	jfrantze 01/29/2002	_____	lrb_docadmin 01/29/2002	lrb_docadmin 01/31/2002	

FE Sent For:

<END>

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Search for "public service commission"

14.165(2)

(2) **Recommendations.** The department of administration, department of commerce and public service commission shall make recommendations to the governor for awards under sub. (1).

15.79 Public service commission; creation.

15.03

15.03 Attachment for limited purposes. Any division, office, commission, council or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, office, commission, council or board so attached shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, except that with respect to the office of the commissioner of railroads, all personnel and biennial budget requests by the office of the commissioner of railroads shall be provided to the department of transportation as required under s. 189.02 (7) and shall be processed and properly forwarded by the public service commission without change except as requested and concurred in by the office of the commissioner of railroads.

15.06(4m)

(4m) **Executive assistant.** Each commission chairperson under s. 230.08 (2) (m) and each commissioner of the public service commission may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the chairperson or commissioner prescribes.

15.107(5)(a)2.

2. The chairperson of the public service commission or his or her designee.

15.107(17)(h)

(h) One member appointed by the chairperson of the public service commission.

15.79

15.79 Public service commission; creation. There is created a public service commission. No member of the commission may have a financial interest in a railroad or public utility. If any member voluntarily becomes so interested, the member's office shall become vacant. If the member involuntarily becomes so interested, the member's office shall become vacant unless the member divests himself or herself of the interest within a reasonable time. No commissioner may serve on or under any committee of a political party. Each commissioner shall hold office until a successor is appointed and qualified.

15.795(1)

(1) **Office of the commissioner of railroads.** There is created an office of the commissioner of railroads which is attached to the public service commission under s. 15.03, provided that s. 85.02 does not apply to the office of the commissioner of railroads. The commissioner of railroads shall have expertise in railroad issues and may not have a financial interest in a railroad, as defined in s. 195.02 (1). The commissioner may not serve on or under any committee of a political party. The commissioner shall hold office until a

successor is appointed and qualified.

16.85(1)

(1) To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or any department, board, institution, commission or officer thereof, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the engineering, architectural and construction work of the department of transportation, the engineering service performed by the department of commerce, department of revenue, **public service commission**, department of health and family services and other departments, boards and commissions when the service is not related to the maintenance, and construction and planning of the physical properties of the state. The department shall not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a day care center primarily for use by children of state employees.

16.95(9)

(9) Develop and submit to the governor's office and to the appropriate standing committees of the legislature, as determined by the speaker of the assembly and the president of the senate on or before September 1 of each even-numbered year a 5-year and 10-year plan for the resolution of the energy needs of low-income households. The department shall consult with the **public service commission**, the department of health and family services and other agencies and groups related to low-income energy assistance. The department shall include in each plan, without limitation due to enumeration, items such as target populations, income eligibility, goals and funding.

16.957(1)(bm)

(bm) "Commission" means the **public service commission**.

16.967(6)

(6) **Reports.** By March 31 of each year, the department of administration, the department of agriculture, trade and consumer protection, the department of commerce, the department of health and family services, the department of natural resources, the department of tourism, the department of revenue, the department of transportation, the board of regents of the University of Wisconsin System, the **public service commission** and the board of curators of the historical society shall each submit to the board a plan to integrate land information to enable such information to be readily translatable, retrievable and geographically referenced for use by any state, local governmental unit or public utility. The plans shall include the information that will be needed by local governmental units to prepare comprehensive plans containing the planning elements required under s. 66.1001 (2). Upon receipt of this information, the board shall integrate the information to enable the information to be used to meet land information data needs. The integrated information shall be readily translatable, retrievable, and geographically referenced to enable members of the public to use the information.

16.969(1)(a)

(a) "Commission" means the **public service commission**.

20.155 **Public service commission.**

20.155

20.155 (intro.) **Public service commission**. There is appropriated to the **public service commission** for the following programs:

20.155(1)(L)

(L) *Stray voltage program*. The amounts in the schedule for any activity of the **public service commission** under s. 196.857. All moneys received under s. 196.857 (1m) (a), (2k) and (2m) for such activity shall be credited to this appropriation.

20.275(1)(i)

(i) *Grants to libraries*. The amounts in the schedule for grants to public libraries under 2001 Wisconsin Act 16, section 9149 (3mk). The first \$500,000 of moneys received from the Ameritech Wisconsin settlement, **public service commission** docket 6720-TI-164, shall be credited to this appropriation account. No moneys may be expended or encumbered from this appropriation after June 30, 2002.

20.275(1)(im)

(im) *Educational technology block grants; supplemental*. Except as provided in par. (i), all moneys received from the Ameritech Wisconsin settlement, **public service commission** docket 6720-TI-164, for payments to school districts under s. 44.72 (2) (b) 2.

20.455(1)(kt)

(kt) *Telecommunications positions*. All moneys received from the **public service commission** under s. 196.85 (2m), 1997 stats., for services provided by the department of justice relating to telecommunications matters. No moneys may be encumbered from this appropriation after June 30, 1999.

20.923(4)(e)10.

10. **Public service commission**: chairperson and members.

20.923(4)(e)11.

11. **Public service commission**: office of the commissioner of railroads: commissioner.

25.469

25.469 Nuclear waste escrow fund. There is established a separate nonlapsible trust fund designated as the nuclear waste escrow fund, to consist of all moneys received by the **public service commission** under s. 196.497 (11s) (a).

25.96

25.96 Utility public benefits fund. There is established a separate nonlapsible trust fund designated as the utility public benefits fund, consisting of deposits by the **public service commission** under s. 196.374 (3), public benefits fees received under s. 16.957 (4) (a) and (5) (c) and (d) and contributions received under s. 16.957 (2) (c) 4. and (d) 2.

30.025(1)

(1) Any electric utility, as defined in s. 196.491 (1) (d), proposing to construct a facility, as defined in s. 196.491 (1) (e), which facility is to be located adjacent to a waterway in such a manner as to require one or

more permits to be issued under this chapter and ch. 31 may, in lieu of separate application for permits under those chapters, submit an engineering plan together with any additional information required by the department. Such plan shall be filed with the department within 20 days after an application for a certificate of public convenience and necessity is filed with the **public service commission** under s. 196.491 (3). The department may require supplemental information to be furnished thereafter.

30.21(1)

(1) **Water intake facilities.** Upon compliance with such applicable regulations as may be imposed by the government of the United States and subject to chs. 196 and 197 and rules and orders of the **public service commission** issued pursuant thereto, any public utility may, pursuant to permit granted by resolution of the governing body of any city, village or town situated on any waters of Lake Michigan or Lake Superior or in the Great Lakes basin, construct, maintain and operate, upon and under the bed thereof adjoining such city, village or town, all cribs, intakes, basins, pipes and tunnels necessary or convenient for securing an adequate supply of water suitable for the purposes of such utility, provided only, that concurrently with the construction of facilities for the withdrawal of water from the lakes, the city, town or village must construct sewage treatment and disposal works adequate to treat completely all sewage of the municipality. Any city, village or town, the limits of which are within 50 miles of any such waters and any public utility serving the same shall be deemed to be situated on such waters within the meaning of this section and such municipality or public utility serving the same shall, subject to this section, have authority to acquire and own or lease sufficient real estate, not to exceed 50 miles beyond the corporate limits of such municipality, for the purpose of constructing, maintaining and operating thereon or thereunder, transmission facilities and structures, including cribs, intakes, basins, pipes and tunnels, necessary or convenient for securing an adequate supply of water suitable for the purposes of such municipality or utility. Such facilities shall be so constructed, maintained and operated as to avoid material obstruction to existing navigation or the use of private property not owned by such utility.

30.21(2)(b)

(b) Place any public utility structure, including all or part of any plant for the generation of electricity and the appurtenances, upon the bed of any of the waters specified in sub. (1), provided the utility first obtains approval under this chapter and obtains the approval of the **public service commission** as required by s. 196.49 or rules or orders of the **public service commission** issued pursuant thereto, and also obtains the approval of the department to the making of any payment to be made to the municipality with respect to the erection of such structure.

31.02(5)

(5) The department shall give written notice to the **public service commission** of any hearing under this chapter involving public utilities.

31.095(1)

(1) (intro.) Except where the stream to be improved forms a boundary line between this and another state, no permit shall be granted or transferred in accordance with this chapter until the applicant has filed with both the department and the **public service commission**, in addition to all other things required by law to be filed, an agreement setting forth:

32.02(13)

(13) Any corporation licensed to do business in Wisconsin that shall transmit oil or related products including all hydrocarbons which are in a liquid form at the temperature and pressure under which they are transported in pipelines in Wisconsin, and shall maintain terminal or product delivery facilities in Wisconsin, and shall be engaged in interstate or international commerce, subject to the approval of the **public service commission** upon a finding by it that the proposed real estate interests sought to be acquired are in the public interest.

32.03(3)

(3) Any public utility corporation, or cooperative association mentioned in s. 32.02 (10), upon securing from the **public service commission**, pursuant to written application and upon due notice to all interested parties, an order determining that lands or interests therein sought to be acquired by the applicant are owned by a public utility corporation or such rural electric cooperative and are not then being used by the owner for service to the public by the public utility or to its members by such cooperative association and will not be required in the future for such purposes to an extent and within a period which will be interfered with by the appropriation of the lands or interests sought to be condemned, may acquire by condemnation such lands or interests therein. No lands, or interests therein, belonging to a public utility corporation or to any such cooperative association which is being held by such owner as a site for an electric generating plant, and no other property so owned, or any interest therein, which is used or suitable for the development of water power, shall be subject to condemnation under this subsection; except that an undeveloped water power site, belonging to any such public utility corporation or to any such cooperative association and which is within the flowage area of any other undeveloped water power site, may be condemned pursuant to this subsection, but only if, upon application to it, the **public service commission**, after hearing held upon notice to such owner and all parties interested, shall by order determine the necessity of taking such lands or interest therein. Such order shall be subject to review as prescribed by ch. 227. Any condemnation of lands pursuant to this subsection shall be conducted in accordance with the procedure and requirements prescribed by ss. 32.04 to 32.14.

32.03(5)(a)

(a) If an electric utility is required to obtain a certificate of public convenience and necessity from the **public service commission** under s. 196.491 (3), no right to acquire real estate or personal property appurtenant thereto or interest therein for such project by condemnation shall accrue or exist under s. 32.02 or 32.075 (2) until such a certificate of public convenience and necessity has been issued.

32.07(4)

(4) The determination of the **public service commission** of the necessity of taking any undeveloped water power site made pursuant to s. 32.03 (3) shall be conclusive.

32.075(2)

(2) Whenever the **public service commission** has made a finding, either with or without hearing, that it is reasonably certain it will be necessary for a public utility to acquire lands or interests therein for the purpose of the conveyance of telegraph and telephone messages, or for the production, transformation or transmission of electric energy for the public, or for right-of-way for a gas pipeline, main or service, and that such public utility is unlikely to commence construction of its facilities upon such lands within 2 years of such finding, such public utility may file its petition and proceed with condemnation as prescribed in s. 32.06 and no further determination of necessity shall be required. When the lands to be condemned under

this subsection are needed for rights-of-way for telegraph, telephone or electric lines or pipelines, it shall not be necessary that the particular parcel or parcels of land be described in the commission's finding, but it shall be sufficient that such finding described the end points of any such lines and the general direction or course of the lines between the end points, but when the public utility files its petition under s. 32.06 it shall specifically describe therein the lands to be acquired. Notwithstanding the completion of the condemnation proceedings and the payment of the award made under this subchapter, the owner may continue to use the land until such time as the public utility constructs its facilities thereon.

32.075(3)(a)

(a) (intro.) The **public service commission** shall notify by certified mail any person whose ownership interest in the property was terminated by condemnation by a public utility under this chapter if all of the following occur:

32.075(3)(a)2.

2. The **public service commission** revokes a certificate of public convenience and necessity required under s. 196.491 (3) (a) 1. or finds that a state or federal agency has denied or revoked any license, permit, certificate or other requirement on which completion of the public utility's project for which the land was condemned is contingent or that the public utility has for any other reason abandoned a project for which the condemned property was acquired.

32.075(3)(a)3.

3. The public utility within 365 days after issuance of the **public service commission** denial, revocation or finding under subd. 2. has not proposed, by application to the commission, an alternative use for the property or the **public service commission** has denied an alternative use proposed by the public utility.

35.28

35.28 Orders by department. The department may order printed in suitable form, in reasonable quantities, copies of opinions and briefs of the attorney general and the supreme court; opinions of the court of appeals; decisions of the **public service commission**; and special editions of parts of official reports.

35.29(2)

(2) Upon receiving the necessary printer's copy the department shall order printing as follows: Of the opinions of the attorney general, not more than 1,000 copies; and of the decisions of the **public service commission**, not more than 500 copies.

59.84(2)(g)1.

1. The board, subject to approval by the **public service commission** after public hearing to all interested parties in cases in which the **public service commission** would have jurisdiction, may by order require any municipality through which an expressway project is to be constructed to remove, relocate and replace in kind or with equal facilities, or if the municipality shall request enlarged facilities, any sewer, street lighting or other like utility service the location of which interferes with construction of an expressway project. If enlarged facilities are requested the municipality shall bear that part of the cost of the improvement which exceeds the cost of the replacement of the existing facility in kind or with equal materials or facilities. However the board shall bear the excess cost where the installation of the enlarged facility is caused by designed construction and use of the expressway. A certified copy of the order shall be filed with the

municipal clerk of each municipality affected and upon the filing each municipality shall within 30 days take the necessary action to comply with the order. All plans, specifications and contracts for any of the work shall be subject to approval by the board. When the work under specific contracts has been completed and approved by the governing body of the municipality and the board, the county shall pay for the work from expressway funds as an item of the particular expressway project budget. If the payments made by the county exceed the replacement costs and the additional cost was incurred at the specific request of the municipality, the municipality shall reimburse the county therefor. The reimbursement shall be credited by the county as an abatement of the expenses for which the reimbursement is received. If considered feasible and desirable by the board any work provided for in this paragraph may be performed by the board or directly by contract. In such cases the municipality in which the work is performed shall cooperate with the board.

59.84(2)(h)5.

5. If the board and any privately owned public utility are unable to agree as to the division of the costs, either may appeal to the **public service commission**, which shall determine the proper amounts of reimbursement according to the provisions expressed in this paragraph. Either party may petition the circuit court for review of the public service commission's decision in the manner provided in s. 227.53. If it is determined upon such review that the county has paid more than two-thirds of the net cost of compliance by a utility with the board's order, any overage shall be reimbursed to the county by the utility.

62.16(2)(b)

(b) *Public service corporation.* Whenever the council, department of transportation or county board shall declare its intention to improve any street in which water or gas mains of any privately owned public utility shall have been previously laid or are about to be laid the council shall by resolution require, subject to review as provided in s. 196.58, water and gas service pipes to be first laid in such street, at the cost of such utility, unless the franchise of such utility otherwise provides as to the cost, from the main to the curb line on each side thereof, at such intervals as the council shall direct, along that part of said street so to be improved, except at street or alley crossings, and may, subject to such review, fix a reasonable time within which such work shall be done by the utility. Notice of such requirement shall thereupon be given to such utility by delivering a copy thereof to the superintendent, or agent in charge thereof, requiring such utility to do such work opposite the lots indicated according to plans and specifications, to be theretofore prepared and filed in the office of the city clerk, showing the location and size and the kind and quality of material of such water and gas service pipes; and if such utility shall refuse or neglect to do the same before the expiration of the time fixed for the improvement of said street so ordered the board of public works may procure the same to be done, in which event said board shall keep accurate account of the expense of constructing such gas or water service pipes, as the case may be, and report the same to the city clerk who shall annually enter in the tax roll as special taxes against such utilities, the total of the amounts so certified to the clerk for such charges, and the same shall be collected in all respects like other city taxes against said utilities, and the city shall have a legal and valid claim for the amount of such special taxes against such utilities. No application for such review shall be effective unless the same be made and notice thereof filed in the office of the clerk of the city making such requirement within 30 days after service of the notice of such requirement as above provided; and on such review the **public service commission** shall make such order as to extension of time for the doing of such work and as to all other conditions affecting such requirement as the commission shall deem reasonable or expedient.

65.06(17)

(17) Subsections (13), (14), (15) and (16) do not apply to the expenditure of funds, the proceeds of bonds or mortgage certificates, nor the surplus revenues of any water system, lighting system or municipally owned utility. In establishing the budget format with respect to funds and accounts related to proprietary operations, the common council may authorize accounting procedures which follow the uniform system of accounts authorized by the public service commission in the case of municipal utilities or accepted commercial accounting practices in other instances.

66.0235(4)

(4) **Public utilities.** A public utility plant, including any dam, power house, power transmission line and other structures and property operated and used in connection with the plant, belongs to the local governmental unit in which the major portion of the patrons of the utility reside. The value of the utility, unless fixed by agreement of all parties interested shall be determined and fixed by the public service commission upon notice to the local governmental units interested, in the manner provided by law. The commission shall certify the amount of the compensation to the clerks of each local governmental unit interested and that amount shall be used by the apportionment board in adjusting assets and liabilities.

66.0235 - ANNOT.

*Sewerage systems are not public utilities valued by the public service commission under sub. (4).
Town of Beloit v. Public Service Commission, 180 Wis. 2d 610, 510 N.W.2d 140 (Ct. App. 1993).*

66.0801(2)

(2) Sections 66.0803 to 66.0825 do not deprive the office of the commissioner of railroads, department of transportation or public service commission of any power under ss. 195.05 and 197.01 to 197.10 and ch. 196.

66.0805(3)

(3) The commission shall choose a president and a secretary from its membership. The commission may appoint and establish the compensation of a manager. The commission may command the services of the city, village or town engineer and may employ and fix the compensation of subordinates as necessary. The commission may make rules for its proceedings and for the government of the department. The commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.

66.0807(2)

(2) A city, village or town served by a privately owned public utility, motor bus or other systems of public transportation rendering local service may contract with the owner of the utility or system for the leasing, public operation, joint operation, extension and improvement of the utility or system by the municipality; or, with funds loaned by the municipality, may contract for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of the public utility or system which is operated within the municipality and any territory immediately adjacent and tributary to the municipality; or may contract for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of the utility or system property. The provisions of s. 66.0817 relating to preliminary agreement and approval by the department of transportation or public service commission apply to the contracts authorized by this section. The department of transportation or public service commission shall, when a contract

under this section is approved by it and consummated, cooperate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in the contract to be made by it.

66.0815(2)(a)

(a) A city, village or town may contract for furnishing light, heat, water or motor bus or other systems of public transportation to the municipality or its inhabitants for a period of not more than 30 years or for an indeterminate period if the prices are subject to adjustment at intervals of not greater than 5 years. The **public service commission** has jurisdiction over the rates and service to any city, village or town where light, heat or water is furnished to the city, village or town under any contract or arrangement, to the same extent that the **public service commission** has jurisdiction where that service is furnished directly to the public.

66.0817(2)

(2) The preliminary agreement shall fix the price of sale or lease, and provide that if the amount fixed by the department of transportation or **public service commission** is greater, the price shall be that fixed by the department or commission.

66.0817(3)

(3) The municipality shall submit the preliminary agreement when executed to the department of transportation or **public service commission**, which shall determine whether the interests of the municipality and its residents will be best served by the sale or lease, and if it so determines, shall fix the price and other terms.

66.0817(4)

(4) After the price and other terms are fixed under sub. (3), the proposal shall be submitted to the electors of the municipality. The notice of the referendum shall include a description of the plant and a summary of the preliminary agreement and of the price and terms as fixed by the department of transportation or **public service commission**. If a majority voting on the question votes for the sale or lease, the board or council may consummate the sale or lease, upon the terms and at a price not less than fixed by the department of transportation or **public service commission**, with the proposed purchaser or lessee or any other with whom better terms approved by the department of transportation or **public service commission** can be made.

66.0817(5)

(5) Unless the sale or lease is consummated within one year of the referendum, or the time is extended by the department of transportation or **public service commission**, the proceedings are void.

66.0817(7)

(7) For the purpose of this section, the department of transportation has jurisdiction over transportation systems and the **public service commission** has jurisdiction over public utilities as defined in s. 196.01.

66.0819(2)

(2) The provisions of this chapter and chs. 196 and 197 relating to a water system, including those provisions relating to the regulation of a water system by the **public service commission**, apply to a consolidated water and sewage disposal system as a single public utility. In prescribing rates, accounting and engineering practices, extension rules, service standards or other regulations for a consolidated water

and sewage disposal system, the **public service commission** shall treat the water system and the sewage disposal system separately, unless the commission finds that the public interest requires otherwise.

66.0821(2)(a)2.

2. If the extension of a sewer line or water main that is described under subd. 1. is required because of a new subdivision, as defined in s. 236.02 (12), or commercial development, the municipality may recoup some or all of the costs that it has incurred for the extension by a method described under subd. 1. or by any other method of financing agreed to by the municipality and the developer. If a person, whose property is outside of the subdivision for which a developer is paying, or has paid, the costs of a sewerage project under this subdivision, connects an extension into the sewerage project after the amount is established that the developer is required to pay under this subdivision, that person shall pay to the developer an amount determined by the **public service commission**. The **public service commission** shall promulgate rules to determine the amount that such a person shall pay to a developer. The rules promulgated under this subdivision, shall be based on the benefits accruing to the property that connects an extension into the sewerage project.

66.0821(5)(a)

(a) If a user of a service complains to the **public service commission** that rates, rules and practices are unreasonable or unjustly discriminatory, or if a holder of a mortgage or revenue bond or mortgage certificate or other evidence of debt, secured by a mortgage on the sewerage system or any part of the system or pledge of the income of sewerage service charges, complains that rates are inadequate, the **public service commission** shall investigate the complaint. If there appears to be sufficient cause for the complaint, the commission shall set the matter for a public hearing upon 10 days' notice to the complainant and the town, village or city. After the hearing, if the **public service commission** determines that the rates, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable rates, rules and practices and may make any other order respecting the complaint that is just and reasonable, including, in the case of standby charges imposed under sub. (4) (c), an order that a municipality refund to the user any amount of the standby charges that have been collected if the user has filed a complaint with the **public service commission** not later than 60 days after receiving the original notice of charge or after receiving a notice of charge that relates to an increased standby charge. The proceedings under this paragraph are governed, to the extent applicable, by ss. 196.26 to 196.40. The commission shall bill any expense of the commission attributable to a proceeding under this paragraph to the town, village or city under s. 196.85 (1).

66.0821(5)(b)

(b) Judicial review of a determination of the **public service commission** under par. (a) may be had by any person aggrieved in the manner prescribed in ch. 227.

66.0821(6)

(6) **Foreclosure sale.** If there is a sale of mortgaged sewerage system premises on a judgment of foreclosure and sale, the price paid for the premises may not exceed the amount of the judgment and the costs of sale to and including the recording of the sheriff's deed. The purchaser on the foreclosure sale may operate and maintain the sewerage system and collect sewerage service charges, and for that purpose is deemed to have a franchise from the municipality. The term "purchaser" includes the purchaser's successors or assigns. The rates to be charged, in addition to the contributions, if any, which the municipality has obligated itself to

make toward the capital or operating costs of the plant, shall be sufficient to meet the requirements of operation, maintenance, repairs, depreciation, interest and an amount sufficient to amortize the judgment debts and all additional capital costs which the purchaser contributes to the plan over a period not exceeding 20 years. In addition, the purchaser of the premises may earn a reasonable amount, as determined by the **public service commission**, on the actual amount of the purchaser's investment in the premises represented by the purchase price of the premises, plus any additions made to the investment by the purchaser or minus any payments made by the municipality on account of the investments. The municipality may by payment reduce the investment of the purchaser and after full payment of the purchase price plus the cost of subsequent improvements the premises shall revert to the municipality. While the premises are owned by the private purchaser, the premises shall be considered a public utility and are subject to ch. 196 to the extent applicable.

66.0821 - ANNOT.

*The PSC is not authorized by sub. (9) to set rates retroactively or to order refunds. Kimberly-Clark Corp. v. **Public Service Commission**, 110 Wis. 2d 455, 329 N.W.2d 143 (1983).*

66.0823(2)(c)

(c) "Commission" means the **public service commission**.

66.0825(10)

(10) Regulation. An electric company created under this section is a "public utility" for purposes of ch. 196, except that the terms and conditions and the rates at which a company sells power and energy for resale are not subject to regulation or alteration by the **public service commission**.

66.0827(5)(b)

(b) All functions performed by a sanitary district and assumed by a utility district under this subsection remain subject to regulation by the **public service commission** as if no transfer had occurred.

66.1201(10)(h)

(h) Property already devoted to a public use may be acquired, provided that no property belonging to any municipality or to any government may be acquired without its consent and that no property belonging to a public utility corporation may be acquired without the approval of the **public service commission** or other officer or tribunal, if any, having regulatory power over the public utility corporation.

66.1313(2)(c)

(c) If real property in the development area which is to be acquired by condemnation has, before acquisition, been devoted to another public use, it may be acquired provided that no real property belonging to the city or to any other governmental body, or agency or instrumentality of the city or other governmental body, corporate or otherwise, may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the **public service commission** or other officer or tribunal having regulatory power over the corporation.

76.28(1)(b)

(b) "Book cost of utility plant" has the meaning set forth in the uniform system of accounts established by the **public service commission**.

76.28(1)(d)

(d) "Gross revenues" for a light, heat and power company other than a qualified wholesale electric company or a transmission company means total operating revenues as reported to the public service commission except revenues for interdepartmental sales and for interdepartmental rents as reported to the public service commission and deductions from the sales and use tax under s. 77.61 (4), except that the company may subtract from revenues either the actual cost of power purchased for resale, as reported to the public service commission, by a light, heat and power company, except a municipal light, heat and power company, that purchases under federal or state approved wholesale rates more than 50% of its electric power from a person other than an affiliated interest, as defined in s. 196.52 (1), if the revenue from that purchased electric power is included in the seller's gross revenues or the following percentages of the actual cost of power purchased for resale, as reported to the public service commission, by a light, heat and power company, except a municipal light, heat and power company that purchases more than 90% of its power and that has less than \$50,000,000 of gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the fee assessed on May 1, 1989, and 50% for the fee assessed on May 1, 1990, and thereafter. For a qualified wholesale electric company, "gross revenues" means total business revenues from those businesses included under par. (e) 1. to 4. For a transmission company, "gross revenues" means total operating revenues as reported to the public service commission, except revenues for transmission service that is provided to a public utility that is subject to the license fee under sub. (2) (d), to a public utility, as defined in s. 196.01 (5), or to a cooperative association organized under ch. 185 for the purpose of providing electricity to its members only. For an electric utility, as defined in s. 16.957 (1) (g), "gross revenues" does not include public benefits fees collected by the electric utility under s. 16.957 (4) (a) or (5) (a). For a generator public utility, "gross revenues" does not include any grants awarded to the generator public utility under s. 16.958 (2) (b). For a wholesale supplier, as defined in s. 16.957 (1) (w), "gross revenues" does not include any public benefits fees that are received from a municipal utility or retail electric cooperative or under a joint program established under s. 16.957 (5) (f). For a municipal utility, "gross revenues" does not include public benefits fees received by the municipal utility from a municipal utility or retail electric cooperative under a joint program established under s. 16.957 (5) (f).

76.28(1)(h)

(h) "Sales factor" means a fraction the numerator of which is the taxpayer's total sales of electricity, gas, water and steam in this state reported to the public service commission for the tax period and the denominator of which is the taxpayer's total sales of electricity, gas, water and steam everywhere as reported to the public service commission for the tax period.

76.28(8)

(8) **Transfer of ownership.** If any light, heat or power company discontinues service through sale, merger or abandonment of its property or otherwise, the company acquiring that property or undertaking to provide service in the area of the former company shall assume the license fees due under this section, but the liability of the acquiring company is limited to those license fees which have accrued from January 1 of the previous calendar year to the date of the order of the public service commission approving the sale, merger or discontinuance of service.

76.30(2)(h)

(h) Employees and members of the public service commission, and employees of the department of

transportation, to the extent that the department of revenue considers the examination necessary for those members and employees to perform their duties.

77.54(30)(e)

(e) For purposes of this subsection, a seller of electricity or natural gas is not required to comply with the requirement of obtaining exemption certificates under s. 77.52 (13) for sales of electricity or natural gas to accounts not covered by par. (c) which are properly classified as residential or farms pursuant to schedules which are filed for rate tariff purposes with the **public service commission** under s. 196.19 and which are in force at the time of the sales or are properly so classified for classification purposes as directed by the federal rural electrification administration. Nothing in this paragraph shall be construed to broaden the exemption specified in par. (a).

79.04(1)(a)

(a) An amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the **public service commission** or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first \$125,000,000 of the total original cost of production plant, general structures and work-in-progress less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a municipality in any year shall not exceed \$300 times the population of the municipality.

79.04(1)(c)1.

1. The payment for any municipality in which a production plant is located, which the **public service commission** certifies to the department of revenue will produce a nominal rated capacity of 200 megawatts or more, shall be no less than \$75,000 annually, except that the amount distributable to a municipality in any year shall not exceed the per capita limit specified in par. (a). Payments under this paragraph may be extended to decommissioned production plants as provided in subd. 3.

79.04(1)(c)3.

3. If a production plant with a nominal rated capacity of 200 megawatts or more is decommissioned or becomes nonutility property, the \$75,000 minimum guaranteed payment under subd. 1. shall continue but diminish by \$7,500 annually, except that the minimum guaranteed payment under this subdivision shall cease in the year following the first year in which the property becomes taxable by the taxation district. In this subdivision, "nonutility property" has the meaning set forth in the uniform system of accounts established by the **public service commission**.

79.04(2)(a)

(a) Annually, the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account to any county having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills in the case of property in a city or village the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within the municipality in accordance with the system of accounts established by the **public service commission** or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account determined by multiplying by 6 mills in the case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures and work-in-progress less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a county in any year shall not exceed \$100 times the population of the county.

79.04(2)(b)

(b) The payment under par. (a) for any county in which a production plant is located, which the **public service commission** certifies to the department of revenue will produce a nominal rated capacity of 200 megawatts or more, shall be not less than \$75,000 annually, except that the amount distributable to a county in any year shall not exceed the per capita limit specified in par. (a).

93.01(1m)

(1m) "Business" includes any business, except that of banks, savings banks, savings and loan associations and insurance companies. "Business" includes public utilities and telecommunications carriers to the extent that their activities, beyond registration, notice and reporting activities, are not regulated by the **public service commission** and includes public utility and telecommunications carrier methods of competition or trade and advertising practices that are exempt from regulation by the **public service commission** under s. 196.195, 196.196, 196.202, 196.203, 196.219 or 196.499 or by other action of the commission.

100.207(3)(a)

(a) A person may not engage in negative option billing or negative enrollment of telecommunications services, including unbundled telecommunications services. A person may not bill a customer for any telecommunications service that the customer did not affirmatively order unless that service is required to be

provided by law, the federal communications commission or the public service commission. A customer's failure to refuse a person's proposal to provide a telecommunications service is not an affirmative request for that telecommunications service.

100.207(6)(em)1.

1. Before preparing any proposed rule under this section, the department shall form an advisory group to suggest recommendations regarding the content and scope of the proposed rule. The advisory group shall consist of one or more persons who may be affected by the proposed rule, a representative from the department of justice and a representative from the public service commission.

100.208(2)

(2) (intro.) The department shall notify the public service commission if any of the following conditions exists:

111.59(2)

(2) The arbitrator shall hand down his or her order within 30 days after his or her appointment; except that the parties may agree to extend, or the commission may for good cause extend the period for not to exceed an additional 30 days. If the arbitrators do not agree, then the decision of the majority shall constitute the order in the case. The arbitrator shall furnish to each of the parties and to the public service commission a copy of the order. A certified copy thereof shall be filed in the office of the clerk of the circuit court of the county wherein the dispute arose or where the majority of the employees involved in the dispute resides.

133.07(2)

(2) This chapter does not prohibit activities of any public utility, as defined in s. 196.01 (5), or telecommunications carrier, as defined in s. 196.01 (8m), which are required by ch. 196 or rules or orders under ch. 196, activities necessary to comply with that chapter or those rules or orders or activities that are actively supervised by the public service commission. This subsection does not apply to activities of a public utility or telecommunications carrier that are exempt from public service commission regulation under s. 196.195, 196.196, 196.202, 196.203, 196.219 or 196.499 or by other action by the commission.

146.085(3)

(3) **Enforcement.** The department, the department of commerce and the public service commission shall enforce this section within their respective jurisdictions.

146.70(3)(a)1.

1. "Commission" means the public service commission.

165.25(1)

(1) **Represent state.** Except as provided in s. 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be

interested. The **public service commission** may request under s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

165.25(4)(a)

(a) The department of justice shall furnish all legal services required by the investment board, the lottery division in the department of revenue, the **public service commission**, the department of transportation, the department of natural resources, the department of tourism and the department of employee trust funds, together with any other services, including stenographic and investigational, as are necessarily connected with the legal work.

182.0135(2)

(2) Any director violating the provisions of this section may be removed by the **public service commission**, after notice and hearing. If a director of a public utility is removed by the commission, the director shall be ineligible for a period of 2 years to serve as a director of said public utility.

182.017(3)

(3) **Abandoned lines removed.** The **public service commission** after a public hearing as provided in s. 196.26, and subject to the right of review as provided in ch. 227, may declare any line to have been abandoned or discontinued, if the facts warrant such finding. Whenever such a finding shall have been made the corporation shall remove such line, and on failure for 3 months after such finding of abandonment or discontinuance, any person owning land over, through or upon which such line shall pass, may remove the same, or the supervisors of any town within which said lines may be situated, may remove the said lines from the limits of its highways, and such person or supervisors shall be entitled to recover from the company owning the lines the expense for labor involved in removing the property.

182.0175(5)

(5) **Right to injunction.** If any person engages in or is likely to engage in excavation inconsistent with this section and which results or is likely to result in damage to transmission facilities, the person who owns or operates the facilities may seek injunctive relief in the circuit court for the county in which the transmission facilities are located. If the transmission facilities are owned or operated by a public utility as defined in s. 196.01 (5), including a telecommunications carrier, as defined in s. 196.01 (8m), and the public utility does not seek injunctive relief, the attorney general, upon request of the **public service commission**, shall seek injunctive relief in the circuit court for the county in which the transmission facilities are located.

182.018(2)

(2) Any person ordered by the **public service commission** to change its wires so as to conform to this section failing to comply with such order within 10 days from the service thereof shall forfeit \$25, and a like forfeiture for every additional 10 days of noncompliance with the order, unless a greater length of time to make such change shall be granted.

182.36(3)

(3) The corporation may enter into contracts with public utilities, including railroads, for the removal or change in location of the lines of such public utilities where the same is deemed necessary by the corporation in the construction of the project. Such contracts shall be for the payment of damages caused

the utilities by the relocation of their lines. In the event the corporation and the utility are unable to reach an agreement, the **public service commission** shall direct the manner, location and time allowed for the change in the utility line and the corporation shall be liable for the reasonable costs of such change. In the event the public utility fails to comply with the order of the **public service commission** it shall be liable to the corporation for all damages occasioned by such failure.

182.70(1)(b)

(b) "Commission" means the **public service commission**.

182.71(1)(a)

(a) "Commission" means the **public service commission**.

189.02(3m)(a)

(a) Except as provided in s. 15.03, the **public service commission** shall have no control or jurisdiction over the office in matters relating to railroad regulation.

189.02(3m)(b)

(b) Notwithstanding par. (a), the commissioner of railroads shall seek the input of, and give considerable weight to the advice given by, the chairperson of the **public service commission** on matters relating to the employment of persons by the office.

189.02(4)

(4) Decisions of the office are not appealable to the **public service commission**. Decisions of the office are subject to judicial review under ch. 227.

189.02(7)

(7) At least 14 days before submitting to the **public service commission** any personnel or budget request that affects any appropriation to the department of transportation, the office shall notify the secretary of the request.

196.01(2m)

(2m) "Commission" means the **public service commission**.

196.02 - ANNOT.

Public service commission ordered rebates for inadequate service. 1976 WLR 584.

196.219(3)(a)

(a) Refuse to interconnect within a reasonable time with another person to the same extent that the federal communications commission requires the telecommunications utility or provider to interconnect. The **public service commission** may require additional interconnection based on a determination, following notice and opportunity for hearing, that additional interconnection is in the public interest and is consistent with the factors under s. 196.03 (6).

196.219(3)(f)

(f) Refuse to provide basic local exchange service, business access line and usage service within a local

calling area and access service on an unbundled basis to the same extent that the federal communications commission requires the telecommunications utility or provider to unbundle the same services provided under its jurisdiction. The **public service commission** may require additional unbundling of intrastate telecommunications services based on a determination, following notice and opportunity for hearing, that additional unbundling is required in the public interest and is consistent with the factors under s. 196.03 (6). The **public service commission** may order unbundling by a small telecommunications utility.

196.219(3)(h)

(h) To the extent prohibited by the federal communications commission, or by the **public service commission** under rules promulgated consistent with the factors under s. 196.03 (6), give preference or discriminate in the provision of services, products or facilities to an affiliate, or to the telecommunications utility's or provider's own or an affiliate's retail department that sells to consumers.

196.219 - ANNOT.

*Sub. (4) does not grant the **public service commission** the right to sue a utility for forfeitures on its own behalf and on behalf of individual citizens to enforce rights granted to them by other provisions of chapter 196. PSC v. Wisconsin Bell, Inc. 211 Wis. 2d 749, 566 N.W.2d 496 (Ct. App. 1997).*

196.395 - ANNOT.

*Temporary and emergency rates may be appropriately and widely used by the **public service commission** when justified by the circumstances. Friends of the Earth v. PSC, 78 Wis. 2d 388, 254 N.W.2d 299 (1977).*

196.485(1)(h)

(h) "Transmission facility" means any pipe, pipeline, duct, wire, line, conduit, pole, tower, equipment or other structure used for the transmission of electric power as determined by the **public service commission** on the basis of factors for identifying a transmission facility that are specified in the orders of the federal energy regulatory commission under 16 USC 824d and 824e.

196.70 - ANNOT.

*Temporary and emergency rates may be appropriately and widely used by the **public service commission** when justified by the circumstances. Friends of the Earth v. PSC, 78 Wis. 2d 388, 254 N.W.2d 299 (1977).*

197.10(1)(h)

(h) To provide for the submission of matters of difference arising between the parties to the **public service commission** or to a board of arbitrators as the parties may agree.

197.10(2)

(2) Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility shall be submitted to the **public service commission** for its approval and upon such approval the same shall be filed as provided in s. 8.37 and submitted in such manner as the common council shall determine to a vote of the electors of such city at the next regular municipal election or at a special election called for that purpose, and such contract shall not become binding upon such city until approved by a majority vote of the qualified electors of such city voting thereon. No bonds shall in any case be issued by

said city under the contract or contracts mentioned in sub. (1), until the proposition of their issue shall have been submitted to the people of such city and adopted by a majority of the electors voting thereon.

197.10(3)

(3) It shall be the duty of the **public service commission** upon request joined in by both parties to any such contract to advise and cooperate with them in the making of audits, estimates and other determinations of fact which will aid the parties in reaching an agreement or in the operation of the property under such agreement.

197.10(4)

(4) Insofar as the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value or earnings of the properties of the public utility or provisions looking toward the ultimate acquisition of the same are made subject to the terms of any contract provided for in sub. (1), and so long as said contract remains in force, the following sections of the statutes shall be inapplicable to the same: ss. 195.05, 195.10, 196.02 (1) and (2), 196.05, 196.09, 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28, 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03, 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract made hereunder shall operate to prevent an appeal to the **public service commission** by any person, other than a party to said contract, upon any complaint alleging that any rate, fare, charge or classification, or any joint rate, or any regulation, act or practice relating to the production, transmission, delivery or furnishing of gas, heat, light or power, or any service in connection therewith, is unjustly discriminatory, or that any such service is inadequate or cannot be obtained. Upon said appeal the commission shall, as provided by law, determine and by order fix a rate, fare, charge, classification, joint rate or regulation, act or practice or service to be imposed, observed or followed in the future in lieu of that found to be unjustly discriminatory or inadequate.

197.10(5)

(5) Nothing in this section shall operate to deprive the **public service commission** of its jurisdiction over service, rates and other matters, as provided in chs. 196 and 197, outside of the limits of said 1st class city. If any complaint or investigation before the commission as to service, rates or other matters arising outside of any such city necessarily shall involve any contract authorized in sub. (1), or any specifications, rules, regulations or acts in its conduct or administration such city shall be made a party to such proceeding and to the extent that such contract or its administration shall be determined by the commission to be unreasonable or unjustly discriminatory as regards any person or municipality outside of such city, the same shall be changed to conform to the rates, service or regulations provided by the commission outside of such city.

198.01(3)

(3) "Commission" means the **public service commission** and any other body, commission or agency of the state which may at any time hereafter succeed to the general powers and jurisdiction of said commission.

199.10(1)(e)

(e) The corporation may not furnish any enclosure or statement to a public utility under this section unless the enclosure or statement has been approved by the **public service commission** under sub. (2m).

199.10(2m)

(2m) Prior to furnishing a statement or enclosure to a utility under sub. (1), the corporation shall submit the statement or enclosure to the **public service commission**. The **public service commission** shall approve the statement or enclosure if it determines that the statement or enclosure is not false or misleading and that the statement or enclosure satisfies the requirements of this section.

200.11(6)

(6) **Acquisition of existing facilities.** The commission may order that the district shall assume ownership of such existing utility works and facilities within the district as are needed to carry out the purposes of the commission. Appropriate instruments of conveyance for all such property shall be executed and delivered to the district by the proper officers of each municipality concerned. All persons regularly employed by a municipality to operate and maintain any works so transferred, on the date on which the transfer becomes effective, shall be employees of the district, in the same manner and with the same options and rights as were reserved to them in their former employment. The commission, upon assuming ownership of any works, shall become obligated to pay to the municipality amounts sufficient to pay when due all remaining principal of and interest on bonds issued by the municipality for the acquisition or improvement of the works taken over. Such amounts may be offset against any amounts due to be paid by the municipality to the district. The value of any works and facilities taken over by a commission may be agreed upon by the commission and the municipality owning the same. Should the commission and the governing body of the municipality be unable to agree upon a value, the value shall be determined by and fixed by the **public service commission** after a hearing to be held upon application of either party, and upon reasonable notice to the other party, to be fixed and served in such manner as the **public service commission** shall prescribe.

200.27(8)(a)

(a) On the demand of any municipality or county located wholly or partly within the boundaries of the district, the district shall request an audit by the **public service commission** of its books, records and practices. The district shall pay the costs of the audit. The audit shall determine the district's compliance with generally accepted accounting principles. The **public service commission** may contract with an auditing firm to perform the audit if the **public service commission** cannot complete a requested audit in a timely manner. Under no circumstances is the district subject to a further demand audit under this subsection until at least one year elapses from the date the report of the previous demand audit under this subsection is filed.

200.55(1)(g)

(g) User charges and service charges established by the commission under sub. (5) or s. 66.0821 to comply with any covenant concerning the sufficiency of the charges contained in a resolution or ordinance providing for the issuance of revenue bonds or notes under s. 66.0621 shall be presumed reasonable in any review of the charges by the **public service commission** under s. 200.59 (5).

200.55 - ANNOT.

*A district's method of allocating capital costs based on property values was permissible under this section. City of Brookfield v. **Public Service Commission**, 186 Wis. 2d 129, 519 N.W.2d 718 (Ct. App. 1994).*

200.59(5)

(5) **Review by public service commission.** Except as provided under s. 200.41 (2), upon complaint to the

public service commission by any user that charges, rules and practices under this section are unreasonable or unjustly discriminatory, according to the standards and criteria which the commission is required to follow under state or federal law, including, without limitation because of enumeration, this section, 33 USC 1251 et seq. and ch. 283, or upon complaint of a holder of a revenue bond or other evidence of debt, secured by a mortgage on the sewerage system or any part thereof or pledge of the income of sewerage service charges, that charges are inadequate, the **public service commission** shall investigate the complaint. If sufficient cause therefor appears, the **public service commission** shall set the matter for a public hearing upon 10 days' notice to the complainant and the commission. After the hearing, if the **public service commission** determines that the charges, rules or practices complained of are unreasonable or unjustly discriminatory, it shall determine and by order fix reasonable charges, rules and practices and shall make such other order respecting such complaint as may be just and reasonable. The proceedings under this subsection shall be governed, as far as applicable, by ss. 196.26 to 196.40. The commission may submit the factual data, reports and analyses considered by it in establishing the charges, rules or practices subject to a complaint under this subsection. The **public service commission** shall give due weight to such data, reports and analyses. Judicial review of the determination of the **public service commission** may be had by any person aggrieved in the manner prescribed under ch. 227. If any user pays a charge and the **public service commission** or court, on appeal from the **public service commission**, finds such charge, after reviewing a complaint filed under this subsection, to be excessive, the district shall refund to the user the excess plus the interest thereon computed at the rate then paid by the district for borrowing funds for a term of one year or less.

201.01(1)

(1) "Commission" means the office of the commissioner of railroads in the case of railroads and the **public service commission** in the case of other public service corporations.

201.10(3)

(3) Whenever the commission deems it necessary to make an investigation of the books, accounts and practices or to make an appraisal of the property of any public service corporation which has filed an application for authority to issue any securities to which this chapter is applicable, such public service corporation shall pay all expenses reasonably attributable to such special investigation, or to such an appraisal of the property. For the purpose of calculating investigative and appraisal expenses of the commission, 90% of the costs determined shall be costs of the commission and 10% of the costs determined shall be costs of state government operations. The procedure set up by s. 195.60 or 196.85, whichever is appropriate, for the rendering and collection of bills shall be in all ways applicable to the rendering and collection of bills under this section. Ninety percent of the amounts paid to the **public service commission** under authority of this subsection shall be credited to the appropriation account under s. 20.155 (1) (g).

226.025(3)

(3) The appointment of the department of financial institutions or the designation of a resident agent as attorney for the service of summons, notice, pleadings or process under s. 180.1507 shall be applicable only to actions or proceedings against the foreign corporations described in this section (unless such corporations have been admitted to this state for purposes other than those mentioned in this section) where the cause of action or proceeding arises out of transactions between such foreign corporations and public utilities operating in this state with which such foreign corporations are affiliated; and to actions or proceedings by or before the **public service commission** or office of the commissioner of railroads involving the

transactions described in sub. (1), or involving the relation between such foreign corporations and public utilities operating in this state with which they are affiliated.

227.01(13)(s)

(s) Prescribes or relates to a uniform system of accounts for any person, including a municipality, that is regulated by the office of the commissioner of railroads or the **public service commission**.

227.52 - ANNOT.

*An unconditional interim order by **public service commission** fixing utility rates pending final determination was reviewable when no provision was made for the refund of excess interim rates. Friends of the Earth v. PSC, 78 Wis. 2d 388, 254 N.W.2d 299 (1977).*

230.08(2)(e)9m.

9m. **Public service commission** — 5.

230.08(2)(mL)

(mL) One executive assistant of each commissioner of the **public service commission**, created under s. 15.79.

230.08(4)(a)

(a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, investment board, public defender board and technical college system board and "commission" means the **public service commission**. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

230.08(4)(b)4.

4. Functions of the **public service commission** relating to scheduling and conducting public hearings.

281.35(1)(b)2.

2. If subd. 1. does not apply, the highest average daily water loss over any 30-day period that is reported to the department or the **public service commission** under sub. (3) (c) or s. 30.18 (6) (c), 196.98, 281.17 (1) or 281.41.

281.35(3)(b)1.

1. A person making a withdrawal who has been issued an approval and, as a condition of the approval, is reporting the volume and rate of withdrawal and, if applicable, the volume and rate of water loss from the withdrawal to the department or, if the person is a public utility, to the **public service commission**.

285.11(13)

(13) If federal legislation is enacted that establishes sulfur dioxide or nitrogen oxide controls for the purpose of reducing acid deposition, prepare a report, in consultation with the **public service commission**, this state's electric utilities, industries and environmental groups, recommending ways to coordinate state law

with federal law. The department, after holding a public hearing on the report, shall submit the report to the governor and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), within 6 months after the enactment of the federal legislation.

285.41(1)(d)

(d) "Commission" means the public service commission.

285.48(2)

(2) **Applicability.** This section applies if the department of natural resources, pursuant to a call, issues a state implementation plan that requires electric generating facilities in the midcontinent area of this state to comply with nitrogen oxide emission reduction requirements. If the department of natural resources issues such a plan, the department of natural resources shall notify the department of administration and the public service commission. The notice shall specify the date on which electric generating facilities in the midcontinent area of this state are required to comply with the initial nitrogen oxide emission reduction requirements.

285.48(3)(d)3.

3. Determine the amount by which the \$2,400,000 in assessments under s. 196.86 (2) shall be decreased to reflect the lower reductions and provide notice of the decreased amount to the public service commission.

293.25(3)

(3) **Approval required prior to drilling.** No person may engage in radioactive waste site exploration by drilling on a parcel unless notice is provided as required under sub. (2) and s. 293.21 (4) (a) and unless the department issues a written approval authorizing drilling on that parcel. If the person seeking this approval is the federal department of energy or an agent or employee of the federal department of energy, the department may not issue the approval unless the public service commission certifies that the federal department of energy and its agents or employees have complied with any requirement imposed by the public service commission under s. 196.497 or any agreement entered into under that section.

293.25(7)

(7) **Impact on public service commission.** Nothing in this section limits the power or authority of the public service commission to impose more stringent requirements for the negotiation and approval of agreements under s. 196.497.

443.14(8)(d)

(d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.

552.23(1)

(1) If the target company is an insurance company subject to regulation by the commissioner of insurance, a banking corporation subject to regulation by the division of banking, a savings bank or savings and loan association subject to regulation by the division of savings institutions, or a company subject to regulation by the public service commission, the department of transportation or the office of the commissioner of railroads, the division of securities shall promptly furnish a copy of the registration statement filed under this chapter to the regulatory agency having supervision of the target company. Any hearing under this chapter

involving any such target company shall be held jointly with the regulatory agency having supervision, and any determination following the hearing shall be made jointly with that regulatory agency.

601.62 - ANNOT.

*Legislative Council Note on sub. (5), 1975: This replaces ss. 207.13 and 201.53 (11) and (12) [repealed by this act]. Section 207.13 was in the unfair insurance business methods chapter but applied in terms "to any hearing". This new provision is even broader in proceedings covered. It is modeled after the securities act provision (s. 551.56 (3) of the statutes) with one phrase deleted because s. 601.18 makes it unnecessary, and other changes, some editorial and one limiting the scope of the immunity to criminal prosecution. Other similar provisions are to be found in s. 93.17 (department of agriculture), s. 97.20 (10) (same; food regulation), s. 111.07 (employment relations commission), 196.48 (**public service commission**), and s. 972.08 (criminal proceedings). Section 201.53 (11) and (12) only applied in terms to s. 201.53, which contained a miscellaneous group of provisions, mostly concerning unfair marketing practices, but it applied very broadly to all proceedings and, apparently, even informal requests for information. [Bill 16-S]*

802.08 - ANNOT.

*Summary judgment procedure is not authorized in proceedings for judicial review under ch. 227. Wisconsin Environmental Decade v. **Public Service Commission**, 79 Wis. 2d 161, 255 N.W.2d 917 (1977).*

945.06

945.06 Public utilities to cease service. When any public utility, common carrier, contract carrier, or railroad, subject to the jurisdiction of the **public service commission**, office of the commissioner of railroads or department of transportation of this state, is notified in writing by a federal, state or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in violation of the laws of this state it shall discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility, common carrier, contract carrier or railroad, for any act done in compliance with any notice received from a law enforcement agency under this section. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination as otherwise provided by law in any court or tribunal or agency, that such facility should not be discontinued or removed, or should be restored.

Search for "public service commission's"

59.84(2)(h)5.

5. If the board and any privately owned public utility are unable to agree as to the division of the costs, either may appeal to the public service commission, which shall determine the proper amounts of reimbursement according to the provisions expressed in this paragraph. Either party may petition the circuit court for review of the **public service commission's** decision in the manner provided in s. 227.53. If it is determined upon such review that the county has paid more than two-thirds of the net cost of compliance by a utility with the board's order, any overage shall be reimbursed to the county by the utility.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4729/1
MDK: *hmk*

SOON

2001 BILL

Generate

1 AN ACT ...; relating to: changing the name of the public service commission to
2 the utility service commission.

Analysis by the Legislative Reference Bureau

This bill changes the name of the public service commission to the utility service commission.

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

3 SECTION 1. Terminology changes. *are*

4 (1) Wherever "public service commission" or "public service commission's"
5 appear in the following sections of the statutes, "utility service commission" or
6 "utility service commission's" substituted: 14.165 (2), 15.03, 15.06 (4[✓]m), 15.107 (5[✓])
7 (a) 2. and (17) (h), 15.79, 15.795 (1), 16.85 (1), 16.95 (9), 16.957 (1) (bm), 16.967 (6),
8 16.969 (1) (a), 20.155 (intro.) and (1) (L), 20.275 (1) (i) and (im), 20.455 (1) (kt), 20.923
9 (4) (e) 10. and 11., 25.469, 25.96, 30.025 (1), 30.21 (1) and (2) (b), 31.02 (5), 31.095 (1)

BILL

SECTION 1

1 (intro.), 32.02 (13), 32.03 (3) and (5) (a), 32.07 (4), 32.075 (2) and (3) (a) (intro.), 2.,
2 and 3., 35.28, 35.29 (2), 59.84 (2) (g) 1. and (h) 5., 62.16 (2) (b), 65.06 (17), 66.0253 (4),
3 66.0801 (2), 66.0805 (3), 66.0807 (2), 66.0815 (2) (a), 66.0817 (2), (3), (4), (5), and (7),
4 66.0819 (2), 66.0821 (2) (a) 2., (5) (a) and (b), and (6), 66.023 (2) (c), 66.0825 (10),
5 66.0827 (5) (b), 66.1201 (10) (h), 66.1313 (2) (c), 76.28 (1) (b), (d), and (h), and (8), 76.30
6 (2) (h), 77.54 (30) (e), 79.04 (1) (a) and (c) 1. and 3. and (2) (a) and (b), 93.01 (1m),
7 100.207 (3) (a) and (6) (em) 1., 100.208 (2) (intro.), 111.59 (2), 133.07 (2), 146.085 (3),
8 146.70 (3) (a) 1., 165.25 (1) and (4) (a), 182.0135 (2), 182.017 (3), 182.0175 (5), 182.018
9 (2), 182.36 (3), 182.70 (1) (b), 182.71 (1) (a), 189.02 (3m) (a) and (b), (4), and (7), 196.01
10 (2m), 196.219 (3) (a), (f), and (h), 196.485 (1) (h), 197.10 (1) (h), (2), (3), (4), and (5),
11 198.01 (3), 199.10 (1) (e) and (2m), 200.11 (6), 200.27 (8) (a), 200.55 (1) (g), 200.59 (5),
12 201.01 (1), 201.10 (3), 226.025 (3), 227.01 (13) (s), 230.08 (2) (e) 9m. and (mL) and (4)
13 (a) and (b) 4., 281.35 (1) (b) 2. and (3) (b) 1., 285.11 (13), 285.41 (1) (d), 285.48 (2) and
14 (3) (d) 3., 293.25 (3) and (7), 443.14 (8) (d), 552.23 (1), and 945.06.

15

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 29, 2002

MEMORANDUM

To: Representative Boyle

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-4729/1 Changing name of public service commission to utilities service commission

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.