

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB196)

Received: **06/13/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Bob Conlin**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

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

Extra Copies: **JTK**

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to: **robert.conlin@legis.state.wi.us**
ron.sklansky@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

PSC handling of confidential information

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>
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FE Sent For:

<END>

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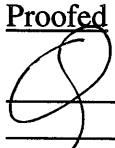
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Proposed Amendment to SB 78
Draft May 15, 2003

Section 196.____ of the statutes is created to read:

196.____. Requests for confidentiality, open records

(1) The commission shall establish confidential handling procedures for records filed with the agency.

(2) Before permitting access to a record and within three days of making the decision to permit access to the record, the commission shall serve written notice of that decision on the person who filed the record either by certified mail or by personally serving the notice on that person, provided that:

(a) the commission has granted the record confidential handling status,

(b) the person has requested confidential handling status for the record, and the commission has not yet acted on the request; or

(c) the person has filed a petition for review of the commission's decision to deny the record confidentiality handling status, and the petition remains pending before the courts.

(3) A person entitled to receive notice under (2) may seek judicial review of a decision by the commission to grant public access to a record in accordance with the procedures established under s. 19.356(3)-~~(4)~~.

(9) → (8) ?

(4) The commission shall administer this section by rule.

Intent: To use the Commission's existing confidential handling procedures (Wis. Admin. Code PSC § 2.12) and the review mechanisms created by SB 78/AB 196 for certain records filed at the PSC.

per Bob Conlin:

(1) eliminate treatment of 196.025(3)

(2) use cross reference to new s. 19.356

(3) eliminate delayed effective date because rules are already in place

90662/1

MONDAY
6/16
NOON

**ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 196**

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1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 5: after "records" insert "and granting rule-making authority".

3 2. Page 13, line 11: before that line insert:

4 **"SECTION 10g.** 196.025 (3) of the statutes is amended to read:

5 196.025 (3) The commission shall promulgate rules establishing requirements
6 and procedures for electric utilities, as defined under s. 196.491 (1) (d), to file reports
7 with the commission, on a frequency that the commission determines is reasonably
8 necessary, on their current reliability status, including the status of operating and
9 planning reserves, available transmission capacity and outages of major operational
10 units and transmission lines. A report filed under the rules promulgated under this
11 subsection is subject to inspection and copying under s. 19.35 (1) the rules
12 promulgated under s. 196.135 (2) for confidential handling of records, except that the
13 commission may withhold the report from inspection and copying public access for

1 a period of time that the commission determines is reasonably necessary to prevent
2 an adverse impact on the supply or price of energy in this state.

3 SECTION 10^r. 196.135 of the statutes is created to read:

4 **196.135 Confidential handling of records. (1) DEFINITION.** In this section,
5 “record” has the meaning given in s. 19.32 (2).

6 (2) RULES. The commission shall promulgate rules establishing requirements
7 and procedures for the confidential handling of records filed with the commission.

8 (3) NOTICE. If the commission decides to allow public access under s. 19.35 to
9 a record filed with the commission, the commission shall, before allowing access and
10 within 3 working days after making the decision to allow access, serve written notice
11 of that decision by certified mail or personal service on the person who filed the
12 record, if any of the following applies:

13 (a) The commission granted the record confidential handling status under the
14 rules promulgated under sub. (2).

15 (b) The person who filed the record requested confidential handling status
16 under the rules promulgated under sub. (2) and the commission has not yet acted on
17 the request.

18 (c) The commission denied a request for confidential handling under the rules
19 promulgated under sub. (2); the person whose request was denied filed a petition for
20 review of the commission’s decision to deny the request; and the petition is pending
21 before a court.

22 (4) LIMIT ON ACCESS. The commission may not allow public access under s. 19.35
23 to a record that is the subject of a notice under sub. (3) until after the 12th working
24 day after the date of service of the notice. A person who is served the notice may
25 commence an action to enjoin the commission from allowing public access to the

INSERT 2 - 21

1 record. If the commission is served with process in such an action, the commission
2 may not allow public access to the record until the action is completed.”

3 **3.** Page 15, line 3: before that line insert:

4 **“SECTION 15m. Effective dates.** This act takes effect on the day after
5 publication, except as follows:

6 (1) PUBLIC SERVICE COMMISSION RECORDS. The treatment of sections 196.025 (3)
7 and 196.135 of the statutes takes effect on the first day of the 10th month beginning
8 after publication.”

9

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0662/1ins
MDK:.....

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INSERT 2-21: ✓

(4) LIMIT ON ACCESS; RIGHT OF ACTION. (a) The commission shall not provide access to a record that is the subject of a notice under sub. (3) within 12 days of the date of service of the notice.

(b) A person ^{who is} entitled to a notice under sub. (3) may bring an action for judicial review of a decision by the commission to allow public access under s. 19.35 to a record. Section 19.356 (3) to (8) ^{applies} apply to such an action, except that "record subject" means the person ^{who is} entitled to notice under sub. (3), "authority" means the commission, "notice under s. 19.356 (2) (a)" means the notice under sub. (3), and "action commenced under s. 19.356 (4)" means the action under this paragraph."