



2007 DRAFTING REQUEST

Bill

Received: **12/22/2006**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Hatch**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - energy**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Hatch, BB0232 -

Topic:

Focus on Energy position transfers

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>
/?				_____			State
/1	mkunkel 01/09/2007	kfollett 01/10/2007	nmatzke 01/11/2007	_____	sbasford 01/11/2007		State
/2	mkunkel 01/16/2007	kfollett 01/17/2007	jfrantze 01/17/2007	_____	cduerst 01/17/2007		State
/3	mkunkel 01/17/2007	kfollett 01/17/2007	rschluet 01/17/2007	_____	cduerst 01/17/2007		State

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	mkunkel 01/23/2007	kfollett 01/23/2007		_____			
/4			pgreensl 01/23/2007	_____	sbasford 01/23/2007		State
/5	mkunkel 01/26/2007	kfollett 01/26/2007	pgreensl 01/26/2007	_____	cduerst 01/28/2007		State
/6	mkunkel 02/05/2007	lkunkel 02/05/2007	rschluet 02/05/2007	_____	mbarman 02/05/2007		State
/7	mkunkel 02/05/2007	jdyer 02/06/2007	pgreensl 02/06/2007	_____	sbasford 02/06/2007		State
/8	mkunkel 02/08/2007	kfollett 02/08/2007	pgreensl 02/08/2007	_____	cduerst 02/08/2007		

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/3	mkunkel 01/17/2007	kfollett 01/17/2007	rschluet 01/17/2007	_____	cdurst 01/17/2007		State

Handwritten signatures and initials:
rschluet
mkunkel
jfrantze

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/?		1/7 2/10 jld	[Signature]	[Signature]			State
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18/15/2/8
[Signature]
257

<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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16/mk 3/5

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*15/gf
1/20*

1/20 ps P8/R

<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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Handwritten notes: 4/23/04, 1/23/07, P8/115

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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FE Sent For:

Handwritten notes and signatures:

13 k-f
117
1177

<END>

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FE Sent For:

12 kjf
1/17

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/?	mkunkel	1/1/gf 1/10	nwn 1/10	nwn/rs 1/10			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Focus on Energy position transfers
- Tracking Code: BB0232
- SBO team: Tax and Local Government
- SBO analyst: Nikki Hatch
 - Phone: 266-1923
 - Email: nikki.hatch@wisconsin.gov
- Agency acronym: PSC
- Agency number: 155
- Priority (Low, Medium, High): Medium

- Create two appropriations for the PSC, based on these two for DOA: 20.505(3)(q) and 20.505(3)(s)

The amounts in the schedule to be collected annually from the privately contacted for fiscal administrator of the Focus on Energy program necessary to support positions and state administrative costs for those working on the program.

The language here is to create the expenditure authority required by the PSC to enact 2005 WI Act 141, the Energy Efficiency & Renewable Resources Program.

20.505(3)(e) From UPBF,
to DOA, amounts in schedule
for gen'l program operat - s
under s. 16.957

20.505(3)(s) (as amended by Act 141)
to DOA from UPBF
a sum sufficient to make transfer
to AQIF

Act 141:

EUs - collectively est. \$ fund statewide energy & effy programs
- K. with 1 or more persons to administer

PSC - evaluates, etc., the programs
- requires EUs to spend 1.2% ^{annual} ~~of~~ ^{of} operating revenues of programs (+ other programs)

(may require grtr percentage
- with finance approval)

Annual
- K. for indep audit
of all programs

- Program admin's pay for audits from costs
of audit K. for admin's



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1252/L
MDK:...

NOTE

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Under current law, the PSC has oversight duties with respect to certain energy efficiency and renewable resource programs that are established and funded by investor-owned electric and natural gas utilities. Current law requires the utilities to spend a specified percentage of their annual operating revenues on the programs, as well as on other related programs.

This bill creates an annual appropriation for the costs incurred by the PSC in administering the oversight duties described above. In each fiscal year, the PSC must collect from each utility its share, as determined by the PSC, of the amount shown in the appropriation for that fiscal year. The amount that the PSC collects from a utility is included in determining whether the utility has spent the required percentage of its annual operating revenues. (The bill does not change the percentage.)

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 20.155 (1) (i) of the statutes is created to read:

2 20.155 (1) (i) *Energy efficiency and renewable resource programs*. The amounts
3 in the schedule for the costs of administering s. 196.374. All moneys received under
4 s. 196.374 (3) (b) ~~8~~⁴ shall be credited to this appropriation account.

5 SECTION 2. 196.374 ~~(2)~~⁽³⁾ (b) 2. (intro.) of the statutes, as affected by 2005
6 Wisconsin Act 141, is amended to read:

7 196.374 ~~(2)~~⁽³⁾ (b) 2. (intro.) The commission shall require each energy utility to
8 spend 1.2 percent of its annual operating revenues to fund the utility's programs
9 under sub. (2) (b) 1., the utility's ordered programs, and the utility's share of the
10 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,
11 and the utility's share, as determined by the commission under sub. (3) (b) ~~3~~⁴ of the
12 costs incurred by the commission in administering this section. Subject to approval
13 under subd. 3., the commission may require each energy utility to spend a larger
14 percentage of its annual operating revenues to fund these programs and costs. The
15 commission may make such a requirement based on the commission's consideration
16 of all of the following:

17 SECTION 3. 196.374 (3) (b) ~~3~~⁴ of the statutes is created to read:

18 196.374 (3) (b) ~~2~~⁴. In each fiscal year, the commission shall collect from each
19 energy utility the utility's share, as determined by the commission, of the costs
20 incurred by the commission in administering this section as shown for that fiscal
21 year in the schedule under s. 20.005 (3) for the appropriation under s. 20.155 (1) (i).

22 SECTION 9439. **Effective dates; Public Service Commission.**

1 (1) ENERGY EFFICIENCY AND RENEWABLE RESOURCE PROGRAMS. The treatment of
2 sections 20.155 (1) (i) and 196.374 (2) (b) 2. (intro.) and (3) (b) 2. of the statutes takes
3 effect on July 1, 2007.

4 (END)

O-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1252/1dn

MDK..*igf*

Date

Nikki Hatch:

Please note the following about this draft:

1. I assume that incumbent employees whose rights should be protected are **not** being transferred from DOA to the PSC. If my assumption is not correct, you may want to add language that protects the rights of the incumbent employees.
2. The instructions refer to creating a 2nd appropriation that is based on s. 20.505 (3) (s). Unless I'm mistaken, I don't think a 2nd appropriation is necessary. ✓

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1252/1dn
MDK:kjf:nwn

January 10, 2007

Nikki Hatch:

Please note the following about this draft:

1. I assume that incumbent employees whose rights should be protected are **not** being transferred from DOA to the PSC. If my assumption is not correct, you may want to add language that protects the rights of the incumbent employees.
2. The instructions refer to creating a 2nd appropriation that is based on s. 20.505 (3) (s). Unless I'm mistaken, I don't think a 2nd appropriation is necessary.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Hatch, Nikki - DOA
Sent: Thursday, January 11, 2007 2:24 PM
To: Kunkel, Mark
Subject: RE: LRB-1252/BB0232

Hi Mark,

I agree with the edit below.

Also, I spoke with the PSC and they want the funding for their new positions to come through the private contractor, not from a direct assessment of the utilities. Let me know if you have any questions about this.

Thanks,
Nikki

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Thursday, January 11, 2007 10:42 AM
To: Hatch, Nikki - DOA
Cc: Grant, Peter - LEGIS
Subject: LRB-1252/BB0232

Nikki:

Our internal review of budget drafts shows a mistake in this draft, which we think can be fixed by striking the following in language created in Section 3 of the draft:

196.374 (3) (b) 4. In each fiscal year, the commission shall collect from each energy utility the utility's share, as determined by the commission, of the costs incurred by the commission in administering this section ~~as shown for that fiscal year in the schedule under s. 20.005 (3) for the appropriation under s. 20.155 (1) (i).~~

If you don't strike the language, the PSC will be required to collect money from utilities based on the schedule amounts, which might be incorrect estimates that are unlikely to be corrected during the biennium. Instead, the PSC should collect money based on its determination of the costs, which it will do an annual basis. If the PSC makes a mistake in one year, it can correct that mistake the next year.

I hope this makes sense. If not, please give me a call.

I won't redraft anything until I hear from you.

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

RM HAS BEEN RUN

DOA:.....Hatch, BB0232 - Focus on Energy position transfers

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

The utilities must contract with persons to administer the programs.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

Under current law, the PSC has oversight duties with respect to certain energy efficiency and renewable resource programs that are established and funded by investor-owned electric and natural gas utilities. Current law requires the utilities to spend a specified percentage of their annual operating revenues on the programs, as well as on other related programs.

PSC's oversight costs.

This bill creates an annual appropriation for the costs incurred by the PSC in administering the oversight duties described above. In each fiscal year, the PSC must collect ~~from each utility its share, as determined by the PSC, of the amount shown in the appropriation for that fiscal year.~~ ^{each utility's} The amount that the PSC collects from a utility is included in determining whether the utility has spent the required percentage of its annual operating revenues. (The bill does not change the percentage.)

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

Carrying out its

with respect to

The bill requires the PSC to collect these amounts from the persons with whom the utilities contract to administer the programs.

1 **SECTION 1.** 20.155 (1) (i) of the statutes is created to read:

2 20.155 (1) (i) *Energy efficiency and renewable resource programs.* The amounts
3 in the schedule for the costs of administering s. 196.374. All moneys received under
4 s. 196.374 (3) (b) 4. shall be credited to this appropriation account.

5 **SECTION 2.** 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005
6 Wisconsin Act 141, is amended to read:

7 196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to
8 spend 1.2 percent of its annual operating revenues to fund the utility's programs
9 under sub. (2) (b) 1., the utility's ordered programs, and the utility's share of the
10 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,
11 and the utility's share, as determined by the commission under sub. (3) (b) 4., of the
12 costs incurred by the commission in administering this section. Subject to approval
13 under subd. 3., the commission may require each energy utility to spend a larger
14 percentage of its annual operating revenues to fund these programs and costs. The
15 commission may make such a requirement based on the commission's consideration
16 of all of the following:

17 **SECTION 3.** 196.374 (3) (b) 4. of the statutes is created to read:

18 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from each
19 energy utility ~~the~~ utility's share, as determined by the commission, of the costs
20 incurred by the commission in administering this section ~~as shown for that fiscal~~
21 ~~year in the schedule under s. 20.005 (3) for the appropriation under s. 20.155 (1) (i).~~

22 **SECTION 9439. Effective dates; Public Service Commission.**

*the persons with whom energy utilities contract
under sub. (2) (a) 1. an amount equal to
the aggregate of*

Kunkel, Mark

From: Grant, Peter
Sent: Wednesday, January 17, 2007 11:41 AM
To: Kunkel, Mark
Subject: LRB-1252/2

I think you should either delete the effective date (because the budget bill takes effect on 7/1/07 or on the day after publication, whichever is later), or, if you really mean for the provisions to take effective retroactively to 7/1/07, include "retroactively" in the effective date .

Kunkel, Mark

From: Hatch, Nikki - DOA
Sent: Wednesday, January 17, 2007 1:34 PM
To: Frantzen, Jean; Kunkel, Mark
Cc: Koskinen, John - DOA; Hanaman, Cathlene; Palchik, Laurie A - DOA
Subject: RE: LRB Draft: 07-1252/2 Focus on Energy position transfers

Hi Mark,

Can you please make the following change to this draft:

Line 20: delete the entire line and insert the word "to" so that the new language would be:..."an amount equal to the costs incurred by the commission..."

Thank you,
Nikki

From: Frantzen, Jean [mailto:Jean.Frantzen@legis.wisconsin.gov]
Sent: Wednesday, January 17, 2007 10:00 AM
To: Hatch, Nikki - DOA
Cc: Koskinen, John - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-1252/2 Focus on Energy position transfers

Following is the PDF version of draft 07-1252/2.