

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-194

### Comments

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

### 2. Form, Style and Placement in Administrative Code

a. The arrangement of the rule-making order is out of order. In particular, the treatment clause of SECTION 1 should read: “SECTION 1. Chapter PSC 183 is created to read:” and the text of the new chapter should follow immediately thereafter, not in an appendix. [See s. 1.02, Manual.]

b. The acronym “PSC” should precede each section number in ch. PSC 183.

c. Section PSC 183.01 could be simplified as follows: “**183.01 Application of chapter.** This chapter applies to authorities. This chapter does not apply to public utilities.” [See s. 1.07 (1) (a) and (2), Manual.]

d. Section PSC 183.02 (intro.) does not conform grammatically with the following subunits. A standard introduction to definitions is the simple phrase “In this chapter:”. [See s. 1.01 (7) (a), Manual.]

e. Section 66.0735, Stats., does not define the term “joint local water authority.” Consequently, in PSC 183.02 (1), the phrase “as defined by s. 66.0375, Stats.” should be replaced by the phrase “created under s. 66.0735 (3), Stats.”.

f. In s. PSC 183.02 (2), the phrase “specific formal authorization” should be replaced by the more specific term “certificate of public convenience and necessity,” since that is the

specific authorization called for under s. 66.0735 (8), Stats., and that is the way it is referred to elsewhere in the rule.

g. In s. PSC 183.02 (3), the word “of” should be replaced by the phrase “given in.” [See s. 1.01 (7) (c), Manual.]

h. Since there is only one subsection in s. PSC 183.03, the introduction to that subsection should be s. PSC 183.03 (intro.) and the paragraphs of that section should be numbered as subsections of s. PSC 183.03.

i. Once a term has been defined, the term should be used consistently throughout the rule, rather than using a longer descriptive term. Consequently, throughout the rule, the phrase “certificate of public convenience and necessity” should be replaced by the defined term “certificate.” In the alternative, if the agency wishes to use the full term consistently throughout the rule, the definition of “certificate” should be deleted.

j. Section PSC 183.04 (1) uses the introduction and list format incorrectly to describe a sequential process. [See s. 1.03 (8) Manual.] This text should be presented as a single narrative subsection, such as the following:

Upon receipt of an application under s. PSC 183.02 (2), the commission shall review the application and determine if the proposal requires a hearing. After the hearing or after the determination that no hearing is required, the commission shall either issue a certificate pursuant to s. 66.0735 (8) (c), Stats., or deny the application for a certificate pursuant to s. 66.0735 (8) (b), Stats.

k. In s. PSC 183.04 (2), “commission” should replace “Commission” in two places.