

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Retention of Meters

1-AC-227

NOTICE OF HEARING

Hearing Date:	Thursday, May 30, 2013, at 1:30 PM
Hearing Location:	Public Service Commission 610 North Whitney Way, Madison, WI

Comments Due:	Address Comments To:
Thursday, June 13, 2013 – Noon	Sandra J. Paske, Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854

The Public Service Commission of Wisconsin proposes an order to repeal PSC 113.0921 (1) (g); renumber PSC 113.0923 and (title) and 185.78 and (title); renumber and amend PSC 185.77; amend PSC 113.0614, 113.0921 (1) (e) and (f), 113.0922 (title), 134.20, 134.31 (3), 185.19 (1), 185.73 (2), 185.73 (4), and 185.77 (title); repeal and recreate PSC 113.0919 (1) and (2), 134.19 (1) and (2), and 185.46 (1) and (2); and create 113.0919 (1) (title), (2) (title), (3) (title) and (4) (title), 113.0922 (1) (title), 113.0922 (3), 113.0922 (6), 134.19 (1) (title), (2) (title) and (3) (title), 134.31 (4) and (6), 185.46 (1) (title), (2) (title) and (3) (title), a note following 185.76 (6), 185.761 (2) and 185.77 (3) and (5) regarding the retention of customer meters so that they are available for testing.

**ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

The analysis is set forth as Attachment A.

TEXT OF PROPOSED RULE

The text of the proposed rule is set forth as Attachment B.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rule will not affect small businesses. The s. 227.114(12), Stats., definition of “small business” states that to be considered a small business, the business must not be

dominant in its field. Since gas, electric and water utilities are monopolies in their service territories, they are dominant in their fields, and so, are not small businesses.

FISCAL ESTIMATE

An Economic Impact Analysis is included as Attachment C.

NOTICE OF HEARING

NOTICE IS GIVEN that pursuant to s. 227.16(2)(b), Stats., the commission will hold a public hearing on these proposed rule changes in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, on Thursday, May 30, 2013, at 1:30 PM. This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

WRITTEN COMMENTS

Any person may submit written comments on these proposed rules. The record will be open for written comments from the public, effective immediately, and until Thursday, June 13, 2013, at noon. All written comments must include a reference on the filing to docket 1-AC-227. File by one mode only.

Industry: File comments using the Electronic Regulatory Filing system. This may be accessed from the commission's website (<http://psc.wi.gov>).

Members of the Public:

Please submit your comments in **one** of the following ways:

- **Electronic Comment:** Go to the commission's website at <http://psc.wi.gov>, and click on the "ERF - Electronic Regulatory Filing" graphic on the side menu bar. On the next page, click on "Need Help?" in the side menu bar for instructions on how to upload a document.
- **Web Comment:** Go to the commission's website at <http://psc.wi.gov>, and click on the "Public Comments" button on the side menu bar. On the next page select the "File a comment" link that appears for docket number 1-AC-227.
- **Mail Comment:** All comments submitted by U.S. Mail must include the phrase, "Docket 1-AC-227 Comments" in the heading, and shall be addressed to:

Sandra J. Paske, Secretary to the Commission
Public Service Commission
P.O. Box 7854
Madison, WI 53707-7854

The commission does not accept comments submitted via e-mail or facsimile (fax). Any material submitted to the commission is a public record and may appear on the commission's website. The commission may reject a comment that does not comply with the requirements described in this notice.

CONTACT PERSON

Questions regarding this matter should be directed to Docket Coordinator Joyce Mahan Dingman at (608) 267-6919, or via e-mail at joyce.dingman@wisconsin.gov. Small business questions may be directed to Anne Vandervort at (608) 266-5814, or via e-mail at anne.vandervort@wisconsin.gov. Media questions should be directed to Matt Pagel, Acting Communications Director, at (608) 266-9600. Hearing- or speech-impaired individuals may also use the commission's TTY number: if calling from Wisconsin, (800) 251-8345; if calling from outside Wisconsin, (608) 267-1479.

The commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding, or who needs to obtain this document in a different format, should contact the Docket Coordinator as indicated in the previous paragraph as soon as possible.

Dated at Madison, Wisconsin, April 29, 2013

By the Commission,

/s/ Sandra J. Paske

Sandra J. Paske
Secretary to the Commission

JMD:smk:DL:00712850

**ANAYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

A. Statutory Authority and Explanation of Authority

This rule is authorized under ss. PSC 196.02 (1) and (3), 196.06 (3), 196.17 (1), and 227.11.

Section 227.11 authorizes agencies to promulgate administrative rules. Section 196.02 (1) authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3) grants the commission specific authority to promulgate rules. Section 196.06 (3) allows the commission to prescribe the manner and form in which utilities keep records. Section 196.17 (1) requires the commission to provide for meter testing.

B. Statute Interpreted

This rule interprets ss. 196.03 (1) and 196.17.

C. Related Statutes or Rules

PSC ss. 113.0922, 113.0923, 134.31, 185.77, and 185.78 deal with customer-requested and commission-refereed tests. This rulemaking deals with how long to retain meters after such tests so that they are available should further tests be requested. PSC ss. 113.0614, 134.20, and 185.19 deal with the retention of records.

D. Brief Summary of Rule

This rule establishes retention periods for meter test records. It also ensures that meters remain available for a reasonable period of time for subsequent testing, if necessary, to resolve a customer dispute. Further, it ensures that referee-tested meters are retained long enough that they are available should further testing or review be needed. It also requires that meters being retired from service must either be tested or stored so that they are available should a customer or the commission request testing. Finally, the rule ensures that when meters are tested for other reasons, and the test results in either a back-billing or a credit, the meters are retained long enough that they are available should further testing or review be needed.

The proposed rule changes are slightly different for the water industry than those for the electric and gas industries, due to unique concerns about maintaining the integrity of the meters during storage. Specifically, water meters must be kept in a “wet” condition because a meter may test differently if the internal mechanism is allowed to dry out¹. Like other industries, water utilities are given the option of testing all retired meters and disposing of those that are accurate,

¹ Some members of the water industry have raised concerns that, even then, the meter may test differently since, for example, transporting the removed meter may dislodge accumulated scaling and silt.

or retaining all meters. The options are provided to give individual utilities the flexibility to make the economic choice that makes sense for them: retaining all meters or testing all meters.

E. Comparison with Existing or Proposed Federal Legislation

49 CFR 192 contains some records retention regulations for gas pipeline operators. 18 CFR 225 contains some gas records retention requirements. 18 CFR 125.3 contains some electric records retention regulations. They do not address the issue of meter retention.

F. Comparison with Similar Rules in Surrounding States

This rulemaking was opened after the commission dealt with a number of situations in which a customer had requested an accuracy test of a meter, but then the meter was thrown away before a second, commission-refereed test could be requested and performed. The approach is to require that a meter be retained for a period of time after an initial test to ensure that it is available for a follow-up test, should one be requested. This rulemaking involves three types of utility service: gas, electric and water.

Although surrounding states anecdotally report at least some of the same problems experienced by this commission, none of them have rules that specify time periods for which meters must be retained. However, Iowa does advise utilities to keep meters until the time for an appeal has passed, especially if a referee test is performed. Further, when the Iowa Utilities Board issues orders granting waivers from meter testing requirements, it requires the utility to hold the meters for 120 days before disposing of them.

Retention periods for meter testing records vary among surrounding states, although the general format is the same. Records from an individual meter test must be retained for a period of time after the results are recorded in a history record that contains a wide variety of information about a particular meter, including all of the test results for that meter. That history record is retained for a longer period of time. The proposed rule requires utilities to retain an individual test record until it is recorded in the meter history record and the meter is tested again. The meter history record must be kept for the life of the meter, plus six years. Six years was chosen because it is the general statute of limitations for consumer issues. This retention period will help ensure that appropriate records remain available should an issue arise during that time.

Minnesota, Iowa and Illinois require that initial test records be kept for at least three years, while Michigan requires that they be kept for at least two years. In Minnesota, such records must be kept longer if necessary to permit compliance with commission rules. In Michigan, they must be kept longer if necessary to comply with rules regarding refunds on fast meters. In Illinois, meter history records need only be kept for three years. In Michigan and Minnesota, they must be kept for the life of the meter.

G. Effect on Small Business

The s. 227.114(1), Stats., definition of “small business” states that to be considered a small business, the business must not be dominant in its field. Since they are monopolies in their service territories, gas, electric and water utilities are dominant in their fields, and so, are not small businesses.

H. Comments

Comments on this rule may be submitted as outlined in the Notice of Hearing.

I. Accommodation

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

J. Agency Contact Person

Questions regarding this rule should be directed to Docket Coordinator Joyce Mahan Dingman at (608) 267-6919, or via e-mail at joyce.dingman@wisconsin.gov. Small business questions may be directed to Anne Vandervort at (608) 266-5814, or via e-mail at anne.vandervort@wisconsin.gov. Media questions should be directed to Matt Pagel, Acting Communication Director, at (608) 266-9600. Hearing- or speech-impaired individuals may also use the Commission’s TTY number: if calling from Wisconsin, (800) 251-8345; if calling from outside Wisconsin, (608) 267-1479.

1 **SECTION 1.** PSC 113.0614 is amended to read:
 2 **PSC 113.0614 Preservation of records.** The A utility shall preserve the following
 3 records ~~shall be preserved~~ in a readable format and kept keep them available for
 4 inspection by the commission for the periods indicated. The list is not ~~to be taken as~~
 5 ~~comprehending~~ a complete list of all types of utility records.

Description of Records	Period to be Retained
(1) Maps showing the location and physical characteristics of existing facilities	Perpetually
(2) Engineering records in connection with construction projects if construction of projects results wholly or in part	Until record is superseded or 6 years after plant is retired
Production Records:	
(3) Station and system generation records	Permanently
(4) All other records taken in the plant	6 years
Operating Records:	
(5) Load dispatcher data	6 years
(6) Interruption records	6 years
(7) Meter test <u>records</u>	See PSC 113.0919 <u>Until the information in the meter test record is entered in the meter history record and the meter is tested again</u>
<u>Note that if meter test records are being used as meter history records under PSC 113.0919 (2) (b), the meter test records must be preserved for the time period required for meter history records.</u>	
(8) Meter history records	Life of meter <u>plus 6 years</u>
(9) Annual meter accuracy summary	46 <u>6</u> years
(10) <u>Results of test made when a meter is retired</u>	<u>6 years</u>
(11) Voltmeter records	See PSC 113.0706 (5)
(12) All other records of operation	6 years
Equipment Records:	
(13) Must be placed in mortality study before destroying	Life of equipment
Customers' Records:	
(14) Inspection of customers' premises	6 years
(15) Customers' complaint record	6 years
(16) Meter reading sheets <u>records</u>	* years <u>6 years</u>
(17) Billing record	* years <u>6 years</u>
(18) Customer deposits	6 years after refund
(19) Filed rates and rules	Permanently

6 **Note:** See also "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" adopted by the
 7 commission in dockets 2-U-5005 and 2-U-5396, May 4, 1972, for more comprehensive listing of retention periods of specific records.
 8 *Where machine billing is used and meter readings recorded on tabulating cards the register sheets may be considered the "meter
 9 reading sheets" and the "billing records." "Meter reading sheets" and "billing records" or the "register sheets" shall be kept 6 years or
 10 until they are no longer needed to adjust bills. This means that the records must be kept 6 years or from the date of one meter test to
 11 the next whichever is longer.
 12

1

2 **SECTION 2.** PSC 113.0919 (1) (title) is created to read:

3 PSC 113.0919 (1) (title) METER TEST RECORDS.

4

5 **SECTION 3.** PSC 113.0919 (1) is repealed and recreated to read:

6 **PSC 113.0919 (1)** A utility shall create a record of a test whenever a unit of metering
7 equipment is tested. If the unit is tested again, the utility need not retain the previous test
8 record once the information in that record has been entered in the meter history record.

9 The meter test record shall include all of the following:

10 (a) Information to identify the unit of metering equipment.

11 (b) The location of the unit of metering equipment.

12 (c) The equipment with which the unit of metering equipment is associated.

13 (d) The date of the test.

14 (e) The reason for the test.

15 (f) A statement of “as found” accuracies.

16 (g) A statement of “as left” accuracies, when applicable.

17 (h) The name of the person making the test.

18 (i) The readings before and after the test.

19 (j) A statement as to whether or not the unit of metering equipment “creeps” and in case
20 of creeping, all of the following:

21 1. The rate.

22 2. A statement of “as found” and “as left” accuracies sufficiently complete to permit
23 checking of the calculations employed.

1 3. Indications showing that all required checks have been made.

2 4. A statement of repairs made, if any.

3 5. Identification of the testing standard.

4

5 **SECTION 4.** PSC 113.0919 (2) (title) is created to read:

6 PSC 113.0919 (2) (title) METER HISTORY RECORDS.

7

8 **SECTION 5.** PSC 113.0919 (2) is repealed and recreated to read:

9 PSC 113.0919 (2) (a) Each utility shall keep a history record for each unit of metering
10 equipment showing all of the following:

11 1. The date the unit was purchased.

12 2. The unit's cost.

13 3. Information identifying the unit.

14 4. Equipment associated with the unit.

15 5. The unit's essential name-plate data.

16 6. Dates of the last 2 tests.

17 7. Results of the last "as found" and "as left" tests, unless separate records are kept of
18 each test for each unit.

19 8. Locations where the unit has been installed, with dates of installation and removal.

20 (b) If the information in par. (a) is kept in combination with the meter test record required
21 by sub. (1) and meter test records are kept for the time period required for meter history
22 records, a separate history record is not required.

23

1 **SECTION 6.** PSC 113.0919 (3) (title) and (4) (title) are created to read:

2 PSC 113.0919 (3) STATISTICALSAMPLING SUMMARIES.

3 PSC 113.0919 (4) COMPUTERIZED METER RECORD SYSTEM.

4

5 **SECTION 7.** PSC 113.0921 (1) (e) and (f) are amended to read:

6 **PSC 113.0921 (1) (e)** A lot shall be deemed unacceptable and rejected for continued use
7 if the total estimated percent defective (P) is greater than or equal to the appropriate
8 maximum allowable percent defective (M) as determined from Table B-3, page 45 MIL-
9 STD-414, following the procedure of par. (c) for both the full load and light load analysis
10 test points at the respective designated Acceptable Quality Levels on any 2 annual sample
11 testing analysis years within a five-year period for the lot or any meters in the lot. All
12 meters in a rejected lot shall be provided with an appropriate test within a period of 48
13 months from the date of completion of the sample analysis and all the meters tested in the
14 rejected lot shall be adjusted to the accuracies specified in s. PSC 113.0811 (1) (c). All
15 meters in a rejected lot that will not be returned to service shall be removed within 48
16 months from the date of completion of the sample analysis. These meters may be retired
17 without a test. Annual statistical sample testing shall be terminated during the period
18 when all of the meters in a rejected lot are being provided with a test and, unless the
19 meter must be retained under s. PSC 113.0922 (3), an accuracy adjustment.

20 (f) All meters in any lot may be tested and, unless the meter must be retained under s.
21 PSC 113.0922 (3), adjusted for proper accuracy over a 48-month period at the discretion
22 of the utility without a sample analysis determination specifying the lot test is necessary.

23

1 **SECTION 8.** PSC 113.0921 (1) (g) is repealed.

2

3 **SECTION 9.** PSC 113.0922 (title) is amended to read:

4 **PSC 113.0922** (title) **Customer request test and commission referee tests.**

5

6 **SECTION 10.** PSC 113.0922 (1) (title) is created to read:

7 **PSC 113.0922 (1)** (title) CUSTOMER REQUEST TEST.

8

9 **SECTION 11.** PSC 113.0922 (3) is created to read:

10 **PSC 113.0922 (3)** METER RETENTION. (a) *After a customer requested test.* When a utility
11 performs a customer requested test on a customer's meter under sub. (1) or when the
12 commission requests that a meter be tested, the utility shall keep the tested meter, in "as
13 tested" condition, at a designated location on the utility's premises for at least one full
14 billing period plus 4 weeks after the test result report is issued so that the meter is
15 available should another meter test be requested. If the meter tests as accurate, the utility
16 may choose to keep the tested meter installed at the customer's premises for the
17 designated time period rather than storing it at the utility's premises.

18 (b) *After a referee test.* When a utility performs a referee test on a customer's meter
19 under sub. (2), the utility shall keep the tested meter, in "as tested" condition, at a
20 designated location on the utility's premises for at least 10 business days after the test
21 result report is issued so that the meter is available should further testing or review be
22 needed. If the meter tests as accurate, the utility may choose to keep the tested meter

1 installed at the customer's premises for the designated time period rather than storing it at
2 the utility's premises.

3 (c) *When performing other tests.* When a utility tests a customer's meter for a reason
4 other than those in subs. (1) or (2), and the test results in back billing or a credit, the
5 utility shall keep the tested meter, in "as tested" condition, at a designated location on the
6 utility's premises for at least one full billing period plus 4 weeks after the back billing or
7 credit is issued so that the meter is available should another meter test be requested. If a
8 customer requests that the meter be retested, the utility shall keep the retested meter, in
9 "as tested" condition, at a designated location on the utility's premises for at least 10
10 business days after the retest is completed and a written report about that test has been
11 issued.

12 (d) *When a complaint or dispute occurs.* When a utility receives a complaint under s.
13 PSC 113.0610 or is notified about a dispute under s. PSC 113.0407 involving a meter-
14 related issue, the utility shall keep the meter, in "as tested" condition, at a designated
15 location on the utility's premises for at least one full billing period plus four weeks after
16 the complaint or dispute and any appeal of that dispute is resolved so that the meter is
17 available should testing be requested. If the meter was tested during the complaint or
18 dispute process, and it tested as accurate, the utility may choose to keep the tested meter
19 installed at the customer's premises for the designated time period rather than storing it at
20 the utility's premises.

21 (e) *When a meter is retired.* When a utility retires a meter from service and test results
22 indicate that no back billing or credit is due a customer, the utility may dispose of the
23 meter immediately. When a utility retires a meter from service without testing it, the

1 utility shall keep the meter, in “as found” condition, at a designated location on the
2 utility’s premises for at least one full billing plus 4 weeks after it is retired so that the
3 meter is available should a meter test be requested.

4

5 **SECTION 12.** PSC 113.0922 (6) is created to read:

6 **PSC 113.0922 (6)** RECORDS RETENTION REQUIREMENTS. A utility shall keep the
7 complete, original record from any test under this section on file for the time period
8 specified in s. PSC 113.0614.

9

10 **SECTION 13.** PSC 113.0923 and title are renumbered PSC 113.0922 (2) and (title).

11

12 **SECTION 14.** PSC 134.19 (1) (title) is created to read:

13 PSC 134.19 (1) (title) METER TEST RECORDS.

14

15 **SECTION 15.** PSC 134.19 (1) is repealed and recreated to read:

16 **PSC 134.19 (1)** (a) A utility shall create a record of a meter test whenever a meter is
17 tested. If the meter is tested again, the utility need not retain the previous test record once
18 the information in that record has been entered in the meter history record. The meter
19 test record shall include all of the following:

- 20 1. Information identifying the meter.
- 21 2. The reason for making the test.
- 22 3. The reading of the meter before it was removed from service.
- 23 4. The accuracy of measurement.

1 5. All the data that was taken at the time of the test.

2 (b) The meter test record must be sufficiently complete to permit convenient checking of
3 the methods and calculations that have been employed.

4

5 **SECTION 16.** PSC 134.19 (2) (title) is created to read:

6 PSC 134.19 (2) (title) METER HISTORY RECORDS.

7

8 **SECTION 17.** PSC 134.19 (2) is repealed and recreated to read:

9 PSC 134.19 (2) (a) The utility shall keep a meter history record which indicates all of the
10 following:

11 1. The date the meter was purchased.

12 2. The meter's size.

13 3. Information identifying the meter.

14 4. The meter's various places of installation, with dates of installation and removal.

15 5. The dates and results of all tests.

16 6. The dates and details of all repairs.

17 (b) The record shall be arranged in such a way that the record for any meter can be
18 readily located.

19

20 **SECTION 18.** PSC 134.19 (3) (title) is created to read:

21 PSC 134.19 (3) (title) METER ACCURACY SUMMARIES.

22

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2 **SECTION 19.** PSC 134.20 is amended to read:

3 **PSC 134.20 Preservation of records.** The A utility shall preserve the following records
 4 ~~shall be preserved~~ in a readable format and ~~kept~~ keep them available for inspection by the
 5 commission for the periods indicated. The list is not ~~to be taken as comprehending a~~
 6 complete list of all types of utility records.

Description of Record	Period to be Retained
(1) Maps showing the location and physical characteristics of existing plant	Currently
(2) Engineering records in connection with construction projects	Permanently
(3) Supply records:	
Station and system supply records	Permanently
All other records taken in the plant	6 years
(4) Operating records:	
Load dispatcher data	6 years
Interruption records	6 years
Meter test <u>records</u>	<u>See s. PSC 134.19. Until the information in the meter test record is entered in the meter history record and the meter is tested again</u>
Meter history records	Life of meter <u>plus 6 years</u>
Annual meter accuracy summary	20 <u>6</u> years
Heating value records	6 years
Pressure records	6 years
Specific gravity records	6 years
All other records of operation	6 years
(5) Equipment record:	
Must be placed in mortality study before destroying	Life of equipment
(6) Customers' records:	
Inspection of customers' equipment	10 years
Complaint record	6 years
Meter reading sheets or cards <u>records</u>	* years <u>6 years</u>
Billing record	* years <u>6 years</u>
Customer deposits	6 years after

1 designated location on the utility's premises for at least 10 business days after the test
2 result report is issued so that the meter is available should further testing or review be
3 needed. If the meter tests as accurate, the utility may choose to keep the tested meter
4 installed at the customer's premises for the designated time period rather than storing it at
5 the utility's premises.

6 (c) *When performing other tests.* When a utility tests a customer's meter for a reason
7 other than those in sub (1) or (2), and the test results in back billing or a credit, the utility
8 shall keep the tested meter, in "as tested" condition, at a designated location on the
9 utility's premises for at least one full billing period plus 4 weeks after the back billing or
10 credit is issued so that the meter is available should another meter test be requested. If a
11 customer requests that the meter be retested, the utility shall keep the retested meter, in
12 "as tested" condition, at a designated location on the utility's premises for at least 10
13 business days after the retest is completed and a written report about that test has been
14 issued.

15 (d) *When a complaint or dispute occurs.* When a utility receives a complaint under s.
16 PSC 134.17 or is notified about a dispute under s. PSC 134.064 involving a meter-related
17 issue, the utility shall keep the meter, in "as tested" condition, at a designated location on
18 the utility's premises for at least one full billing period plus four weeks after the
19 complaint or dispute and any appeal of that dispute is resolved so that the meter is
20 available should testing be requested. If the meter was tested during the complaint or
21 dispute process, and it tested as accurate, the utility may choose to keep the tested meter
22 installed at the customer's premises for the designated time period rather than storing it at
23 the utility's premises.

1 (e) *When a meter is retired.* When a utility tests a meter for accuracy when retiring the
 2 meter from service and the test results indicate that no back bill or credit is due a
 3 customer, the utility may dispose of the meter immediately. When a utility retires a
 4 meter from service without testing it, the utility shall keep the meter, in “as found”
 5 condition, at a designated location on the utility’s premises for at least one full billing
 6 period plus 4 weeks after it is retired so that the meter is available should a meter test be
 7 requested.

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9 **SECTION 22.** PSC 134.31 (6) is created to read:

10 **PSC 134.31 (6) RECORDS RETENTION REQUIREMENTS.** A utility shall keep the complete,
 11 original record from any test under this section on file for the time period specified in
 12 s. PSC 134.20.

13

14 **SECTION 23.** PSC 185.19 (1) is amended to read:

15 **PSC 185.19 (1)** ~~The~~ A utility shall preserve the following records ~~shall be preserved in a~~
 16 readable format and ~~kept~~ keep them available for inspection by the commission for the
 17 period indicated. The list is not to be taken as comprehending all types of utility records.

Description of Record	Period to be Retained
(a) Maps showing the location and physical characteristics of the utility plant	Until maps are superseded or 6 years after plant is retired, provided mortality data are retained
(b) Engineering and original cost records in connection with construction projects	Until records are superseded or 6 years after plant is retired, provided mortality data are retained. An exception is allowed when a utility maintains approved continuing property records; then, engineering and original cost records need only be preserved for a period of 6 years after construction is completed.

(c) Operating records

- 1. Station pumpage records 15 years or 3 years after the source is abandoned, whichever is shorter
- 2. Interruption records 6 years
- 3. Meter test records ~~(See s. PSC 185.46)~~ Until the information in the meter test record is entered in the meter history record and the meter is tested again
- 4. Meter history record* Life of meter plus 6 years
- 5. Annual meter accuracy summary ~~10~~ 6 years
- 6. Pressure records 6 years
- (d) Customer records:
 - 1. Complaint records 3 years
 - 2. Customer deposit 6 years after refund
 - 3. Meter reading ~~sheets or cards~~ records **** 6 years**
 - 4. Billing record **** 6 years**
- (e) Filed rates and rules Permanently

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~~* Where practicable shall be placed in mortality study before destroying.~~

~~** Where machine billing is used and meter readings recorded on tabulated cards, the register sheets may be considered to be "meter reading sheets" and the "billing records." Meter reading sheets and billing records or the register sheets shall be kept 6 years or until they are no longer needed to adjust bills. This means that the records shall be kept 6 years or from the date of one meter test to the next, whichever is longer.~~

Note: See also "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" adopted by the commission in docket 2-U-5005, April 27, 1981, for a more comprehensive listing of retention periods of specific records.

10

11 **SECTION 24.** PSC 185.46 (1) (title) is created to read:

12 PSC 185.46 (1) (title) METER TEST RECORDS.

13

14 **SECTION 25.** PSC 185.46 (1) is repealed and recreated to read:

15 **PSC 185.46 (1)** A utility shall create a record of a meter test whenever a meter is tested.

16 If the meter is tested again, the utility need not retain the previous test record once the

17 information in that record has been entered in the meter history record. The meter test

18 record shall include all of the following:

19 (a) Identification of the meter.

20 (b) The meter's location.

21 (c) The date of the test.

1 (d) A statement of “as found” accuracies.

2 (e) A statement of “as left” accuracies, when applicable.

3 (f) The name of the person making the test.

4

5 **SECTION 26.** PSC 185.46 (2) (title) is created to read:

6 PSC 185.46 (2) (title) METER HISTORY RECORDS.

7

8 **SECTION 27.** PSC 185.46 (2) is repealed and recreated to read:

9 PSC 185.46 (2) Each utility shall keep a history record for each meter sufficient to fulfill
10 the requirements of s. PSC 185.19, including all of the following:

11 (a) The date the meter was placed into service.

12 (b) The information in all of the meter’s test records under sub. (1).

13 (c) The date the meter was retired from service.

14

15 **SECTION 28.** PSC 185.73 (2) is amended to read:

16 **PSC 185.73 (2)** ~~Meters shall be tested~~ Except as provided in s. PSC 185.46, a utility shall
17 test a meter “as found,” or before repair (As Found) and, and, unless the meter must be
18 retained under s. PSC 185.77 (3), “as left,” or after repair (As Left). (See s. PSC 185.46
19 for exceptions.)

20

21 **SECTION 29.** PSC 185.73 (4) is amended to read:

22 **PSC 185.73(4)** ~~Meters~~ A meter not meeting the accuracy or other requirements of s. PSC
23 185.61 or 185.65 shall, unless the meter must be retained under s. PSC 185.77 (3), be
24 repaired or rebuilt to meet those requirements before further use.

1

2 **SECTION 30.** A note following PSC 185.76 (6) is created to read:

3 PSC 185.76 (6) **Note:** But see PSC 185.77 (3) (d) that may require all retired meters to be tested.

4

5 **SECTION 31.** A note following PSC 185.761 (2) is created to read:

6 PSC 185.761 (2) **Note:** But see PSC 185.77 (3) (d) that may require all retired meters to be tested.

7

8 **SECTION 32.** PSC 185.77 (title) is amended to read:

9 **PSC 185.77 ~~Complaint~~ Request and referee tests.**

10

11 **SECTION 33.** PSC 185.77 is renumbered 185.77 (1) and amended to read:

12 **PSC 185.77 (1)** (title) REQUEST TESTS. Each utility shall promptly make an accuracy test
13 without charge of any metering installation upon request of the customer if 24 months or
14 more have elapsed since the last ~~complaint~~ customer requested test of the meter in the
15 same location. If less than 24 months have elapsed, an amount equal to one-half the
16 estimated cost of the meter test shall be advanced to the utility by the customer. ~~Said~~ The
17 amount shall be refunded if the test shows the meter to be over or under registering by
18 more than 2 ~~percent~~ %. A report giving the results of ~~such~~ the test shall be made to the
19 customer and a complete original test record shall be kept on file in the office of the
20 utility. Upon request, the test shall be made in the presence of the customer during
21 normal business hours. (~~See also s. PSC 185.35, Adjustment of bills.~~)

22

23 **SECTION 34.** PSC 185.77 (3) is created to read:

1 **PSC 185.77 (3) METER RETENTION.** (a) *Definitions.* For purposes of this subsection, “as
2 found” means retained, filled with water and capped without any other adjustments being
3 made since the last test was performed.

4 (b) *After a customer requested test.* When a utility performs a customer requested test on
5 a customer’s meter under sub. (1) or when the commission requests that a meter be
6 tested, the utility shall keep the tested meter, in “as found” condition, at a designated
7 location on the utility’s premises for at least one full billing period plus four weeks after
8 the test result report is issued so that the meter is available should another meter test be
9 requested. If the meter tests as accurate, the utility may choose to keep the tested meter
10 installed at the customer’s premises for the designated time period rather than storing it at
11 the utility’s premises.

12 (b) *After a referee test.* When a utility or third party retests a customer’s meter under sub.
13 (2), the utility shall keep the tested meter, in “as found” condition, at a designated
14 location on the utility’s premises for at least 10 business days after the test result report is
15 issued so that the meter is available should further testing or review be needed. If the
16 meter tests as accurate, the utility may choose to keep the tested meter installed at the
17 customer’s premises for the designated time period rather than storing it at the utility’s
18 premises.

19 (c) *When performing other tests.* When a utility tests a customer’s meter for a reason
20 other than those in sub. (1) or (2) and the test results in a back bill or a credit, the utility
21 shall keep the tested meter, in “as found” condition, at a designated location on the
22 utility’s premises for at least one full billing period plus four weeks after the back bill or
23 credit is issued so that the meter is available should another meter test be requested. If a

1 customer requests that the meter be retested, the utility shall keep the retested meter, in
2 “as found” condition, at a designated location on the utility’s premises for at least 10
3 business days after the retest is completed and a written report about that test has been
4 issued.

5 (d) *When a complaint or dispute occurs.* When a utility receives a complaint under s.
6 PSC 185.42 or is notified about a dispute under s. PSC 185.39 involving a meter-related
7 issue, the utility shall keep the meter, in “as tested” condition, at a designated location on
8 the utility’s premises for at least one full billing period plus four weeks after the
9 complaint or dispute and any appeal of that dispute is resolved so that the meter is
10 available should testing be requested. If the meter was tested during the complaint or
11 dispute process, and it tested as accurate, the utility may choose to keep the tested meter
12 installed at the customer’s premises for the designated time period rather than storing it at
13 the utility’s premises.

14
15 (e) *When a meter is retired.* When a utility retires a meter from service and test results
16 indicate that no back bill or credit is due a customer, the utility may dispose of the meter
17 immediately. When a utility retires a meter from service without testing it, the utility
18 shall keep the meter, in “as found” condition, at a designated location on the utility’s
19 premises for at least one full billing cycle plus 4 weeks after the date on which the meter
20 is retired so that the meter is available should another meter test be requested.

21

22 **SECTION 35.** PSC 185.77 (5) is created to read:

1 **PSC 185.77 (5)** RECORD RETENTION REQUIREMENTS. A utility shall keep the complete,
2 original record from any test under this section on file for the time period specified in
3 s. PSC 185.19.

4

5 **SECTION 36.** PSC 185.78 and (title) are renumbered 185.77 (2) and (title).

6

STATE OF WISCONSIN
 DEPARTMENT OF ADMINISTRATION
 DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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 P.O. BOX 7864
 MADISON, WI 53707-7864
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ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

PSC 113 Service Rules for Electric Utilities
 PSC 134 Standards for Gas Service
 PSC 185 Standards for Water Public Utility Service

3. Subject

Retention of electric/gas/water meters after being tested due to a customer's request or after a commission-refereed test. Retention of meter testing records.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The commission has encountered several situations where meters were no longer available when initial or additional accuracy testing was requested. This rule ensures that meters initially tested for accuracy because of a customer's request are retained long enough that they are available for commission-referee testing. Further, it ensures that referee-tested meters are retained long enough for a customer to request an outside test. It also ensures that when meters are tested for other reasons and the test results in either a back-billing or a credit, the meters are retained long enough that they are available for referee testing. Finally, it establishes consistent retention periods for meter test records.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

All electric, gas and water utilities; Wisconsin Utilities Association; utility workers associations; Wisconsin Federation of Independent Business; Wisconsin Manufacturers and Commerce; Citizens Utility Board, League of Wisconsin Municipalities; Wisconsin Towns Association; Wisconsin Alliance of Cities; IBEW; Municipal Electric Utilities of Wisconsin; Wisconsin Rural Water Association; Wisconsin Water Association.

11. Identify the local governmental units that participated in the development of this EIA.

Municipalities with municipal gas, electric and/or water utilities and members of the League of Wisconsin Municipalities, Wisconsin Towns Association, and Wisconsin Alliance of Cities.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

In its comments the Wisconsin Utilities Association stated that while there may be costs to individual utilities, "the proposed rules will not adversely affect in any material way, the economy, a sector of the economy, productivity, jobs, or the competitiveness of this state." The water division of the Municipal Environmental Group stated that the requirement to test or retain meters could result in a significant economic impact, especially for a large utility undertaking a comprehensive meter replacement program. No specific financial impact figures were provided. Language changes were made to address this concern. Further, there is a provision that allows a utility to ask for a "waiver" in exceptional circumstances. A utility doing a comprehensive meter replacement could file such a petition.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Implementing this rule will help ensure that meter accuracy is adequately confirmed and will help ensure that billing for utility service is accurate. It should help prevent lingering questions and uncertainty about meter accuracy. Alternatives to implementing this rule are to not implement it or to adopt different retention periods. However, these retention periods were chosen so that customers will have the opportunity to receive another bill before deciding whether to request additional testing.

14. Long Range Implications of Implementing the Rule

This rule will ensure that meters remain available long enough for testing to be requested. This will help ensure that meter accuracy is adequately confirmed and will help ensure that billing for utility service is accurate. It should help prevent lingering questions and uncertainty about meter accuracy.

15. Compare With Approaches Being Used by Federal Government

There are no federal laws on this issue.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Although surrounding states anecdotally report at least some of the same problems experienced by this commission, none of them have rules that specify time periods for which meters must be retained. However, Iowa does advise utilities to keep meters until the time for an appeal has passed, especially if a referee test is performed. Further, when the Iowa Utilities Board issues orders granting waivers from meter testing requirements, it requires the utility to hold the meters for 120 days before disposing of them.

Retention periods for meter testing records vary among surrounding states, although the general format is the same. Records from an individual meter test must be retained for a period of time after the results are recorded in a history record that contains a wide variety of information about a particular meter, including all of the test results for that meter. That history record is retained for a longer period of time. The proposed rule requires utilities to retain an individual test record until it is recorded in the meter history record and the meter is tested again. The meter history record must be kept for the life of the meter, plus 6 years. Six years was chosen because it is the general statute of limitations for consumer issues.

Minnesota, Iowa and Illinois require that initial test records be kept for at least three years, while Michigan requires that they be kept for at least two years. In Minnesota, such records must be kept longer if necessary to permit compliance with commission rules. In Michigan, they must be kept longer, if necessary, to comply with rules regarding refunds on fast meters. In Illinois, meter history records need only be kept for three years. In Michigan and Minnesota, they must be kept for the life of the meter.

17. Contact Name

Lisa Farrell

18. Contact Phone Number

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