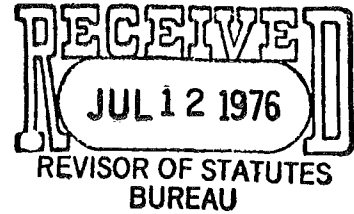


PSC 2



2:35 pm GLP

CERTIFICATE

STATE OF WISCONSIN :
PUBLIC SERVICE COMMISSION : ss.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lewis T. Mittness, Executive Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the annexed rules relating to the issuance of subpoenas were duly approved and adopted by this commission on July 8, 1976.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the commission at the Hill Farms State Office Building in the City of Madison this 8th day of July, 1976.

Handwritten signature of Lewis T. Mittness

Lewis T. Mittness
Executive Secretary
PUBLIC SERVICE COMMISSION OF WISCONSIN

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Rules relating to the issuance of)
subpoenas) 1-AC-8

ORDER OF THE PUBLIC SERVICE COMMISSION
AMENDING AND ADOPTING RULES

Pursuant to authority vested in the Public Service Commission of Wisconsin by sections 195.03, 196.02, 196.24, 196.26, 227.014, and 227.08, Wisconsin Statutes, the Public Service Commission hereby amends and adopts rules as follows:

Subsection PSC 2.39(5) of the Wisconsin Administrative Code is repealed and recreated to read:

Sec. PSC 2.39(5) (a) Any commissioner or examiner shall issue subpoenas requiring the attendance of witnesses and subpoenas requiring the production of documentary or other tangible evidence upon request therefor by any party; provided however, that:

1. A subpoena duces tecum will not be issued unless the person requesting the subpoena furnishes to the person requested to issue the subpoena a specific statement of the documents desired brought along by the subpoenaed witness.

2. Where it appears to the person requested to issue the subpoena that the subpoena sought may be unreasonable, oppressive, excessive in scope, or unduly burdensome, he may in his discretion, as a condition precedent to the issuance of the subpoena, require the person seeking the subpoena to show the general relevance and reasonable scope of the testimony or other evidence sought.

3. In the event the person requested to issue the subpoena shall, after consideration of all the circumstances, determine that the subpoena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he may refuse to issue the subpoena, or issue it only upon such conditions as fairness requires. In making the foregoing determination, where he can do so without undue inconvenience

to the participants in the proceeding, the person requested to issue the subpoena may inquire of the other participants whether they will concede the facts sought to be proved; but in this connection, except with the permission of the person seeking the subpoena, he shall not disclose the identity of the person sought to be subpoenaed.

(b) A person whose request for a subpoena has been denied or modified may not request any other commission official to issue the subpoena; but he may appeal to the commission from the denial or modification.

Subsection 2.39(6) of the Wisconsin Administrative Code is adopted to read:

Sec. PSC 2.39(6)(a) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the examiner, or if he is not available, to the commission, to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor.

(b) The examiner or the commission, as the case may be, may deny the application, or upon notice to the person upon whose request the subpoena was issued, and opportunity for reply, may:

1. Quash or modify the subpoena, or
2. Condition denial of the application to quash or modify the subpoena upon just and reasonable conditions, including in the case of a subpoena duces tecum, a requirement that the person in whose behalf the subpoena was issued shall advance the reasonable cost of transporting documentary or other tangible evidence to the designated place of hearing.

The rules contained herein shall take effect on the first day of the month following their publication in the

Wisconsin Administrative Register, as provided in section
227.026(1), Wisconsin Statutes.

Dated at Madison, Wisconsin, _____

By the Commission.

Lewis T. Mittness
Executive Secretary