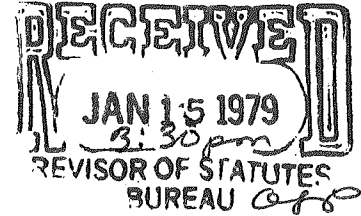


PSC 13.132, 134.062

CERTIFICATE



STATE OF WISCONSIN)
)
PUBLIC SERVICE COMMISSION) ss.

TO ALL 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 certify that the annexed rules relating to disconnection of utility service were duly approved and adopted by this Commission on November 21, 1978.

I further certify that this copy of the rules 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 rules.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Commission at the Hill Farm State Office Building in the City of Madison this 12th day of January, 1979.

Lewis T. Mittness

Lewis T. Mittness
Executive Secretary
PUBLIC SERVICE COMMISSION OF WISCONSIN

DATE MAILED
NOV 30 1978

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of the Petition of)
Willie Mae Williams, et al., for an)
Order Amending Rules Respecting) 05-UI-4
Disconnections of Gas and Electric)
Utility Services)

Order Promulgating Rules

On November 9, 1977, the commission received a petition from approximately 2,350 Wisconsin residents, acting on behalf of themselves and various organizations - and including at least 17 legislators, legislators-elect, city aldermen and county supervisors - seeking amendment of s. PSC 113.132(2) and 134.062(2) of the Wis. Adm. Code. These sections are alleged to be "...unreasonable and discriminatory on their face and in their application to utility customers of limited means, and...insufficient to protect the public interest which requires that human life not be endangered by disconnection of utility service for whatever reason."

Petitioners request that s. PSC 113.132(2) (electric) and PSC 134.062(2) (gas), Wis. Adm. Code, each be amended to read: (new material underlined)

Utility service may be disconnected or refused for any of the following reasons, provided there are reasonable grounds to believe that such disconnections will not under the circumstances, endanger human life:

On December 1, 1977, the commission, with a dissent by Commissioner Oestreicher, issued an order adopting amendments as set forth below to both s. PSC 113.132(2) and PSC 134.062(2) as emergency rules to take effect upon publication and filing with the Secretary of State and Revisor of Statutes, as provided in s. 227.027, Wis. Stats., and to remain in effect for a period of 120 days from date of publication.

PSC 113.132(2) and PSC 134.062(2) Utility service may be disconnected or refused for any of the following reasons, provided there are reasonable grounds to believe that such disconnection or refusal will not, under the circumstances, endanger human life and health, and provided that residential customers may not be disconnected nor refused for nonpayment of a delinquent account, deferred payment agreement or failure to comply with deposit or guarantee arrangements during the effective period of this emergency rule: (new material underlined)

The above-mentioned order also provided:

That formal rule-making hearings by this commission as petitioned for will be held to consider whether such rules should be adopted on a permanent basis and also to consider what protective measures could be provided utilities on an emergency or permanent basis which will allow them to recover costs of service without endangering human health and life. Such protective measure to be considered may include penalties for customers who intentionally withhold all payment where there is no finding of serious threat to life or health.

An informal conference to discuss development of additional rules which might provide for penalties against those who take improper advantage of the disconnect rules was held before the commission on December 19, 1977.

Public hearing was held on this proceeding on January 12, 1978 at Milwaukee and on January 13, 1978 at Madison before Examiner C.B. Sorensen. Appearances are as shown in appendix A.

Findings of Fact

THE COMMISSION FINDS:

The purpose of this proceeding was two fold; one, to consider a permanent rule on disconnection moratoriums and two, to consider protective measures for utilities that will allow costs of service to be recovered without endangering human health and life.

This commission has repeatedly implored other federal, state and local government branches and agencies to direct their attentions to the problems of income distribution, inflation, unemployment and rising energy costs. These are the causes of the problems that this commission has repeatedly had to address through its previous restrictions on utility disconnections. There have been responses at some governmental levels to make funds available for utility payments and continued support along these lines is hopefully to continue. There have been no permanent resolution actions however. In fact, some actions such as the recent national energy act may potentially exacerbate existing problems.

The severity of Wisconsin winters is predictable. The need to offer protections to health and life can reasonably be expected on a continual basis. Further governmental action to address the root problems that this commission has had to attack in a makeshift short-term fashion are by no means predictable. Accordingly, continued actions by this commission to protect the public health and safety can be expected to be required.

To meet these requirements, petitioners asked for consideration of a permanent winter moratorium. The commission cannot support such a position. There is the need for action by other governmental units and a permanent disconnection ban could potentially encourage continued inaction at other levels. The commission will also continue to urge more permanent solutions. The commission will by this order promulgate a rule on disconnection of gas and electric service to read as follows:

Utility service may be disconnected ~~or refused~~ for any of the following reasons, provided that if the commission declares a winter emergency to be in effect, there must be reasonable grounds to believe that such disconnection will not, under the circumstances, endanger human health or life: (new material underlined)

Such a rule enables commission action if and when it is needed but avoids the problems of an outright permanent ban or continued emergency rule making. This rule creates a procedure for effectuation of disconnection restrictions when conditions of weather and governmental inaction create an emergency to necessitate its use. This revision also modifies the existing rule to eliminate reference to refusal of service.

The matter of measures to protect utility earnings during moratorium conditions is unresolved. The impacts of such moratoriums are as yet not defined to the commission's satisfaction. Further, no acceptable proposals for such measures were advanced in the hearings. This matter will remain under review.

So that customers are adequately protected from harms of disconnection, the commission also modifies existing dispute procedure requirements so that dispute procedure safeguards may be used after disconnection. These changes are made to sections 113.134(1) and 134.064(1).

Conclusion of Law

THE COMMISSION CONCLUDES:

That it has jurisdiction under chapter 196 and 227, Wis. Stats., to issue an order as discussed above and to adopt rule changes to ss. PSC 113.132(2), 113.134(1), 134.064(1), and 134.062(2), Wis. Adm. Code, of electric and gas utility services.

Order

THE COMMISSION THEREFORE ORDERS:

1. That pursuant to authority vested in the Public Service Commission by chapter 196 and 227, Wis. Stats., s. PSC 113.132(2) of the Wis. Adm. Code is amended to read: (new material underlined)

PSC 113.132(2) Utility service may be disconnected ~~or refused~~ for any of the following reasons, provided that if the commission declares a winter emergency to be in effect, there must be reasonable grounds to believe that such disconnection will not, under the circumstances, endanger human health or life:

and s. PSC 134.062(2) of the Wis. Adm. Code is amended to read:

(new material underlined)

PSC 134.062(2) Utility service may be disconnected ~~or refused~~ for any of the following reasons, provided that if the commission declares a winter emergency to be in effect, there must be reasonable grounds to believe that such disconnection will not, under the circumstances, endanger human health or life:

and s. PSC 113.134(1) of the Wis. Adm. Code is amended to read:

(deleted section is lined out)

PSC 113.134(1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office ~~prior to the disconnection of service~~ that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the customer of the results of the investigation.
- (c) Attempt to resolve the dispute.
- (d) Provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.

and s. PSC 134.064(1) of the Wis. Adm. Code is amended to read:

(deleted section is lined out)

PSC 134.064(1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office ~~prior to the disconnection of service~~ that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the customer of the results of the investigation.

(c) Attempt to resolve the dispute.

(d) Provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.

2. That a certified copy of this order be filed with the Secretary of State and Revisor of Statutes and that the rules become effective as provided by Chapter 227, Wis. Stats.

3. That class A gas and electric utility reports as required by the commission's December 1, 1977 order be continued.

4. That jurisdiction is retained.

Dated at Madison, Wisconsin,

NOV 2, 1978

By the Commission.

James T. Mitchell

Executive Secretary

APPENDIX A

APPEARANCES:

WILLIE MAY WILLIAMS, et al., Petitioner
by
George R. Edgar, Attorney
c/o Legal Action of Wisconsin, Inc.
1006 South Sixteenth Street
Milwaukee 53204

105 Appearances in Support of the
petition are listed in the official
transcript of this proceeding.

IN OPPOSITION:

ROBERT A. NUERNBERG,
Assistant General Counsel,
626 East Wisconsin Avenue,
Milwaukee, Wisconsin, 53202,
appeared on behalf of
Wisconsin Gas Company.

DOUGLASS H. BARTLEY,
Attorney, 626 East
Wisconsin Avenue,
Milwaukee, Wisconsin, 53202
appeared on behalf of
Wisconsin Gas Company.

JOHN McLEAN, Vice President,
231 West Michigan Street,
Milwaukee, Wisconsin, 53201,
appeared on behalf of
Wisconsin Electric Power Company
and Wisconsin Natural Gas Company.

IRLENN FRANK,
Cedarburg, Wisconsin, 53012,
appeared on behalf of
Cedarburg Light & Water Company.

ANTHONY P. BIBA, Superintendent,
223 West Ward Drive,
Elkhorn, Wisconsin, 53121,
appeared on behalf of Elkhorn
Light & Water Commission.

J. C. HENDERSON, President,
327 North Broad Street,
Elkhorn, Wisconsin, 53121,
appeared on behalf of
Elkhorn Light & Water Commission.

APPEARANCES: (Continued)

AS INTEREST MAY APPEAR:

DAVID J. GILLES, Assistant Attorney General,
State Capital,
Madison, Wisconsin.

WISCONSIN POWER & LIGHT COMPANY

by
Timothy D. Fenner, Attorney
P.O. Box 1767
Madison 53701
and by
James G. Miller
Director of Customer Accounting and Rates
222 West Washington Avenue,
Madison, Wisconsin 53701.

NORTHERN STATES POWER COMPANY (WISCONSIN)

by
Glenn B. Thorsen, Vice President - Finance,
100 North Barstow Street,
Fau Claire, Wisconsin 54701

MADISON GAS AND ELECTRIC COMPANY

by
Rodger D. Erickson, Manager -
Customer Information Center
and by
Dale W. St. Joh, Sec. & Asst. Treas.
100 North Fairchild Street,
Madison, Wisconsin, 53703.

MUNICIPAL ELECTRIC UTILITIES OF WISCONSIN

by
Donald L. Smith, Executive Director,
996 Warner
Columbus, Wisconsin, 53925
and by
Rebecca A. Erhardt, Attorney,
Boardmen, Suhr, Curry & Field,
131 West Wilson Street,
Madison, Wisconsin, 53703.

CITY GAS COMPANY

LAKE SUPERIOR DISTRICT POWER COMPANY
SUPERIOR WATER, LIGHT & POWER COMPANY
WISCONSIN FUEL & LIGHT COMPANY
WISCONSIN SOUTHERN GAS COMPANY

all by
Hugh H. Bell, Attorney,
222 West Washington Avenue,
Madison, Wisconsin, 53703.

APPEARANCES: (Continued)

AS INTEREST MAY APPEAR: (Continued)

WISCONSIN PUBLIC SERVICE CORPORATION

by

Daniel P. Bittner, Administrator -
Accounting Operations,
P.O. Box 700,
Green Bay, Wisconsin, 54305

and by

Ron Grosse, Admin. - Div. Accounting
P.O. Box 1200,
Green Bay, Wisconsin, 54305.

WISCONSIN ELECTRIC POWER COMPANY

WISCONSIN NATURAL GAS COMPANY

both by

Robert H. Diaz, Jr., Attorney,
Quarles & Brady,
780 North Water Street,
Milwaukee, Wisconsin, 53202.

WISCONSIN RAPIDS WATER WORKS &
LIGHTING COMMISSION

by

Robert O. Stuhlmacher, Office Manager
P.O. Box 399,
Wisconsin Rapids, Wisconsin, 54494.

STURGEON BAY UTILITIES

by

William Baudhuin, Superintendent,
City of Two Rivers,
1415 Lake Street
Two Rivers, Wisconsin, 54241.

OF THE COMMISSION STAFF:

Gary A. Evenson
Utility Rates Division

Dorothy Berg
Public Affairs & Publications.