

CR 85-88

1-AC-104

CERTIFICATE

STATE OF WISCONSIN)
) ss.
PUBLIC SERVICE COMMISSION)

RECEIVED
MAY 5 1986
Revisor of Statutes
Bureau

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Jacqueline K. Reynolds, Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the annexed order amending Wis. Adm. Code sections PSC 113.132(9)(a), 134.062(8)(a) and 185.37(8)(a) was duly approved and adopted by this commission on April 1, 1986.

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 1st day of May, 1986.


Jacqueline K. Reynolds
Secretary of the Public Service
Commission of Wisconsin

DATE MAILED
APR 2 1986

RECEIVED

MAY 5 1986

Revisor of Statutes
BEFORE THE Bureau

COMPARED WITH AND CERTIFIED BY ME
TO BE A FULL, TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE IN MY OFFICE.
4-1-86
Jequehina K. Reynolds
Secretary to the Commission
Public Service Commission of Wisconsin

PUBLIC SERVICE COMMISSION OF WISCONSIN

Disconnection Notices for Tenants) 1-AC-104
85-88

ORDER OF THE PUBLIC SERVICE
COMMISSION ADOPTING RULES



To amend ss. PSC 113.132(9)(a), 134.062(8)(a) and
185.37(8)(a) relating to utility disconnection of service--notice
to tenants in multi-unit dwellings.

ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

On July 12, 1985, the commission held hearing into
proposed rules requiring notice to tenants of multi-unit
buildings before electric, gas or water service may be
disconnected for failure of the landlord to pay his or her
utility bill.

The landlord-tenant notification issue was brought to
the attention of the commission when staff learned of
inconsistencies among the utilities in application of existing
rules. Tenants were not adequately notified of potential
landlord disconnections.

The rule language proposed in the notice of hearing
reads as follows:

"(9)(a) A utility shall not disconnect service
unless written notice by first class mail is sent to
the customer or personally served at least 8 calendar

days prior to the first date of the proposed disconnection. Notice shall be sent to the account's name and address, and to the address where service is provided if different. In the case of multi-unit dwellings, notice shall be issued to each separate dwelling unit. If access is not possible this notice shall be posted at a minimum to all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice must be left on the premises no less than 24 hours nor more than 48 hours prior to disconnection."

Based on both testimony at the hearing and staff experience with utility disconnections, the following language is substituted for that originally proposed:

"(9)(a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. Notice shall be sent to the account's name and address, and to the address where service is provided if different. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises no less than 24 hours nor more than 48 hours prior to disconnection."

The alternative language still requires notification of tenants prior to disconnection, but allows the utility to notify individual tenants at a slightly later time. There are two reasons:

As indicated in the testimony, the overwhelming majority of delinquent landlords pay their bills after receipt of

the disconnection notice. To inform tenants of the landlord's delinquency at the same time may cause unnecessary concern and impose substantial costs on a utility.

The slightly later notice of the alternative language still informs tenants in adequate time to protect themselves but eliminates unnecessary concern and expense.

The rule has also been expanded to cover not only multi-unit dwellings but individual residential units where the billing address is different than the service address.

RULES AND STATUTORY AUTHORITY

Pursuant to authority vested in the Public Service Commission by sections 196.02(1), 196.03(1), 196.37(2) and 227.014(2)(a), Stats., the commission proposes to amend the following rules:

SECTION 1: PSC 113.132(9)(a) is amended to read:

"(9)(a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. ~~Notice shall be sent to the account's name and address; and to the address where service is provided if different.~~ If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice ~~must~~ shall be left on the premises no less than 24 hours nor more than 48 hours prior to disconnection."

SECTION 2: PSC 134.062(8)(a) is amended to read:

"(8)(a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. Notice shall be sent to the account's name and address, and to the address where service is provided if different. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice must shall be left on the premises no less than 24 hours nor more than 48 hours prior to disconnection."

SECTION 3: PSC 185.37(8)(a) is amended to read:

"(8)(a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. Notice shall be sent to the account's name and address, and to the address where service is provided if different. If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice must shall be left on the premises no less than 24 hours nor more than 48 hours prior to disconnection."

There will be no fiscal impact of the proposed rules on the state or municipalities, or on small business.

This action is classified as a Type 3 action according to PSC 2.90(3), Wis. Adm. Code. No unusual circumstances have come to the attention of the commission that would require further environmental review. It consequently requires neither an environmental impact statement under s. 1.11, Stats., nor an environmental assessment.

These proposed rules have been forwarded to the Legislature for review pursuant to s. 227.018, Stats. They will take effect as final rules on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.026, Stats.

Dated at Madison, Wisconsin, April 1, 1986

By the Commission.

Joan Wentworth
Joan Wentworth
Assistant Secretary to the Commission