

CR 88-10

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CERTIFICATE

STATE OF WISCONSIN	)	
	)	
PUBLIC SERVICE COMMISSION	)	File 1-AC-118
OF WISCONSIN	)	

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 concerning the provision of electric and natural gas service to residential customers was duly approved and adopted by this Commission on August 8, 1989.

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 and affixed the official seal of the commission at Hill Farms State Office Building in the City of Madison, WI August 22, 1989.

*Charles W. Thompson*  
 for Jacqueline K. Reynolds *Chairman*  
 Secretary to the Commission  
 PUBLIC SERVICE COMMISSION OF  
 WISCONSIN



DATE MAILED

AUG 9 1989

COMPARED WITH AND CERTIFIED BY ME  
TO BE A FULL, TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE IN MY OFFICE.

AUG 8 1989

*Jacqueline K. Reynolds*

Secretary to the Commission  
Public Service Commission of Wisconsin

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Revision of Gas and Electric)  
Consumer Services Rules )

1-AC-118

ORDER OF THE PUBLIC SERVICE COMMISSION  
ADOPTING RULES

To create ss. PSC 113.012, 113.12(5), 113.1315,  
113.1322, 113.1325, 134.05(5), 134.0615, 134.0622, 134.0625

To amend ss. PSC 113.12(4), 113.15, 134.05(4), 134.12

To repeal and recreate ss. PSC 113.131, 113.132,  
113.1323, 113.1324, 113.133, 113.134, 113.16, 134.02,  
134.061, 134.062, 134.0623, 134.0624, 134.063, 134.064,  
134.13

ANALYSIS PREPARED BY THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Beginning in July, 1987, the Public Service Commission of Wisconsin began an effort to revise important portions of chapters PSC 113 and 134, Wis. Adm. Code, concerning the provision of electric and natural gas service to residential customers.

Over the past several years changes in these chapters have been made on a piecemeal basis as specific, immediate problems arose, but no comprehensive review and revision of the utility service rules was undertaken. Beginning last summer, representatives of utilities, consumer groups, and the commission have met a number of times to propose changes to revise and update the service rules. Formal rulemaking hearings were then held on the proposed changes.

These proposals include new provision of service rules which accomplish the following changes:

Define a number of terms used throughout chs. PSC 113 and 134 such as: ability to pay, prompt payment, complaint, protective service emergency, new residential customer, and installment payment agreement.

Allow prospective utility customers or property owners to obtain energy consumption information on specific properties from electric and gas utilities. (PSC 113.12, 134.05)

Exempt residential customers with gross quarterly income of less than 200% of federal income poverty guidelines from



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having to post deposits for utility service (PSC 113.131, 134.061)

The new deposit rules also set forth criteria for the utilities to consider in determining the size of a requested customer deposit, permit a higher deposit for customers who are able to do so but do not make payment during the cold weather disconnection rules period, and set the rate of interest to be paid on customer deposits.

Similar deposit rule provisions are also made applicable to commercial and farm customers. (PSC 113.1315, 134.0615)

Permit a utility to require an application for service as a condition of providing utility service, including proof of identification and residency. The rules specify the types of proofs acceptable. (PSC 113.132(3), 134.062(3))

In addition to allowable bases for utilities to disconnect utility service which are already in the rules, a new provision allows disconnection where the customer fails to pay legal costs and fees awarded by a court of law or extraordinary collection charges approved by the PSC. (PSC 113.132, 113.1322, 134.062, 134.0622)

Allow a utility to deny or disconnect service to a customer for nonpayment by another customer who was and still is residing at the same premises. (PSC 113.132(h), 134.062(h))

Permit transfer of an unpaid utility service bill at rental property to the residential or commercial bill of the rental property owner or manager. (PSC 113.132(6), 113.1322(6), 134.062(5), 134.0622(5))

Require a 21-day reconnection or postponement of disconnection of service--as well as other protections--for customers experiencing a medical or protective services emergency. (PSC 113.132(12), 134.062(11))

Extend cold weather disconnection protections to commercial or farm accounts serving residential dwellings (PSC 113.1322, 134.0622)

Set forth the commission's declaration of policy to protecting residential utility service users during cold weather periods and set forth procedural protections that must be followed by all utilities before service may be disconnected.

New protections include the designation by utilities of a management-level employee to be responsible for disconnection decisions, and the filing by utilities of

written disconnection procedures with the PSC.  
(PSC 113.1324, 134.0624)

Set forth procedures for customer complaint resolution by the commission staff (informal) and the commission itself (formal). (PSC 113.134, 134.064)

Provide billing and meter-reading requirements, including procedures for rendering estimated bills.  
(PSC 113.16, 134.13)

Require that the utility bill a customer at the lowest applicable rate and set forth procedures for determining that rate and providing rate information to the customer.  
(PSC 113.16(4), 134.13(4))

Other technical and grammatical changes are also made, and interested persons are urged to read the proposed rules carefully. For example, the rule specifying information utilities must provide with customer bills has been amended to include a recent statutory requirement--that customers be warned to reduce water heater temperature settings.  
(PSC 113.12(4), 134.05(4))

These rules are adopted under authority granted the commission by ss. 196.02, 196.03, and 227.11, Stats., and interpret those sections.

## RULES

SECTION 1: PSC 113.012 is created to read:

PSC 113.012 DEFINITIONS. In this chapter:

(1) "Ability to pay" means a customer's financial capacity to meet his or her utility service obligation, considering all of the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Period of time the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.

(e) Any other relevant factors concerning the customer's circumstances, as household size, income and expenses.

(2) "Complaint" means a statement or question by any person, whether a utility customer or not, concerning a wrong, grievance, injury, dissatisfaction, illegal action or

procedure, dangerous condition or action, or failure of a utility to meet a utility obligation.

(3) "Customer" means the party billed for payment of bills issued for use of utility service at a given premises.

(4) "Customer-requested termination" means that the customer or occupant has asked the utility to cease providing utility service to a premises.

(5) "Denied or refused service" means that a utility has refused to provide present or future service to a customer, occupant or premises.

(6) "Disconnection" means an event or action taken by the utility to terminate or discontinue the provision of service, but does not include a customer-requested termination of service.

(7) "Installment payment agreement" means an arrangement between a utility and a commercial or farm customer for payment of a deposit in installments.

(8) "New residential customer" means a customer who has not received utility service in his or her name during the previous 6 months from the utility from which service is requested.

(9) "Occupant" means the resident or residents of a premises to which utility service is provided.

(10) "Prompt payment" means payment prior to the time when a utility could issue a notice of disconnection for nonpayment of an amount not in dispute.

(11) "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, mental retardation, other developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

(12) "Voucher agreement" means a payment agreement guaranteed by a third party who has access to or control over the benefits and/or finances of a public assistance recipient. Included without limitation are:

(a) Aid to Families with Dependent Children (AFDC) restrictive payment arrangements.

(b) Social Security Representative Payee.

(c) General Relief voucher payment systems.

(d) Legal guardian.

(Note to Revisor: Please place after 113.01 but before Part I in the code.)

SECTION 2: PSC 113.12(4) is amended to read:

PSC 113.12(4) Each utility shall provide written notice to its residential customers annually, and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options, including deferred payment agreements and budget billing, disconnection and dispute procedures; of the availability of information on energy conservation practices; of the advisability of setting water heater thermostats no higher than 125 degrees Fahrenheit, of the availability of the customer's actual electric consumption (or actual degree day electric consumption) for each billing period during the prior 12 months or the actual number of months that the customer has lived at that location if less than 12 months, and of the availability of agencies or programs which may provide financial aid assistance or counseling. Such notice shall contain a reply procedure to allow customers an opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons or the use of human life sustaining equipment, and to advise the utility to contact a specific third-party agency or individual prior to any disconnection action being taken.

SECTION 3: PSC 113.12(5) is created to read:

PSC 113.12(5) A utility shall provide on request to current or prospective customers, tenants or property owners residential energy consumption information. This information shall include either the average consumption for the prior 12 month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months.

Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for the premises in question.

SECTION 4: PSC 113.131 is repealed and recreated to read:

PSC 113.131 DEPOSITS, RESIDENTIAL. (1) NEW RESIDENTIAL SERVICE. (a) A utility may not require a cash deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin electric utility or cooperative which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by the customer, and which at the time of the request for new

service remains outstanding and not in dispute, as defined in s. PSC 113.134.

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her gross quarterly income is at or below 200 per cent of federal income poverty guidelines.

(c) A utility shall inform the customer of his or her right to enter into a deferred payment agreement for payment of the deposit amount and of his or her right to appeal any deposit request or amount required under this section to the public service commission.

(2) DEFERRED PAYMENT. In lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account balance accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement, as defined in s. PSC 113.133, for the outstanding account. A customer who defaults on the deferred payment agreement may be required by the utility to furnish a deposit.

(3) GUARANTEE TERMS AND CONDITIONS. (a) A utility may accept, in lieu of a cash deposit for new or existing residential service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or whereby the guarantor accepts responsibility for payment of all future bills. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the customer in writing of the agreement, and of the customer's right to refuse such an agreement. The term of the contract shall be for no longer than one year, but it shall automatically terminate after the residential customer has closed his or her account with the utility, or on the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account has been guaranteed, unless the guarantor waives such notice in writing.

(4) EXISTING RESIDENTIAL SERVICE. (a) A utility may require a cash deposit or other guarantee as a condition of

residential service if any of the following circumstances apply:

1. The utility has disconnected the customer's service within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

2. Subsequent credit information indicates that the initial application for service was falsified.

3. The customer has the ability to pay for the utility service but, during the cold weather disconnections rules period, had an arrears amount incurred during that period that was 80 days or more past due. The utility may request a deposit under this section even if the customer's service has not been disconnected.

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her gross quarterly income is at or below 200 per cent of the federal income poverty guidelines.

(c) When the utility requests a deposit of an existing residential customer, the customer shall be informed of his or her right to provide the deposit, guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for the deposit amount.

(5) WRITTEN EXPLANATION. A utility shall provide a written explanation of why a deposit or guarantee is being required for a residential account. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(6) REASONABLENESS OF DEPOSIT. When requesting a deposit from a residential customer, the utility shall consider the customer's ability to pay in determining the reasonableness of its request, including the following factors:

(a) Size of the delinquent account.

(b) Customer's payment history.

(c) Time that the debt has been outstanding.

(d) Reasons why the debt has been outstanding.

(e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

(7) AMOUNT OF DEPOSIT. (a) The maximum deposit for a new residential account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility.

(b) Except as provided in par. (c), the maximum deposit for an existing residential account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bills for any 4 consecutive months within the preceding 12 month review period, as determined by the utility.

(8) REFUSAL OR DISCONNECTION OF SERVICE. Residential service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service, as provided in s. PSC 113.132.

(9) INTEREST. (a) Deposits for residential accounts shall bear interest payable from the date a deposit is made to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one per cent.

Note: This rule will take effect upon the first day of the first month following publication for deposits held at that time and any subsequent deposits. The commission will determine the interest rate for 1989, based on the December, 1988 calculations.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the

fraction of the calendar year that the deposit was held by the utility.

(10) REFUND. The utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment.

(11) REVIEW. The utility shall not continue to require a cash deposit for a residential account unless a deposit is permitted under the provisions of subs. (4) or (10).

(12) METHOD OF REFUND. Any deposit or portion thereof refunded to a residential customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (14) applies.

(13) REFUND AT TERMINATION OF SERVICE. On termination of residential service, the utility shall credit the deposit, with accrued interest, to the customer's final bill and return the balance within 30 days of issuing the final bill.

(14) ARREARAGES. An arrearage owed by a residential customer may be deducted from the customer's deposit under any of the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(15) APPLICABILITY. The provisions in subs. (2) and (3) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

SECTION 5: PSC 113.1315 is created to read:

PSC 113.1315 DEPOSITS FOR COMMERCIAL AND FARM SERVICE.

(1) DEPOSIT REQUEST. If the credit of an applicant for commercial or farm service has not been established satisfactorily to the utility, the utility may require the applicant to post a deposit. The utility shall notify the applicant within 30 days of the request for service as to whether a deposit will be required. The 30-day period shall

begin from the date the applicant provides all requested relevant information to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (5). If a request for a deposit is made, the applicant must be given at least 30 days to provide payment, or guarantee, or to establish an installment payment agreement.

(2) CONSIDERATIONS FOR DEPOSIT. In determining whether an applicant for commercial or farm service has satisfactorily established its credit, the utility shall inform the customer that it will consider any or all of the following factors, if provided by the customers, before requiring a security deposit:

(a) Credit information from credit reporting services.

(b) Letter of credit from a financial institution or another utility.

(c) Applicant's business characteristics, such as type of business, length of time the applicant has operated, the applicant's business experience and knowledge, and estimated size of the applicant's bills.

(d) Assets of the business.

(e) The financial condition of the business, as indicated in a financial statement.

(3) INSTALLMENT PAYMENT AGREEMENT. A commercial or farm customer or applicant for commercial or farm service of which a deposit is requested shall have the right to receive service under an installment payment agreement.

(4) GUARANTEE TERMS AND CONDITIONS. (a) The utility may accept, in lieu of a cash deposit for new or existing commercial or farm service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but it shall automatically terminate after the commercial or farm customer has closed its account with the utility, or at the guarantor's request on 30 days' written notice to the utility.

(b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on 8 days' written notice, subject to the establishment of an installment payment agreement.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he or she has guaranteed, unless the guarantor waives such notice in writing.

(5) EXISTING COMMERCIAL OR FARM SERVICE. (a) The utility may require an existing commercial or farm customer to furnish a deposit if the customer has not made prompt payment of all bills within the last 24 months, or if the customer has the ability to pay for the utility service but, during the cold weather disconnection rules period, had an arrears amount incurred during that period that was 80 days or more past due.

(b) When the utility requests a deposit of an existing commercial or farm customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish an installment payment agreement.

(6) WRITTEN EXPLANATION. (a) A utility shall provide a written explanation of why a deposit or guarantee is being required for commercial or farm service. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(b) The utility shall inform the customer at the time a deposit is provided that if, after 12 months of utility service, the deposit amount is greater than necessary based on actual consumption, the customer may request refund of the difference between the two amounts.

(7) REFUSAL OR INTERRUPTION OF SERVICE. Commercial or farm service may be refused or disconnected for failure to pay a deposit request, subject to the rules pertaining to disconnection and refusal of service.

Note: See s. PSC 113.1322.

(8) AMOUNT OF DEPOSIT. (a) The maximum deposit for a new commercial or farm account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility. If after a 12 month period the deposit amount is shown to be greater than warranted based on actual consumption, the utility shall at the customer's request refund the difference between the two amounts, plus interest.

(b) Except as provided in par. (c), the maximum deposit for an existing commercial or farm account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bill for any 4 consecutive months within the preceding 12 month review period, as determined by the utility.

(9) INTEREST. (a) Deposits for commercial or farm service shall bear interest from the date a deposit is made to the date it is applied to an account balance or refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify the utilities of the rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one per cent.

Note: This rule will take effect upon the first day of the first month following publication for deposits held at that time and any subsequent deposits. The commission will determine the interest rate for 1989, based on the December, 1988 calculations.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

(10) TIME OF REFUND. The deposit of a commercial or farm customer shall be refunded after 24 consecutive months of prompt payment.

(11) METHOD OF REFUND. Any deposit or portion thereof refunded to a commercial or farm customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (13) applies.

(12) REFUND AT TERMINATION OF SERVICE. Upon termination of commercial or farm service, the deposit, with accrued interest, shall be credited to the final bill, and the balance shall be returned within 30 days of issuing the final bill.

(13) ARREARAGES. An arrearage owed by a commercial or farm customer may be deducted from the customer's deposit under the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(14) APPLICABILITY. The provisions of subs. (3) and (4) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

SECTION 6: PSC 113.132 is repealed and recreated to read:

PSC 113.132 DISCONNECTIONS, RESIDENTIAL. (1)  
Residential utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement, as provided in s. PSC 113.133.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements, as specified in s. PSC 113.131.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 101.865, Stats., or if the customer proposes to use a device that is not designed to reasonably minimize interference with communication and signal services.

(h) Delinquency in payment for service received by a previous customer or occupant at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.

(i) Failure of an applicant for utility service to provide adequate verification of identity and residency, as provided in sub. (3).

(j) Failure of an applicant for utility service to provide the credit information set out in s. PSC 113.16 (7)(a).

(2) A utility is not required to furnish residential service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

(3)(a) A utility may request a signed application for residential service and verification of the identity and residency of an applicant for residential service at a premises where a bill remains unpaid for service provided within the previous 24 months.

(b) Any one of the items under subd. 1 or any two of the items under subd. 2 shall constitute adequate verification of identity, although a utility may accept other forms of verification:

1. Photo identification card, driver's license, or U.S. military card.

2. Social security card, birth or baptismal certificate, or letter of identification from a social service agency or employer.

(c) Any one of the items under subd. 1 or any two of the items under subd. 2 shall constitute adequate verification of residency, although a utility may accept other forms of verification:

1. Photo identification card, driver's license, or U.S. military card.

2. Social security card, birth or baptism certificate, or letter of identification from a social service agency or employer.

(d) An applicant denied or refused service because of this subsection shall be informed in writing of his or her ability to dispute the matter through the public service commission, and shall be provided with the address and telephone number of the commission.

(4) A public utility may disconnect residential utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(5) A public utility may disconnect residential utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(6)(a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 113.1324.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, by entering into a deferred payment agreement under s. PSC 113.133 or by installing the required energy

conservation measures in the property in question. Any disconnection shall be in compliance with s. PSC 113.1324.

(7) Residential utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility, except where authorized by law.

(c) Failure to pay for a different type or class of utility service, except as provided in sub. (6).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(g) A utility to knowingly assist a landlord in the removal or eviction of a tenant from rental property.

(8) The residential customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after such period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(9)(a) A utility shall not disconnect residential service for reasons enumerated in sub. (1) unless written notice is sent to the customer by first class mail or personally served on a responsible adult member of the household at least 8 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 15th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) If the billing address is different from the service address, or the account is being billed in the name of "occupant," "resident" or other like term, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection for reasons enumerated in sub. (1). If access is not possible, this

notice shall be posted at a minimum, to all entrances to the building and in the lobby. The notice shall state at a minimum:

1. The date of the notice;
2. The proposed date of disconnection;
3. That, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter.
4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (1) shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, if he or she wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other circumstances, as the presence of infants or young children in the household, the presence of aged, or handicapped residents in the household, the presence of residents who use life support systems or equipment or residents who have mental retardation or other developmental or mental disabilities.

4. A statement that residential utility service will be continued during serious illness or protective services emergency if the occupant submits a statement or notice pursuant to sub. (12).

5. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued the available remedies with the utility.

(10) (a) The utility shall make a reasonable effort to have a personal or telephone contact with the residential customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions must be taken to avoid disconnection.

(b) If the account is being billed in the name of "occupant," "resident" or other like term, the utility shall also contact other utilities serving the premises and attempt to obtain the name of a responsible adult member at the service address.

(c) The utility shall keep a record of these contacts and contact attempts.

(11)(a) When a residential customer, either directly or through the public service commission, disputes a disconnection notice under s. 113.134, the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 113.134(1), the utility shall inform the customer of the right to appeal to the public service commission.

(12) Notwithstanding any other provision of this section, other than for reasons of safety or danger, a utility may not disconnect or refuse to reconnect service to a residential premises if disconnection or refusal of reconnection of service will aggravate an existing medical or protective services emergency for the occupant, if the occupant complies with the procedures of par. (a):

(a) A utility shall postpone the disconnection of service, or reconnect the service if disconnected, for 21 days to enable the occupant to arrange for payment, if the occupant produces a licensed Wisconsin physician's statement or notice from a public health, social services or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended by renewal of the statement or notice. During this 21 days of service, the utility and occupant shall work together to develop resources and make reasonable payment arrangements in order

to continue the service on a permanent basis. Further postponements may be granted if there is evidence of reasonable communication between the utility and occupant in attempting to make arrangements for payment.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. But no action to disconnect that service shall be taken until expiration of the period of continued service. Any customers who are in this continued service category shall be admitted into appropriate and special payment plan programs the utility may offer.

(c) If there is a dispute concerning an existing medical or protective services emergency, either party may request informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued provided that the occupant has submitted the statement or notice described in par. (a).

(13) Residential service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection as provided under s. PSC 113.134, and proper service personnel are readily available to restore service 24 hours per day.

(14) Notwithstanding any other provision of this chapter, residential utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee as governed by PSC 113.131, or a voucher agreement. If the guarantor has agreed to be responsible for payment of all future bills, the customer shall be notified of the billing arrangement, and of the ability to reject the proposed arrangement.

SECTION 7: PSC 113.1322 is created to read:

PSC 113.1322 DISCONNECTIONS, COMMERCIAL AND FARM ACCOUNTS. (1) Commercial or farm accounts which involve residential dwellings shall be subject to s. PSC 113.1324.

(2) Commercial or farm utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account.

(b) Violation of the utility's rule's pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with a deposit, guarantee arrangement, or installment payment agreement, as specified in s. PSC 113.1315.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 167.16, Stats., or if the customer proposes to use a device that is not designed to reasonably minimize interference with communication and signal services.

(3) A utility is not required to furnish commercial or farm service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

(4) A public utility may disconnect commercial or farm utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(5) A public utility may disconnect commercial or farm utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(6)(a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation

requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 113.1324.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with s. PSC 113.1324.

(7) Commercial or farm utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(c) Failure to pay for a different type or class of utility service, except as provided in s. PSC 113.1322(6).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or any faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(8) The commercial or farm customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after the 20-day period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(9)(a) A utility shall not disconnect commercial or farm service for reasons enumerated in sub. (2) unless written notice is sent to the customer by first class mail or personally served at least 8 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 15th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) 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 for reasons enumerated in sub. (2). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. Such notice shall state, at a minimum:

1. The date of the notice.
2. The proposed date of disconnection.
3. That, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter.
4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (2) shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.
2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account, or if other suitable arrangements are not made, or if equipment changes are not made.
3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, or if he or she wishes to negotiate a payment agreement as an alternative to disconnection.

4. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued the available remedies with the utility.

(10) The utility shall make a reasonable effort to have a personal or telephone contact with the commercial or farm customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions must be taken to avoid disconnection. The utility shall keep a record of these contacts and contact attempts.

(11)(a) When a commercial or farm customer, either directly or through the public service commission, disputes a disconnection notice, the utility shall investigate any disputed issue and attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 113.134(1), the utility shall inform the customer of the right to appeal to the public service commission.

(12) Commercial or farm service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection, as provided under s. PSC 113.134, and proper service personnel are readily available to restore service 24 hours per day.

SECTION 8: PSC 113.1323 is repealed and recreated to read:

PSC 113.1323 RECONNECTION OF SERVICE. (1) Prior to October 15 of each year, or at a date designated by order of the commission, a utility shall attempt by letter, telephone, or personal visit to contact all households at premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment and inform them of available payment options such as budget billing or deferred payment agreements. If a letter, telephone call or personal visit does not result in a response from an adult member of the household by October 15 or at a date designated by order of the commission, a subsequent personal visit shall be made no later than October 25, or at a date designated by order of the commission. For any household remaining disconnected after this date, the utility shall continue its efforts to have a personal contact with the household and determine its

situation. The utility shall make a personal contact attempt after the date of disconnection and before November 1 for any household disconnected between October 15 and October 31. If, during any of the contacts made to carry out this section, the utility or its representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore service. A record shall be made of all contacts and attempted contacts made to comply with this section.

(2) By November 15th of each year, a utility shall file a report with the Commission stating the number of dwellings assumed to be occupied where service remains disconnected as of November 1 or later and the reason that service has not been reconnected to that dwelling. On other dates designated by order of the Commission, a utility shall file periodic reports with the commission listing the number of assumed to be occupied dwellings where service remains disconnected.

(3) A utility shall cooperate with law enforcement and social service agencies in instances involving protective services emergencies. The utility shall refer to the appropriate social service agency any situation it identifies in its reconnection efforts where it appears that intervention by a social service agency is appropriate. Local law enforcement and social service agencies may use the commission's dispute resolution process on behalf of a household without service because of nonpayment.

SECTION 9: PSC 113.1324 is repealed and recreated to read:

PSC 113.1324 COLD WEATHER DISCONNECTIONS.

(1) DECLARATION OF POLICY. The public service commission of Wisconsin recognizes that there are many citizens of the state who, because of income, infirmities of aging, mental retardation, other developmental or mental disabilities or like infirmities incurred at any age, or the frailties associated with being very young, need protection from cold weather disconnections. This section is intended to provide that protection as enumerated below. It is the further intent of the public service commission that these rules be used as guidelines to identify those customers who are not covered by sub. (3). For households subject to disconnection under this section, any disconnection permitted by this chapter during the cold weather period defined below shall be made only as a last resort, after all other legal means of recourse have been attempted and proven unsuccessful.

(2) APPLICABILITY. (a) This section applies to disconnections for nonpayment of utility service which provides the primary heat source or energy source affecting the primary heat source to residential dwelling units

occurring during the period November 1 to April 15 in any year for all occupied residences.

(b) This section shall not apply to disconnections of service as set forth in s. PSC 113.132(1)(b), (4), or (5), or disconnections for remodeling or repairs.

(3) CUSTOMER REQUESTED TERMINATION. With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of disconnection and verifies that the premises are not occupied. The utility shall keep a written record of the utility determination that the premises are unoccupied.

(4) CONDITIONS FOR DISCONNECTION. A utility may disconnect only those households whose gross quarterly incomes are above 250% of the federal income poverty guidelines and where health and safety would not be endangered because of the infirmities of age, mental retardation, other developmental or mental disabilities or like infirmities incurred at any age or the frailties associated with being very young, if service were terminated or not restored.

(5) VERIFICATION. (a) The burden of proof that a household is eligible for disconnection as defined in sub. (3) shall be the responsibility of the utility.

(b) The utility, as part of its filing with the public service commission pursuant to sub. (11)(b), shall include how it will verify the household's income and situation.

(6) NOTICE. (a) Prior to, and again at the time of disconnection of service, a utility representative shall meet personally with a responsible, adult member of the household to discover any circumstances which deserve special attention, such as medical problems or disabilities.

(b) The utility shall maintain a record of all contacts with the household from the time that notice of pending disconnection is first given.

(7) TELEPHONE AVAILABILITY. A utility shall provide its emergency after-hours telephone number to all households scheduled for utility service disconnection.

(8) CUSTOMER AND OCCUPANT SERVICE INFORMATION. Prior to disconnection, a utility shall inform the household of the availability of deferred payment agreements, budget billing, and in the case of a noncustomer occupant, the option of accepting responsibility for future bills.

(9) NO DISCONNECTION ON CERTAIN DAYS. A utility may not disconnect service to an occupied dwelling on a Friday, Saturday, Sunday, holiday or on a day when utility personnel are not readily available to the occupant 24 hours per day to negotiate restoration of service.

(10) THIRD PARTY CONTACTS. If the household has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnecting service.

(11) MANAGEMENT-LEVEL EMPLOYEE. The utility shall designate by November 1 each year one or more executive employees who will be responsible for final approval of the disconnection of utility service, and notify the commission, in writing, of the name, title, and contact number of the person or persons so designated. The designated employee shall certify on a form approved by the commission that all appropriate code provisions have been met prior to authorizing disconnection. For investor-owned utilities with 30,000 or more customers, the designated person shall be an employee with at least the position of vice president. For investor-owned utilities with fewer than 30,000 customers, the designated employee shall be the utility president. For a municipal utility the designated employee shall be either the general manager or chairperson of the governing board. A utility may designate an employee to act in the absence of the above-listed personnel because of illness or vacation.

(12) REPORTS. (a) The utility shall report each disconnection of service to an occupied dwelling by facsimile transmission, if available, or telephone to the consumer services bureau of the public service commission by 3:30 p.m. the same day the disconnection takes place.

(b) If a utility intends to make any disconnection of service to occupied dwellings under the provisions of this section, it shall each year, prior to making any disconnections, file procedures for review and receive approval by order of the public service commission describing how it intends to identify the occupied dwellings subject to disconnection. If within 60 days of submission the Commission has not, by order, approved the procedures, the procedures shall be considered disapproved.

(13) FOLLOW-UP VISIT. (a) By the end of the work day following the day of disconnection, the utility shall make an in-person visit to the occupied dwelling to check on the household's wellbeing and to ensure there is no danger to human health and life. The utility shall again inform the household of the availability of deferred payment or budget billing agreements, shelter assistance, and in the case of a noncustomer occupant, the option of accepting responsibility for payment of future bills. If the utility or its

representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore service.

(b) The utility may request that the visit required under par. (a) be made by a representative of a city health department, local health and social service agency, local law enforcement agency, or similar authority, but ultimate responsibility for the visit shall remain with the utility.

(c) The utility shall make a written record of the visit required under par. (a).

(14) INTERNAL PROCEDURES. The utility shall submit for approval by commission order copies of its written internal procedures for implementing this section and any materials used in training its employees to carry out these rules. If within 60 days of submission the Commission has not, by order, approved the internal procedures, the procedures shall be considered disapproved. The utility shall review these procedures annually and update the filed procedures when appropriate. A utility which does not disconnect occupied residences for nonpayment during the winter period is not required to file such procedures.

SECTION 10: PSC 113.1325 is created to read:

PSC 113.1325 CUSTOMER-REQUESTED TERMINATION OF SERVICE.

With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of termination of service and has no reason to believe that the premises are occupied. If the premises appear to be occupied, the utility shall follow the procedures set out in s. PSC 113.132(9)(b).

SECTION 11: PSC 113.133 is repealed and recreated to read:

PSC 113.133 DEFERRED PAYMENT AGREEMENT. (1) A utility is required to offer deferred payment agreements only to residential accounts and may offer such agreements to other customers.

(2) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be disconnected if the customer pays a reasonable amount of the outstanding bill and agrees to pay the remaining outstanding balance in reasonable installments.

(3) For purposes of determining reasonableness in sub. (2), the parties shall consider the customer's ability to pay, including the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

(4) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least two type sizes larger than any other used thereon,

#### "RIGHT OF APPEAL

--If you aren't satisfied with this agreement, DON'T SIGN IT.

--You have the right to suggest a different payment agreement.

--If you and the utility can't agree on terms, you can ask the public service commission to review the disputed issues.

--If you sign this agreement, you agree that you owe the amount due under the agreement.

--Signing this agreement does not affect your responsibility to pay for your current service."

(5) A delinquent amount covered by a deferred payment agreement shall not be subject to a late payment charge if the customer meets the payment schedule required by the agreement.

(6) A special payment agreement entered into by the customer and the utility through the utility's early identification program shall be given the force and effect of a deferred payment agreement for purposes of late payment charges.

(7) If a utility customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the utility may disconnect utility service pursuant to disconnection of service rules, s. PSC 113.132 and 113.1324, and shall not be required to

negotiate a subsequent deferred payment agreement prior to disconnection.

(8) Payments made by a customer in compliance with a deferred payment agreement shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

(9) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the utility, the utility shall inform the customer in writing why the customer's offer was not acceptable.

SECTION 12: PSC 113.134 is repealed and recreated to read:

PSC 113.134 DISPUTE PROCEDURES. (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office 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 residential customer to enter into a deferred payment agreement under s. PSC 113.133 when applicable in order to resolve the dispute.

(2) After the customer has pursued the available remedies with the utility, he or she may request that the public service commission staff informally review the disputed issue and recommend terms of settlement.

(3)(a) A customer's request for informal review may be made in any reasonable manner such as by written notice or telephoned request directed to the public service commission. By telephone or written request the public service commission staff may request the utility to investigate the dispute.

(b) A utility shall respond to public service commission staff's request for an investigation in a prompt manner. Based on information provided by the utility and the customer, public service commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both by telephone or mail. Either party to the dispute may request and receive the

public service commission staff determination, and the basis for it, in writing. Commission staff shall inform any customer disputing an informal determination of the right to pursue a formal review. Staff shall inform the customer that a request for formal review shall include any information or arguments that the customer believes the commission should consider.

(c) There shall be at least 7 days between the date the public service commission staff telephones or mails written notice of terms of settlement after informal review and any subsequent disconnection.

(4)(a) After informal review, any party to the dispute may make a written request for a formal review by the commission itself. To avoid disconnection pending a formal review, the customer must request a formal review by the commission, in writing, within 7 days of the issue of the informal determination. All other requests for formal review shall be made within 30 days of the date the commission staff telephones or mails written notice of terms of settlement after informal review. If written confirmation of the staff telephone notice is requested and mailed, the 30 day period begins from the date of that mailing.

(b) Within 7 days of receiving a request for formal review in a dispute involving a pending disconnection of service, the commission shall make a determination whether to grant the request for formal review. The commission shall base its determination on the request for formal review and commission staff's informal complaint file. Within 35 days from the time that all other requests for formal review are made, commission staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments shall be filed with the commission two working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.

(5) Either party to the complaint may request that the commission reconsider its formal determination under this section. Such requests shall comply with s. 227.49, Stats., and must be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original complaint. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold hearing on the matter for the gathering of additional information.

(6) (a) If the commission decides to conduct formal hearing under sub. (5) on the dispute, the commission may condition the terms of its granting a formal hearing. Failure to meet these conditions before hearing shall constitute waiver of the dispute by the customer.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) The hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(7) Utility service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The utility shall inform the customer that pursuing a disputed matter does not relieve the customer of the obligation of paying charges which are not in dispute, or prevent disconnection of service for nonpayment of undisputed charges.

SECTION 13: PSC 113.15 is amended to read:

PSC 113.15 METER READINGS AND BILLING PERIODS.

Readings of all meters used for determining charges to customers shall be scheduled monthly, bimonthly, quarterly, or semiannually. An effort shall be made to read meters on corresponding days of each meter-reading period cycle. The meter-reading date may be advanced or postponed not more than 5 days without adjustment of the billing for the period. Bills for service shall be rendered within 40 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings on a form supplied by the utility, provided a utility representative reads the meter at least once each 6 months and when there is a change of customer. The utility shall make reasonable efforts to read the meters of customers who cannot be available during normal business hours.

SECTION 14: PSC 113.16 is repealed and recreated to read:

PSC 113.16 BILLING. (1) (a) Each bill, including the customer's receipt, provided by

Madison Gas and Electric Company,

Northern States Power Company,

Superior Water, Light and Power Company,

Wisconsin Electric Power Company,  
Wisconsin Power and Light Company, and  
Wisconsin Public Service Corporation

shall show for each meter the following information:

1. The customer name, billing address and service address, if different from the billing address.
2. For residential customers in multi-unit buildings, current meter identification information or number and account number.
3. The present and last preceding meter readings.
4. The present and last preceding meter reading dates.
5. The next scheduled meter reading date.
6. The number of days in the billing period.
7. The number of units consumed.
8. The class of service with clear explanation of codes and abbreviations.
9. The rate schedule under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, energy blocks, demand charges, minimum bills, and all other billing factors necessary for the customer to check the calculation of the bill.
10. Clear itemized adjustment clause bill calculation.
11. Amount subject to tax, tax rate, and tax billed.
12. Clear itemization of the amount of the bill for the present billing period, any unpaid balance from previous billing periods and any late payment charges.
13. Clear itemization of other utility charges and credits.
14. Degree day information.
15. A statement that the utility will, upon customer request, provide the information and assistance necessary for the customer to evaluate fuel consumption and conservation.

(b) Upon receiving such request in par. (a)15, the utility shall provide consumption and degree day information

by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons and evaluate his or her conservation efforts.

(c) Bills rendered without an actual meter reading shall be specifically marked as estimated.

(d) Each bill, including the customer's receipt rendered by electric utilities not included in par. (a), shall show the present and last preceding meter readings, the date of the present reading, the number of units consumed, the class of service if other than residential, and the rate schedule under which the bill is calculated. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective or at least once a year, supply each customer with the schedule of rates at which the bills are calculated and any other rates that might be applicable. Bills rendered at rates requiring the measurement of a number of different factors shall show all data necessary for the customer to check the calculation of a bill. All monthly adjustment clause factors necessary for a customer to check the calculation of the bill shall be included on the monthly bill. Minimum and estimated bills shall be distinctly marked as such. Estimated bills are bills rendered without actual meter readings.

(e) The utility may include on the utility service bill charges to the customer resulting from other services, materials, or work provided by the utility as a result of commission-approved conservation and alternative energy programs, and, with the consent of both the customer and the utility, merchandise and service repair work charges. The charges shall be listed individually on the bill, and the customer shall be permitted to include such payment in his or her payment for electric utility service. Any partial payments shall be applied first to the amount due for utility service and the remainder to the other charges.

(f) Costs or fees incurred by and awarded to the utility by a court of law, for pursuing bill collection through other agencies, such as small claims courts, or extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission, may be included on the utility's service bill. Such tariffs shall be established on the basis of rate case proceedings or generic proceedings to establish the reasonableness of such charges.

(g) The commission may authorize the utility to make late payment charges to a customer's utility service bill that is not paid in full within 20 days following issuance of the bill and for utility service that has been obtained by diversion around or tampering with the metering of the account. The late payment charge may be either a one-time

charge as provided in par. (h) or a monthly charge as provided in par. (i). The utility shall receive approval from the commission of the method it desires to use and shall not change methods without commission approval.

(h) If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:

1. The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied.

2. Except as provided in subd. 8, late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill.

3. The amount of the late payment charge shall be 3% of the bill, except a minimum charge of \$.30 shall apply.

4. Late payment charges shall be applied to all customer classes and rate classifications.

5. The utility shall not waive any properly applied late payment charges.

Note: See s. PSC 113.133(5) and (6).

6. A late payment charge shall be applied only once to any given amount outstanding.

7. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

8. Bills issued for utility service previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued.

(i) If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements:

1. The amount of the charge shall be no more than one and one-half per cent per month and shall be filed with and approved by the commission before it can be applied.

2. The late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late payment charges.

3. Except as provided in subd. 9, the late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill.

4. The late payment charge shall be applied to all customer classes and rate classifications.

5. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

6. The utility may not waive any properly applied late payment charge.

Note: See s. PSC 113.133(5) and (6).

7. No additional late payment charge may be applied to a delinquent account for utility service after the date on which the delinquent account was written off by the utility as uncollectable.

8. If a utility changes the type of late payment charge or initiates a late payment charge, the new charge shall apply only to utility service provided after the effective date of the change or initiation.

9. Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued. The late payment charge may be applied from the estimated date that the diversion or tampering began.

(j) A customer who receives a lump sum payment from an outside source to be used to pay his or her utility service bill may, at the utility's option, apply the payment to the customer's account in equal monthly installments.

(2)(a) If the billing period is longer or shorter than allowed by s. PSC 113.15, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) If the utility is unable to gain access to read a standard residential meter at the end of each billing period, the utility shall, upon customer request, provide meter reading forms which allow the customer to send a card reading in time for billing. If actual readings cannot be obtained,

the utility shall also leave a meter reading form at the premises for the customer to complete and return to the utility in time for bill preparation or leave a form at the premises explaining the estimation and how to avoid future estimations. This form shall be used when billing systems do not have sufficient time to allow the customer to return the card reading prior to billing.

(c) If no form is left on the premises, or if the form is not returned in time to be processed in the billing cycle, a minimum or estimated bill may be rendered. In cases of emergency the utility may render minimum or estimated bills without reading meters or supplying meter reading forms to customers. Only in unusual cases or when approval is obtained from the customer may more than three consecutive estimated bills be rendered.

(d) If meter reading is not scheduled on a monthly basis, the utility shall supply customers with meter reading forms for the periods when the meter is not scheduled to be read by the utility. Customers may not be required to provide these meter readings. If the customer informs the utility he or she does not desire to supply a reading, or if the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered.

(e) When an actual meter reading indicates that a previous estimated bill was abnormally high or low, the utility shall calculate the bill for the entire period as if use of service was normally distributed throughout the period. The previous estimated charge shall be deducted from the recomputed total. If there is evidence to indicate that actual use was not uniform throughout the period, the billing shall be adjusted according to available information.

(3)(a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) The original billing rendered because of meter inaccuracy, errors in billing, or misapplication of rates, shall be separated from the regular bill and the charges explained in detail.

(4)(a) Each bill for service shall be computed at the proper filed rate, which shall be the rate selected by the utility unless the customer selects a rate under par. (e).

(b) When it is difficult to determine what rate should be applied until there has been actual usage, the rate classification shall be reviewed when there has been adequate usage to determine the lowest applicable rate but no later than the end of the first 12 months of usage. The customer shall be notified as soon as the lowest firm service rate

option has been determined and be given the option to select a different applicable rate as set forth in par. (e). The rate determined by the utility to be the lowest firm rate option shall be effective with the billing period following the date of notification by the utility unless the customer selects a rate. If the customer selects a rate, the rate shall be effective with the current billing period if required billing information is available but not later than the beginning of the second billing period following the customer's request.

(c) A utility may enter into contracts having terms longer than one year, but the rates paid under such contracts shall be the utility's lowest applicable firm service rate option, for which meter usage information is known, on file with the commission at the time of the contract, unless the customer selects another applicable rate at the time of the contract.

(d) If the utility has information that the customer could qualify for a lower rate by changing voltage delivery, or combining or separating services as allowed under the utility's rules and regulations, he or she shall be notified; but no change in rates shall be made until the customer makes the necessary modifications. If such modifications are made, the utility shall change the customer's rate classification effective for the beginning of the current billing period if required billing information is available, but the change shall be effective no later than the beginning of the second billing period following the customer's request and notification to the utility that the modification has been made.

(e) When a customer is eligible to take service under more than one rate schedule, the utility shall inform the customer at the times specified in par. (f) of the option to select a rate, of the rate options and service classifications for which the customer may be eligible and the conditions necessary to qualify, and of the firm service rate option that would have resulted in the lowest rate based on the previous 12 months' service and on the metered customer usage information known to the utility. The information provided shall include a general explanation of electric service usage characteristics to assist the customer in selecting the lowest rate consistent with the customer's anticipated usage and needs. If the customer requests a change in rate classification, it shall be effective at the beginning of the current billing period if required billing information is available, but such change shall be effective no later than the beginning of the second billing period following the customer's request.

(f) At least once in each calendar year customers with more than one rate option shall be informed of the option to

select a rate as set forth in par. (e). The notification requirement may be satisfied through the use of a bill insert. The customer shall also be informed of the option to select a rate whenever there is a change in rates that would affect the customer, and at any other time the customer so requests. If the utility notifies the customer of the option to select a rate as the result of a rate change or a customer request, such notification shall satisfy the requirement to notify the customer at least once in each calendar year.

(g) Nothing in this section shall be construed as permitting a customer to select a service classification inconsistent with the utility's applicable tariff provisions or with contractual agreements between the utility and the customer.

(5) Each utility shall offer a budget payment plan to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living, subject to the following minimum requirements:

(a) A budget payment plan tariff shall be on file with the public service commission, applicable only to charges for utility services under public service commission jurisdiction.

(b) A budget payment plan may be established at any time of the year. The budget amount shall be calculated on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. If the budget year is a fixed year, then prospective and existing customers requesting a budget payment plan after the start of the fixed year shall have their initial monthly budget amount determined on the basis of the number of months remaining in the current budget year.

(c) An applicant for a budget plan shall be informed at the time of application that budget amounts shall be reviewed and changed every 6 months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount shall be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one month's budget amount.

(d) Customers on the budget payment plan shall be notified of adjustments by means of a bill insert, a message printed on the bill itself, or both. The customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment

agreement for the arrears, according to the provisions of s. PSC 113.133.

(f) Budget payment plans shall be subject to the late payment charge provisions. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.

(g) At the end of a budget year, if an underbilled or overbilled balance exists in the account, the balance shall be handled as follows:

1. A customer's debit balance shall be paid in full or, at the customer's option, on a deferred basis.

2. A customer's credit balance shall be applied, at the customer's option, against the customer's account, credited in monthly installments to the customer's account over the course of the next budget year, or refunded to the customer.

(6) An occupant shall apply for utility service. An occupant who uses utility service but does not apply for it may be billed an estimated or actual amount at a later date for service used prior to the time of application. The utility must have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The utility shall inform the occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 113.134.

(7) (a) The utility may request all new customers to make an application for service. The utility may require that a verbal or written application be made by telephone, letter or in person. The utility shall establish a written policy for requesting the information. The utility may require the customer to provide:

1. Name or names of party responsible for bill payment.
2. Address where service is to be provided.
3. Mailing address if different from service address.
4. Address of residence immediately prior to application.

(b) The utility may request additional credit information from applicants as part of its application for service. Except as provided in s. PSC 113.132(3), utility service shall not be disconnected or refused for refusal to

provide any information other than that specified in par.  
(a).

(c) The utility may accept third party applications for service. The utility shall send written confirmation of receipt of the service application to the party responsible for bill payment.

(8) (a) Where rental residential dwelling utility service is in the tenant's name, and the tenant vacates the residential dwelling unit, continued utility service for such dwelling unit may be placed in the name of the owner or property manager.

(b) The utility shall provide the owner or property manager with written notice of its intent to transfer billing responsibility. Such notice shall provide the owner or property manager with five days to notify the utility of:

1. The name of the customer who should be placed in service, such service date not to be later than five days from the notice mailing date; or

2. That utility service to the premises should be terminated and affirms to the utility that such termination will not endanger human health or life or cause damage to property during the period of disconnection.

(9) (a) A utility shall pay interest on customer overpayments not refunded to the customer within 60 days of receipt by the utility if the net amount refunded exceeds \$20 per refund and the overpayment was made to the utility due to:

1. Meters registering fast as defined in s. PSC 113.17.

2. Use of an incorrect meter constant or multiplier.

3. Incorrect service or rate classification, provided the information furnished by the customer to the utility was not deficient, or the customer did not choose the rate as provided in s. PSC 113.16(4).

4. Billing based on a switched meter condition, where the customer was billed on the incorrect meter.

5. Misapplication of rates.

(b) A utility is not required to pay interest to customers for overpayments made for:

1. Financing of service extensions or other equipment.

2. Budget payment plans.

3. Estimated bills, if the utility made a reasonable effort to obtain access to the customer's meter, but was unable to gain access. Reasonable efforts to gain access means that the utility has notified the customer after three consecutive estimated readings that the utility will read the meter at other than standard business hours at the customer's request.

4. Receipt of lump sum payments made from an outside source as the Low Income Home Energy Assistance Program or other like programs.

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in s. PSC 113.131(10)(b). Interest shall be paid from the date when the customer overpayment was made until the date when the overpayment is refunded. Interest will be calculated on the net amount overpaid in each calendar year.

(d) Nothing in these rules shall prevent the commission or its staff from requiring the payment of interest on amounts returned to customers in those instances where the commission or its staff finds that such payment is necessary for a fair and equitable resolution of an individual complaint.

SECTION 15: PSC 134.02 is repealed and recreated to read:

PSC 134.02 DEFINITIONS. In this chapter:

(1) "Ability to pay" means a customer's financial capacity to meet his or her utility service obligation, considering all of the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Period of time the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.

(e) Any other relevant factors concerning the customer's circumstances, as household size, income and expenses.

(2) "Appliance" means any device which utilizes gas fuel to produce light, heat, or power.

(3) "British thermal unit" or "Btu" means the quantity of heat that must be added to one avoirdupois pound of pure

water to raise its temperature from 58.5 degrees Fahrenheit to 59.5 degrees Fahrenheit under standard pressure.

(4) "Complaint" means a statement or question by any person, whether a utility customer or not, concerning a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or failure of a utility to meet a utility obligation.

(5) "Customer" means the party billed for payment of bills issued for use of utility service at a given premises.

(6) "Customer-requested termination" means that the customer or occupant has asked the utility to cease providing utility service to a premises.

(7) "Demand" means the amount of gas required per unit of time, usually expressed in cubic feet, Btu, or therms per unit of time.

(8) "Denied or refused service" means that a utility has refused to provide present or future service to a customer, occupant or premises.

(9) "Disconnection" means an event or action taken by the utility to terminate or discontinue the provision of service, but does not include a customer-requested termination of service.

(10) "Dry calorific value" means the value of the total or net calorific value of a gas divided by the volume of dry gas in a standard cubic foot.

(11) "Dry gas" means a gas having a moisture and hydrocarbon dew point below any normal temperature to which the gas piping is exposed. As applied to determination of heating value or specific gravity, dry gas means the complete absence of moisture or water vapor.

(12) "Gas" means any gas or mixture of gases suitable for domestic or industrial fuel and transmitted or distributed to the user through a piping system.

Note: The common types of gas are natural gas, manufactured gas, and liquified petroleum gas distributed as a vapor with or without admixture of air.

(13) "Installment payment agreement" means an arrangement between a utility and a commercial or farm customer for payment of a deposit in installments.

(14) "Meter" means an instrument installed to measure the volume of gas delivered through it.

(15) "Municipality" means a town, city or village.

(16) "Net calorific value of a gas" means the number of British thermal units evolved by the complete combustion, at constant pressure, of one standard cubic foot of gas with air, the temperature of the gas, air, and products of combustion being 60 degrees Fahrenheit and all water formed by the combustion reaction remaining in the vapor state.

(17) "New residential customer" means a customer who has not received utility service in his or her name during the previous 6 months from the utility from which service is requested.

(18) "Occupant" means the resident or residents of a premises to which utility service is provided.

(19) "Prompt payment" means payment prior to the time when a utility could issue a notice of disconnection for nonpayment of an amount not in dispute.

(20) "Protective service emergency" means a threat to the health or safety of a resident because of the infirmities of aging, mental retardation, developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

(21) "Public utility" has the meaning of s. 196.01(5), Stats.

(22) "Specific gravity of a gas" means the ratio of the molecular weight of a dry gas or gas mixture to the molecular weight of dry air.

Note: This is the dry specific gravity.

(23) "Standard cubic foot of gas" means the quantity of a gas that at standard temperature and under standard pressure will fill a space of 1 cubic foot when in equilibrium with liquid water.

Note: According to Dalton's law, this is equivalent to stating that the partial pressure of the gas is:  
 $30 - 0.522 = 29.478$  inches of mercury column.

(24) "Standard pressure" means the absolute pressure of pure mercury 30 inches in height at 32 degrees Fahrenheit and under standard gravity.

Note: Standard gravity is 32.174 feet per second which results in a standard pressure of 14.735 pounds per square inch absolute.

(25) "Standard service pressure" means the gas pressure which a utility undertakes to maintain on the meters of all customers, except the meters of customers utilizing high-pressure service, expressed in pounds per square inch above atmospheric pressure or psig.

(26) "Standard temperature" means 60 degrees Fahrenheit based on the international temperature scale.

(27) "Therm" means 100,000 British thermal units.

(28) "Total calorific value" means the number of British thermal units evolved by the complete combustion, at constant pressure, of one standard cubic foot of gas with air, the temperature of the gas, air, and products of combustion being 60 degrees Fahrenheit and all water formed by the combustion reaction condensed to the liquid state.

(29) "Unmeasured gas" means gas which has not been measured by a meter.

(30) "Voucher agreement" means a payment agreement guaranteed by a third party who has access to or control over the benefits and/or finances of a public assistance recipient. Included without limitation are:

(a) Aid to Families with Dependent Children (AFDC) restrictive payment arrangements.

(b) Social Security representative payee.

(c) General Relief voucher payment systems.

(d) Legal guardian.

SECTION 16: PSC 134.05(4) is amended to read:

PSC 134.05(4) Each utility shall provide written notice to its residential customers annually, and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options including deferred payment agreements and budget billing, disconnection and dispute procedures; of the availability of information on energy conservation practices; of the advisability of setting water heater thermostats no higher than 125 degrees Fahrenheit, of the availability of the customer's actual gas consumption (or actual degree day gas consumption) for each billing period during the prior 12 months or the actual number of months that the customer has lived at that location if less than 12 months, and of the availability of agencies or programs which may provide financial aide assistance or counseling. Such notice shall contain a reply procedure to allow customers an

opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the utility to contact a specific third-party agency or individual prior to any disconnection action being taken.

SECTION 17: PSC 134.05(5) is created to read:

PSC 134.05(5) A utility shall provide on request to current or prospective customers, tenants or property owners residential energy consumption information. This information shall include either the average consumption for the prior 12 month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months.

Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for the premises in question.

SECTION 18: PSC 134.061 is repealed and recreated to read:

PSC 134.061 DEPOSITS, RESIDENTIAL. (1) NEW RESIDENTIAL SERVICE. (a) A utility may not require a cash deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin gas utility which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by the customer, and which at the time of the request for new service remains outstanding and not in dispute, as defined in s. PSC 134.064.

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her gross quarterly income is at or below 200 per cent of federal income poverty guidelines.

(c) A utility shall inform the customer of his or her right to enter into a deferred payment agreement for payment of the deposit amount and of his or her right to appeal any deposit request or amount required under this section to the public service commission.

(2) DEFERRED PAYMENT. In lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account balance accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement, as defined in s. PSC 134.063, for the outstanding account. A customer who defaults on the deferred payment agreement may be required by the utility to furnish a deposit.

(3) GUARANTEE TERMS AND CONDITIONS. (a) A utility may accept, in lieu of a cash deposit for new or existing residential service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or whereby the guarantor accepts responsibility for payment of all future bills. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the customer in writing of the agreement, and of the customer's right to refuse such an agreement. The term of the contract shall be for no longer than one year, but it shall automatically terminate after the residential customer has closed his or her account with the utility, or on the guarantor's request upon 30 day's written notice to the utility.

(b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account has been guaranteed, unless the guarantor waives such notice in writing.

(4) EXISTING RESIDENTIAL SERVICE. (a) A utility may require a cash deposit or other guarantee as a condition of residential service if any of the following circumstances apply:

1. The utility has disconnected the customer's service within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

2. Subsequent credit information indicates that the initial application for service was falsified.

3. The customer had the ability to pay for the utility service but, during the cold weather disconnection rules period, had an arrears amount incurred during that period, that was 80 days or more past due. The utility may request a deposit under this section even if the customer's service has not been disconnected.

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her gross quarterly income is at or below 200 per cent of the federal income poverty guidelines.

(c) When the utility requests a deposit of an existing residential customer, the customer shall be informed of his or her right to provide the deposit, guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for payment of the deposit amount.

(5) WRITTEN EXPLANATION. A utility shall provide a written explanation of why a deposit or guarantee is being required for a residential account. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(6) REASONABLENESS OF DEPOSIT. When requesting a deposit from a residential customer, the utility shall consider the customer's ability to pay, including the following factors, in determining the reasonableness of its request:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

(7) AMOUNT OF DEPOSIT. (a) The maximum deposit for a new residential account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility.

(b) Except as provided in par. (c), the maximum deposit for an existing residential account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bills for any 4 consecutive months within the preceding 12 month review period, as determined by the utility.

(8) REFUSAL OR DISCONNECTION OF SERVICE. Residential service may be refused or disconnected for failure to pay a

deposit request subject to the rules pertaining to disconnection and refusal of service, as provided in s. PSC 134.062.

(9) INTEREST. (a) Deposits for residential accounts shall bear interest payable from the date a deposit is made to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one per cent.

Note: This rule will take effect upon the first day of the first month following publication for deposits held at that time and any subsequent deposits. The commission will determine the interest rate for 1989, based on the December, 1988 calculations.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

(10) REFUND. The utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment.

(11) REVIEW. The utility shall not continue to require a cash deposit for a residential account unless a deposit is permitted under the provisions of subs. (4) or (10).

(12) METHOD OF REFUND. Any deposit or portion thereof refunded to a residential customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (14) applies.

(13) REFUND AT TERMINATION OF SERVICE. On termination of residential service, the utility shall credit the deposit, with accrued interest, to the customer's final bill and return the balance within 30 days of issuing the final bill.

(14) ARREARAGES. An arrearage owed by a residential customer may be deducted from the customer's deposit under any of the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(15) APPLICABILITY. The provisions in subs. (2) and (3) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

SECTION 19: PSC 134.0615 is created to read:

PSC 134.0615 DEPOSITS FOR COMMERCIAL AND FARM SERVICE.

(1) DEPOSIT REQUEST. If the credit of an applicant for commercial or farm service has not been established satisfactorily to the utility, the utility may require the applicant to post a deposit. The utility shall notify the applicant within 30 days of the request for service as to whether a deposit will be required. The 30-day period shall begin from the date the applicant provides all requested relevant information to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (5). If a request for a deposit is made, the applicant must be given at least 30 days to provide payment, or guarantee, or to establish an installment payment agreement.

(2) CONSIDERATIONS FOR DEPOSIT. In determining whether an applicant for commercial or farm service has satisfactorily established its credit, the utility shall inform the customer that it will consider any or all of the following factors, if provided by the customer, before requiring a security deposit:

(a) Credit information from credit reporting services.

(b) Letter of credit from a financial institution or another utility.

(c) Applicant's business characteristics, such as type of business, length of time the applicant has operated, the applicant's business experience and knowledge, and estimated size of the applicant's bills.

(d) Assets of the business.

(e) The financial condition of the business, as indicated in a financial statement.

(3) INSTALLMENT PAYMENT AGREEMENT. A commercial or farm customer or applicant for commercial or farm service of which a deposit is requested shall have the right to receive service under an installment payment agreement.

(4) GUARANTEE TERMS AND CONDITIONS. (a) The utility may accept, in lieu of a cash deposit for new or existing commercial or farm service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but it shall automatically terminate after the commercial or farm customer has closed its account with the utility, or at the guarantor's request on 30 days' written notice to the utility.

(b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on 8 days' written notice, subject to the establishment of an installment payment agreement.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he or she has guaranteed, unless the guarantor waives such notice in writing.

(5) EXISTING COMMERCIAL OR FARM SERVICE. (a) The utility may require an existing commercial or farm customer to furnish a deposit if the customer has not made prompt payment of all bills within the last 24 months, or if the customer has the ability to pay for the utility service but, during the cold weather disconnection rules period, had an arrears amount incurred during that period that was 80 days or more past due.

(b) When the utility requests a deposit of an existing commercial or farm customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish an installment payment agreement.

(6) WRITTEN EXPLANATION. (a) A utility shall provide a written explanation of why a deposit or guarantee is being required for commercial or farm service. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(b) The utility shall inform the customer at the time a deposit is provided that if, after 12 months of utility service, the deposit amount is greater than necessary based on actual consumption, the customer may request refund of the difference between the two amounts.

(7) REFUSAL OR INTERRUPTION OF SERVICE. Commercial or farm service may be refused or disconnected for failure to pay a deposit request, subject to the rules pertaining to disconnection and refusal of service.

Note: See s. PSC 134.0622.

(8) AMOUNT OF DEPOSIT. (a) The maximum deposit for a new commercial or farm account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility. If after a 12 month period the deposit amount is shown to be greater than warranted based on actual consumption, the utility shall at the customer's request refund the difference between the two amounts, plus interest.

(b) Except as provided in par. (c), the maximum deposit for an existing commercial or farm account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bill for any 4 consecutive months within the preceding 12 month review period, as determined by the utility.

(9) INTEREST. (a) Deposits for commercial or farm service shall bear interest from the date a deposit is made to the date it is applied to an account balance or refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify the utilities of the rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the

week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one per cent.

Note: This rule will take effect upon the first day of the first month following publication for deposits held at that time and any subsequent deposits. The commission will determine the interest rate for 1989, based on the December, 1988 calculations.

(c) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

(10) TIME OF REFUND. The deposit of a commercial or farm customer shall be refunded after 24 consecutive months of prompt payment.

(11) METHOD OF REFUND. Any deposit or portion thereof refunded to a commercial or farm customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (13) applies.

(12) REFUND AT TERMINATION OF SERVICE. Upon termination of commercial or farm service, the deposit, with accrued interest, shall be credited to the final bill, and the balance shall be returned within 30 days of issuing the final bill.

(13) ARREARAGES. An arrearage owed by a commercial or farm customer may be deducted from the customer's deposit under the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(14) APPLICABILITY. The provisions of subs. (3) and (4) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

SECTION 20: PSC 134.062 is repealed and recreated to read:

PSC 134.062 DISCONNECTIONS, RESIDENTIAL. (1)

Residential utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement, as provided in s. PSC 134.063.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements, as specified in s. PSC 134.061.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 101.865, Stats.

(h) Delinquency in payment for service received by a previous customer or occupant at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.

(i) Connecting or causing to be connected a device or use of gas considered to be a nonessential use of natural gas which is prohibited under s. PSC 136.05.

(j) Connecting or having connected a natural gas outdoor lighting fixture as specified in s. PSC 136.02.

(k) Failure of an applicant for utility service to provide adequate verification of identity and residency, as provided in sub. (2).

(1) Failure of an applicant for utility service to provide the credit information set out in s. PSC 134.13(7)(a).

(2)(a) A utility may request a signed application for residential service and verification of the identity and residency of an applicant for residential service at a premises where a bill remains unpaid for service provided within the previous 24 months.

(b) Any one of the items under subd. 1 or any two of the items under subd. 2 shall constitute adequate verification of identity, although a utility may accept other forms of verification:

1. Photo identification card, driver's license, or U.S. military card.

2. Social security card, birth or baptism certificate, or letter of identification from a social service agency or employer.

(c) Any one of the items under subd. 1 or any two of the items under subd. 2 shall constitute adequate verification of residency, although a utility may accept other forms of verification:

1. Photo identification card, driver's license, or U.S. military card.

2. Social security card, birth or baptism certificate, or letter of identification from a social service agency or employer.

(d) An applicant denied or refused service because of this subsection shall be informed in writing of his or her ability to dispute the matter through the public service commission, and shall be provided with the address and telephone number of the commission.

(3) A public utility may disconnect residential utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(4) A public utility may disconnect residential utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(5)(a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 134.0624.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, by entering into a deferred payment agreement under s. PSC 134.063 or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with s. PSC 134.0624.

(6) Residential utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility, except where authorized by law.

(c) Failure to pay for a different type or class of utility service, except as provided in sub. (5).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(g) A utility to knowingly assist a landlord in the removal or eviction of a tenant from rental property.

(7) The residential customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after such period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(8)(a) A utility shall not disconnect residential service for reasons enumerated in sub. (1) unless written notice is sent to the customer by first class mail or personally served on a responsible adult member of the household at least 8 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 15th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) If the billing address is different from the service address, or the account is being billed in the name of "occupant," "resident" or other like term, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection for reasons enumerated in sub. (1). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. Such notice shall state at a minimum:

1. The date of the notice.
2. The proposed date of disconnection.
3. That, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter.
4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (1) shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, if he or she wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other circumstances as the presence of infants or young children in the household, the presence of aged or handicapped residents in the household, the presence of residents who use life support systems or equipment or residents who have mental retardation or other developmental or mental disabilities.

4. A statement that residential utility service will be continued during serious illness or protective services emergency if the occupant submits a statement or notice pursuant to sub. (11).

5. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued the available remedies with the utility.

(9) (a) The utility shall make a reasonable effort to have a personal or telephone contact with the residential customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions must be taken to avoid disconnection.

(b) If the account is being billed in the name of "occupant," "resident" or other like term, the utility shall also contact other utilities serving the premises and attempt to obtain the name of a responsible adult member residing at the service address.

(c) The utility shall keep a record of these contacts and contact attempts.

(10)(a) When a residential customer, either directly or through the public service commission, disputes a disconnection notice under s. PSC 134.064, the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 134.064(1), the utility shall inform the customer of the right to appeal to the public service commission.

(11) Notwithstanding any other provision of this section, other than for reasons of safety or danger, a utility may not disconnect or refuse to reconnect service to a residential premises if disconnection or refusal of reconnection of service will aggravate an existing medical or protective services emergency for the occupant, if the occupant complies with the procedures of par. (a):

(a) A utility shall postpone the disconnection of service, or reconnect the service if disconnected, for 21 days to enable the occupant to arrange for payment, if the occupant produces a licensed Wisconsin physician's statement or notice from a public health, social services or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended by renewal of the statement or notice. During this 21 days of service, the utility and occupant shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. Further postponements may be granted if there is evidence of reasonable communication between the utility and occupant in attempting to make arrangements for payment.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. But no action to disconnect that service shall be taken until expiration of the period of continued service. Any customers who are in this continued service category shall be admitted into appropriate and special payment plan programs the utility may offer.

(c) If there is a dispute concerning an existing medical or protective services emergency, either party may request informal review by the public service commission staff. Pending a decision after informal review, residential

utility service shall be continued provided that the occupant has submitted the statement or notice described in par. (a).

(12) Residential service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection as provided under s. PSC 134.064, and proper service personnel are readily available to restore service 24 hours per day.

(13) Notwithstanding any other provision of this chapter, residential utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee as governed by s. PSC 134.061, or a voucher agreement.

SECTION 21: PSC 134.0622 is created to read:

PSC 134.0622 DISCONNECTIONS, COMMERCIAL AND FARM ACCOUNTS. (1) Commercial or farm accounts which involve residential dwellings shall be subject to s. PSC 134.0624.

(2) Commercial or farm utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with a deposit, guarantee arrangement, or installment payment agreement, as specified in s. PSC 134.0615.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary

collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 167.16, Stats.

(h) Connecting or causing to be connected a device or use of gas considered to be nonessential use of natural gas, which is prohibited under s. PSC 136.05.

(i) Connecting or having connected a natural gas outdoor lighting fixture as specified in s. PSC 136.02.

(3) A public utility may disconnect commercial or farm utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(4) A public utility may disconnect commercial or farm utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(5)(a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of s. PSC 134.0624.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with s. PSC 134.0624.

(6) Commercial or farm utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(c) Failure to pay for a different type or class of utility service, except as provided in sub. (5).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or any faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(7) The commercial or farm customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after the 20-day period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(8)(a) A utility shall not disconnect commercial or farm service for reasons enumerated in sub. (2) unless written notice is sent to the customer by first class mail or personally served at least 8 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 15th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) 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 for reasons enumerated in sub. (2). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. Such notice shall state at a minimum:

1. The date of the notice.
2. The proposed date of disconnection.

3. That, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the

application for service is subject to those conditions set out in this chapter.

4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (2) shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account, or if other suitable arrangements are not made, or if equipment changes are not made.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, or if he or she wishes to negotiate a payment agreement as an alternative to disconnection.

4. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued the available remedies with the utility.

(9) The utility shall make a reasonable effort to have a personal or telephone contact with the commercial or farm customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions must be taken to avoid disconnection. The utility shall keep a record of these contacts and contact attempts.

(10)(a) When a commercial or farm customer, either directly or through the public service commission, disputes a disconnection notice, the utility shall investigate any disputed issue and attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 134.064(1), the utility shall inform the customer of the right to appeal to the public service commission.

(11) Commercial or farm service shall not be disconnected on a day, or on a day immediately preceding a

day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection, as provided under s. PSC 134.064, and proper service personnel are readily available to restore service 24 hours per day.

SECTION 22: PSC 134.1623 is repealed and recreated to read:

PSC 134.0623 RECONNECTION OF SERVICE. (1)(a) By June 1 of each year, or at a date designated by order of the commission, each gas utility in Wisconsin serving more than 400,000 customers shall submit a fall reconnection plan for review and approval by commission order. The plan shall provide reasonable means, including a time table for personal contacts, that will be used to assure that all premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment shall be contacted prior to October 25, or at a date set by commission order, to inform them of available payment options such as budget billing or deferred payment agreements.

(b) Prior to October 15 of each year, or at a date designated by order of the commission, all gas utilities serving fewer than 400,000 customers shall attempt by letter, telephone, or personal visit to contact all households at premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment and inform them of available payment options such as budget billing or deferred payment agreements. If a letter, telephone call or personal visit does not result in a response from an adult member of the household by October 15 or at a date designated by order of the commission, a subsequent personal visit shall be made no later than October 25, or at a date designated by order of the commission.

(c) For any household remaining disconnected after October 25, the utility shall continue its efforts to have a personal contact with the household and determine its situation. The utility shall make a personal contact attempt after the date of disconnection and before November 1 for any household disconnected between October 15 and October 31. If, during any of the contacts made to carry out this section, any gas utility or its representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore service. A record shall be made of all contacts and attempted contacts made to comply with this section.

(2) By November 15th of each year, a utility shall file

a report with the Commission stating the number of dwellings assumed to be occupied where service remains disconnected as of November 1 or later and the reason that service has not been reconnected to that dwelling. On other dates designated by order of the commission, a utility shall file periodic reports with the commission listing the number of assumed to be occupied dwellings where service remains disconnected.

(3) A utility shall cooperate with law enforcement and social service agencies in instances involving protective services emergencies. The utility shall refer to the appropriate social service agency any situation it identifies in its reconnection efforts where it appears that intervention by a social service agency is appropriate. Local law enforcement and social service agencies may use the commission's dispute resolution process on behalf of a household without service because of nonpayment.

SECTION 23: PSC 134.0624 is repealed and recreated to read:

PSC 134.0624 COLD WEATHER DISCONNECTIONS.

(1) DECLARATION OF POLICY. The public service commission of Wisconsin recognizes that there are many citizens of the state who, because of income, infirmities of aging, mental retardation, other developmental or mental disabilities or like infirmities incurred at any age, or the frailties associated with being very young, need protection from cold weather disconnections. This section is intended to provide that protection as enumerated below. It is the further intent of the public service commission that these rules be used as guidelines to identify those customers who are not covered by sub. (3). For households subject to disconnection under this section, any disconnection permitted by this chapter during the cold weather period defined below shall be made only as a last resort, after all other legal means of recourse have been attempted and proven unsuccessful.

(2) APPLICABILITY. (a) This section applies to disconnections for nonpayment of utility service which provides the primary heat source or energy source affecting the primary heat source to residential dwelling units occurring during the period November 1 to April 15 in any year for all occupied residences.

(b) This section shall not apply to disconnections of service as set forth in s. PSC 134.062(1)(b), (3), (4), or disconnections for remodeling or repairs.

(3) CUSTOMER REQUESTED TERMINATION. With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied,

provided that the utility visits the premises at the time of disconnection and verifies that the premises are not occupied. The utility shall keep a written record of the utility determination that the premises are unoccupied.

(4) CONDITIONS FOR DISCONNECTION. A utility may disconnect only those households whose gross quarterly incomes are above 250% of the federal income poverty guidelines and where health and safety would not be endangered, because of the infirmities of age, mental retardation, other developmental or mental disabilities or like infirmities incurred at any age or the frailties associated with being very young, if service were terminated or not restored.

(5) VERIFICATION. (a) The burden of proof that a household is eligible for disconnection as defined in sub. (3) shall be the responsibility of the utility.

(b) The utility, as part of its filing with the public service commission pursuant to sub. (11)(b), shall include how it will verify the household's income and situation.

(6) NOTICE. (a) Prior to, and again at the time of disconnection of service, a utility representative shall meet personally with a responsible, adult member of the household to discover any circumstances which deserve special attention, such as medical problems or disabilities.

(b) The utility shall maintain a record of all contacts with the household from the time that notice of pending disconnection is first given.

(7) TELEPHONE AVAILABILITY. A utility shall provide its emergency after-hours telephone number to all households scheduled for utility service disconnection.

(8) CUSTOMER AND OCCUPANT SERVICE INFORMATION. Prior to disconnection, a utility shall inform the household of the availability of deferred payment agreements, budget billing, and in the case of a noncustomer occupant, the option of accepting responsibility for future bills.

(9) NO DISCONNECTION ON CERTAIN DAYS. A utility may not disconnect service to an occupied dwelling on a Friday, Saturday, Sunday, holiday or on a day when utility personnel are not readily available to the occupant 24 hours per day to negotiate restoration of service.

(10) THIRD PARTY CONTACTS. If the household has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnecting service.

(11) MANAGEMENT-LEVEL EMPLOYEE. The utility shall designate by November 1 each year one or more executive employees who will be responsible for final approval of the disconnection of utility service, and notify the commission, in writing, of the name, title, and contact number of the person or persons so designated. The designated employee shall certify on a form approved by the commission that all appropriate code provisions have been met prior to authorizing disconnection. For investor-owned utilities with 30,000 or more customers, the designated person shall be an employee with at least the position of vice president. For investor-owned utilities with fewer than 30,000 customers, the designated employee shall be the utility president. For a municipal utility the designated employee shall be either the general manager or chairperson of the governing board. A utility may designate an employee in the absence of the above-listed personnel because of illness or vacation.

(12) REPORTS. (a) The utility shall report each disconnection of service to an occupied dwelling, by facsimile transmission, if available, or telephone to the consumer services bureau of the public service commission by 3:30 p. m. the same day the disconnection takes place.

(b) If a utility intends to make any disconnection of service to occupied dwellings under the provisions of this section, it shall each year, prior to making any disconnections, file procedures for review and receive approval by order of the public service commission describing how it intends to identify the occupied dwellings subject to disconnection. If within 60 days of submission the Commission has not, by order, approved the procedures, the procedures shall be considered disapproved.

(13) FOLLOW-UP VISIT. (a) By the end of the work day following the day of disconnection, the utility shall make an in-person visit to the occupied dwelling to check on the household's wellbeing and to ensure there is no danger to human health and life. The utility shall again inform the household of the availability of deferred payment or budget billing agreements, shelter assistance, and in the case of a noncustomer occupant, the option of accepting responsibility for payment of future bills. If the utility or its representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore service.

(b) The utility may request that the visit required under par. (a) be made by a representative of a city health department, local health and social service agency, local law enforcement agency, or similar authority, but ultimate responsibility for the visit shall remain with the utility.

(c) The utility shall make a written record of the visit required under par. (a).

(14) INTERNAL PROCEDURES. The utility shall submit for approval by commission order copies of its written internal procedures for implementing this section and any materials used in training its employees to carry out these rules. If within 60 days of submission the Commission has not, by order, approved the internal procedures, the procedures shall be considered disapproved. The utility shall review these procedures annually and update the filed procedures when appropriate. A utility which does not disconnect occupied residences for nonpayment during the winter period is not required to file such procedures.

SECTION 24: PSC 134.0625 is created to read:

PSC 134.0625 CUSTOMER-REQUESTED TERMINATION OF SERVICE. ◀

With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of termination of service and has no reason to believe that the premises are occupied. If the premises appear to be occupied, the utility shall follow the procedures set out in s. PSC 134.062(8)(b).

SECTION 25: PSC 134.063 is repealed and recreated to read:

PSC 134.063 DEFERRED PAYMENT AGREEMENT. (1) A utility is required to offer deferred payment agreements only to residential accounts and may offer such agreements to other customers.

(2) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be disconnected if the customer pays a reasonable amount of the outstanding bill and agrees to pay the remaining outstanding balance in reasonable installments.

(3) For purposes of determining reasonableness in sub. (2), the parties shall consider the customer's ability to pay, including the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.

(e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

(4) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least two type sizes larger than any other used thereon,

#### "RIGHT OF APPEAL

--If you aren't satisfied with this agreement, DON'T SIGN IT.

--You have the right to suggest a different payment arrangement.

--If you and the utility can't agree on terms, you can ask the public service commission to review the disputed issues.

--If you sign this agreement, you agree that you owe the amount due under the agreement.

--Signing this agreement does not affect your responsibility to pay for your current service."

(5) A delinquent amount covered by a deferred payment agreement shall not be subject to a late payment charge if the customer meets the payment schedule required by the agreement.

(6) A special payment agreement entered into by the customer and the utility through the utility's early identification program shall be given the force and effect of a deferred payment agreement for purposes of late payment charges.

(7) If a utility customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the utility may disconnect utility service pursuant to disconnection of service rules, s. PSC 134.062 and 134.0624, and shall not be required to negotiate a subsequent deferred payment agreement prior to disconnection.

(8) Payments made by a customer in compliance with a deferred payment agreement shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

(9) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the utility,

the utility shall inform the customer in writing why the customer's offer was not acceptable.

SECTION 26: PSC 134.064 is repealed and recreated to read:

PSC 134.064 DISPUTE PROCEDURES. (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office 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 residential customer to enter into a deferred payment agreement under s. PSC 134.064 when applicable in order to resolve the dispute.

(2) After the customer has pursued the available remedies with the utility, he or she may request that the public service commission staff informally review the disputed issue and recommend terms of settlement.

(3)(a) A customer's request for informal review may be made in any reasonable manner such as by written notice or telephoned request directed to the public service commission. By telephone or written request the public service commission staff may request the utility to investigate the dispute.

(b) A utility shall respond to public service commission staff's request for an investigation in a prompt manner. Based on information provided by the utility and the customer, public service commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both by telephone or mail. Either party to the dispute may request and receive the public service commission staff determination, and the basis for it, in writing. Commission staff shall inform any customer disputing an informal determination of the right to pursue a formal review. Staff shall inform the customer that a request for formal review shall include any information or arguments that the customer believes the commission should consider.

(c) There shall be at least 7 days between the date the public service commission staff telephones or mails written

notice of terms of settlement after informal review and any subsequent disconnection.

(4)(a) After informal review, any party to the dispute may make a written request for a formal review by the commission itself. To avoid disconnection pending a formal review, the customer must request a formal review by the commission, in writing, within 7 days of the issue of the informal determination. All other requests for formal review shall be made within 30 days of the date the commission staff telephones or mails written notice of terms of settlement after informal review. If written confirmation of the staff telephone notice is requested and mailed, the 30 day period begins from the date of that mailing.

(b) Within 7 days of receiving a request for formal review in a dispute involving a pending disconnection of service, the commission shall make a determination whether to grant the request for formal review. The commission shall base its determination on the request for formal review and commission staff's informal complaint file. Within 35 days from the time that all other requests for formal review are made, staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments shall be filed with the commission two working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.

(5) Either party to the complaint may request that the commission reconsider its formal determination under this section. Such requests shall comply with s. 227.49, Stats., and must be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original complaint. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold hearing on the matter for the gathering of additional information.

(6)(a) If the commission decides to conduct formal hearing under sub. (5) on the dispute, the commission may condition the terms of its granting a formal hearing. Failure to meet these conditions before hearing shall constitute waiver of the dispute by the customer.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) The hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(7) Utility service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The utility shall inform the customer that pursuing a disputed matter does not relieve the customer from the obligation of paying charges which are not in dispute, or prevent disconnection of service for nonpayment of undisputed charges.

SECTION 27: PSC 134.12 is amended to read:

PSC 134.12 METER READINGS AND BILLING PERIODS.

Readings of all meters used for determining charges to customers shall be scheduled monthly, bimonthly, quarterly, or semiannually. An effort shall be made to read meters on corresponding days of each meter-reading period cycle. The meter-reading date may be advanced or postponed not more than 5 days without adjustment of the billing for the period. Bills for service shall be rendered within 40 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings on a form supplied by the utility, provided a utility representative reads the meter at least once each 6 months and when there is a change of customer. The utility shall make reasonable efforts to read the meters of customers who cannot be available during normal business hours.

SECTION 28: PSC 134.13 is repealed and recreated to read:

PSC 134.13 BILLING. (1) (a) Each bill, including the customer's receipt, provided by

Madison Gas and Electric Company,

Northern States Power Company,

Superior Water Light and Power Company,

Wisconsin Fuel and Light Company,

Wisconsin Gas Company,

Wisconsin Natural Gas Company,

Wisconsin Power and Light Company,

Wisconsin Public Service Corporation, and

Wisconsin Southern Gas Company

shall show for each meter the following information:

1. The customer name, billing address and service address, if different from the billing address.
2. For residential customers in multi-unit buildings, current meter identification information or number and account number.
3. The present and last preceding meter readings.
4. The present and last preceding meter reading dates.
5. The next scheduled meter reading date.
6. The number of days in the billing period.
7. The number of units consumed.
8. The class of service with clear explanation of codes and abbreviations.
9. The rate schedule under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, energy blocks, demand charges, minimum bills, and all other billing factors necessary for the customer to check the calculation of the bill.
10. Clear itemized adjustment clause bill calculation.
11. Amount subject to tax, tax rate, and tax billed.
12. Clear itemization of the amount of the bill for the present billing period, any unpaid balance from previous billing periods and any late payment charges.
13. Clear itemization of other utility charges and credits.
14. Degree day information.
15. A statement that the utility will, upon customer request, provide the information and assistance necessary for the customer to evaluate fuel consumption and conservation.
  - (b) Upon receiving such request in par. (a)15, the utility shall provide consumption and degree day information by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons and evaluate his or her conservation efforts.

(c) Bills rendered without an actual meter reading shall be specifically marked as estimated.

(d) Each bill, including the customer's receipt rendered by gas utilities not included in par. (a), shall show the present and last preceding meter readings, the date of the present reading, the number of units consumed, the class of service if other than residential, and the rate schedule under which the bill is calculated. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective or at least once a year, supply each customer with the schedule of rates at which the bills are calculated and any other rates that might be applicable. Bills rendered at rates requiring the measurement of a number of different factors shall show all data necessary for the customer to check the calculation of a bill. All monthly adjustment clause factors necessary for a customer to check the calculation of the bill shall be included on the monthly bill. Minimum and estimated bills shall be distinctly marked as such. Estimated bills are bills rendered without actual meter readings.

(e) The utility may include on the utility service bill charges to the customer resulting from other services, materials, or work provided by the utility as a result of commission-approved conservation and alternative energy programs, and, with the consent of both the customer and the utility, merchandise and service repair work charges. The charges shall be listed individually on the bill, and the customer shall be permitted to include such payment in his or her payment for gas utility service. Any partial payments shall be applied first to the amount due for utility service and the remainder to the other charges.

(f) Costs or fees incurred by and awarded to the utility by a court of law, for pursuing bill collection through other agencies, such as small claims courts, or extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission, may be included on the utility service bill. Such tariffs shall be established on the basis of rate case proceedings or generic proceedings to establish the reasonableness of such charges.

(g) The commission may authorize the utility to make late payment charges to a customer's utility service bill that is not paid in full within 20 days following issuance of the bill and for utility service that has been obtained by diversion around or tampering with the proper metering of the account. The late payment charge may be either a one-time charge as provided in par. (h) or a monthly charge as provided in par. (i). The utility shall receive approval from the commission of the method it desires to use and shall not change methods without commission approval.

(h) If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:

1. The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied.

2. Except as provided in subd. 8, late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill.

3. The amount of the late payment charge shall be 3% of the bill, except a minimum charge of \$.30 shall apply.

4. Late payment charges shall be applied to all customer classes and rate classifications.

5. The utility shall not waive any properly applied late payment charges.

Note: See s. PSC 134.063(5) and (6).

6. A late payment charge shall be applied only once to any given amount outstanding.

7. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

8. Bills issued for utility service previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued.

(i) If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements.

1. The amount of the charge shall be no more than one and one-half per cent per month and shall be filed and approved by the commission before it can be applied.

2. The late payment charge shall be applied to the total unpaid balance for utility service, including unpaid late payment charges.

3. Except as provided in subd. 9, the late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill.

4. The late payment charge shall be applied to all customer classes and rate classifications.

5. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

6. The utility may not waive any properly applied late payment charge.

Note: See s. PSC 134.063(5) and (6).

7. No additional late payment charge may be applied to a delinquent account for utility service after the date on which the delinquent account was written off by the utility as uncollectable.

8. If a utility changes the type of late payment charge or initiates a late payment charge, the new charge shall apply only to utility service provided after the effective date of the change or initiation.

9. Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued. The late payment charge may be applied from the estimated date that the diversion or tampering began.

(j) A customer who receives a lump sum payment from an outside source to be used to pay his or her utility service bill may, at the utility's option, apply the payment to the customer's account in equal monthly installments.

(2)(a) If the billing period is longer or shorter than allowed by s. PSC 134.12, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) If the utility is unable to gain access to read a standard residential meter at the end of each billing period, the utility shall, upon customer request, provide meter reading forms which allow the customer to send a card reading in time for billing. If actual readings cannot be obtained, the utility shall also leave a meter reading form at the premises for the customer to complete and return to the utility in time for bill preparation or leave a form at the premises explaining the estimation and how to avoid future estimations. This form shall be used when billing systems do

not have sufficient time to allow the customer to return the card reading prior to billing.

(c) If no form is left on the premises, or if the form is not returned in time to be processed in the billing cycle, a minimum or estimated bill may be rendered. In cases of emergency the utility may render minimum or estimated bills without reading meters or supplying meter reading forms to customers. Only in unusual cases or when approval is obtained from the customer may more than three consecutive estimated bills be rendered.

(d) If meter reading is not scheduled on a monthly basis, the utility shall supply customers with meter reading forms for the periods when the meter is not scheduled to be read by the utility. Customers may not be required to provide these meter readings. If the customer informs the utility he or she does not desire to supply a reading, or if the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered.

(e) When an actual meter reading indicates that a previous estimated bill was abnormally high or low, the utility shall calculate the bill for the entire period as if use of service were normally distributed throughout the period. The previous estimated charge shall be deducted from the recomputed total. If there is evidence to indicate that actual use was not uniform throughout the period, the billing shall be adjusted according to available information.

(3)(a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) The original billing rendered because of meter inaccuracies, errors in billing, or misapplication of rates shall be separated from the regular bill and the charges explained in detail.

(4)(a) Each bill for service shall be computed at the proper filed rate, which shall be the rate selected by the utility unless the customer selects a rate under par. (e).

(b) When it is difficult to determine what rate should be applied until there has been actual usage, the rate classification shall be reviewed when there has been adequate usage to determine the lowest applicable rate but no later than the end of the first 12 months of usage. The customer shall be notified as soon as the lowest firm sales service rate option has been determined and be given the option to select a different applicable rate as set forth in par. (e). The rate determined by the utility to be the lowest firm sales service rate option shall be effective with the billing period following the date of notification by the utility

unless the customer selects a rate. If the customer selects a rate, the rate shall be effective with the current billing period if required billing information is available but not later than the beginning of the second billing period following the customer's request.

(c) A utility may enter into contracts having terms longer than one year, but the rates paid under such contracts shall be the utility's lowest applicable firm sales service rate option, for which meter usage information is known, on file with the commission at the time of the contract, unless the customer selects another applicable rate at the time of the contract.

(d) If the utility has information that the customer could qualify for a lower rate by installing equipment, or combining or separating services as allowed under the utility's rules and regulations, he or she shall be notified; but no change in rates shall be made until the customer makes the necessary modifications. If such modifications are made, the utility shall change the customer's rate classification effective for the beginning of the current billing period if required billing information is available, but the change shall be effective no later than the beginning of the second billing period following the customer notification to the utility that the modification has been made.

(e) When a customer is eligible to take service under more than one rate schedule, the utility shall inform the customer at the times specified in par. (f) of the option to select a rate, of the rate options and service classifications for which the customer may be eligible and the conditions necessary to qualify, and of the firm sales service rate option that would have resulted in the lowest rate based on the previous 12 months' service and on the metered customer usage information known to the utility. The information provided shall include a general explanation of gas service usage characteristics to assist the customer in selecting the lowest rate consistent with the customer's anticipated usage and needs. If the customer requests a change in rate classification, it shall be effective at the beginning of the current billing period if required billing information is available, but such change shall be effective no later than the beginning of the second billing period following the customer's request.

(f) At least once in each calendar year customers with more than one rate option shall be informed of the option to select a rate as set forth in par. (e). The notification requirement may be satisfied through the use of a bill insert. The customer shall also be informed of the option to select a rate whenever there is a change in rates that would affect the customer, and at any other time the customer so requests. If the utility notifies the customer of the option

to select a rate as the result of a rate change or a customer request, such notification shall satisfy the requirement to notify the customer at least once in each calendar year.

(g) Nothing in this section shall be construed as permitting a customer to select a service classification inconsistent with the utility's applicable tariff provisions or with contractual agreements between the utility and the customer.

(5) Each utility shall offer a budget payment plan to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living, subject to the following minimum requirements:

(a) A budget payment plan tariff shall be on file with the public service commission, applicable only to charges for utility services under public service commission jurisdiction.

(b) A budget payment plan may be established at any time of the year. The budget amount shall be calculated on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. If the budget year is a fixed year, then prospective and existing customers requesting a budget payment plan after the start of the fixed year shall have their initial monthly budget amount determined on the basis of the number of months remaining in the current budget year.

(c) An applicant for a budget plan shall be informed at the time of application that budget amounts shall be reviewed and changed every 6 months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount shall be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one month's budget amount.

(d) Customers on the budget payment plan shall be notified of adjustments by means of a bill insert, a message printed on the bill itself, or both. The customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears, according to the provisions of s. PSC 134.063.

(f) Budget payment plans shall be subject to the late payment charge provisions. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that if proper payment is not received subsequent to

this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.

(g) At the end of a budget year, if an underbilled or overbilled balance exists in the account, the balance shall be handled as follows:

1. A customer's debit balance shall be paid in full or, at the customer's option, on a deferred basis.

2. A customer's credit balance shall be applied, at the customer's option, against the customer's account, credited in monthly installments to the customer's account over the course of the next budget year, or refunded to the customer.

(6) An occupant shall apply for utility service. An occupant who uses utility service but does not apply for it may be billed an estimated or actual amount at a later date for service used prior to the time of application. The utility must have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The utility shall inform the occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 134.064.

(7) (a) The utility may request all new customers to make an application for service. The utility may require that a verbal or written application be made by telephone, letter or in person. The utility shall establish a written policy for requesting the information. The utility may require the customer to provide:

1. Name or names of party responsible for bill payment.
2. Address where service is to be provided.
3. Mailing address if different from service address.
4. Address of residence immediately prior to application.

(b) The utility may request additional credit information from applicants as part of its application for service. Except as provided in s. PSC 134.062 (2), utility service shall not be disconnected or refused for refusal to provide any information other than that specified in par. (a).

(c) The utility may accept third party applications for service. The utility shall send confirmation of receipt of the service application to the party responsible for bill payment.

(8) (a) Where rental residential dwelling utility service is in the tenant's name, and the tenant vacates the residential dwelling unit, continued utility service for such dwelling unit may be placed in the name of the owner or property manager.

(b) The utility shall provide the owner or property manager with written notice of its intent to transfer billing responsibility. Such notice shall provide the owner or property manager with five days to notify the utility of:

1. The name of the customer who should be placed in service, such service date not to be later than five days from the notice mailing date; or

2. That utility service to the premises should be terminated and affirms to the utility that such termination will not endanger human health or life or cause damage to property during the period of disconnection.

(9)(a) A utility shall pay interest on customer overpayments not refunded to the customer within 60 days of receipt by the utility if the net amount refunded exceeds \$20 per refund and the overpayment was made to the utility due to:

1. Meters registering fast as defined in s. PSC 134.14.

2. Use of an incorrect meter constant or multiplier.

3. Incorrect service or rate classification, provided the information furnished by the customer to the utility was not deficient, or the customer did not choose the rate as provided in sub. (4).

4. Billing based on a switched meter condition where the customer was billed on the incorrect meter.

5. Misapplication of rates.

(b) A utility is not required to pay interest to customers for overpayments made for:

1. Financing of service extensions or other equipment.

2. Budget payment plans.

3. Estimated bills, if the utility made a reasonable effort to obtain access to the customer's meter, but was unable to gain access. Reasonable effort to gain access means that the utility notified the customer after three consecutive estimated readings that the utility will read the

meter at other than standard business hours at the customer's request.

4. Receipt of lump sum payment made from an outside source as the Low Income Home Energy Assistance Program or other like programs.

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in s. PSC 134.061(10)(b). Interest shall be paid from the date when the customer overpayment was made until the date when the overpayment is refunded. Interest shall be calculated on the net amount overpaid in each calendar year.

(d) Nothing in these rules shall prevent the commission or its staff from requiring the payment of interest on amounts returned to customers in those instances where the commission or its staff finds that such payment is necessary for a fair and equitable resolution of an individual complaint.

No additional fiscal burden will be imposed on the state or municipalities, or on small business, as a result of these rules.

These rules have been forwarded to the legislature for review pursuant to s. 227.19, Stats. Changes in the proposed rules were suggested by legislative committee and have been made. 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. 227.22(2)(a), Stats.

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

Dated at Madison, Wisconsin,

By the Commission.

August 8 1989  
*Charles H. Thompson*  
for Jacqueline K. Reynolds *Chairman*  
Secretary to the Commission

