

PUBLIC SERVICE COMMISSION OF WISCONSIN

Water Utility Service Rules

1-AC-233

NOTICE OF HEARING

Hearing Date

Thursday, August 10, 2017 – 10:00 a.m.

Hearing Location

**Amnicon Falls Hearing Room – 1st Floor
Public Service Commission
610 North Whitney way Madison, Wisconsin**

Comments Due:

Thursday, August 24, 2017 – Noon

Address Comments To:

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

The Public Service Commission of Wisconsin proposes an order to repeal PSC 185.11(2), 185.12(2), (3m), (3s), (3u), (10e), (10s), (11m), (15), (17m), (18), 185.17, 185.21(2)(d), 185.30(1), (2)(a), 185.305(1), (2)(a), 185.33(13)(a), (b), 185.34, 185.35(3), (4), (5), (7), 185.36(8), (11), (14), 185.361(6), (12), 185.37(4), (5), (6), 185.37(8)(f), 185.38(4)(d), (6), 185.39(4), (5), 185.47, 185.65(2), (4), 185.74(4), 185.81, 185.82(2), 185.85(1)(f), (g), (3)(b), and; renumber PSC 185.12 (10m) and (20r); renumber and amend PSC 185.12(3), (3e), (16), (17), (19), (20), (20g), 185.33(13)(c), (19)(a), and 185.37(9); amend PSC 185.11(1), (3), (4), (5), (6), 185.12(1), (4), (5), (6), (7), (8), (9), (10), (11), (12), (12m), (13), (14), (22), 185.15, 185.16(1), (1)(c), (2), 185.18, 185.21(1), (1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (2), (2)(a), (b), 185.22(1), (2), (4), (5)(b), 185.30 (Title), (2)(b), (3)(g), 185.305(2)(b), 185.31(1), 185.32, 185.33(1), (1)(a), (b), (c), (d), (e), (f), (g), (1m), (4), (4)(a), (b), (c), (d), (5), (7), (9)(a), (b), (c), (d), (e), (f), (g), (h), (10)(a), (b), (c), (d), (e), (f), (g), (h), (14)(b), (16)(a), (b), (d), (e), (f), (g)1., 2., (17), (19)(am)1., 2., 3., (19)(b)1., 2., 3., (19)(c), 185.35(Title), (2), (6), (8), 185.36(1)(b), (c), (3)(a), (b), (4), (5), (7), (9)(a), (10), (12), (13), 185.361(1), (3)(a), (b), (c), (d), (4)(a), (b), (5)(a), (7), (8)(a), (9), (10), (11), 185.37(1), (a), (b), (1m), (2), (a), (am), (b), (c), (d), (e), (f), (g), (h), (i), (j), (3), (7), (8), (8)(a), (b), (c), (d), (e), (g), (8m), (10), (11), (12), (13), 185.38(1), (2), (3), (a), (b), (c), (d), (e), (4), (a), (b), (c), (8), 185.39(1), (a), (b), (c), (d), (2), (a), (b), (c), (cg), (cr), (d), (3), 185.44(1), 185.52(1), (2), 185.61(1), (2), (3), 185.65(1), (3), (5), 185.73(3), (4), 185.74(1), 185.75(2), 185.76(1), (3), (4), (6), 185.79(Title), (1), (4), 185.83(2), (3), 185.85(Title), (1)(e), (2), (d), (f), (3)(a), 185.86(1), (2), (3), 185.89(1), (2)(a), (3), (d), 185.90(1), (2), (3), (4), (5), (5), (6), (7), 185.97(1), (2), (3)(a)2., 6., (3)(b), (4), (5), (6), and (7); repeal and recreate 185.35 (1), 185.36(1)(a), (2), 185.361(2), 185.74(2), (3), 185.82(1), 185.83(1), 185.85(4), and 185.88; and create PSC 185.11(7), 185.12 (10g), (23), 185.14, 185.21(1)(bm), (1)(cm), (1)(dm), (1)(L), 185.22(6), 185.31(3), 185.33(1)(am), (dm), (fm), (i), (j), (k), 185.33(15m), (16)(fm), (19)(a), 185.36 (1) (d), (14), 185.361(3m), 185.37(2)(gm), (14), 185.38(1m),

(3m), (9), 185.40, 185.405, 185.46(1)(a)7., (2)(a)4., 185.76(7), 185.85(1)(bm) regarding the water service rules applicable to public utilities.

ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

The analysis is set forth as Attachment A.

TEXT OF PROPOSED RULE

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

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rule will not affect small businesses. The Wis. Stat. § 227.114(1) definition of “small business” states that to be considered a small business, the business must not be dominant in its field. The vast majority of water and combined water and sewer utilities are publicly owned and are not small businesses. Further, since water utilities and combined water and sewer utilities are monopolies in their service territories, they are dominant in their fields.

FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

The Fiscal Estimate and Economic Impact Analysis are included as Attachment C.

NOTICE OF HEARING

NOTICE IS GIVEN that pursuant to s. 227.16(1), Stats., the Commission will hold a public hearing on these proposed rule changes in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, on **Thursday, August 10, 2017, at 10:00 a.m.** This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

The Commission intends to webcast any hearing sessions held in the Amnicon Falls Hearing Room live on the Commission’s web site at <http://psc.wi.gov> under the “Live Broadcast” button.

DOCUMENTS. All documents in this docket are filed on the Commission’s Electronic Records Filing (ERF) system. To view these documents: (1) go to the Commission’s E-Services Portal at <http://apps.psc.wi.gov>, (2) enter “1-AC-233” in the box labeled “Quick Single Docket Search,” and (3) select “Documents.”

WRITTEN COMMENTS

Any person may submit written comments on these proposed rules. The hearing record will be open for written comments from the public, effective immediately, and until **Thursday, August 24, 2017, at noon**. All written comments must include a reference on the filing to docket 1-AC-233. File by one mode only.¹

¹ As an alternative to submitting your comment directly to the Commission, state law allows anyone to file a web comment on the Legislative Rules Clearinghouse website, <https://docs.legis.wisconsin.gov/code/comment>. This site forwards the comment to the Commission.

A person may provide comments in this proceeding without becoming a party and without attorney representation. A person may submit comments in only one of the following ways:

- **Web Comment.** Go to the Commission's web site at <http://psc.wi.gov>, click on the "File a Comment" button. On the next page select the "File a comment" link that appears for docket number 1-AC-233. Web comments shall be received no later than Thursday, August 24, 2017.
- **Oral Comment.** Spoken testimony at the public session.
- **Written Comment.** Instead of speaking at the hearing, write out a comment and submit it at the public session.
- **Mail Comment.** All comments submitted by U.S. mail shall be received no later than Thursday, August 24, 2017. A mail comment shall include the phrase "Docket 1-AC-233 Comments" in the heading, and shall be addressed to:

Docket 1-AC-233 Comments Public Service Commission
P.O. Box 7854
Madison WI 53707-7854

The Commission will not accept comments submitted via e-mail or facsimile (fax). Any material submitted to the Commission is a public record and may appear on the Commission web site. Only one comment may be submitted per person during a comment period. The Commission may reject a comment that does not comply with the requirements described in this notice.

WISCONSIN ENVIRONMENTAL POLICY ACT

This is a Type III action under Wis. Admin. Code § PSC 4.10(3). The Commission will review the potential environmental effects of the project. Type III actions normally do not require the preparation of an environmental impact statement under Wis. Stat. § 1.11 or an environmental assessment.

CONTACT PEOPLE

Questions regarding this matter should be directed to the docket coordinator, David Prochaska, at (608) 266-5739 or david.prochaska@wisconsin.gov. Small business questions should be directed to Kristy Nieto at (608) 261-9419 or Kristy.Nieto@wisconsin.gov. Media questions should be directed to the Communications Director, Elise Nelson, at (608) 266-9600.

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