

1983 Assembly Bill 65

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1983 Wisconsin Act 53

AN ACT *to repeal* 196.01 (2), 196.02 (11), 196.035, 196.04 (3), 196.23 (title), 196.29 (title), 196.38 (title), 196.52 (2), 196.62 (title) and 196.93 (title); *to renumber and amend* 196.01 (1), (3) to (5), (7) and (8), 196.09 (6), 196.11 (1), 196.171, 196.23, 196.28, 196.29 (1) and (2), 196.38, 196.495 (2) (c), 196.54, 196.55, 196.56, 196.57, 196.58 (intro.) and (1) to (3), 196.60, 196.62, 196.627, 196.63, 196.65 (1), 196.91 (1), 196.92 (1) and 196.93 (1) to (3); *to amend* 20.923 (9) (b), 196.01 (6), 196.02 (1), (4) to (10) and (12), 196.03 (1) to (3), 196.04 (2) and (4), 196.05, 196.06 (2) and (3), 196.07, 196.08 (2), 196.09 (2) to (5), (7) and (8), 196.12, 196.13, 196.14, 196.16, 196.17, 196.18, 196.19 (1) and (3) to (5), 196.22, 196.24, 196.25, 196.26 (1), 196.30, 196.32, 196.33, 196.34, 196.36, 196.37, 196.375, 196.39, 196.395, 196.40, 196.41, 196.43, 196.44 (3), 196.48, 196.49 (1), (3) and (4), 196.49 (2), (5) (a) to (h) and (6), 196.495 (1), (2) (intro.), (a), (b) and (d) to (g) and (3) to (5), 196.50, 196.51, 196.52 (1) and (3) to (7), 196.525, 196.58 (4) to (7), 196.59, 196.60 (title), 196.605, 196.61, 196.64, 196.65 (2), 196.66, 196.665, 196.67 (3), 196.675, 196.68, 196.69, 196.70, 196.71, 196.72, 196.74, 196.745 (1), (2) (a), (3) and (4), 196.76, 196.78, 196.79, 196.80, 196.81, 196.855, 196.91 (2), 196.92 (title) and 196.92 (2); *to repeal and recreate* 196.04 (1), 196.20 (title), (1) and (2), 196.21, 196.49 (5) (i) and 196.645; and *to create* 196.14 (2), 196.171 (2), 196.195, 196.20 (2m), 196.49 (1) (b),

196.54 (title) and (5) and 196.65 (1) (a) to (g) of the statutes, relating to revisions affecting public utility regulation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Legislative purpose. In its revision of the law under this act, the legislature intends to complement the systematic revision of the statutes to which it finds, under subsection (3), that it previously committed itself. The legislature does not intend to make any substantive change in the law treated by this act. The legislature's intent is based, in part, on finding that:

(1) Much of the law on regulation of public utilities by the public service commission was created in 1907, has not been revised since then and contains extensive defects, anachronisms, conflicts, ambiguities and obsolete provisions.

(2) The recent growth of policy issues related to the public health and welfare in the area of public utility regulation has forced the legislature to examine current public utility law, and such examination would be facilitated if the language of the law were rewritten and organized according to modern drafting standards.

(3) The revisor of statutes, by 1990, in cooperation with the law revision committee, has been instructed by the legislature, under section 13.93 (2) (j) of the statutes, to "systematically examine and identify for revision by the legislature the statutes and session laws to eliminate defects" which the revisor finds to exist in the law and to prepare legislation that eliminates such defects.

(4) Other more urgent duties of the revisor, such as preparing the statutes for publication, in combination with a shortage of personnel resources, severely limits the revisor's ability to satisfy the legislature's mandate to revise even language as antiquated as the public utility law.

(5) The revision of chapter 196 of the statutes under this act was accomplished by a time-consuming process over a 3-year period in which public utility practitioners representing a variety of public and private interests, including the public service commission, the utility industry, and utility consumers, closely scrutinized and discussed together all proposed changes and made only those changes about which there was consensus.

(6) A revision by the law revision committee would have resulted in a drafting procedure similar to the one which produced this act.

SECTION 1m. 20.923 (9) (b) of the statutes is amended to read:

20.923 (9) (b) ~~The salary for an executive assistant appointed under s. 196.02 (11) shall be set by the appointing authority.~~ The salary of an executive assistant appointed by the public service commission under s. 15.06 (4m) may not exceed the salary range maximum of executive salary group 1.

SECTION 2. 196.01 (1), (3) to (5), (7) and (8) of the statutes are renumbered 196.01 (5), (4), (7), (3), (2) and (1), respectively, and 196.01 (2), (3) and (5), as renumbered, are amended to read:

196.01 (2) ~~The words "conveyance" shall, if the person engaged in such activity is otherwise a telephone or telegraph public utility as defined in sub. (1), also include in addition to means the transmission by a telephone or telegraph public utility of voice communication or the transmission by a telephone or telegraph public utility of information, data or material other than by voice communication.~~ "Conveyance of telephone messages" or "conveyance of telegraph messages" shall, if the person engaged in such activity is otherwise a telephone or telegraph public utility as defined in sub. (1), also include in addition to means the transmission by a telephone or telegraph public utility of voice communication or the transmission by a telephone or telegraph public utility of information, data or material other than by voice communication.

(3) "Indeterminate permit" means ~~and embraces every~~ any grant, directly or indirectly, from the state to any public utility, of power, right or privilege to own, operate, manage or control any plant or equipment or any part of a plant or equipment within this state for the production, transmission, delivery or furnishing of any public utility

~~service, and such permit shall continue in force until the municipality shall exercise its option to purchase, or until it shall be otherwise terminated according to law.~~

(5) "Public utility" means every corporation, company, individual, association, their lessees, trustees or receivers appointed by any court, and every sanitary district, town, village or city that may own, operate, manage or control any toll bridge or all or any part of a plant or equipment ~~or any part of a plant or equipment~~, within the state, for the conveyance of telephone messages, for the receiving, transmitting or delivery of messages by telegraph, or for the production, transmission, delivery or furnishing of heat, light, water or power either directly or indirectly to or for the public. ~~No "Public utility" does not include a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to its members only shall be deemed a public utility under this definition.~~ "Public utility". "Public utility" includes any person engaged in the transmission or delivery of natural gas for compensation within this state by means of pipes or mains. ~~Any privately owned public utility which furnishes sewer services or sewer facilities may elect to have the public service commission establish suitable and proper rates for its services.~~

SECTION 3. 196.01 (2) of the statutes is repealed.

SECTION 4. 196.01 (6) of the statutes is amended to read:

196.01 (6) "Railroad" has the meaning attributed to it by given under s. 195.02.

SECTION 5. 196.02 (1), (4) to (10) and (12) of the statutes are amended to read:

196.02 (1) The commission ~~is vested with power and~~ has jurisdiction to supervise and regulate every public utility in this state, and to do all things necessary and convenient ~~in the exercise of such power and jurisdiction~~ to its jurisdiction.

(4) (a) The commission ~~shall have authority to~~ may inquire into the management of the business of all public utilities, ~~and. The commission shall keep itself informed as to the manner and method in which the same is conducted, and. The commission may obtain from any public utility all necessary any information necessary~~ to enable the commission to perform its duties.

(b) Each public utility shall furnish to the commission, in such form and at such times as the commission ~~shall require~~ requires, the following information respecting the identity of the holders of its voting capital stock, in order to enable the commission to determine whether such the holders constitute an affiliated interest within the meaning of this chapter:

1. The names of each holder of one ~~per centum~~ percent or more of the voting capital stock of such the public utility; ~~the.~~

2. The nature of the property right or other legal or equitable interest which the holder has in such the stock; ~~and any.~~

3. Any other similarly relevant information which the commission ~~shall prescribe~~ prescribes and ~~direct~~ directs.

(c) ~~In the event If~~ any public utility ~~shall fail~~ fails to furnish the commission with information required of it by the commission, the commission may issue an order directing the delinquent public utility to furnish such the information ~~forthwith, immediately~~ or to show good cause why such the information cannot be obtained. Failure of any public utility to comply with such the order of the commission ~~shall be deemed is~~ a violation of this chapter, within the meaning of s. 196.66.

(5) The commission or any commissioner or any person employed by the commission for that purpose ~~shall may, upon demand, have the right to~~ inspect the books, accounts, papers, records and memoranda of any public utility, and ~~to~~ examine, under oath, any officer, agent or employe of such the public utility in relation to its business and affairs.

Any person, other than one of ~~said~~ the commissioners, who ~~shall make such~~ makes a demand, shall produce his or her authority to make ~~such~~ the inspection.

(6) The commission may require, by order or subpoena, served on any public utility as a summons is served in circuit court, the production within this state at ~~such~~ the time and place as it ~~may designate~~, the commission designates of any books, accounts, papers or records kept by ~~said~~ the public utility ~~without~~ outside the state, or verified copies in lieu thereof, if the commission ~~shall so order~~. Any public orders. If a public utility failing fails or refusing refuses to comply with any ~~such~~ the order or subpoena shall, for each day it ~~shall so fail or refuse~~, of the failure or refusal the public utility shall forfeit not less than ~~fifty dollars~~ \$50 nor more than ~~five hundred dollars~~ \$500.

(7) COMMISSION INITIATIVE. ~~The~~ In any matter within its jurisdiction, including, but not limited to, chs. 184, 197 and this chapter, the commission may upon its own motion initiate and, investigate and order a hearing at its discretion upon such notice as it deems proper, unless a statute prescribes in a particular case a specific manner of giving notice, in every case in which it is authorized to investigate and hear upon complaint or petition or in which it is authorized to investigate or act without complaint or petition and may exercise therein the same jurisdiction as upon complaints filed. The authority herein conferred extends to all matters within the jurisdiction of the commission in whatever chapter of the statutes set forth.

(8) EMPLOY COUNSEL. The commission may employ counsel in any proceeding, investigation, hearing or trial had by it or in which it ~~shall be~~ is a party, and the expenses thereby incurred shall be charged to the commission's appropriation.

(9) TECHNICALITIES DISREGARDED. ~~A substantial~~ Substantial compliance with the requirements of the statutes shall be sufficient to ~~give effect to all rules, orders, acts and regulations~~ make effective any rule, regulation, order or action of the commission and ~~they shall not be declared inoperative, illegal or void~~. No rule, regulation, order or action of the commission is invalid for any omission of a technical nature ~~in respect thereto~~.

(10) COMMISSION NOTICES; CERTIFICATIONS. ~~Notices~~ Any notice of investigation or hearing or ~~certifications~~ certification to copies a copy of the records a record of the commission may be issued or certified by any member of the commission or by its secretary or ~~its~~ assistant secretary.

(12) The ~~public service~~ commission may sue and be sued in ~~that~~ its own name, and may confer with or participate in any proceedings before any regulatory agency of any other state or of the federal government.

SECTION 6. 196.02 (11) of the statutes is repealed.

SECTION 7. 196.03 (1) to (3) of the statutes are amended to read:

196.03 (1) ~~Every~~ Each public utility ~~is required to~~ shall furnish reasonably adequate service and facilities. The charge made by any public utility for any heat, light, water or power produced, transmitted, delivered or furnished or for any telephone message conveyed or for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every unjust or unreasonable charge for such service is prohibited and declared unlawful.

(2) For rate-making purposes the commission may consider ~~two~~ 2 or more municipalities as a regional unit ~~where~~ if the same public utility serves ~~said~~ the municipalities, and if in its opinion the commission determines that the public interest so requires.

(3) In the case of a public water utility, the commission shall include, in the determination of water rates, the cost of ~~fluorinating~~ fluoridating the water in the area served by ~~such~~ the public water utility, ~~provided if~~ the local governing legislative body in of the municipality which ~~such public~~ owns or is served by the public water utility is situated

authorizes the ~~fluorination~~ fluoridation of water ~~in the area primarily served by such the~~ public water utility.

SECTION 8. 196.035 of the statutes is repealed.

SECTION 9. 196.04 (1) of the statutes is repealed and recreated to read:

196.04 (1) (a) *Definitions.* In this section:

1. "Transmission equipment and property" means any conduit, subway, pole, tower, transmission wire or other equipment on, over or under any street or highway.

2. "Physical connection" means the number of trunk lines or complete wire circuits and connections required to furnish reasonably adequate telephone service between telephone utilities.

(b) *Transmission equipment and property access.* 1. Any person who owns transmission equipment and property shall permit, for reasonable compensation, the use of the transmission equipment and property by any public utility if public convenience and necessity require such use and if the use will not result in irreparable injury to any owner or user of the transmission equipment and property or in any substantial detriment to the service to be rendered by the owner or user.

2. Every public utility for the conveyance of telephone messages shall permit physical connections to be made, and telephone service to be furnished, between any telephone system operated by it and the telephone toll line operated by another such public utility, or between its toll line and the telephone system of another such public utility, or between its toll line and the toll line of another such public utility, or between its telephone system and the telephone system of another such public utility if:

a. Public convenience and necessity require the connection;

b. The connection will not result in irreparable injury to the owners or other users of the facilities of the public utilities making the connection; and

c. The connection will not result in any substantial detriment to the service to be rendered by any of the public utilities making the connection.

SECTION 10. 196.04 (2) and (4) of the statutes are amended to read:

196.04 (2) ~~In case of~~ If there is a failure to agree upon such use of transmission equipment and property under sub. (1) or the conditions or compensation for such the use, or in case of if there is a failure to agree upon such the physical connections, or the terms and conditions upon which the same physical connections shall be made, any public utility or any other person interested may apply to the commission, and if, after investigation, the commission shall ascertain determines that public convenience and necessity require such the use or such physical connections, and that such the use or such physical connections would will not result in irreparable injury to the owner or other users of such the transmission equipment and property or of the facilities of such the public utilities, nor or in any substantial detriment to the service to be rendered by such the owner or such the public utilities or other users of such the transmission equipment and property or facilities, it shall the commission, by order, shall direct that such the use be permitted and prescribe reasonable conditions and compensation for such joint use, and that such the physical connections be made, The commission shall prescribe reasonable conditions and compensation for the use and shall determine how and within what time such the connections shall be made, and by whom the expense of making and maintaining such the connections shall be paid. An order under this subsection may be revised by the commission.

(4) ~~Provided~~ If the parties cannot agree and the commission finds that public convenience and necessity or the rendition of reasonably adequate service to the public requires that a public utility should be permitted to extend its lines on, over or under the right of way right-of-way of any railroad, or requires that the tracks of any railroad should be

extended on, over or under the ~~right-of-way~~ right-of-way of any public utility, the commission is empowered to order ~~such~~ may order the extension by said ~~the~~ public utility or railroad on, over or under the ~~right-of-way~~ right-of-way of the other ~~when~~ if it will not materially impair the ability of the railroad or public utility, on, over or under whose ~~right-of-way~~ such right-of-way the extension would be made, to serve the public. ~~Such use so ordered shall be permitted upon such~~ The commission shall prescribe lawful conditions and ~~such~~ deems compensation as which the commission shall ~~deem~~ deems equitable and reasonable in the light of all the circumstances, ~~which conditions and compensation so prescribed shall be the lawful conditions and compensation for such use and the lawful terms and conditions upon which such use shall be made, observed, followed and paid.~~

SECTION 11. 196.04 (3) of the statutes is repealed.

SECTION 12. 196.05 of the statutes is amended to read:

196.05 (title) Public utility property; valuation; revaluation. ~~(1) Whenever~~ If the commission shall ~~deem~~ deems it either proper or necessary ~~in the interest of~~ for effective regulation, the commission shall value or revalue all the property of every public utility actually used and useful for the convenience of the public.

SECTION 13. 196.06 (2) and (3) of the statutes are amended to read:

196.06 (2) ~~Every~~ The commission may require any public utility engaged directly or indirectly in any ~~other~~ business other than that of the production, transmission or furnishing of heat, light, water or power or the conveyance of telephone messages or telegraph messages ~~shall, if required by the commission, to keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this.~~ This chapter shall apply applies to the books, accounts, papers and records of such other business if the commission requires the keeping and rendering separately of the accounts under this subsection.

(3) ~~Every~~ Each public utility ~~is required to~~ shall keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission, and ~~to~~ shall comply with all directions of the commission relating to such books, accounts, papers and records.

SECTION 14. 196.07 of the statutes is amended to read:

196.07 Balance sheet filed annually. (1) ~~The~~ Each public utility shall close its accounts of public utilities shall be closed annually on December 31 and promptly prepare a balance sheet of that date promptly taken therefrom. On or before the following April 1 ~~following, such every public utility shall file with the commission the balance sheet together with such any other information as the commission shall prescribe prescribes,~~ verified by an officer of the public utility, shall be filed with the commission. The commission ~~may,~~ may for good cause shown, may extend the time for ~~the filing of such the~~ the balance sheet and prescribed information.

(2) If a public utility fails to file a report with the commission containing its balance sheet and other information prescribed by the commission by the date ~~such the~~ the report is due under sub. (1), the commission may prepare ~~such the~~ the report from the records of the public utility. ~~In this event, all~~ All expenses of the commission in preparing ~~such the~~ the report, plus a penalty equal to 50% of the amount of ~~such the~~ the expenses, shall be assessed against and collected from ~~such the public utility in accordance with the procedure in under s. 196.85.~~ The amount of any such the charge to a public utility shall not, however, be limited by s. 196.85 (1) and shall be in addition to any other charges assessable under s. 196.85. The penalty provision of ~~any such the~~ the charge shall be credited to the general fund ~~in accordance with under s. 20.906.~~

SECTION 15. 196.08 (2) of the statutes is amended to read:

196.08 (2) Each public utility with any utility department having operating revenues of \$50,000 or more shall publish, as a class 1 notice, under ch. 985, at least once each year, in the territory served by the utility, a true balance sheet and income account of its financial affairs. If the accounts of any public utility are kept by districts, a class 1 notice shall be published separately for each district, ~~and shall.~~ The notice, in addition to the balance sheet and income account for the entire company, shall include a condensed income and operating statement for that the district. The form and time of making publication shall be prescribed by the commission.

SECTION 16. 196.09 (2) to (5), (7) and (8) of the statutes are amended to read:

196.09 (2) After the submission of ~~such the~~ estimates under sub. (1), the commission shall review the ~~same estimates.~~ If it shall determine the commission determines that the estimates submitted are reasonable and proper, it shall certify ~~that its~~ determination to the public utility. ~~If it shall determine the commission determines~~ that the estimates submitted are not reasonable and proper, it shall certify to the public utility the percentages which it considers reasonable and proper. ~~In case~~ If the fixed capital accounts of the public utility are not so subdivided as to permit the rates for the various classes of fixed capital used for public utility purposes to be applied, the estimates submitted by the public utility and the percentages determined by the commission may be based upon the aggregate of such fixed capital.

(3) After the commission ~~shall have certified~~ certifies to the public utility its findings as to the percentages required for depreciation, ~~such under sub. (2), the~~ public utility shall have thirty 30 days within which to make application to the commission for a hearing and order. If the public utility does not make application to the commission for a hearing and order within the time set, the commission's certification of findings shall have the effect of an order and the public utility shall have the right of appeal ~~therefrom~~ from the certification as provided in this chapter.

(4) The commission may provide, in order to meet changing conditions, that ~~public utilities shall a public utility~~ submit the estimates herein referred to from time to time, ~~and in case the estimate required under sub. (1).~~ If it requires such resubmission of estimates, it the commission shall follow the procedure with reference to for certifying its findings as provided above under sub. (2). In revising the reasonable and proper percentages of depreciation, the commission shall give consideration to the experience of the public utility in accumulating a depreciation reserve under previous rates, ~~the retirements any retirements~~ actually made; and such any other factors as may be relevant factor.

(5) ~~When~~ If the commission ~~shall have established~~ establishes, by certification or order, the reasonable and proper percentages of depreciation, ~~such the~~ percentages shall constitute the percentages to be used in any proceeding involving the rates or practices of such the public utility, provided except that if at the time of such proceeding ~~it is found the commission finds~~ that the percentages of depreciation previously established are no longer reasonable and proper, the commission shall establish reasonable and proper percentages for the purpose of such proceeding and certify such the new percentages in the manner provided by this section under this section.

(7) If a public utility desires to account for depreciation on a sinking fund basis and the commission determines that such basis of accounting for depreciation reasonably may reasonably be employed, the commission shall establish, ~~in the manner hereinbefore referred to under sub. (2),~~ the composite rate to be applied to the aggregate fixed capital used for public utility purposes to determine the amount which shall be charged to operating expenses, and the interest rate applicable to the reserve balance at which additional credits to the reserve shall be computed. ~~In such cases the total amount to be credited~~ If a public utility accounts for depreciation on a sinking fund basis, the public utility shall:

(a) Credit to the reserve shall be the amount charged to operating expenses, plus the amount obtained by applying the interest rate to the reserve balance. ~~Public utilities which account for depreciation on a sinking fund basis shall be~~

(b) Be subject to the same restrictions and regulations in ~~their~~ its accounting for the entire amounts amount to be credited to the depreciation reserve as are applicable to ~~those public utilities~~ other public utilities which ~~make the entire provision~~ account for depreciation by other methods permitted herein under this section.

(8) No public utility shall may charge to its depreciation reserve anything except losses on property actually retired from service.

SECTION 17. 196.09 (6) of the statutes is renumbered 196.09 (6) (a) and amended to read:

196.09 (6) (a) ~~When~~ If the commission ~~shall have established~~ establishes for any public utility, by certification or order, the percentages necessary for depreciation on fixed capital used for public utility purposes, ~~such~~ the public utility shall credit to its depreciation reserve in each accounting period ~~such~~ the amount ~~as may be~~ required to provide for depreciation at the percentage ~~or percentages~~ established. If the public utility is a corporation ~~it shall be unlawful for such,~~ the corporation to ~~may not~~ pay any dividend out of earnings for any fiscal period subsequent to the commission's certification or order, or carry any portion of its earnings to its surplus account, except out of earnings remaining after crediting its depreciation reserve in accordance with the rates established by the commission; ~~provided, that after,~~ except as provided under par. (b).

(b) After application and hearing the commission ~~may,~~ upon a finding that it is necessary in the public interest, may exempt a public utility from the duty of crediting to the depreciation reserve in any accounting period a greater amount than is possible without impairing its ability to pay dividends for the current calendar year. Nothing in this section shall be construed to modify the requirements of s. 180.38.

SECTION 18. 196.11 (1) of the statutes is renumbered 196.11 (1) (intro.) and amended to read:

196.11 (1) (intro.) A public utility may enter into any reasonable arrangement with its ~~customers or consumers or with its employees,~~ for the division or distribution of its surplus profits, or providing for a sliding scale of charges, or other financial device ~~that may be practicable if the arrangement is:~~

(a) Practicable and advantageous to the parties interested. ~~No such arrangement or device shall be lawful until it shall be found; and~~

(b) Found by the commission to be reasonable and just and consistent with the purposes of this chapter. ~~Such arrangement shall be under the supervision and regulation of the commission.~~

SECTION 19. 196.12 of the statutes is amended to read:

196.12 (title) Report by public utilities; items. (1) Each public utility shall furnish to the commission, in ~~such~~ the form and at ~~such times as~~ the time the commission ~~shall require, such accounts, reports and requires, accounts, reports or other information as shall show which shows~~ in itemized detail: ~~The depreciation; the salaries~~

(a) Depreciation.

(b) Salaries and wages; legal.

(c) Legal expenses; taxes.

(d) Taxes and rentals; the.

(e) The quantity and value of material used; the receipts.

(f) Receipts from residuals, by-products, services or other sales; ~~the total.~~

(g) Total and net cost; the gross.

(h) Gross and net profit; the dividends.

(i) Dividends and interest; surplus.

(j) Surplus or reserve; the prices.

(k) Prices paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

(L) Any other information whether or not similar to the information under pars. (a) to (k).

(2) No public utility operated by a city or village having a population of less than five thousand 5,000 shall be required to report under this section except as to earnings, operating expenses, including depreciation and maintenance, cost of renewals, extensions and improvements to the property and the nature and amount of service furnished in such detail as the commission ~~shall deem~~ deems necessary, ~~provided except that in case of any investigation by~~ if the commission conducts any investigation of the public utility upon formal complaint, the commission may require the detailed reports as to units provided for in this section required under sub. (1).

SECTION 20. 196.13 of the statutes is amended to read:

196.13 Commission's report. (1) The commission shall publish biennial reports showing its proceedings together with ~~such any financial and or other data concerning which concerns and is appropriate for all public utilities as may be appropriate for all the public utilities, and such monthly or occasional reports as it may deem advisable and may publish any other report related to public utilities.~~

(2) The commission shall publish in its reports the value of all the property actually used and useful for the convenience of the public ~~and the value of the physical property actually used and useful for the convenience of the public, of every a public utility as to whose if the commission has held a hearing on the public utility's rates, charges, service or regulations any hearing has been held by or if the commission or has otherwise determined the value of whose the public utility's property has been ascertained by it.~~

SECTION 21. 196.14 of the statutes is amended to read:

196.14 Records public; exceptions. ~~All facts and Any fact or information in the possession of the commission shall be public, and all reports, records, files, books, accounts, papers and memoranda of every nature whatsoever in its the possession of the commission shall be open to inspection by the public at all reasonable times, except that whenever:~~

(1) Any information which the commission shall determine it determines to be necessary in the public interest of the public to withhold from the public any facts or information in its possession, such facts. The commission may be withheld withhold the information for such a period determined by the commission, not exceeding ninety 90 days as the commission may determine.

SECTION 22. 196.14 (2) of the statutes is created to read:

196.14 (2) Any information in a report filed under s. 196.72.

SECTION 23. 196.16 of the statutes is amended to read:

196.16 Standard measurements; accurate appliances. (1) The commission shall fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by ~~any~~ a public utility, ~~and. The commission shall prescribe reasonable regulations for measure-~~

ment, examination and testing of such the product or service and for the measurement thereof.

(2) ~~It~~ The commission shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements measurement of public utility service.

(3) This section ~~shall does~~ not limit ~~powers vested in~~ any power of a municipal council ~~by section council under s.~~ 196.58.

SECTION 24. 196.17 of the statutes is amended to read:

196.17 Tests of meters; fees. (1) The commission shall provide for the examination and testing of ~~all appliances~~ every appliance used for measuring any product or service of a public utility.

(2) Any consumer ~~or user~~ may have ~~any such~~ an appliance tested under this section upon payment of ~~the fees~~ a fee fixed by the commission.

(3) The commission shall establish a reasonable ~~fees~~ fee to be paid for testing ~~such appliances on the request of the consumers or users, the~~ under this section if a consumer requests the test. ~~The fee to~~ shall be paid by the consumer ~~or user~~ at the time of his ~~or her~~ request, but ~~to~~ shall be paid by the public utility and repaid to the consumer ~~or user~~ if the appliance ~~be~~ is found to be defective or incorrect to the disadvantage of the consumer ~~or user~~.

(4) The commission may purchase materials, apparatus and standard measuring instruments for ~~such~~ examinations and tests under this section.

SECTION 25. 196.171 of the statutes is renumbered 196.171 (1) and amended to read:

196.171 (1) Any officer or agent of any public utility furnishing or transmitting water, gas or electric current ~~or both or water~~ to the public or for public purposes, ~~for that purpose duly appointed and authorized by such utility, at all reasonable times, upon exhibiting a written authority signed by the president or a vice president and secretary or assistant secretary of the utility, or in the case of a municipally owned plant, the commissioner of public works or such other official in charge of the utility,~~ may enter, at any reasonable time, any ~~dwelling, store, building, room or~~ place supplied with gas, electricity or water by ~~such the public utility,~~ for the purpose of inspecting, examining, repairing, installing or removing the meters, pipes, fittings, wires and works for supplying or regulating the supply of gas, electricity or water and for the purpose of ascertaining the quantity of gas, electricity or water supplied.

(3) Any person who ~~shall, directly or indirectly, prevent or hinder~~ prevents or hinders any ~~such~~ officer or agent from ~~so~~ entering ~~any such~~ a premises, or from making ~~such an~~ inspection, examination, removal or installation ~~at any reasonable time, under this section~~ shall be ~~punished by a fine of~~ fined not more than ~~twenty-five dollars~~ \$25 for ~~every such~~ each offense.

SECTION 26. 196.171 (2) of the statutes is created to read:

196.171 (2) No officer or agent of a public utility may enter any premises under this section unless the officer or agent:

(a) Was duly appointed by the public utility for the purpose of acting under this section.

(b) Exhibits written authority signed by the president, by a vice president and secretary, or by a vice president and assistant secretary of the public utility. The authority of any officer or agent of a municipally owned public utility shall be signed by the commissioner of public works or by any other official in charge of the public utility.

SECTION 27. 196.18 of the statutes is amended to read:

196.18 Entry upon premises. The commission, its agents, experts or examiners may enter upon any premises occupied by any a public utility for the purpose of making the examinations and tests provided in to make any examination or test under this chapter and may set up and use on such the premises any apparatus and appliances or appliance and occupy reasonable space therefor for the examination or test.

SECTION 28. 196.19 (1) and (3) to (5) of the statutes are amended to read:

196.19 (1) ~~Every~~ Each public utility shall file with the commission schedules showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls and charges shown on such schedules ~~shall not exceed the rates, tolls and charges in force April 1, 1907~~ may not be changed except as provided under this chapter.

(3) A copy of ~~so as much of said schedules~~ the schedules filed under sub. (1) as the commission ~~shall deem~~ determines necessary for the use of the public shall be printed in plain type, and kept on file in every public utility station or office of ~~such public utility~~ where payments are made by the consumers ~~or users in such a form and place as to be~~ readily accessible to the public.

(4) ~~Where~~ If a schedule of joint rates or charges is in force between public utilities, ~~such schedules~~ the schedule shall ~~in like manner~~ be printed and filed with the commission, ~~and so much thereof as the~~ under sub. (1). The commission shall ~~deem~~ determine the portion of the schedule necessary for the use of the public, ~~shall be filed in every such station or office as provided in sub. (3)~~. The public utilities shall file the portion of the schedule under sub. (3).

(5) ~~Whenever public utilities for~~ If public utilities engaged in the conveyance of telephone messages are furnishing joint telephone service to the public, or ~~shall be~~ are required to furnish such the service, and ~~shall refuse or neglect~~ refuse or neglect to establish joint tolls, the commission ~~may,~~ after notice and a public hearing, may establish, by order, ~~such the joint tolls, and if the utilities shall fail.~~ If the public utilities fail to agree upon the apportionment ~~thereof of the joint tolls~~ within ~~twenty~~ 20 days after the service of ~~such the order,~~ the commission ~~may,~~ upon a like hearing, may issue a supplemental order ~~declaring~~ determining the apportionment of such joint tolls, ~~and the same.~~ The supplemental order shall take effect as part of the original order.

SECTION 29. 196.195 of the statutes is created to read:

196.195 Sewer Rates. Any privately owned utility which furnishes sewer services or sewer facilities may elect to have the commission establish suitable and proper rates for its services.

SECTION 30. 196.20 (title), (1) and (2) of the statutes are repealed and recreated to read:

196.20 (title) Rules on service; changes in rates. (1) The rate schedules of any public utility shall include all rules applicable to the rendition or discontinuance of the service to which the rates specified in the schedules are applicable. No change may be made by any public utility in its schedules except by filing the change as proposed with the commission. No change in any public utility rule which purports to curtail the obligation or undertaking of service of the public utility shall be effective without the written approval of the commission after hearing, except that the commission, by emergency order, may make the rule, as filed, effective from the date of the order, pending final approval of the rule after hearing.

(2) (a) Any proposed change which constitutes a decrease in rates shall be effective at the time specified in the change as filed but not earlier than 10 days after the date of filing the change with the commission, unless:

1. During the 10-day period the commission, either upon complaint or upon its own motion, by order, suspends the operation of the proposed change; or

2. The commission, upon application of any public utility, directs that a proposed reduction in rates be made effective less than 10 days after filing the proposed reduction.

(b) 1. A suspension under par. (a) 1 shall be effective for a period not exceeding 4 months, during which period the commission shall investigate any matter relative to the reasonableness or lawfulness of any change in schedule as filed. After the investigation the commission, by order, shall approve or disapprove the change, except as provided under subd. 2. The commission shall give the public utility proposing the change an opportunity for hearing prior to issuing any order disapproving a change. If the commission disapproves the change, the change shall be ineffective.

2. If the commission orders a suspension under par. (a) 1, the commission, after notice to the public utility of its objections to the change and after giving the public utility an opportunity to be heard on the objections, may prescribe a schedule which, revised on the basis of the objections, the commission finds to be lawful and reasonable instead of disapproving the schedule under subd. 1.

SECTION 31. 196.20 (2m) of the statutes is created to read:

196.20 (2m) No change in schedules which constitutes an increase in rates to consumers may be made except by order of the commission, after an investigation and hearing.

SECTION 32. 196.21 of the statutes is repealed and recreated to read:

196.21 Publicity of revised schedules. A public utility shall file new schedules under s. 196.19 in every station and office of the public utility where consumers make payments. A public utility shall file new schedules under this section at least 10 days prior to the time the new schedules take effect unless the commission prescribes a shorter time period.

SECTION 33. 196.22 of the statutes is amended to read:

196.22 Discrimination forbidden. ~~It shall be unlawful for any~~ No public utility to ~~may~~ charge, demand, collect or receive a ~~greater~~ more or less compensation for any service performed by it within the state, or for any service in connection therewith, than is specified in ~~such schedules~~ the schedules for the service filed under s. 196.19, including schedules of joint rates, as may at the time be in force, or ~~to demand, collect or receive any rate, toll or charge not specified in such~~ the schedule.

SECTION 34. 196.23 (title) of the statutes is repealed.

SECTION 35. 196.23 of the statutes is renumbered 196.19 (6) and amended to read:

196.19 (6) The commission may prescribe the form in which ~~the schedules are~~ any schedule is issued under this section by any public utility.

SECTION 36. 196.24 of the statutes is amended to read:

196.24 Agents of commission; powers. (1) For the purpose of making any investigation with regard to any public utility the commission ~~shall have power to~~ may appoint, by an order in writing, an agent whose duties shall be prescribed in ~~such~~ the order.

(2) In the discharge of his ~~or her~~ duties ~~such~~, an agent appointed under sub. (1) shall have ~~every any inquisitional~~ power whatsoever of an inquisitorial nature granted to the commission; and ~~all powers~~ the power of a court commissioner relative to take depositions ~~are hereby granted to such agent under s. 757.69 (3) (b).~~

(3) The commission may conduct any number of investigations contemporaneously through different agents, and may delegate to any agent ~~the taking of~~ authority to take testimony bearing upon any investigation or at any hearing. The decision of the commission shall ~~be~~ comply with s. 227.09 and shall be based upon its records and upon the evidence before it ~~as provided by s. 227.09.~~

SECTION 37. 196.25 of the statutes is amended to read:

196.25 Questionnaires to utilities. (1) ~~Any If~~ a public utility ~~receiving~~ receives from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer questionnaire, the public utility shall respond fully, specifically and correctly to each question therein propounded, and in case it. If a public utility is unable to answer any question, ~~it~~ the public utility shall give a good and sufficient reason for such its failure; ~~and such answer.~~ Every answer by a public utility under this section shall be verified under oath by the president, secretary, superintendent or general manager of ~~such~~ the public utility and returned to the commission at its office within the period fixed by the commission.

(2) ~~When required every~~ If required by the commission, a public utility shall deliver to the commission the original or a copy of any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, map, profile, contract or engineer's report and any other document, book, account, paper or record with a complete inventory of all its property, in such form as the commission ~~may direct~~ directs.

SECTION 38. 196.26 (1) of the statutes is amended to read:

196.26 (1) COMPLAINT. In this section "complaint" means a complaint filed with the commission that any rate, toll, charge or schedule, joint rate, regulation, measurement, act or practice relating to the provision of heat, light, water, power or telephone service is unreasonable, inadequate, unjustly discriminatory or cannot be obtained.

SECTION 39. 196.28 of the statutes is renumbered 196.28 (1) and amended to read:

196.28 (1) ~~Whenever If~~ the commission ~~shall believe~~ believes that any rate or charge ~~may be~~ is unreasonable or unjustly discriminatory or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility should for any reason be made, ~~it may~~ the commission on its own motion summarily may investigate ~~the same~~ with or without notice.

SECTION 40. 196.29 (title) of the statutes is repealed.

SECTION 41. 196.29 (1) and (2) of the statutes are renumbered 196.28 (2) and (3) and amended to read:

196.28 (2) If, after ~~making such summary an~~ investigation under sub. (1), the commission ~~becomes satisfied~~ determines that sufficient grounds exist to warrant a formal hearing ~~being ordered as to~~ on the matters investigated, ~~it~~ the commission shall set a time and place for a hearing. A hearing under this section shall be conducted as a hearing under s. 196.26.

(3) Notice of the time and place for ~~such~~ a hearing under sub. (2) shall be given to the public utility, and to such other interested persons as the commission ~~shall deem~~ deems necessary, ~~as provided in s. 196.26, and thereafter.~~ After the notice has been given, proceedings shall be had and conducted in reference to the matter investigated ~~in like manner as though if~~ a complaint had been filed with the commission under s. 196.26 (1) relative to the matter investigated, and the. The same order or orders may be made in reference ~~thereto~~ to the matter as if ~~such~~ the investigation had been made on complaint under s. 196.26.

SECTION 42. 196.30 of the statutes is amended to read:

196.30 Utilities may complain. Any public utility may ~~make~~ file a complaint ~~as to~~ with the commission on any matter affecting its own product or service.

SECTION 43. 196.32 of the statutes is amended to read:

196.32 Witness fees and mileage. (1) ~~Each~~ Any witness who ~~shall appear~~ appears before the commission or its agent, by its order, shall receive for ~~his~~ the applicable attendance the fees ~~and mileage now~~ provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid under s. 885.07, upon the presentation of proper vouchers sworn to by such witnesses and approved by the ~~chairman~~ chairperson of the commission. ~~Said fees and mileage~~ Fees paid under this section shall be charged to the appropriation for the ~~public service~~ commission under s. 20.155 (1) (g).

(2) No witness subpoenaed at the instance of parties other than the commission ~~shall be entitled to compensation from the state for attendance or travel~~ may be compensated under this section unless the commission ~~shall certify~~ certifies that ~~his~~ the testimony of the witness was material to the matter investigated.

SECTION 44. 196.33 of the statutes is amended to read:

196.33 Depositions. The commission or any party ~~may~~ in any investigation or hearing may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts. Any expense incurred or authorized by the commission in taking ~~such depositions~~ a deposition shall be charged to the appropriation for the commission under s. 20.155 (1) (g).

SECTION 45. 196.34 of the statutes is amended to read:

196.34 Stenographic records. ~~A full and~~ The commission shall keep a complete record ~~shall be kept of all its proceedings had~~ before the commission or its agent on any formal investigation or hearing ~~had held~~ and shall appoint a stenographer to record all testimony ~~shall be taken down by the stenographer appointed by the commission presented at such proceedings.~~

SECTION 46. 196.36 of the statutes is amended to read:

196.36 Transcripts as evidence; free to parties. (1) ~~A~~ The commission shall receive into evidence a transcribed copy of the evidence and proceedings, or any specific part ~~thereof~~ of the evidence and proceedings, on any investigation or hearing taken by the stenographer appointed by the commission, ~~being certified by such~~ if the stenographer ~~to be~~ certifies that the copy is a true and correct transcript of all the testimony or of the testimony of a particular witness, or of any other specific part thereof of the investigation or hearing, that the transcript was carefully compared by ~~him~~ the stenographer with his or her original notes, and ~~to be that~~ the copy is a correct statement of the evidence presented and proceedings ~~had on such held in the investigation or hearing so purporting to be taken and transcribed, shall be received in evidence with.~~ The certified copy shall have the same effect as if such reporter the stenographer were present and testified to the fact so certified correctness of the copy.

(2) A copy of such a transcript under this section shall be furnished on demand free of cost to any party to such the investigation or hearing from which the transcript is taken.

SECTION 47. 196.37 of the statutes is amended to read:

196.37 Lawful rates; reasonable service. (1) ~~Whenever upon~~ If, after an investigation ~~made~~ under this chapter and ch. 197, the commission ~~shall find~~ finds rates, tolls, charges, schedules or joint rates to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise unreasonable or unlawful, the commission shall determine and by order ~~fix~~ reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future ~~in lieu of those found to be unreasonable or unlawful.~~

(2) ~~Whenever~~ If the commission ~~shall find~~ finds that any regulations, measurements, practices, acts measurement, regulation, practice, act or service to be is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise unreasonable or un-

lawful, or shall find that any service is inadequate, or that any service which reasonably can be reasonably demanded cannot be obtained, the commission shall determine and by order fix reasonable measurements, regulations, acts, practices make any just and reasonable order relating to a measurement, regulation, practice, act or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unreasonable, inadequate or otherwise unlawful, and shall make such other order respecting such measurement, regulation, act, practice or service as shall be just and reasonable.

SECTION 48. 196.375 of the statutes is amended to read:

196.375 Adequate service; reasonable rates. Upon complaint by any party affected, setting forth that any grantee of a permit to develop hydraulic power and generate hydroelectric energy for sale or service to the public is not furnishing citizens consumers of this state with adequate service at a reasonable rate in consequence as a result of sales of such the energy outside of the state, the commission shall have power to may declare any or all contracts entered into by said the grantee for such the sales null and void insofar as they the contracts interfere with such the service or rate. Such The commission may not make a declaration shall be made only under this section except after a hearing and investigation and a recorded finding that convenience and necessity require the sale of a specified part or all such energy within this state.

SECTION 49. 196.38 (title) of the statutes is repealed.

SECTION 50. 196.38 of the statutes is renumbered 196.37 (3) and amended to read:

196.37 (3) All public utilities Any public utility to which the an order under this section applies shall make such changes in their schedules on file as may be necessary under s. 196.19 to make the same schedules conform to said the order, and no. The public utility may not make any subsequent change shall thereafter be made by any public utility in such in its rates, tolls or charges, or joint rates, without the approval of the commission.

SECTION 51. 196.39 of the statutes is amended to read:

196.39 Change, amendment and rescission of orders; reopening cases. The commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the public utility and after opportunity to be heard, may rescind, alter or amend any order fixing rates, tolls, charges or schedules, or any other order made by the commission, and may reopen any case following the issuance of an order therein, for the taking of further evidence or in the case, for any other reason. Any order rescinding, altering, amending or reopening a prior order shall have the same effect as an original order.

SECTION 52. 196.395 of the statutes is amended to read:

196.395 Test, conditional, emergency and supplemental orders; waiver of conditions in orders. The commission may issue orders an order calling for a test of actual results under the requirements prescribed by such the order, during which test period the commission may retain jurisdiction of the subject matter. The commission is empowered to may issue conditional, temporary, emergency and supplemental orders. Where If an order is issued upon certain stated conditions, any party acting upon any part of such the order shall be deemed to have accepted and waived all objections to the any condition contained in such the order.

SECTION 53. 196.40 of the statutes is amended to read:

196.40 Orders and determinations; time of taking effect. Every decision made by order or determination of the commission constituting an order or determination shall be in force and effective take effect 20 days after the same order or determination has been filed and has been served by personal delivery or by mailing a copy thereof mail to all parties to the proceeding in which such decision the order or determination was made or to their attorneys, unless the commission shall specify specifies a different date upon

which the ~~same~~ order or determination shall be effective. ~~Every such order from and after the~~ After the effective date thereof every order or determination shall be prima facie on its face lawful and reasonable until finally adjudged otherwise in a proceeding for the judicial review thereof instituted pursuant to ss. 227.15 and 227.16 unless a court determines otherwise under s. 227.20.

SECTION 54. 196.41 of the statutes is amended to read:

196.41 Court review. Any order or determination of the commission may be reviewed ~~in the manner provided in~~ under ch. 227.

SECTION 55. 196.43 of the statutes is amended to read:

196.43 Injunction procedure. (1) No injunction ~~shall issue~~ may be issued in any proceeding for review under ch. 227 of an order of the commission, suspending or staying ~~any such~~ the order except upon application to the circuit court or presiding judge thereof, notice to the commission and any other party, and hearing; ~~and no.~~ No injunction shall issue which delays or prevents an order of the commission from becoming effective may be issued in any other proceeding or action; in any court, ~~which shall have the effect of delaying or preventing any order of the commission from becoming effective,~~ unless the parties to the proceeding before the commission in which ~~such~~ the order was made are also parties to ~~such~~ the proceeding or action before the court.

(2) No injunction ~~shall issue~~ may be issued in any ~~such~~ proceeding for review under ch. 227, or in any other proceeding or action, suspending or staying any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective, unless at least 2 sureties enter into an undertaking shall be entered into on the part on behalf of the petitioner or plaintiff, by at least 2 sureties, in such sum as the. The court or the presiding judge thereof of the court shall direct to the effect that the petitioner or plaintiff will pay all damages sum of the undertaking be enough to effect payment of any damage which the opposite party may sustain by the delay or prevention of the order of the commission from becoming effective, and to such further effect as such the judge or court shall in its discretion direct, and no directs. No order or judgment in any such proceeding or action shall may be stayed upon judicial appellate court review thereof unless a like undertaking be entered into by the petitioner or plaintiff enters into the undertaking under this subsection in addition to ~~the~~ any undertaking ~~provided in~~ required under s. 808.07.

SECTION 56. 196.44 (3) of the statutes is amended to read:

196.44 (3) ACTIONS, CHARACTER, VENUE. Any forfeiture, fine or other penalty ~~provided in~~ under this chapter may be recovered as a forfeiture in a civil action brought in the name of the state in the circuit court of Dane county, or in the county that would be the proper place of trial under s. 801.50.

SECTION 57. 196.48 of the statutes is amended to read:

196.48 Incriminating evidence. No person may be excused from testifying or from producing books, accounts and papers in any proceeding based upon or growing out of any violation of chs. 195 to 197, on the ground or for the reason that the testimony or evidence may tend to incriminate or subject the person to penalty or forfeiture, ~~but no.~~ A person having so testified shall be prosecuted who testifies under this section may not be:

(1) Prosecuted or subjected to any penalty or forfeiture for ~~or on account of~~ any transaction, matter or thing concerning about which the person has testified or anything which the person has produced. No person so testifying may be exempted

(2) Exempted from prosecution or punishment for perjury in testifying.

SECTION 58. 196.49 (1), (3) and (4) of the statutes are renumbered 196.49 (1) (a) and (3) (a) and (b) and amended to read:

196.49 (1) (a) No public utility not legally engaged in performing a public utility service on August 1, 1931, in any municipality ~~where there is not in operation under an indeterminate permit a public utility engaged in similar service, shall~~ may commence the construction of any public utility plant, extension or facility, or render service in such municipality directly, or indirectly by serving any other public utility or agency engaged in public utility service or otherwise, unless ~~and until it shall have~~ the public utility has obtained a certificate from the commission authorizing it to transact ~~such~~ public utility business.

(3) (a) In this subsection, "project" means construction of any new plant, equipment, property or facility, or extension, improvement or addition to its existing plant, equipment, property, apparatus or facilities. "Project" does not include the completion of the construction and installation of plants and facilities upon which construction work has begun prior to June 7, 1931, or for which contracts were entered into prior to June 7, 1931. The commission may provide require by general rule or special order that any a public utility shall submit, periodically or at such times as the commission shall specify specifies and in such detail as the commission shall require requires, plans, specifications and estimated costs of such any proposed construction of any new plant, equipment, property or facility, or such extension, improvement or addition to its existing plant, equipment, property, apparatus or facilities as project which the commission finds will materially affect the public interest.

(b) ~~In such general or special order the~~ The commission may provide require by rule or special order under par. (a) that no such project as herein described shall may proceed until the commission has certified that public convenience and necessity require such work; but, such general or special order shall not require such certificate for the completion of the construction and installation of plants and facilities upon which construction work has begun prior to June 7, 1931 or for which contracts may have been entered into prior to such date the project. The commission may refuse such certificate to certify a project if it appears that the completion of such the project will do any of the following:

(a) will substantially

1. Substantially impair the efficiency of the service of such the public utility; (b) provides.

2. Provide facilities unreasonably in excess of the probable future requirements; or (c) will, when.

3. When placed in operation, add to the cost of service without proportionately increasing the value or available quantity thereof of service unless the public utility shall waive waives consideration by the commission, in the fixation of rates, of such consequent increase of cost of service.

(c) ~~The commission shall have power to may~~ issue a certificate for such the project or for such any part thereof as of the project which complies with the requirements of this section, or the commission may attach to the issuance of its certificate such terms and conditions as will ~~insure~~ ensure that the project meets the requirements of this section. The issuance of a certificate issued, hereunder, under this section shall not be a condition precedent to the exercise of eminent domain under ch. 32.

SECTION 59. 196.49 (1) (b) of the statutes is created to read:

196.49 (1) (b) This subsection applies only to a public utility which was not legally engaged in performing a public utility service on August 1, 1931, in a municipality and which proposes to commence construction or render service in the municipality. If there is a public utility engaged in similar service in operation under an indeterminate permit in the municipality, ss. 196.495 and 196.50 apply.

SECTION 60. 196.49 (2), (5) (a) to (h) and (6) of the statutes are amended to read:

196.49 (2) No public utility ~~shall~~ may begin the construction, installation or operation of any new plant, equipment, property or facility, nor the construction or installation of any extension, improvement or addition to its existing plant, equipment, property, apparatus or facilities unless ~~and until it shall have~~ the public utility has complied with any applicable general rule or special order of the commission. If a ~~co-operative~~ cooperative association has been incorporated under ch. 185 for the production, transmission, delivery or furnishing of light or power and has filed with the commission a map of the territory to be served by ~~such the~~ the association and a statement showing that a majority of the prospective ~~customers~~ consumers in the area are included in the project, no public utility ~~shall~~ may begin any such construction, installation or operation within ~~said the~~ the territory until after the expiration of ~~six 6~~ 6 months from the date of ~~the filing of said the~~ the map and notice. ~~In the event said~~ If the co-operative cooperative association has entered into a loan agreement with any federal agency for the financing of its proposed system and has given written notice ~~thereof of the agreement~~ to the commission, no public utility ~~shall~~ may begin any ~~such~~ such construction, installation or operation within ~~said the~~ the territory until ~~after the expiration of twelve 12~~ 12 months ~~from~~ after the date of ~~said the~~ the loan agreement.

(5) (a) No public utility furnishing gas to the public in this state ~~shall~~ may construct, install or place in operation any new plant, equipment, property or facility, or construct or install any extension, improvement, addition or alteration to its existing plant, equipment, property or facilities for the purpose of connecting its properties and system to a source of supply of gaseous fuel for sale to the public which is different from that which has been ~~theretofore~~ previously, or for the purpose of adapting its facilities to ~~such~~ use the different kind of gaseous fuel unless ~~and until~~ the commission shall have found and certified certifies that the general public interest and public convenience and necessity require the ~~same~~; ~~nor shall any such public connection to or use of the different fuel.~~ No public utility may substitute natural gas or a mixture of natural and manufactured gas in lieu of manufactured gas for distribution and sale to the public ~~without first having~~ unless it has obtained from the commission a certificate that the general public interest and public convenience and necessity require the ~~same~~ substitution.

(b) Proceedings for ~~such~~ a certificate under par. (a) shall be commenced by petition to the commission in ~~such a form and~~ prescribed by the commission, furnishing such information as the commission shall by general rule or special order ~~prescribe~~ prescribes. The commission shall ~~also~~ prescribe the form of notice, to whom the ~~same~~ notice shall be given, and how notice shall be given.

(c) A petition under par. (b) may include one or more municipalities, may be made by one or more public utilities as a joint petition, ~~or by any other interested person or corporation interested~~ or by a public utility and such any other interested person or corporation so interested, and the. The commission may direct the consolidation, separation or consideration of separate petitions as it ~~may deem~~ deems necessary or expedient to a prompt hearing and disposition of the issue.

(d) Upon the filing of ~~such a petition under par. (b)~~, notice of hearing ~~thereon on the petition~~ shall be given by ~~any utility or person~~ the person filing ~~such the~~ the petition by publication of a class 2 notice, under ch. 985, or by mailing or personal service, as the commission directs by the order ~~provided for in~~ under par. (b). ~~Such notice~~ Notice under this paragraph shall be given, ~~as herein provided~~, at least 2 weeks prior to hearing on ~~such the~~ the petition and ~~proof thereof~~. Proof of notice shall be filed as directed by the commission.

(e) The commission ~~may by, with or without an order~~, prior to or during any hearing under this subsection, may frame and prescribe special issues and limit the issues or the nature and extent of proof so as to avoid unnecessary duplication ~~or~~. The commission, with or without an order, may proceed with the hearing as to part of ~~an application a~~

petition under par. (b) as it may find desirable to a full but speedy hearing upon such the petition.

(f) The commission may ~~likewise accept as presumptive evidence in a commission proceeding the facts found in findings and orders of the federal power energy regulatory commission or any other federal agency having jurisdiction as to the availability of adequate supplies of natural gas, the adequacy or sufficiency of equipment and facilities to be employed in the delivery or storage of natural gas for any public utility, and any similar findings or determinations affecting the seller or person or corporation furnishing such natural gas to any public utility and material to the ultimate determination of the issues in such the proceeding as presumptive evidence of the facts so found, and. The commission may likewise accept and take judicial notice of its own files and records, including all proceedings and the evidence therein which it may find finds to be material and relevant, provided, however, that in any such event the.~~ The commission shall give notice of such fact the taking of judicial notice under this paragraph prior to the conclusion of final hearings upon any proceeding so as to give interested parties the right to object to the acceptance of such the evidence or to contradict the same evidence by other competent evidence.

(g) The A certificate, ~~when granted, under par. (a)~~ shall be authorized by an order following such a hearing which. The order shall contain such conditions and limitations as any condition or limitation which the commission may deem deems necessary or practicable, including, but not limited to, exceptions or regulations as to specific communities or public utilities, provision for protection of employes under existing labor contracts, as well as other employes, so as to avoid unemployment, regulations for accounting for expenses for change-over to the use of natural gas where necessary and to the extent necessary, provision for amortization of any expenditure or other items, and such any other regulations, conditions and limitations as regulation, condition and limitation which the commission may consider considers necessary in the public interest.

(h) ~~Any~~ The commission by order may extend a certificate ~~may extend under par. (a)~~ to one or more utilities than one public utility or one or more municipalities when so directed by the order, and municipality. The commission may prescribe different conditions and regulations for each, as public utility or municipality if the commission shall deem deems the different conditions and regulations necessary to carry out the purposes of this section.

(6) If the commission finds that any public utility has ~~undertaken~~ taken or is about to ~~undertake such a project as described in this section in violation~~ take an action which violates or disregard of the general disregards a rule or special order under this section, the commission may, in its own name either before or after investigation or public hearing and either before or after issuing any additional orders or directions as it ~~may deem deems~~ proper, may bring an action in the circuit court of Dane county to enjoin the ~~violation or disregard of the order. Where~~ action. If necessary to preserve the existing state of affairs, the court may issue a temporary injunction pending a hearing upon the merits. ~~From any such~~ An appeal from an order or judgment of the circuit court an appeal may be taken to the court of appeals.

SECTION 61. 196.49 (5) (i) of the statutes is repealed and recreated to read:

196.49 (5) (i) In making a determination under this section, the commission shall consider all appropriate factors affecting the public interest, including, but not limited to, when the substitution of natural or a mixture of natural and manufactured gas is involved, the likelihood of substantial rate reduction from the substitution and the effect of the substitution upon employment, existing business and industries, railroads and other transportation agencies and facilities, upon conveniences, economies and savings to consumers, upon existing gas utilities and their ability to continue to serve the public and upon the state, any of its political subdivisions or any citizen or resident of the state.

SECTION 62. 196.495 (1), (2) (intro.), (a), (b) and (d) to (g) and (3) to (5) of the statutes are amended to read:

196.495 (1) No public utility, and no ~~co-operative~~ cooperative association organized under ch. 185 for the purpose of furnishing electric service to its members only, shall ~~may~~ may:

(a) ~~extend~~ Extend or render electric service directly or indirectly to the premises of any person already receiving electric service directly or indirectly from another public utility or another ~~such co-operative~~ cooperative association, ~~or~~.

(b) ~~make~~ Make a primary voltage extension to serve the premises of any person not receiving electric service and to which ~~such~~ service is available from the facilities of another public utility or another ~~such co-operative~~ cooperative association through a secondary voltage extension, unless the other public utility or ~~co-operative~~ cooperative association consents ~~thereto~~ to the extension of service in writing or unless the ~~public service~~ commission, after notice to the interested parties and hearing ~~finds and~~, determines that the service rendered or to be rendered by ~~such~~ the other public utility or ~~co-operative~~ cooperative association is inadequate and ~~will is~~ not likely to be made adequate, or that the rates charged ~~therefor~~ for service are unreasonable and are not likely to be made reasonable.

(2) (intro.) ~~No co-operative~~ If a public utility is rendering electric service under an indeterminate permit to a city or village, no cooperative association shall may extend any new electric service to the premises of any person inside the corporate limits, existing on January 1, 1961, of ~~any the~~ city or village ~~in which city or village a public utility is rendering electric service under an indeterminate permit~~ without the written consent of ~~such the~~ public utility. Within any area annexed to a city or village after January 1, 1961, in which annexed area a ~~co-operative~~ cooperative association or public utility, other than the public utility serving ~~in said the~~ city or village under an indeterminate permit, is rendering service at the time of ~~said the~~ annexation, ~~the provisions of sub. (1) shall apply~~ applies, except that ~~the right of any such co-operative association to make service extensions, to make service extensions in any such the~~ annexed area shall be subject to the following ~~conditions, a cooperative association:~~

(a) ~~It shall~~ May not make ~~no~~ a new service extension to any premises which are closer to the then existing service facilities of ~~said a~~ public utility operating in ~~said the~~ city or village under an indeterminate permit than to the then existing service facilities of ~~such co-operative~~ the cooperative association; ~~and~~.

(b) ~~The~~ Shall have its distribution service facilities of ~~such co-operative~~ association in ~~said the~~ annexed area shall be subject to ~~taxation~~ taxed in the same manner as is the property of public utilities ~~is taxed~~ under ss. 76.01 to 76.26; ~~and~~.

(d) ~~The rates charged by said co-operative association for service in said annexed area shall be~~ Shall charge the same rates for the same classes of service as those approved or fixed by the commission for the public utility operating under an indeterminate permit in ~~said the~~ city or village ~~and the~~. ~~The commission shall have authority by order to so may~~ approve or fix the rates of ~~said co-operative~~ the cooperative association in ~~said the~~ annexed area.

(e) ~~The~~ Shall be subject to the right of the commission, upon its own motion or petition of any interested party, to determine and fix area service boundaries in ~~said the~~ annexed area between ~~said co-operative~~ the cooperative association and any public utility operating in ~~said the~~ city or village so as to avoid duplication of electric distribution facilities ~~therein~~.

(f) ~~The jurisdiction and~~ Shall be subject to the authority of the commission to enforce the provisions of this subsection and to issue rules and orders ~~in connection therewith~~ relating to the provisions.

(g) ~~The~~ Shall be subject to the authority of the commission to allocate, assess and collect expenditures of the commission against any ~~co-operative~~ cooperative association involved in any proceedings under this section in the same manner as provided for public utilities under s. 196.85.

(3) ~~Nothing contained herein in this section shall preclude any public utility or any ~~co-operative~~ cooperative association from extending electric service to its own property or facilities or to another ~~such co-operative~~ cooperative association for resale.~~

(4) ~~For the purpose of the enforcement of this section the~~ The commission shall have jurisdiction over and power to may enforce orders relating to the extension of electric facilities hereunder by ~~co-operative~~ associations under this section against a cooperative association serving members only.

(5) ~~As used in In this section the term, "secondary voltage extension" means an extension normally constructed and operated at a voltage of not to exceed 600 volts. All or less. Any other extensions extension shall be deemed a primary extensions. The term "person" shall have the meaning as given in s. 990.01 (26) extension.~~

SECTION 63. 196.495 (2) (c) of the statutes is renumbered 196.495 (2m) and amended to read:

196.495 (2m) ~~The distribution service facilities of ~~such co-operative~~ a cooperative association or public utility rendering electric service in said an annexed area under sub. (2) shall be subject to acquisition under ch. 197 by any such a city or village, which if the city or village operates or proposes to operate its own electric public utility.~~

SECTION 64. 196.50 of the statutes is amended to read:

196.50 (title) Competing public utilities; indeterminate permits, telephones, telegraphs.

(1) **CERTIFICATE OF NECESSITY.** ~~No~~ No municipality may grant any public utility a license, permit or franchise may be granted to own, operate, manage or control any plant or equipment for the conveyance of telephone messages or telegraph messages, or for the production, transmission, delivery or furnishing of heat, light, water or power in any the municipality, if there is in operation under an indeterminate permit a public utility engaged in similar service, without first securing in the municipality under an indeterminate permit, unless the public utility seeking the license, permit or franchise secures from the commission a declaration, after a public hearing of all parties any interested party, that public convenience and necessity require such the delivery of service by the 2nd public utility. This subsection shall not prevent or impose any condition upon the extension of any telephone toll line from any municipality into or through any municipality for the purpose of connecting with any telephone exchange in such the municipality or connecting with any other telephone line or system.

(2) **TELEPHONES, EXTENSION.** ~~No public utility furnishing telephone service shall may install or extend any telephone exchange for furnishing local service in any town where there is if a public utility is engaged in similar service, without first having served in the town, unless the public utility proposing to install or extend a telephone exchange serves notice in writing upon the commission and such upon the other public utility of the installation or extension of such the exchange which it proposes to make, or make such installation or extensions. A public utility proposing to install or extend a telephone exchange may not make the installation or extension if the commission, within twenty 20 days after the service of such notice, shall by the public utility, upon investigation, find finds and declare declares that public convenience and necessity do not require the installation or extensions of such the exchange. Any public utility already engaged in furnishing local service to subscribers within any city or village may extend its exchange within such the city or village without the authority of the commission. Any A public utility operating any a telephone exchange in any city or village shall, on demand, shall extend its lines to the limits of such the city or village for the purposes mentioned and to furnish~~

service, subject to the conditions and requirements prescribed in ss. 196.04 and 196.19 (4) and (5).

(3) SECOND UTILITY. Any permit, license or franchise which ~~shall contain~~ contains any term ~~whatsoever~~ interfering with the existence of a ~~second~~ 2nd public utility is ~~hereby amended in such manner as to permit any municipality to grant a franchise for the operation of such second~~ the 2nd public utility.

(4) MUNICIPALITY RESTRAINED. No municipality shall ~~hereafter~~ may construct any public utility ~~where~~ if there is in operation under an indeterminate permit in ~~such~~ the municipality a public utility engaged in similar service, ~~without first securing~~ unless it secures from the commission a declaration, after a public hearing of all parties interested, that public convenience and necessity require ~~such~~ the municipal public utility.

(5) INJUNCTION. Pending investigation and finding by the commission as to whether public convenience and necessity require a ~~second~~ 2nd public utility, the furnishing of any public utility service in any municipality contrary to the provisions of this section may be enjoined at the suit of the state or of any public utility having an interest ~~therein~~ in the issue.

(6) NO DENIAL ON FEDERAL FINANCING. No certificate of convenience and necessity or permit to any public utility under ss. 196.49 and 196.50 shall be denied ~~by reason~~ because of the amount of ~~its~~ the public utility's notes, bonds or other evidences of indebtedness issued to the United States of America in connection with loans for rural telephone facilities made under the rural electrification act of 1936 (7 USC 901, et seq.), as amended, or by reason of the ratio of such indebtedness to the value of ~~its~~ the public utility's property or to its other classes of securities.

SECTION 65. 196.51 of the statutes is amended to read:

196.51 Prior permits and franchises validated. ~~All licenses, permits and franchises~~ Any license, permit or franchise to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality is valid and shall not be affected by s. 196.50 (1), if the license, permit or franchise was granted or attempted to be granted prior to April 3, 1911, to any public utility by or by virtue of any ordinance pending or was under consideration prior to April 3, 1911, in the municipal council governing body of any municipality at the time of the obtaining of an indeterminate permit by any other another public utility operating therein, are hereby validated and confirmed and shall not be affected by s. 196.50 (1) in the municipality obtained an indeterminate permit.

SECTION 66. 196.52 (1) and (3) to (7) of the statutes are amended to read:

196.52 (1) "Affiliated In this section, "person" includes but is not limited to trustees, lessees, holders of beneficial equitable interest, voluntary associations, receivers, partnerships and corporations; and "affiliated interests" with a public utility means and includes the following, with respect to a public utility:

(a) ~~Every corporation and~~ Any person owning or holding directly or indirectly ~~five per centum~~ 5% or more of the voting securities of ~~such~~ the public utility.

(b) ~~Every corporation and~~ Any person in any chain of successive ownership of ~~5 per centum~~ 5% or more of voting securities of the public utility.

(c) Every corporation ~~five per centum~~ 5% or more of whose voting securities is owned by any person ~~or corporation~~ owning five per centum 5% or more of the voting securities of ~~such~~ the public utility or by any person ~~or corporation~~ in any ~~such~~ chain of successive ownership of ~~five per centum~~ 5% or more of voting securities of the public utility.

(d) ~~Every~~ Any person who is an officer or director of ~~such the~~ public utility or of any corporation in any chain of successive ownership of ~~five per centum~~ 5% or more of voting securities ~~of the public utility.~~

(e) ~~Every~~ Any corporation operating a public utility, a railroad, or a servicing organization for furnishing supervisory, construction, engineering, accounting, legal and similar services to public utilities or railroads, which has one or more officers or one or more directors in common with ~~such the~~ public utility, and ~~every any~~ other corporation which has directors in common with ~~such the~~ public utility ~~where if~~ the number of such directors of the corporation is more than one-third of the total number of the public utility's directors.

(f) ~~Every corporation or~~ Any person which whom the commission ~~may determine~~ determines as a matter of fact after investigation and hearing is to be actually exercising any substantial influence over the policies and actions of ~~such the~~ public utility even ~~though if~~ such influence is not based upon stockholding, stockholders, directors or officers ~~to the extent as specified in this section under pars. (a) to (e).~~

(g) ~~Every Any other person or corporation who or which whom~~ the commission ~~may determine~~ determines as a matter of fact after investigation and hearing is to be actually exercising ~~such~~ substantial influence over the policies and actions of ~~such the~~ public utility in conjunction with one or more other ~~corporations and/or~~ persons with ~~which or~~ whom they are related by ownership ~~and/or or~~ blood relationship or by action in concert that together they are affiliated with such public utility within the meaning for the purpose of this section, even though no one of them alone is so affiliated under pars. (a) to (f).

(3) (a) ~~No~~ In this subsection, "contract or arrangement" means a contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial or similar services and any contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than management, supervisory, construction, engineering, accounting, legal, financial or similar services. Except as provided under par. (b), unless and until the commission gives its written approval, any contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, is not valid or effective if the contract or arrangement is made or entered into after June 7, 1931 between a public utility and any an affiliated interest as defined in this chapter, shall be valid or effective unless and until such contract or arrangement has received the written approval of the commission. It shall be the duty of every after June 7, 1931. Every public utility to shall file with the commission a verified copy of any such contract or arrangement, or a verified summary of any such unwritten contract or arrangement, and also of all such contracts and arrangements, whether any contract or arrangement, written or unwritten, entered into prior to said date and in force and which was in effect at that time on June 7, 1931. The commission shall approve such a contract or arrangement made or entered into after said date June 7, 1931, only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest; otherwise the contract or arrangement shall not be approved. No such. The commission may not approve any contract or arrangement shall receive the commission's approval unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein to each public utility. No proof shall be is satisfactory within the meaning of the foregoing sentence under this paragraph unless it includes the original (or verified copies) of the relevant cost records and other relevant accounts of the affiliated interest, or

such an abstract thereof of the records and accounts or a summary taken therefrom as the commission may deem adequate, from the records and accounts if the commission deems the abstract or summary adequate. The accounts shall be properly identified and duly authenticated, provided, however, that the. The commission may, where reasonable, may approve or disapprove such contracts or arrangements a contract or arrangement without the submission of such the cost records or accounts.

(b) The provisions of this section requiring the written approval of the commission 1. The requirement for written approval under par. (a) shall not apply to transactions with affiliated interests where any contract or arrangement if the amount of consideration involved is not in excess of \$10,000 or 5 per cent 5% of the par value of outstanding common stock, whichever is smaller; provided, however, that regularly. Regularly recurring payments under a general or continuing arrangement which aggregate a greater annual amount shall may not be broken down into a series of transactions to come within the aforesaid exemption. Such transactions under this paragraph. Any transaction exempted under this paragraph shall be valid or effective without commission approval under this section. However, in

2. In any proceeding involving the rates or practices of the public utility, the commission may exclude from the accounts of such the public utility any payment or compensation made pursuant to such a transaction exempted under this paragraph unless the public utility shall establish establishes the reasonableness of such the payment or compensation.

(4) In any proceeding, whether upon the commission's own motion or upon application or complaint, involving the rates or practices of any public utility, the commission may exclude from the accounts of such the public utility any payment or compensation to an affiliated interest for any services rendered or property or service furnished, as above described, under an existing contracts contract or arrangements arrangement with such an affiliated interest under par. (a) unless such the public utility shall establish establishes the reasonableness of such the payment or compensation. In such the proceeding the commission shall disallow such the payment or compensation, in whole or in part, in the absence of satisfactory proof that # the payment or compensation is reasonable in amount. In such the proceeding no the commission may not approve or allow any payment or compensation shall be approved or allowed by the commission, in whole or in part, unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the service or furnishing the property or service above described to each public utility. No proof shall be satisfactory, within the meaning of the foregoing sentence, under this paragraph unless it includes the original (or verified copies) of the relevant cost records and other relevant accounts of the affiliated interest, or such an abstract thereof of the records and accounts or a summary taken therefrom as the commission may deem adequate, from the records and accounts if the commission deems the abstract or summary adequate. The accounts shall be properly identified and duly authenticated; provided, however, that the. The commission may, where reasonable, may approve or disapprove such contracts or arrangements a contract or arrangement without the submission of such the cost records or accounts.

(5) The commission shall have continuing supervisory control over the terms and conditions of such contracts and arrangements as are herein described so far under this section as necessary to protect and promote the public interest. The commission shall have the same jurisdiction over the modifications or amendment of contracts or arrangements as are herein described as it has over such original contracts or arrangements. The fact that the commission shall have approved entry into such contracts or arrangements as described herein Commission approval of a contract or arrangement under this section shall not preclude disallowance or disapproval of payments made pursuant thereto, a payment under the contract or arrangement if upon actual experience under such the contract or arrangement it appears that the payments provided for or made were or are

unreasonable. Every order of the commission approving ~~any such a~~ a contract or arrangement shall be expressly conditioned upon the reserved power of the commission to revise and amend the terms and conditions ~~thereof, if, when and as necessary of the contract or arrangement~~ to protect and promote the public interest.

(6) ~~Whenever~~ If the commission shall find finds upon investigation that ~~any a~~ a public utility is giving effect to ~~any such a~~ a contract or arrangement without ~~such contract or arrangement having received~~ the commission's approval ~~as required by this section under this section~~, the commission shall issue a summary order directing the public utility to cease and desist from making any payments or otherwise giving any effect to the ~~terms of such~~ contract or arrangement; until ~~such the~~ the contract or arrangement ~~shall have received~~ receives the approval of the commission. The circuit court of Dane county ~~is authorized to may~~ enforce ~~such the~~ the order to cease and desist by appropriate process, including the issuance of a preliminary injunction, upon the suit of the commission.

(7) ~~Whenever~~ If the commission shall find finds upon investigation that ~~any a~~ a public utility is making ~~payments a~~ payment to an affiliated interest, although ~~such payments have the payment has~~ been disallowed and disapproved by the commission in a proceeding involving the public utility's rates or practices, the commission shall issue a summary order directing the public utility to cease and desist from making ~~such payments the~~ the ~~payment~~. The circuit court of Dane county ~~is authorized to may~~ enforce ~~such the~~ the order to cease and desist by appropriate process, including the issuance of a preliminary injunction, upon the suit of the commission.

SECTION 67. 196.52 (2) of the statutes is repealed.

SECTION 68. 196.525 of the statutes is amended to read:

196.525 Loans to officers or directors and loans to and investments in securities of holding companies; penalty. (1) ~~No public utility shall, except in accordance with such~~ Except under rules and regulations as prescribed by the commission after public hearing shall from time to time prescribe, no public utility may lend its funds or credit to ~~any one or more of its officers or directors or to any corporation (except a public utility subject to the regulatory powers of the commission) which if the corporation holds, directly or indirectly through any chain of ownership, five per cent 5% or more of the voting stock of such the public utility or renders any managerial, supervising, engineering, legal, accounting or financial service to such the public utility by:~~

(a) ~~becoming~~ Becoming surety, guarantor or ~~indorser~~ endorser upon any obligations, contingent or otherwise, of ~~such the~~ the officer, director or corporation;

(b) ~~by loaning~~ Loaning funds, securities or other like assets to ~~any such the~~ the officer, director or corporation; ~~or,~~

(c) ~~by the purchase~~ Purchasing in the open market, or otherwise, of any obligation upon which ~~such the~~ the officer, director, or corporation may be liable solely or jointly with others.

(2) Any contract made in violation of this section shall be void and subject to cancellation and recoupment by action at law. ~~Where~~ If a contract is made contrary to the provisions of this section, the commission ~~may,~~ after notice and hearing, may order the public utility to take steps within ~~thirty 30~~ 30 days to recover the funds or ~~assets thus illegally loaned or transferred by action at law or to take such other proceedings as may be effective to which will effectively~~ release the public utility from ~~any the~~ the contract as surety, guarantor or ~~indorser~~ endorser.

(3) Any director, treasurer or other officer or agent of ~~such a~~ a public utility who makes or votes to authorize a transaction in violation of this section ~~shall be subject to a fine of may be fined~~ not more than ~~ten thousand dollars~~ \$10,000.

(4) The provisions of this section shall extend to the renewal or extension of ~~such~~ existing contracts.

SECTION 69. 196.54 of the statutes is renumbered 196.54 (1) and amended to read:

196.54 (1) GRANTS TO BE INDETERMINATE. Every license, permit or franchise granted after July 11, 1907, to any public utility shall have the effect of an indeterminate permit subject to this chapter and ch. 197.

SECTION 70. 196.54 (title) and (5) of the statutes are created to read:

196.54 (title) Indeterminate permits.

(5) MUNICIPAL PURCHASE INVALIDATES PERMIT. An indeterminate permit shall be invalid if a municipality exercises its option to purchase the public utility being operated under the permit or if the permit is otherwise terminated according to law.

SECTION 71. 196.55 of the statutes is renumbered 196.54 (2) and amended to read:

196.54 (2) (title) FRANCHISES MADE INDETERMINATE. Every license, permit or franchise granted prior to July 11, 1907, by the state or by a municipality authorizing and empowering the grantee to own, operate, manage or control within this state, either directly or indirectly, a public utility or any part thereof, of a public utility is so altered and amended as to constitute and to be an indeterminate permit, and which is subject to all the terms, provisions, conditions and limitations of this chapter and ch. 197, and. The license, permit or franchise shall have the same force and effect as a license, permit or franchise granted after July 11, 1907, to any public utility, except as provided by under s. 197.02.

SECTION 72. 196.56 of the statutes is renumbered 196.54 (3) and amended to read:

196.54 (3) VALIDATION OF FRANCHISES AND PERMITS. (a) No franchise affected by ~~s. 196.55 sub. (2)~~ and no indeterminate permit shall be declared invalid if ~~such~~:

1. The franchise or permit shall was not have been obtained by fraud, bribery or corrupt practices; and, when.

2. When the same franchise or permit was granted, no officer of the municipality granting the same franchise or permit was directly or indirectly interested in such the franchise or permit or in the corporation obtaining same; and the the franchise or permit.

(b) Any franchise affected by sub. (2) and any indeterminate permit is valid if:

1. The corporation having the same shall have the franchise or permit, prior to the surrendering of said the franchise or at the beginning of its public service under said the permit, in good faith has purchased or constructed any public utility, or any part thereof of a public utility authorized by such the franchise authorized; and said.

2. The corporation, in obtaining such the franchise or permit shall have made substantial compliance, has substantially complied with the requirements provided by law for the obtaining of said the franchise or permit. Subject to the foregoing exceptions, every such franchise and permit is hereby legalized and confirmed.

SECTION 73. 196.57 of the statutes is renumbered 196.54 (4) and amended to read:

196.54 (4) GRANTS AFTER JULY 11, 1907; CONSENT TO MUNICIPAL PURCHASE. Any If a public utility accepting accepts or operating operates under any license, permit or franchise granted after July 11, 1907, shall by acceptance of such indeterminate permit the public utility shall be deemed to have consented under its indeterminate permit to a future purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of it is situate situated for the compensation and under the terms and conditions determined by the commission, and shall thereby. The public utility shall be deemed to have waived the right of requiring to require that the necessity of such taking to be established by the verdict of a jury, and to have waived all any other remedies and rights remedy or right relative to condemnation, except such

~~rights and remedies as are provided in any remedy or right under~~ this chapter and ch. 197.

SECTION 74. 196.58 (intro.) and (1) to (3) of the statutes are renumbered 196.58 (1) (intro.) and (a) to (c) and amended to read:

196.58 (1) (intro.) ~~Every municipal council shall have power~~ The governing body of every municipality may:

(a) ~~To determine~~ Determine by contract, ordinance or resolution the quality and character of each kind of product or service to be furnished or rendered by any public utility within the municipality and all other terms and conditions, ~~not inconsistent~~ consistent with this chapter and ch. 197, upon which ~~such the~~ public utility may be permitted to occupy the streets, highways or other public places within the municipality, ~~and such.~~ The contract, ordinance or resolution shall be in force and prima facie on its face reasonable.

(b) ~~To require~~ Require of any public utility ~~such additions and extensions~~ any addition or extension to its physical plant within ~~said the~~ municipality as shall be reasonable and necessary in the interest of the public, and ~~to designate the location and nature of all such additions and extensions~~ the addition or extension, the time within which ~~they it~~ it must be completed, and ~~all conditions~~ any condition under which ~~they it~~ it must be constructed, subject to review by the commission ~~as provided in this section~~ under sub. (4).

(c) ~~To provide~~ Provide a penalty for noncompliance with the provisions of any ordinance or resolution adopted ~~pursuant to the provisions hereof~~ under this subsection.

SECTION 75. 196.58 (4) to (7) of the statutes are amended to read:

196.58 (4) Upon complaint made by ~~such a~~ public utility or by any qualified complainant ~~as provided in~~ under s. 196.26, the commission shall set a hearing and if it ~~shall find such~~ finds a contract, ordinance or resolution under sub. (1) to be unreasonable, ~~such the~~ contract, ordinance or resolution shall be void.

(5) The commission shall have original and concurrent jurisdiction with municipalities to require extensions of service and to regulate service of public utilities. Nothing in this section shall ~~be construed as limiting~~ limit the power of the commission to act on its own motion to require extensions of service and to regulate the service of public utilities.

(6) No public utility furnishing and selling gaseous fuel or undertaking to furnish or sell ~~such~~ gaseous fuel in a ~~town, village or city~~ municipality where ~~such the~~ fuel has not ~~theretofore~~ been sold previously to the public shall change the character or kind of ~~such~~ fuel by substituting for manufactured gas any natural gas or any mixture of natural and manufactured gas for the distribution and sale in any ~~town, village or city~~ municipality, or undertake the sale of natural gas in any ~~town, village or city~~ municipality where no gaseous fuel was previously sold, unless the ~~municipal council thereof shall~~ governing body of the municipality, by authorization, passage or adoption of appropriate contract, ordinance or resolution, ~~approve~~ approves and ~~authorize~~ authorizes the same; ~~provided that any change in fuel or commencement of sale. No~~ contract, ordinance or resolution enacted ~~pursuant to~~ under this subsection shall ~~not may~~ be inconsistent or in conflict with any certificate granted ~~pursuant to proceedings authorized~~ under s. 196.49.

(7) ~~Whenever (a)~~ If a municipality operating a ~~water works~~ waterworks seeks to serve ~~customers~~ consumers of an area which is part of ~~such the~~ municipality and in the same county, but in order to serve such ~~customers~~ consumers it is necessary or economically prudent for ~~such the~~ municipality to install ~~either~~ mains, transmission lines, pipes or service connections ~~either~~ through, upon or ~~underground of~~ under a public street, highway, road, public thoroughfare or alley located within the boundaries of any adjacent municipality, the municipality seeking ~~such the~~ installation may file a petition with the clerk of the legislative body of ~~such the~~ adjacent municipality requesting approval for the installation of ~~either the~~ mains, transmission lines, pipes or service connections. The

local legislative governing body of ~~such~~ the adjacent municipality shall act on ~~such~~ the petition within 15 days following ~~after~~ the filing thereof ~~petition is filed~~. If the local legislative governing body of ~~such~~ the adjacent municipality fails to act within ~~such time~~ the 15-day period, the petition ~~so filed~~ shall be deemed approved and the municipality may proceed with ~~such~~ the installations required for service to its ~~eustomers~~ consumers. If, however, the local legislative governing body of ~~such~~ the adjacent municipality rejects the petition, ~~then~~ the municipality may make application to the public service commission for authority to install within the boundaries of ~~such~~ the adjacent municipality ~~such~~ the installations as are necessary to provide service to its ~~eustomers~~ consumers. The commission shall hold a hearing upon the application of the municipality. If the commission determines that it is necessary or economically prudent that the municipality seeking to serve its ~~eustomers~~ consumers make ~~such~~ the installations within the boundaries of ~~such~~ the adjacent municipality, the commission shall promptly issue an order authorizing the installation to proceed, and the municipality ~~making such to proceed to~~ make the installation shall have full authority to do so, subject to. In the order, the ~~commission's establishing~~ commission may establish the manner in which ~~such of making~~ the installation shall be made. Prior to January 1, 1962, there shall be no appeal from the determination of the commission with respect to orders promulgated by the commission under this subsection, and its order shall be deemed final.

(b) A municipality making an installation under this section shall ~~be required to~~ restore the land on or in which such installation has been made to the same condition as it existed prior to the ~~time of making the~~ installation. Failure to make ~~such~~ the restoration shall subject the municipality to an action for damages by the adjacent municipality. The adjacent municipality may ~~also~~ require a performance bond from the municipality seeking to make ~~such~~ the installation, ~~and if.~~ If no agreement can be effected between the municipalities as to the amount of the performance bond, the public service commission shall determine the amount of ~~such~~ the bond. If the commission issues an order authorizing an installation as ~~provided for in~~ under this subsection, the commission shall determine the amount of the performance bond which shall be required of the applicant municipality.

SECTION 76. 196.59 of the statutes is amended to read:

196.59 Merchandising by utilities. ~~Every~~ Each public utility as defined in s. 196.01 (1) engaged in the production, transmission, delivery, or furnishing of heat, light or power either directly or indirectly to or for the use of the public shall keep separate accounts to show ~~all profits or losses~~ any profit or loss resulting from the sale of appliances or other merchandise. ~~No such~~ The commission may not take the profit or loss shall be taken into consideration ~~by the public service commission~~ in arriving at any rate to be charged for service by ~~any such~~ the public utility.

SECTION 77. 196.60 (title) of the statutes is amended to read:

196.60 (title) Discrimination prohibited; penalty.

SECTION 78. 196.60 of the statutes is renumbered 196.60 (1) (a) and amended to read:

196.60 (1) (a) ~~If any~~ Except as provided under sub. (2), no public utility ~~or any and no~~ agent or officer thereof of a public utility, directly or indirectly, ~~charges, demands, collects or receives~~ may charge, demand, collect or receive from any person ~~a greater~~ more or less compensation for any service rendered or to be rendered by it in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power, or the conveyance of telephone messages or telegraph messages, or for any service in connection therewith, than that prescribed in the published schedules or tariffs then in force, or established ~~as provided herein~~ under this chapter, or than it charges, demands, collects or receives from any other person for a like contemporaneous service, ~~such~~.

~~(b) A public utility which violates par. (a) shall be deemed guilty of unjust discrimination, which is hereby prohibited, and upon conviction thereof and shall forfeit not less than \$100 nor more than \$1,000 for each offense. The offending An agent or officer who violates par. (a) shall be fined not less than \$50 nor more than \$100 for each offense. Nothing in this section nor in s. 196.63 or any other provision of law shall be construed to prohibit any public~~

~~(2) Nothing in this section and s. 196.604 or any other provision of law may be construed to prohibit a public utility engaged in the conveying of telephone messages or telegraph messages from furnishing service to its employes, pensioners and officers, or the receiving of service by such and its employes, pensioners and officers may receive such service, at no charge or at charges less than those prescribed in its published schedules or tariffs. The commission may prescribe rules except that such under this subsection. The rules may not prohibit or restrict the furnishing of service to employes, pensioners and officers or the receiving of service by employes, pensioners, and officers at no charge or charges less than those prescribed in the public utility's published schedules or tariffs. No revenue may accrue or be credited in the accounts of the public utility with respect to the for service furnished at no charge nor with respect to any amounts by which any charges for such service are less than those prescribed in the utility's published schedules or tariffs and not charged under this subsection.~~

SECTION 79. 196.605 of the statutes is amended to read:

196.605 (title) Telephone cooperatives with federal loans. ~~(1) Notwithstanding any other provision of this chapter, any A public utility which is a eo-operative cooperative association incorporated under ch. 185 to furnish telephone service in rural areas on a nonprofit basis with a telephone system financed in part through a loan or loans from the United States of America under the rural electrification act of 1936 (7 USC 901 to 950b), as amended, may require each of its local service telephone patrons to deposit with the association the amount of the membership fee or other form of capital representing the proportional share of the total equity capital of the association required as a condition of such federal financing. Such The membership fee or other form of equity capital attributable to each local service patron may be collected by the association in instalments in connection with billings for service. Such The required deposits of equity capital shall be segregated in the billing from service charges and shall be credited when received on the membership or equity capital account of the patron.~~

~~(2) The amount of the membership fee or equity capital to be so required of each local service telephone patron under sub. (1) may be based upon reasonable classifications of service and appropriate factors relating to the cost of rendition of such the service. Such The amounts, classifications and the manner of collecting such the amounts shall be subject to the approval of the commission and the. The commission is authorized to may promulgate rules pertaining thereto under this subsection.~~

SECTION 80. 196.61 of the statutes is amended to read:

196.61 Facilities in exchange for compensation, prohibited; exceptions. ~~It shall be unlawful for any No public utility to may demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by said the public utility in consideration of return for the furnishing by said that person, firm or corporation of any part of the facilities incident thereto; provided nothing herein shall to the service. This section may not be construed as prohibiting to prohibit any public utility from renting any facilities incident facility relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone messages and from paying a reasonable rental therefor, or as requiring for the facility. This section may not be construed to require any public utility to furnish any part of such appliances any appliance which are is situated in and upon the premises of any consumer or user, except telephone station equipment upon the subscribers' prem-~~

ises, and ~~unless otherwise ordered by the commission~~ except meters and appliances for measurements of any product or service unless the commission orders otherwise.

SECTION 81. 196.62 (title) of the statutes is repealed.

SECTION 82. 196.62 of the statutes is renumbered 196.60 (3) and amended to read:

196.60 (3) ~~If any a public utility shall give any gives an unreasonable preference or advantage to any person or shall subject subjects any person to any unreasonable prejudice or disadvantage, such the public utility shall be deemed guilty of unjust discrimination which is hereby prohibited. The furnishing of any product or service at the rates and upon the terms and conditions provided for in any existing contract executed prior to April 1, 1907, shall not constitute a discrimination. Any. A public utility violating the provisions of this section subsection shall forfeit not less than fifty dollars \$50 nor more than one thousand dollars \$1,000 for each offense.~~

SECTION 83. 196.627 of the statutes is renumbered 196.374 and amended to read:

196.374 Railroad telephone service. ~~Upon complaint to~~ If the commission receives a complaint that telephonic service with any railroad, as defined under s. 195.02, is inadequate or in any respect unreasonably or unjustly discriminatory or that ~~such the service cannot be had, it shall be the duty of~~ is unavailable, the commission ~~to shall~~ investigate the same and if, If upon investigation the commission shall find finds that any telephonic service is inadequate or unreasonably or unjustly discriminatory or that ~~such the service cannot be had is unavailable,~~ it shall determine and by order fix a reasonable regulation, practice or service to be installed, imposed, and observed and followed in the future.

SECTION 84. 196.63 of the statutes is renumbered 196.604 and amended to read:

196.604 Rebates, concessions and discriminations unlawful. ~~It shall be unlawful No person may knowingly to solicit, accept or receive any rebate, concession or discrimination from a public utility in respect to for any service in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of telephone messages within this state or for any connected service in connection therewith whereby any such the service shall be is rendered or is to be rendered free or at a less rate less than that the rate named in the schedules and tariffs in force, or whereby any other service or advantage is received other than is herein specified. Violations of. Any person violating this section shall be punished by a fine of fined not less than fifty dollars \$50 nor more than one thousand dollars \$1,000 for each offense.~~

SECTION 85. 196.64 of the statutes is amended to read:

196.64 (title) Public utilities, liability for treble damages. ~~If any a public utility shall do or cause to be done or permit does, causes or permits to be done any matter, act or thing prohibited or declared to be unlawful by under this chapter or ch. 197, or shall omit fails to do any act, matter or thing required to be done by it, such the public utility shall be liable to the person injured thereby in treble the amount of damages sustained in consequence of such the violation.~~

SECTION 86. 196.645 of the statutes is repealed and recreated to read:

196.645 Rate changes. (1) The commission, upon complaint or upon its own motion, may proceed to investigate and determine whether a public utility's rates should be changed by reason of a change in the cost of an energy, commodity or service resulting from a change in charges for the energy, commodity or service if:

(a) The rates of the public utility are based on the cost of the energy, commodity or service furnished to the public utility which the public utility furnishes or distributes to its consumers; and

(b) The charges for the energy, commodity and service are regulated by an authority of the federal government and the federal authority has prescribed the change in charges.

(2) The commission may make a change in rates under sub. (1) effective as of the effective date of the order of the federal authority prescribing the change in charges.

(3) Notwithstanding ss. 196.60 (3) and 196.604, the commission may determine and require payment by the public utility to its consumers of any sums which the public utility received from the consumers subsequent to the effective date of its order under this section and which are in excess of the rates prescribed by the commission under this section.

SECTION 87. 196.65 (1) of the statutes is renumbered 196.65 (1) (intro.) and amended to read:

196.65 (1) (intro.) Any officer, agent or employe of any public utility as defined in ss. ~~195.02 and 196.01, who shall fail or refuse to fill out and return any blanks as required by ch. 195 and this chapter, or shall fail or refuse to answer any question therein propounded, or shall knowingly give a false answer to any such question, or shall evade the answer to any such question where the fact inquired of is within his or her knowledge, or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner or any person authorized to examine the same, any book, paper, account, record or memoranda of such public utility which is in the possession or under control of the officer, agent or employe, or who shall fail to properly use and keep the system of accounting prescribed by the commission, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative, shall be punished by a fine of fined not less than one hundred \$100 nor more than one thousand dollars \$1,000 for each offense. if he or she does any of the following:~~

SECTION 88. 196.65 (1) (a) to (g) of the statutes are created to read:

196.65 (1) (a) Fails or refuses to fill out and return any questionnaire required under this chapter.

(b) Fails or refuses to answer any question in any questionnaire required under this chapter.

(c) Knowingly gives a false answer to any question in any questionnaire required under this chapter.

(d) Evades the answer to any question in any questionnaire required under this chapter, if the answer is within his or her knowledge.

(e) Upon proper demand, fails or refuses to exhibit to the commission or any commissioner or any person authorized to examine it any record of the public utility which is in the possession or under the control of the officer, agent or employe.

(f) Fails to properly use and keep the system of accounting prescribed by the commission.

(g) Refuses to do any act in connection with the system of accounting prescribed by the commission when so directed by the commission or its authorized representative.

SECTION 89. 196.65 (2) of the statutes is amended to read:

196.65 (2) ~~And a A~~ A penalty of not less than ~~five hundred dollars \$500~~ \$500 nor more than ~~one thousand dollars \$1,000~~ \$1,000 shall be recovered from the public utility for each ~~such~~ offense ~~when such~~ under sub. (1) if the officer, agent or employe of the public utility acted in obedience to the direction, instruction or request of such the public utility or any general officer thereof of the public utility.

SECTION 90. 196.66 of the statutes is amended to read:

196.66 (title) General penalty; public utility responsible for agents. (1) If any public utility ~~shall violate~~ violates this chapter or ch. 197, ~~or shall do any act therein prohibited, or shall fail~~ fails or ~~refuse~~ refuses to perform any duty enjoined upon it for which a penalty has not been provided, or ~~shall fail, neglect~~ fails, neglects or ~~refuse~~ refuses to

obey any lawful requirement or order ~~made by~~ of the commission or the ~~municipal council governing body of a municipality or a sanitary commission~~ or any judgment or decree ~~made by~~ of any court upon its application, for every ~~such~~ violation, failure or refusal ~~such~~ the public utility shall forfeit not less than ~~twenty five dollars~~ \$25 nor more than ~~one thousand dollars~~ \$1,000.

(2) Every day during which any public utility or any officer, agent or employe thereof ~~shall fail of a public utility fails~~ to ~~observe and~~ comply with any order or direction of the commission or to perform any duty enjoined by this chapter or ch. 197, shall constitute a separate and distinct violation under sub. (1).

SECTION 91. 196.665 of the statutes is amended to read:

196.665 Unlawful combinations, trusts. (1) The state may take possession of any dam maintained under a permit granted under s. 31.06 or 31.08 by proceedings instituted by the commission ~~whenever such~~ if the dam:

(a) Is owned, leased, trusteeed, possessed or controlled in any manner ~~whatsoever~~ that makes it form a part of or in any way effect an unlawful combination.

(b) Is ~~in any wise~~ controlled by any combination in the form of an unlawful trust.

(c) Forms the subject of any contract or conspiracy to limit the output of any hydraulic or hydroelectric power derived ~~therefrom~~ from the dam.

(2) In proceedings under ~~sub. (1)~~ this section, the members of the commission shall be appointed to act as receivers during ~~such a period as~~ of time to be determined by the court determines.

SECTION 92. 196.67 (3) of the statutes is amended to read:

196.67 (3) Any ~~corporation, company or person~~ violating ~~any of the provisions of this section~~ shall be fined not less than ~~fifty dollars~~ \$50 nor more than ~~three hundred dollars~~ \$300 for each offense.

SECTION 93. 196.675 of the statutes is amended to read:

196.675 (title) Unlawful for carriers and public utilities to employ municipal attorneys or judicial officers. (1) ~~It shall be unlawful for any~~ No common carrier operating within this state and no public utility, except a municipal public utility, may retain or employ a district attorney or assistant district attorney, city attorney or assistant city attorney or any person holding a judicial office ~~to be retained or employed by any common carrier operating within this state or for any public utility corporation, except a municipality.~~

(2) If any district attorney or assistant district attorney, city attorney or assistant city attorney or any person holding a judicial office ~~shall violate any provisions of~~ violates this section ~~his,~~ the attorney's or judge's office shall be deemed vacant.

(3) This section ~~shall~~ does not apply to court commissioners and ~~shall~~ does not prohibit a city attorney or assistant city attorney employed by a city on a part-time basis from being employed and retained by a railroad not operating within the city.

SECTION 94. 196.68 of the statutes is amended to read:

196.68 Municipal officers, malfeasance. If any officer of ~~any a~~ a municipality ~~constituting which owns or operates a public utility shall do or cause to be done or permit does,~~ causes or permits to be done any matter, act or thing ~~in this chapter and ch. 197 prohibited or declared to be unlawful, under this chapter or ch. 197 or shall omit, fail, neglect or refuse to do any act, matter or thing therein required of such officer, or shall omit, fail, neglect or refuse omits, fails, neglects or refuses to perform any duty which is enjoined upon him or her and relating which relates directly or indirectly to the enforcement of this chapter and ch. 197, or shall omit, fail, neglect or refuse if the officer omits, fails, neglects or refuses~~ to obey any lawful requirement or order ~~made by~~ of the commission or any judgment or decree ~~made by the~~ of a court upon its application, for every such

violation, failure or refusal ~~such the~~ officer shall forfeit not less than ~~fifty dollars~~ \$50 nor more than ~~five hundred dollars~~ \$500.

SECTION 95. 196.69 of the statutes is amended to read:

196.69 Interference with commission's equipment. (1) ~~Any If any person who shall destroy, injure or interfere~~ destroys, injures or interferes with any apparatus or appliance owned, in the charge of or operated by ~~or in charge of~~ the commission or its agent, ~~the person shall be punished by fine fined not exceeding one hundred dollars more than \$100 or imprisonment not exceeding thirty imprisoned not more than 30 days or both.~~

(2) Any public utility permitting ~~the destruction of, injury to, or interference with, any such apparatus or appliance,~~ a violation of this section shall forfeit not ~~exceeding one thousand dollars~~ more than \$1,000 for each offense.

SECTION 96. 196.70 of the statutes is amended to read:

196.70 Temporary alteration or suspension of rates. (1) The commission ~~may by order, when deemed by it deems~~ necessary to prevent injury to the business or interests of the people or any public utility in case of any emergency to be judged of by the commission, ~~may by order~~ temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, schedules and order relating to or affecting any public utility or part of any public utility.

(2) ~~Such The commission may direct an order shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take under sub. (1) to part of a public utility or to one or more public utilities and may prescribe when the order takes effect at such time and remain in force for such length of time as may be prescribed by the commission and for how long the order shall be in effect.~~

SECTION 97. 196.71 of the statutes is amended to read:

196.71 (title) Municipal public utility contracts. ~~When any If~~ a municipality owns a public utility and ~~if there is no other public utility furnishing the same service,~~ the commission ~~may,~~ after a public hearing and determination that ~~said~~ the municipally owned public utility cannot be operated profitably, ~~may~~ authorize a contract between the municipality and any person, ~~firm or corporation~~ not a public utility to furnish light, power or electric current to the municipality upon ~~such~~ terms and conditions ~~as shall be approved by said the commission, without the vendor thereof becoming a public. The person contracting with the municipality is not a public utility solely due to the contract with the municipality.~~

SECTION 98. 196.72 of the statutes is amended to read:

196.72 (title) Accidents; public utility report; investigation. (1) (a) ~~The public service commission is authorized to~~ may issue orders or rules, after hearing, requiring public utilities to record or report accidents occurring which occur upon its the public utilities' premises or which arise directly or indirectly arising from, or are connected with its, the public utilities' maintenance or operation.

(b) Notwithstanding any statute to the contrary, including but not limited to s. 196.14, any report ~~required to be~~ filed with the commission ~~by reason of an order or rule as provided in under par. (a),~~ shall be without prejudice to the person ~~or corporation~~ making the same report and shall be for the sole information and use of the commission and its staff ~~and neither it.~~ Neither the report nor its content shall ~~may~~ be made available to any other person. ~~No such~~ The report shall ~~may not~~ be used as evidence in any trial, civil or criminal, arising out of the event concerning which ~~said the~~ report is submitted.

(2) ~~In the event of any such accident the~~ The commission, ~~shall investigate any accident under sub. (1) if it deem the commission deems that the public interest require requires it, shall forthwith investigate the same, which.~~ The commission shall hold the

investigation ~~shall be held~~ in the locality of the accident, unless for greater convenience it shall be held it is more convenient to hold it at some other place; ~~and said.~~ The commission may adjourn the investigation may be adjourned from place to place. The commission shall ~~seasonably notify~~ give the public utility reasonable notice of the time and place of the investigation.

SECTION 99. 196.74 of the statutes is amended to read:

196.74 Electric lines; safety and interference. ~~Every~~ Each public utility and every railroad which owns, operates, manages or controls along or across any public or private way any wires over which electricity or messages are transmitted shall construct, operate and maintain such the wires and the any related equipment ~~used in connection therewith~~ in a manner which is reasonably adequate and safe ~~manner and so as and which~~ does not ~~to~~ unreasonably interfere with the service furnished by any other public utilities utility or railroads railroad. The public service commission is ~~authorized to~~ may issue orders or rules, after hearing, requiring electric construction and operating of such wires and equipment to be safe ~~and.~~ The commission may revise ~~these the~~ orders or rules ~~from time to time~~ as may be required to promote public safety. If any interested party files a complaint is filed with the commission by ~~any interested party to the effect~~ indicating that public safety or adequate service requires changes in construction, location or methods of operation, the commission shall give notice to the parties in interest of the filing of such the complaint, ~~and.~~ The commission shall proceed to investigate the same complaint and shall order a hearing ~~thereon on it.~~ After ~~such the~~ hearing the commission shall order any alteration change in construction or location or change of methods of operation required for public safety or to avoid service interference, ~~and.~~ The commission shall indicate in the order by whom the same change shall be made. The commission shall fix the proportion of the cost and expense of such changes the change, which shall be paid by the parties in interest, ~~and.~~ The commission shall fix reasonable terms and conditions ~~in connection therewith~~ related to the payment of the cost and expense.

SECTION 100. 196.745 (1), (2) (a), (3) and (4) of the statutes are amended to read:

196.745 (1) ~~Every~~ Each public utility which owns, operates, manages or controls ~~facilities~~ any facility for the production, transmission or distribution of gas shall construct, operate and maintain ~~such facilities~~ the facility in a reasonably adequate and safe manner. The commission is ~~authorized to~~ may issue orders or rules, after holding a hearing, requiring the construction and operation of ~~such facilities~~ the facility to be safe, and may revise such the orders or rules as required to promote public safety. Upon complaint to the commission that ~~the facilities a facility~~ of a public utility ~~are~~ is unsafe, ~~it the commission~~ may proceed under s. 196.26 or 196.28 (1). After holding a hearing the commission shall order any alteration in construction, maintenance or operation required in the interest of public safety.

(2) (a) Any person violating sub. (1), or any order or ~~any rule issued thereunder~~ under sub. (1), shall forfeit an amount not exceeding \$1,000. Each day ~~that the of~~ violation persists is a separate violation of sub. (1). No person shall ~~may~~ forfeit an amount exceeding \$200,000 for a single persisting violation of sub. (1) or any order or any rule issued ~~thereunder~~ under sub. (1).

(3) The commission shall ~~have power to~~ may seek injunctive relief for a violation of sub. (1) or any order or rule issued ~~thereunder~~ under sub. (1). The commission shall notify any person against whom the commission contemplates taking an action is contemplated. The commission shall allow such the person to present his or her views and shall give the person a reasonable opportunity to achieve compliance unless the person knowingly and willfully violates sub. (1) or any order or rule issued ~~thereunder~~ under sub. (1). The failure of the commission to give such notice and opportunity to comply shall not preclude the granting of appropriate relief. The circuit court for Dane county is

~~empowered~~ has jurisdiction under s. 196.44 (3) to enforce sub. (1) and ~~shall have power~~ to grant injunctive relief ~~hereunder~~ under this section.

(4) Any person may demand a jury trial when charged with contempt of court because he or she has violated an injunction issued under sub. (3). Chapter 785 is applicable to contempt proceedings for ~~such a~~ the violation, ~~except when~~ unless ch. 785 conflicts with the right to a jury trial.

SECTION 101. 196.76 of the statutes is amended to read:

196.76 Other rights of action; penalties cumulative. This chapter and ch. 197 shall not have the effect to ~~release~~ of releasing or ~~waive~~ waiving any right of action by the state or by any person for any right, penalty or forfeiture which ~~may have arisen or which may arise,~~ arises under any law of this state; ~~and all.~~ All penalties and forfeitures accruing under this chapter and ch. 197 shall be cumulative ~~and a.~~ A suit for ~~any~~ recovery of one shall ~~penalty or forfeiture may not be a bar to~~ the recovery of any other penalty.

SECTION 102. 196.78 of the statutes is amended to read:

196.78 Voluntary dissolution. No corporation owning or operating a public utility shall ~~may~~ be dissolved, ~~except upon consent of the public service~~ unless the commission to be issued consents. The commission ~~may consent~~ only after hearing ~~by the commission, on.~~ The commission shall give at least 30 days' notice ~~given~~ to each municipality in which ~~such the~~ the public utility is operated, and an opportunity to be heard ~~furnished to all such municipalities~~ each municipality and to the stockholders in ~~such the~~ the corporation.

SECTION 103. 196.79 of the statutes is amended to read:

196.79 Reorganization subject to commission approval. ~~Reorganizations of all~~ The reorganization of any public utilities utility shall be subject to the supervision and control of the commission, ~~and no such.~~ No reorganization shall ~~be had or given~~ may take effect without the written approval of the commission. ~~Ne~~ The commission may not approve any plan of reorganization ~~shall be approved by the commission~~ unless it is ~~established by the applicant for such approval~~ establishes that the plan of reorganization is consistent with the public interest.

SECTION 104. 196.80 of the statutes is amended to read:

196.80 Consolidation or merger of utilities. (1) With the consent and approval of the commission but not otherwise a public utility may:

(a) ~~Any 2 or more public utilities may merge~~ Merge or consolidate with ~~one another~~ one or more other public utilities.

(b) ~~Any public utility may acquire~~ Acquire the stock of any other public utility or any part thereof.

(d) ~~Any public utility may consolidate~~ Consolidate or merge with any Wisconsin corporation ~~if~~ substantially all of ~~whose the~~ the assets of the corporation consist of the entire stock of ~~such the~~ the public utility. The total of the resulting securities outstanding of the possessor corporation, ~~if which have not theretofore been authorized pursuant to~~ previously under ch. 184, shall require ~~such~~ such authorization under ch. 184 as a condition precedent to ~~such the~~ the merger or consolidation.

(e) ~~Any public utility may sell~~ Sell, acquire, lease or rent any public utility plant or property constituting an operating unit or system.

(2) Nothing in this section shall be construed as ~~affecting or limiting~~ to affect or limit the operation of ss. 197.01 to 197.10 or of ss. 66.06 to 66.078.

(3) ~~Application~~ The interested public utility shall make an application for the approval and consent of the commission ~~shall be made by the interested public utility, and~~ under this section. The application shall contain a concise statement of the proposed action, the reasons ~~therefor~~ for the action and ~~such any~~ any other information ~~as may be~~

required by the commission. ~~Upon the filing of such~~ If an application is filed, the commission shall investigate the ~~same, application.~~ The investigation may be with or without public hearing, and in case of. If the commission conducts a public hearing, the hearing shall be upon such notice as the commission may require, and if it shall find. If the commission finds that the proposed action is consistent with the public interest, it shall give its consent and approval in writing. In reaching its determination the commission shall take into consideration the reasonable value of the property and assets of the corporation to be acquired or merged.

(5) Any transaction required ~~herein under this section~~ to be submitted to the commission for its consent and approval shall be void unless the commission ~~shall give~~ gives its consent and approval ~~thereto to the transaction~~ in writing.

(6) ~~The enumeration of powers, duties and authority conferred by~~ Nothing in this section shall not ~~may~~ be construed as limiting to limit any ~~powers~~ authority conferred by statute upon the commission before June 27, 1935 ~~by statutes then existing.~~

SECTION 105. 196.81 of the statutes is amended to read:

196.81 Abandonment; commission approval required. (1) No public utility may abandon or discontinue any line or extension or service thereon without first securing the approval of the commission. In granting its approval, the commission may impose ~~such terms, conditions~~ any term, condition or ~~requirements as~~ requirement it deems necessary to protect the public interest. ~~Any~~ If a public utility abandoning ~~abandons~~ or ~~discontinuing in pursuance of authority granted by the~~ discontinues a line or extension or service thereon upon receiving commission approval, the public utility shall be deemed to have waived any ~~and all objections~~ objection to the ~~terms, conditions~~ any term, condition or ~~requirements~~ requirement imposed by the commission in ~~that regard~~ granting the approval.

(2) The commission may not approve a request by an electric, telephone, or telegraph utility ~~for permission~~ to abandon a right-of-way ~~without requiring such,~~ unless the commission requires the public utility to remove all poles any pole at ground level from the right-of-way and ~~any other structures extending over~~ structure which extends more than 3 feet above ground level ~~belonging and which belongs to the utility from the right-of-way when abandoned.~~ In approving a request at the time of abandonment. If the commission approves a request under this section it shall also require that any part of the abandoned right-of-way or part thereof which is in a rural area and which was obtained by the utility by condemnation shall to be disposed of by the utility within 3 years from the date of the approval of request for abandonment thereof, provided that upon application of the utility within 6 months prior to the end of the 3-year period the. The commission may remove rescind the disposal requirement if the utility applies for rescission within 6 months prior to the end of the 3-year period and if it the commission finds that the application thereof requirement would subject the utility to undue hardship.

SECTION 106. 196.855 of the statutes is amended to read:

196.855 Assessment of costs against municipalities. Expenses Any expense incurred by the commission in making any appraisal or investigation of public utility property under ~~the provisions of ch. 197~~ shall be charged directly to the municipality making the application. The ascertainment of such commission shall ascertain the expense, and the rendering shall render and review of bills therefor shall be governed by the provisions of any bill under s. 196.85 insofar as applicable. If any such a bill under this section is not paid within the time required by s. 196.85, the same bill shall bear interest at the rate of 6 per cent 6% per year and the amount thereof of the bill and the interest shall be certified to the department of administration and shall be levied and collected as a special charge in the same manner as a state tax.

SECTION 107. 196.91 (1) of the statutes is renumbered 196.91 (1) (intro.) and amended to read:

196.91 (1) (intro.) ~~Every~~ Except as provided under s. 196.92 (3) (c), every domestic corporation lawfully engaged in the business of producing, transmitting, delivering or furnishing heat, light, water, power, or street or interurban electric railway service to or for the public may acquire, for the purpose of developing power and generating energy for public use in ~~and about such~~ the business, ~~acquire any~~:

(a) Any dam in or across any navigable waters of this state ~~and all~~.

(b) All flowage and other rights and property necessary to the maintenance ~~thereof, or any of any dam under par. (a).~~

(c) Any undeveloped water power or dam site upon any such navigable waters within this state, except as provided ~~otherwise in~~ under sub. (2).

SECTION 108. 196.91 (2) of the statutes is amended to read:

196.91 (2) No award in any condemnation proceedings authorized by sub. (1) shall be effective, and no corporation ~~shall~~ may purchase or otherwise acquire any such property under sub. (1) until it ~~shall have obtained~~ obtains from the commission a certificate that public convenience and necessity require the acquisition of the same property, at the amount fixed by such the award or agreed upon with the owner ~~thereof~~ of the property.

SECTION 109. 196.92 (title) of the statutes is amended to read:

196.92 (title) Procedure for acquiring dams.

SECTION 110. 196.92 (1) of the statutes is renumbered 196.92 (1) (intro.) and amended to read:

196.92 (1) (intro.) ~~Any such~~ If a corporation ~~desiring under s. 196.91 (1) desires~~ to purchase or acquire any property ~~pursuant to~~ under s. 196.91, the corporation shall apply to the commission for a certificate of public convenience and necessity. ~~Such~~ The application shall state ~~the~~:

(a) The name of ~~the~~ any owner ~~or owners~~ of the property sought to be acquired; ~~the~~.

(b) The business in connection with which it is desired to utilize ~~said~~ the property; ~~the~~.

(c) The specific public purpose ~~or purposes~~ for which it is proposed to use the ~~same~~; the property.

(d) The compensation or price to be paid ~~therefor, and such other information as the commission may require; and shall contain a~~ for the property.

(e) A statement to the effect that the ~~said~~ corporation agrees to cancel all contracts for the sale of hydroelectric power outside this state, ~~which shall at any time be found by if the commission to interfere~~ finds that the contract interferes with adequate service and reasonable rates to the people of this state.

(f) Any other information the commission requires.

SECTION 111. 196.92 (2) of the statutes is amended to read:

196.92 (2) ~~Upon receipt of such~~ If the commission receives an application under sub. (1), the commission shall fix a convenient time and place for a public hearing ~~thereon, which on the application. The time shall may not be more than 8 weeks from the date of filing such the application. Notice~~ The commission shall give notice of the time and place ~~so fixed shall be given to the applicant, who shall cause the same to be published preceding such. Prior to the hearing the applicant shall publish the time and place as a class 3 notice, under ch. 985, and the applicant shall also, not.~~ Not less than 20 days prior to said that date, the applicant shall serve notice thereof of the hearing upon the owners any owner of such the property personally, or by registered mail, if the post-office address of

~~such owners can~~ the owner, by due diligence, can be ascertained. Proof of ~~such~~ the publication and service of ~~such~~ the notice shall be filed with the commission.

SECTION 112. 196.93 (title) of the statutes is repealed.

SECTION 113. 196.93 (1) to (3) of the statutes are renumbered 196.92 (3) (a) to (c), and 196.92 (3) (a) and (b), as renumbered, are amended to read:

196.92 (3) (a) At ~~such a~~ hearing under this section or any adjournment ~~thereof of the hearing~~, the commission shall consider ~~such the~~ the application and shall receive the evidence offered by the applicant and ~~others, in person or by agent, in support thereof and in opposition thereto~~ any other person for or against the application.

(b) If The commission may issue a certificate that public convenience and necessity require the utilization of the property as proposed by the applicant if the commission shall find finds that the:

1. The acquisition and use of such the property in connection with the business of the applicant for the purpose or purposes and at the price or compensation set forth in the application would be a public convenience; that the:

2. The applicant possesses the financial ability to utilize the property for such its proposed purpose or purposes, and that a public; and

3. Public necessity requires such the proposed acquisition and use, the commission shall grant and issue a certificate that public convenience and necessity require the utilization of such property as proposed by the applicant.

SECTION 114. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

(1) PUBLIC SERVICE COMMISSION.

A	B	C
Statute Sections	Old Cross-References	New Cross-References
46.94	196.01 (1)	196.01 (5)
144.443 (1)(d)	196.01 (1)	196.01 (5)
146.70 (1)(j)	196.01 (1)	196.01 (5)
196.491 (3)(d) 5	196.49 (4)	196.49 (3)(b)
197.02	196.55	196.54 (2)
197.10 (4)	196.23	196.19 (6)
	196.28, 196.29, 196.30, 196.37, 196.38	196.28, 196.30, 196.37
346.50 (1)(c)	196.01 (1)	196.01 (5)
347.26 (9)	196.01 (1)	196.01 (5)