

Chapter PSC 2

PROCEDURE AND PRACTICE

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GENERAL

PSC 2.01 Communications and documents addressed to commission. (1) All written communications and documents should be addressed to Public Service Commission of Wisconsin, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53702, and not to individual members of the staff. All communications and documents delivered at the office of the secretary are officially received.

(2) The secretary may designate agents to receive written communications and documents. Presiding officers will receive communications and documents at hearings.

History: 1-2-56; am. (1), Register, September, 1964, No. 105, eff. 10-1-64.

PSC 2.02 Parties. Parties to proceedings are known as complainants, defendants, interveners, respondents, applicants, objectors, and petitioners according to the nature of the proceeding and the relationship of the parties thereto.

(1) Parties who file complaints are complainants, the parties complained against are defendants, and other parties to the proceeding are interveners.

(2) In investigations or upon orders to show cause, the parties investigated or ordered to show cause are respondents. If the proceeding is initiated by the commission upon complaint, the parties complaining are complainants.

(3) All persons seeking approvals, authority, certificates of authority or of public convenience and necessity or other certificates, li-

censes, permits, or exemptions or other relief are applicants. Those opposing such applicants are objectors. Parties to such proceedings other than the applicants and objectors are interveners.

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PSC 2.03 Computation of time. The time within which an act is to be done as provided in any rule promulgated by the commission, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday the act may be done on the next secular day; and when any such time is expressed in hours the whole of any intervening Sunday and of any intervening legal holiday, from midnight to midnight, shall be excluded. The time within which an act is to be done as provided in any rule, when expressed in weeks, months, or years, shall be computed by excluding the first day in cases where the time limited runs from a date and by including the first day when it runs from an event.

PSC 2.04 Furnishing copies of records. (1) A certified copy of the decision in a proceeding will be furnished free of charge at the time of issuance to each party of record. Additional copies will be furnished at the rates and under the conditions stated below, except that when a party of record is represented by counsel, a copy of the decision will be furnished to such counsel and when a municipal utility is a party of record to a proceeding, a copy of the decision will be furnished both to the management of the utility and to the appropriate official of the municipality free of charge at the time of issuance.

(2) Printed general orders will be distributed free of charge at the time of issuance under the supervision of the secretary.

(3) Copies of transcripts, orders, or other records of the commission may be obtained upon payment, in advance, of 15 cents per page, with the minimum charge being 25 cents. The charge for certification is 25 cents.

History: 1-2-56; am. Register, September, 1964, No. 105, eff. 10-1-64.

PSC 2.05 Service of documents. (1) Service of documents upon other parties in commission proceedings may be made by deposit thereof in the first class mail or by delivery in person.

(2) The date of service shall be the day when the matter served is deposited in the mail or is delivered in person, as the case may be.

COMPLAINTS AND INVESTIGATIONS

PSC 2.10 Informal complaints. (1) Informal complaints may be made in writing addressed to the commission. Letters may be considered as informal complaints. Matters thus presented are handled by correspondence or other informal investigation or by a formal investigation instituted by the commission upon its own motion.

(2) Complaints with respect to public utility rates, practices, or service made by less than 25 persons (see section 196.26, Wis. Stats.) will be treated as informal complaints. The commission may initiate formal proceedings in such cases upon its own motion.

PSC 2.11 Formal complaints. No particular form of complaint is required. Formal complaints shall be in writing and shall state:

(1) The names, places of residence, and post office addresses of complainants;

(6) Upon petition for hearing under section 194.34 (1), Wis. Stats.—(a) the applicant for authority and supporting interveners, (b) objectors and their supporting interveners, and (c) the commission's staff.

(7) Upon rehearing—(a) the applicant for rehearing and supporting interveners, (b) other parties, and (c) the commission's staff.

PSC 2.35 Rules of evidence. Rules of evidence are governed by section 227.10, Wis. Stats.

(1) Any party dissatisfied with a ruling by the presiding officer during a hearing may have such ruling reviewed by the commission by (a) noting an exception in the record, and (b) submitting to the commission within 5 days of the receipt of transcript containing such ruling a statement in writing showing the nature of the ruling and a brief summary of the reasons why such ruling is claimed to be erroneous. The commission will not rule upon exceptions to rulings of a presiding officer unless the foregoing requirements are complied with. Records and documents of the commission may be offered in evidence by any party, but if offered by reference shall be specified as to particular documents or portions of the record thus offered.

(2) When evidence to be presented consists of technical matter or figures so numerous as to make oral presentation difficult to follow, it shall be presented in exhibit form, supplemented and explained but not duplicated by oral testimony.

(3) Written or printed documents and maps received in evidence may not be withdrawn except with the approval of the presiding officer.

(4) Exhibits of documentary character should be typed on only one side of the paper with a sufficient margin for binding (1½ inches is suggested) on the left side of each sheet. If exhibits are more than 8½ inches by 11 inches in size they should be folded to approximately such dimensions. Exhibits of more than one page should be stapled together and pages numbered. The first page should provide space in the lower right-hand corner for exhibit number, docket number, and name of witness and should show the total pages in the exhibit. The source of information in the exhibit should be shown.

(5) Petitions or written communications addressed to the commission, not admissible as evidence, may be filed but will not be considered as evidence.

(6) Parties introducing documentary exhibits should be prepared to furnish copies to adverse parties and may be required, in the discretion of the examiner, to furnish such copies.

(7) In larger cases, parties may shorten hearings by preparing written testimony and exhibits and sending copies in advance to known other parties and to the commission. Such written testimony may be offered for inclusion in the transcript as though given orally subject to motions to strike any portion to which there is objection.

PSC 2.36 Transcripts. Proceedings in hearings will be transcribed and one copy furnished each party free of cost upon demand by such party at the hearing. Any party, within 5 days of the mailing of the transcript, may file with the commission a notice in writing of any claimed error therein, mailing a copy of such notice to each party of record. All parties will be advised by the commission of any authorized corrections to the record.

History: Am. Register, April, 1956, No. 4. Eff. May 1, 1956.

Register, May, 1962, No. 77

PSC 2.37 Close of hearing and evidence. (1) A hearing is closed when evidence is closed and when any period fixed for filing of briefs, presentation of oral argument, or both, has expired. If the time for filing briefs has expired and the brief of one or more parties shall not be filed within such time, the commission may proceed to its determination of the proceeding.

(2) Evidence in any proceeding will be declared closed when due opportunity to furnish relevant evidence, including proper cross-examination of witnesses and rebuttal, has been afforded all parties. If by stipulation of the parties or by direction of the examiner documentary evidence is permitted or directed to be introduced subsequent to the close of testimony, the evidence will be declared closed when such documentary evidence is received or when the specified time for furnishing it has elapsed without its being furnished. The commission, in its discretion, may extend the time as originally prescribed for filing such evidence.

(3) When the evidence is closed, no further evidence shall be received unless the commission shall reopen the hearing for the taking of further evidence.

PSC 2.38 Briefs. (1)(a) Parties shall indicate on the record after the close of testimony whether they desire to file briefs. The party or parties having the affirmative shall file affirmative briefs within 15 days after date of mailing of transcript. Other parties 8 days thereafter shall file reply briefs, which may be replied to within 5 days.

(b) Where a party having the affirmative does not desire to file a brief but another desires to do so, the presiding commissioner or examiner shall specify the time and order for filing briefs. If the presiding commissioner or examiner makes no specific designation as to the time and order for filing briefs in cases where the party having the affirmative does not desire to file a brief, all other briefs shall be filed within 15 days after date of mailing of transcript. In any case not specifically covered by this rule, the time and order for filing briefs shall be fixed by the presiding commissioner or examiner.

(2) Five legible, dated copies of all briefs shall be filed with the commission together with a certification showing when and upon whom copies have been served. Briefs which contain a summary of evidence or facts relied upon shall include also reference to specific pages of the record containing such evidence.

(3) The filing of briefs in less time than allowed shall not change the due dates of remaining briefs.

History: 1-2-56; (1) renum. (1)(a); (b) cr.; Register, August, 1956, No. 8, eff. 9-1-56.

PSC 2.39 Witnesses, subpoenas and depositions. (1) Witnesses who appear by order of the commission may obtain from the secretary or from the presiding officer proper voucher blanks for the payment of witness fees.

(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 unless the commission shall certify that his testimony was material to the matter investigated (Section 196.32, Wis. Stats.).

(3) The commission or any party in any investigation or hearing may cause the depositions of witnesses residing within or without