



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0141/1
EHS:kjf&amn

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 316**

May 21, 2021 - Offered by Senator COWLES.

1 **AN ACT** *to renumber* 196.49 (5r) (a); *to amend* 196.372 (3) (c) and 196.372 (3)
2 (d); and *to create* 196.372 (3) (am) and 196.49 (5r) (c) of the statutes; **relating**
3 **to:** deadlines for certain Public Service Commission actions after a water public
4 utility application for certificate of authority or approval of lead service line
5 financial assistance is filed.

Analysis by the Legislative Reference Bureau

This bill provides deadlines for certain Public Service Commission actions after a water public utility or a combined water and sewer public utility submits an application for a certificate of authority and after a water public utility submits an application for approval of lead service line financial assistance.

Current law generally requires public utilities to obtain a certificate of authority from PSC before engaging in certain construction, installation, or improvement projects. Also under current law, a water public utility seeking to provide financial assistance to the owner of a property to which water utility service is provided for the purpose of assisting the owner in replacing customer-side water service lines containing lead (LSL assistance) must apply to PSC for approval. Under this bill, no later than 45 days after a water public utility or a combined water and sewer public utility files an application for a certificate of authority or after a

water public utility submits an application for approval of LSL assistance and no later than 30 days after such an application is refiled, PSC must determine whether the application is complete and notify the applicant in writing about that determination. If PSC determines an application is incomplete, the notice must identify all parts of the application PSC has determined to be incomplete and state the reasons for the determination. In that case, the applicant may supplement and refile the application an unlimited number of times. If PSC fails to determine whether an application is complete within the 45-day or 30-day time limit, whichever applies, the bill provides that the application is considered complete. Under the bill, PSC must take final action on an application within 180 days after the application is determined to be complete if a hearing is held or, if no hearing is held, within 90 days after the application is determined to be complete.

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

1 **SECTION 1.** 196.372 (3) (am) of the statutes is created to read:
2 196.372 (3) (am) The commission shall determine whether the application
3 under par. (a) is complete and, no later than 45 days after the application is
4 submitted the first time and no later than 30 days after the application is refiled a
5 2nd or subsequent time, notify the applicant in writing about the determination. If
6 the commission determines that the application is incomplete, the notice shall
7 identify all parts of the application the commission has determined to be incomplete
8 and state the reasons for the determination. An applicant may supplement and refile
9 an application that the commission has determined to be incomplete. There is no
10 limit on the number of times that an applicant may refile an application under this
11 paragraph. If the commission fails to determine whether an application is complete
12 within 45 days after the application is filed or 30 days after the application is refiled,
13 the application shall be considered to be complete.

14 **SECTION 2.** 196.372 (3) (c) of the statutes is amended to read:

1 196.372 (3) (c) If a hearing is held on an application, the commission shall take
2 final action on the application within 180 days after ~~the commission issues a notice~~
3 ~~of hearing on the application~~ is determined to be complete. The chairperson of the
4 commission may extend the time period for an additional 180 days for good cause.
5 If the commission fails to take final action within the initial 180-day period, or the
6 extended 180-day time period, the commission is considered to have granted its
7 approval.

8 **SECTION 3.** 196.372 (3) (d) of the statutes is amended to read:

9 196.372 (3) (d) If a hearing is not held on an application, the commission shall
10 take final action on the application within 90 days after ~~the commission issues a~~
11 ~~notice opening a docket on the application~~ is determined to be complete. The
12 chairperson of the commission may extend the time period for an additional 90 days
13 for good cause. If the commission fails to take final action within the initial 90-day
14 period, or the extended 90-day time period, the commission is considered to have
15 granted its approval.

16 **SECTION 4.** 196.49 (5r) (a) of the statutes is renumbered 196.49 (5r) (am).

17 **SECTION 5.** 196.49 (5r) (c) of the statutes is created to read:

18 196.49 (5r) (c) 1. With respect to an application for a certificate or approval for
19 construction required under this section and filed by a water public utility or a
20 combined water and sewer public utility, the commission shall determine whether
21 the application is complete and, no later than 45 days after the application is filed
22 the first time and no later than 30 days after the application is refiled a 2nd or
23 subsequent time, notify the applicant in writing about the determination. If the
24 commission determines that the application is incomplete, the notice shall identify
25 all parts of the application the commission has determined to be incomplete and state

1 the reasons for the determination. An applicant may supplement and refile an
2 application that the commission has determined to be incomplete. There is no limit
3 on the number of times that an applicant may refile an application under this
4 paragraph. If the commission fails to determine whether an application is complete
5 within 45 days after the application is filed or 30 days after the application is refiled,
6 the application shall be considered to be complete.

7 2. If a hearing is held on an application under subd. 1., the commission shall
8 take final action on the application within 180 days after the application is
9 determined to be complete. The chairperson of the commission may extend the time
10 period for an additional 180 days for good cause. If the commission fails to take final
11 action within the initial 180-day period, or the extended 180-day time period, the
12 commission is considered to have issued the certificate or approval for construction
13 with respect to the application.

14 3. If a hearing is not held on an application under subd. 1., the commission shall
15 take final action on the application within 90 days after the application is determined
16 to be complete. The chairperson of the commission may extend the time period for
17 an additional 90 days for good cause. If the commission fails to take final action
18 within the initial 90-day period, or the extended 90-day time period, the commission
19 is considered to have issued the certificate or approval for construction with respect
20 to the application.

21 (END)