

No. 655, S.]

[Published September 23, 1961.]

CHAPTER 490

AN ACT to amend 196.495 (2) of the statutes, relating to avoidance of duplication in electric facilities in areas annexed to cities and villages.

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

196.495 (2) of the statutes is amended to read:

196.495 (2) No co-operative association shall extend any new electric service to the premises of any person inside * * * *the corporate limits, existing on January 1, 1961, of any 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 public utility. Within any area annexed to a city or village after January 1, 1961, in which annexed area a co-operative association or public utility, other than the public utility serving in said city or village under an indeterminate permit, is rendering service at the time of said annexation, the provisions of sub. (1) shall apply, except that the right of any such co-operative association to make service extensions in any such annexed area shall be subject to the following conditions:*

(a) It shall make no new service extension to any premises which are closer to the then existing service facilities of said public utility operating in said city or village under an indeterminate permit than to the then existing service facilities of such co-operative association; and

(b) The distribution service facilities of such co-operative association in said annexed area shall be subject to taxation in the same manner as is the property of public utilities under ss. 76.01 to 76.29; and

(c) The distribution service facilities of such co-operative association or public utility in said annexed area shall be subject to acquisition under ch. 197 by any such city or village, which operates or proposes to operate its own electric public utility.

(d) The rates charged by said co-operative association for service in said annexed area shall be 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 city or village and the commission shall have authority by order to so approve or fix the rates of said co-operative association in said annexed area.

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

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

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

Approved September 15, 1961.