

1993 Senate Bill 241

Date of enactment: **April 6, 1994**
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1993 WISCONSIN ACT 211

AN ACT *to renumber and amend* 196.194; *to amend* 196.194 (title); and *to create* 196.194 (2) of the statutes, **relating to:** gas utility individual contracts.

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

SECTION 1. 196.194 (title) of the statutes is amended to read:

196.194 (title) **Public utility individual contracts.**

SECTION 2. 196.194 of the statutes is renumbered 196.194 (1) and amended to read:

196.194 (1) (title) TELECOMMUNICATIONS UTILITIES. Nothing in ss. 196.03, 196.19, 196.20, 196.21, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the commission from approving the filing of a tariff which permits a telecommunications utility to enter into an individual contract with an individual customer if the commission determines that substitute telecommunications services are available to customers or potential customers of the telecommunications utility and the absence of such a tariff will cause the telecommunications utility to be disadvantaged in competing for business. A tariff filed under this ~~section~~ subsection shall include the condition that any such contract shall be compensatory. The tariff shall include any other condition and procedure required by the commission in the public interest. Within 20 days after a contract authorized under this ~~section~~ subsection or an amendment to such a contract has been executed, the telecommunications utility shall submit the contract to the commission. The commission shall give notice to any person, upon request, that a contract authorized under this ~~section~~ subsection has been received by the commission. The notice shall identify the telecommunications utility that has entered into the contract. Within 6 months after receiving substantial evidence that

a contract may be noncompensatory, or upon its own motion, the commission shall investigate and determine whether the contract is compensatory. If the commission determines that the contract is noncompensatory, the commission may make appropriate adjustments in the rates or tariffs of the telecommunications utility that has entered into the contract, in addition to other remedies under this chapter. The dollar amount of the adjustment may not be less than the amount by which the contract was found to be noncompensatory.

SECTION 3. 196.194 (2) of the statutes is created to read:

196.194 (2) GAS UTILITIES. (a) Nothing in ss. 196.03, 196.19, 196.20, 196.21, 196.22, 196.37, 196.60, 196.604 and 196.625 prohibits the commission from approving the filing of a tariff which permits a gas utility to enter into an individual contract with an individual customer if the commission determines that substitute gas services are available to customers or potential customers of the gas utility and the absence of such a tariff will cause the gas utility to be disadvantaged in competing for business. A tariff filed under this paragraph shall include the condition that any such contract shall be compensatory. The tariff shall include any other condition and procedure required by the commission in the public interest. Within 20 days after a contract authorized under this paragraph or an amendment to such a contract has been executed, the gas utility shall submit the contract to the commission. The commission shall give notice to any person, upon request, that a contract authorized under this paragraph has been received by the commission. The notice shall identify the gas utility that has entered into the con-

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tract. Within 6 months after receiving substantial evidence that a contract may be noncompensatory, or upon its own motion, the commission shall investigate and determine whether the contract is compensatory. If the commission determines that the contract is noncompensatory, the commission may make appropriate adjustments in the rates or tariffs of the gas utility that has

entered into the contract, in addition to other remedies under this chapter. The dollar amount of the adjustment may not be less than the amount by which the contract was found to be noncompensatory.

(b) Paragraph (a) does not apply to a contract that is entered into, renewed, extended or modified after June 30, 1996.
