

SENATOR JUDITH B. ROBSON
CO-CHAIR
P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



B
REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-6486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

February 21, 2001

BY INTER-D

Ave Bie
Chair, Public Service Commission
610 North Whitney Way
Madison, WI

Re: Emergency Rule PSC 2.06

Dear Ms. Bie:

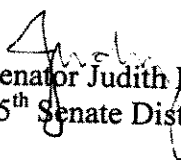
We are writing to inform you that the Joint Committee for Review of Administrative Rules (JCRAR) held a public hearing and executive session on February 20, 2001.


At that meeting, the JCRAR received public testimony regarding Emergency Rule PSC 2.06, relating to procedures for the confidential treatment of documents.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule PSC 2.06 for 60 days. The committee approved the motion on a 10 to 0 vote.

Pursuant to § 227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da



Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Mettner, Commissioner
John H. Farrow, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

February 15, 2001

The Honorable Judy Robson
Joint Committee for Review of
Administrative Rules

The State Senate
State Capitol, Room 15 South
Madison, WI 53702

The Honorable Glenn Grothman
Joint Committee for Review of
Administrative Rules

The State Assembly
State Capitol, Room 15 North
Madison, WI 53702

Re: Emergency Rule ch. PSC 2

Dear Senator Robson and Representative Grothman:

Pursuant to Wis. Stat. § 227.24(2), the Commission requests a 60-day extension of our rules regarding confidential filing procedures. These rules were promulgated as emergency rules at the request of the Joint Committee for Review of Administrative Rules. The rules took effect on October 23, 2000, and will expire on March 22, 2001, if an extension is not granted.

The Commission is promulgating these rules as permanent rules in conjunction with our general revision of Wis. Admin. Code ch. PSC 2. The Commission has solicited and received written comments on these rules and has held a hearing on the rules. The rules have also received the Clearinghouse Report as Clearinghouse Rule 00-180. However, the Commission has not yet adopted a final version of the rules and they have not been forwarded to the legislature for standing committee review. Consequently, the permanent rule cannot be in effect before the date the rules expire.

Because the Commission is carefully reviewing the comments we received on the proposed rules, it is possible that a further extension may be requested to complete the promulgation process. If you have any questions regarding this request, please contact Attorney John Lorence at (608) 266-8128, or by e-mail at lorenj@psc.state.wi.us.

Thank you for consideration of this request.

Sincerely,

Ave M. Bie
Chairperson

AMB:pmm:sp:K:\amb\letters\2001\UCRAR 2-15-01

Enclosures

cc: The Honorable Fred Risser
The Honorable Scott Jensen
Ron Sklansky

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Proposed Rules Covering and Procedures for Confidential Treatment of Records 1-AC-201

ORDER ADOPTING RULES AT THE DIRECTION OF THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

At the direction of the Joint Committee for Review of Administrative Rules under s. 227.26(2)(b), Stats., the Commission adopts a rule to create s. PSC 2.06, Wis. Adm. Code, relating to procedures for the confidential treatment of records.

Analysis by the Public Service Commission of Wisconsin

Statutory authority: ss. 196.02(1) and (3), 227.11, 227.24 and 227.26, Stats.

Statutes interpreted: ss. 196.14, 196.72 and 196.795(9), Stats.

On August 15, 2000, the Commission voted to promulgate administrative rules on requests for confidential handling of documents filed with the Commission. On September 20, 2000, the Joint Committee for Review of Administrative Rules directed the Commission to adopt a rule on the subject under s. 227.26(2)(b), Stats. This rule creates a process for obtaining a designation of confidential status. Under the rule, a determination on whether information shall be treated confidentially shall be made at the time the information is given to the Commission. Under previous Commission procedures, if a person filing a document sought confidential treatment of information in the document, the filer could do so by identifying the grounds under which confidentiality could be granted. The Commission would accept the filing, but the

acceptance did not constitute a determination that public access to the information would not be permitted. The Commission would determine if confidential status should be granted when a request for that information was made by another person.

Under this rule, a person who wishes the Commission to keep confidential information in the possession of the Commission, or requested by the Commission, must make an application for confidential status. The application must identify the information for which confidential treatment is sought and identify the authority under which confidential status should be granted. Within 21 days after receiving an application, the Commission may seek additional information from the applicant, if needed, to make a confidentiality determination. The applicant must respond within 30 days to the information request.

The Commission will make a determination on a confidentiality request within 30 days of receiving the additional information or within 30 days of the filing of the application if no additional information is needed. The determination will specify what, if any, information is given confidential treatment and the basis for that determination.

The Commission will give the applicant written notice of its determination. The Commission shall post all determinations regarding confidentiality on its website and may give other appropriate notice. If an applicant is authorized to file information confidentially in the context of a Commission proceeding, the applicant shall serve a copy of the determination on all persons listed on the service list for that proceeding.

Fiscal Estimate

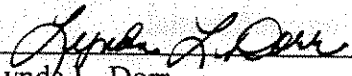
A fiscal estimate is attached to this order.

Order Adopting Rules

Pursuant to ss. 196.02(1) and (3), 227.11, 227.24 and 227.26, Stats., the Commission creates s. PSC 2.06, Wis. Adm. Code, as shown in Attachment 1. The attached rule takes effect upon publication.

Dated at Madison, Wisconsin, October 19, 2000

By the Commission:



Lynda L. Dorr
Secretary to the Commission

LLD:JL:mem:G:Order Pending\1-AC-201 JCRAR-Ordered Rules

1 SECTION 1. PSC 2.06 is created to read:

2
3 **PSC 2.06 Confidential status.**

4
5 **(1) APPLICABILITY.** This section applies to requests made to the commission to treat as
6 confidential information in possession of the commission or being requested by the commission.

7
8 **(2) RESPONSIBILITY FOR ESTABLISHING CONFIDENTIALITY.** The burden of establishing the need
9 for confidential treatment of any information shall be on the person requesting confidential
10 treatment of the information.

11
12 **(3) APPLICATION FOR CONFIDENTIAL STATUS.** Any person seeking confidential treatment of
13 information shall file with the commission a written application for confidential status containing
14 in affidavit form all of the following:

15
16 (a) The name and address of the applicant.

17
18 (b) The name and position of the individual filing the application.

19
20 (c) The specific type of information for which confidential status is sought.

21
22 (d) The facts and supporting legal authority believed to constitute a basis for obtaining
23 confidential treatment of the information.

1 (4) **ADDITIONAL INFORMATION.** (a) Within 21 days after receiving a complete application, the
2 commission shall mail to the applicant a list of written interrogatories the answers to which are
3 necessary for a determination under this section. If a confidentiality determination can be made
4 solely on the basis of information appearing in the application, the commission may waive
5 written interrogatories.

6
7 (b) If an extension has not been granted and if the applicant fails to answer all the interrogatories
8 within 30 days after the date the commission mails the interrogatories, the commission shall
9 deny the application. The commission may also deny the application if the applicant fails to
10 provide the information requested in the interrogatories.

11
12 (c) The responses to the interrogatories shall be treated as confidential if the applicant submits a
13 request for confidential treatment of the responses.

14
15 (5) **DETERMINATION.** (a) Within 30 days after receiving a complete application if interrogatories
16 are waived, or within 30 days after receiving the information requested in the interrogatories, the
17 commission shall issue a written determination on the request for confidentiality. The
18 determination shall include all of the following:

- 19
20 1. A finding which identifies the type of information sought to be assigned confidential status.
21
22 2. A determination of whether the commission has the authority to compel submittal of the
information if the commission requested the information.

1 3. If the authority exists, a determination of whether the commission is authorized by law to
2 assign confidential status to the type of information at issue.

3
4 4. The decision to deny or to grant the request in whole or in part.

5
6 (b) A determination to assign confidential status shall be made pursuant to one or more of the
7 following:

8
9 1. Section 196.14, Stats.

10
11 2. Section 196.72, Stats.

12
13 3. Section 196.795(9), Stats.

14
15 4. Upon a finding consistent with the ruling in *State ex rel. Youmans v. Owens*, 28 Wis.2d 672,
16 (1965) that confidential treatment of the information is in the public interest.

17
18 5. Other specific statutory or common law right to confidential treatment of information.

19
20 (c) A determination made pursuant to par. (b)4. shall also include answers to all of the following
21 questions:

22

1. How many people have knowledge of the supposedly "secret" information? Will disclosure increase that number to a significant degree?
2. Does the contested information have any value to the possessor? To a competitor? Is that value substantial?
3. What damage, if any, would the possessor of the secret suffer from its disclosure? What advantages would its competitors reap from disclosure?
4. What benefits are likely to flow from disclosure? To whom? Are they significant? In this connection, what is the public "need" for disclosure? Can it be satisfied in any other way?

(d) 1. The commission shall notify the applicant in writing of the determination. The commission post on its internet website a list of all determinations made under this section and may provide any other notice it considers to be appropriate.

2. If information that is granted confidential status is filed in conjunction with a commission proceeding, the applicant shall serve a copy of the determination on all persons listed on the service list for the proceeding, and shall file proof of service with the commission.

(6) INTERIM CONFIDENTIAL STATUS. Information for which confidential status is requested shall not be open to public scrutiny until 40 days after issuance of the determination.

1 (7) **CONTESTED CASES:** In any contested case hearing before the commission, the administrative
2 law judge, in determining the merits of a request for confidential treatment of information which
3 arises during the course of the hearing, may render a ruling on the request only after receiving
4 answers to the questions appearing in sub. (5) (c) 1. to 4.

5
6 **SECTION 2. INITIAL APPLICABILITY.**

7 The treatment of section PSC 2.06 the Wisconsin Administrative Code first applies to a request
8 for confidential treatment made to the commission on the effective date of this rule.

9
10 **SECTION 3. EFFECTIVE DATE.**

11 As provided in s. 227.24(1)(c), Stats., the treatment of section PSC 2.06 of the Wisconsin
12 Administrative Code takes effect upon publication in the official state newspaper.

13
14 (end)

FISCAL ESTIMATE

DOA-2048 N(R10/96)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

Subject

Create a Process for Determining Confidentiality of Records

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations
20.155(l)(g)

Assumptions Used in Arriving at Fiscal Estimate

PSC 2.06 creates a process for determining the confidentiality of records submitted by public utilities to the Commission. The process the rule prescribes requires the PSC to make a determination of confidentiality and notify the applicant. The PSC processed 1,280 requests for confidential treatment of data in calendar year 1999 and has processed 975 requests so far in calendar year 2000. This proposed rule will not have a fiscal impact on the PSC or local government.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
PSC/Gordon Grant 267-9086

Authorized Signature/Telephone No.

Gordon Grant

Date
10/17/00

SENATOR JUDITH B. ROBSON
CO-CHAIR

P.O. BOX 7882
MADISON, WI 53707-7882
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REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-6486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 26, 2001

BY INTER-D

Ave Bie
Chair, Public Service Commission
610 North Whitney Way
Madison, WI

Re: Emergency Rule PSC 2.06 and Emergency Rule PSC 116

Dear Chairperson Bie:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on April 24, 2001. At that meeting, the JCRAR received public testimony regarding two emergency rules promulgated by the Public Service Commission. Those rules were Emergency Rule PSC 2.06, relating to procedures for the confidential treatment of documents, and Emergency Rule PSC 116, relating to the triggering mechanism and the period of time in which fuel costs are estimated for purposes of seeking an emergency or extraordinary rate increase under s. PSC 116.06.


Based on the testimony given to the committee, JCRAR adopted a motion extending the effective period of Emergency Rule PSC 2.06 for 60 days. The committee approved the motion on a 10 to 0 vote.

A motion to extend the effective period of Emergency Rule PSC 116.06 was made. However, this motion was not brought to a vote because no member of the committee would second the motion. Therefore, the effective period of Emergency Rule PSC 116.06 was not extended.

Pursuant to § 227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

SENATOR JUDITH B. ROBSON
CO-CHAIR
P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-6486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 26, 2001

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule PSC 2.06
Emergency Rule PSC 116.06
Emergency Rule HFS 163

Dear Senator Risser and Representative Jensen:

We are writing pursuant to § 227.24(2)(c), *Stats.*, to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on April 24, 2001. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

- Emergency Rule PSC 2.06, relating to procedures for the confidential treatment of documents;
- Emergency Rule PSC 116.06, relating to the triggering mechanism and the period of time in which fuel costs are estimated for purposes of seeking an emergency or extraordinary rate increase under s. PSC 116.06; and
- Emergency Rule HFS 163, relating to certification for the identification, removal and reduction of lead-based paint hazards.

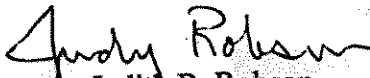
Based on the public testimony at the hearing, the committee adopted a motion extending Emergency Rule PSC 2.06 for 60 days. The committee approved the motion on a 10 to 0 vote.

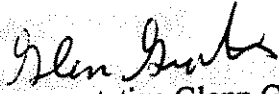
Based on the public testimony at the hearing, the committee adopted a motion extending Emergency Rule HFS 163 for 60 days. The committee approved the motion on a 9 to 1 vote.

The committee did not extend the effective period of emergency rule PSC 116.06.

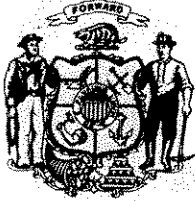
We are giving you this notice of the committee's action pursuant to § 227.24(2)(c), *Stats.*, and we ask that you notify the appropriate standing committees of each house of the legislature of the JCRAR's actions.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da



Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Mettner, Commissioner
John H. Farrow, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

April 20, 2001

The Honorable Judy Robson
Joint Committee for Review of
Administrative Rules
The State Senate
State Capitol, Room 15 South
Madison, WI 53702

The Honorable Glenn Grothman
Joint Committee for Review of
Administrative Rules
The State Assembly
State Capitol, Room 15 North
Madison, WI 53702

Re: Emergency Rule ch. PSC 2

Dear Senator Robson and Representative Grothman:

Pursuant to Wis. Stat. § 227.24(2), the Commission requests a second 60-day extension of our rules regarding confidential filing procedures. These rules were promulgated as emergency rules at the request of the Joint Committee for Review of Administrative Rules. The rules took effect on October 23, 2000. One previous extension of these rules was granted by the Joint Committee on February 20th, and will expire on May 20th if a second extension is not granted.

The Commission is promulgating these rules as permanent rules in conjunction with our general revision of Wis. Admin. Code ch. PSC 2. The Commission has solicited and received written comments on these rules and has held a hearing. The rules have also received the Clearinghouse Report as Clearinghouse Rule 00-180. A revised draft has been proposed and the Commission anticipates considering adoption of a final draft rule at its meeting of May 10th. At that time the rules will be forwarded to the legislature for standing committee review. Consequently, the permanent rule cannot be in effect before the date the emergency rules expire.

If you have any questions regarding this request, please contact Attorney John Lorence at (608) 266-8128, or by e-mail at lorenj@psc.state.wi.us.

Thank you for consideration of this request.

Sincerely,

Ave M. Bie
Chairperson

AMB:pmm:sp:K:\amb\letters\2001\JCRAR 2-17-01

Enclosures

cc: The Honorable Fred Risser
The Honorable Scott Jensen
Ron Sklansky

Date Mailed
October 23, 2000

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Proposed Rules Covering and Procedures for
Confidential Treatment of Records

1-AC-201

**ORDER ADOPTING RULES AT THE DIRECTION OF THE JOINT COMMITTEE
FOR REVIEW OF ADMINISTRATIVE RULES**

At the direction of the Joint Committee for Review of Administrative Rules under s. 227.26(2)(b), Stats., the Commission adopts a rule to create s. PSC 2.06, Wis. Adm. Code, relating to procedures for the confidential treatment of records.

Analysis by the Public Service Commission of Wisconsin

Statutory authority: ss. 196.02(1) and (3), 227.11, 227.24 and 227.26, Stats.

Statutes interpreted: ss. 196.14, 196.72 and 196.795(9), Stats.

On August 15, 2000, the Commission voted to promulgate administrative rules on requests for confidential handling of documents filed with the Commission. On September 20, 2000, the Joint Committee for Review of Administrative Rules directed the Commission to adopt a rule on the subject under s. 227.26(2)(b), Stats. This rule creates a process for obtaining a designation of confidential status. Under the rule, a determination on whether information shall be treated confidentially shall be made at the time the information is given to the Commission. Under previous Commission procedures, if a person filing a document sought confidential treatment of information in the document, the filer could do so by identifying the grounds under which confidentiality could be granted. The Commission would accept the filing, but the

Docket 1-AC-201

acceptance did not constitute a determination that public access to the information would not be permitted. The Commission would determine if confidential status should be granted when a request for that information was made by another person.

Under this rule, a person who wishes the Commission to keep confidential information in the possession of the Commission, or requested by the Commission, must make an application for confidential status. The application must identify the information for which confidential treatment is sought and identify the authority under which confidential status should be granted. Within 21 days after receiving an application, the Commission may seek additional information from the applicant, if needed, to make a confidentiality determination. The applicant must respond within 30 days to the information request.

The Commission will make a determination on a confidentiality request within 30 days of receiving the additional information or within 30 days of the filing of the application if no additional information is needed. The determination will specify what, if any, information is given confidential treatment and the basis for that determination.

The Commission will give the applicant written notice of its determination. The Commission shall post all determinations regarding confidentiality on its website and may give other appropriate notice. If an applicant is authorized to file information confidentially in the context of a Commission proceeding, the applicant shall serve a copy of the determination on all persons listed on the service list for that proceeding.

Fiscal Estimate

A fiscal estimate is attached to this order.

Docket 1-AC-201

Order Adopting Rules

Pursuant to ss. 196.02(1) and (3), 227.11, 227.24 and 227.26, Stats., the Commission creates s. PSC 2.06, Wis. Adm. Code, as shown in Attachment 1. The attached rule takes effect upon publication.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

LLD:JL:mem:G:Order Pending\1-AC-201 JCRAR-Ordered Rules

1 SECTION 1. PSC 2.06 is created to read:

2
3 **PSC 2.06 Confidential status.**

4
5 **(1) APPLICABILITY.** This section applies to requests made to the commission to treat as
6 confidential information in possession of the commission or being requested by the commission.

7
8 **(2) RESPONSIBILITY FOR ESTABLISHING CONFIDENTIALITY.** The burden of establishing the need
9 for confidential treatment of any information shall be on the person requesting confidential
10 treatment of the information.

11
12 **(3) APPLICATION FOR CONFIDENTIAL STATUS.** Any person seeking confidential treatment of
13 information shall file with the commission a written application for confidential status containing
14 in affidavit form all of the following:

15
16 (a) The name and address of the applicant.

17
18 (b) The name and position of the individual filing the application.

19
20 (c) The specific type of information for which confidential status is sought.

21
22 (d) The facts and supporting legal authority believed to constitute a basis for obtaining
23 confidential treatment of the information.

1 (4) ADDITIONAL INFORMATION. (a) Within 21 days after receiving a complete application, the
2 commission shall mail to the applicant a list of written interrogatories the answers to which are
3 necessary for a determination under this section. If a confidentiality determination can be made
4 solely on the basis of information appearing in the application, the commission may waive
5 written interrogatories.

6
7 (b) If an extension has not been granted and if the applicant fails to answer all the interrogatories
8 within 30 days after the date the commission mails the interrogatories, the commission shall
9 deny the application. The commission may also deny the application if the applicant fails to
10 provide the information requested in the interrogatories.

11
12 (c) The responses to the interrogatories shall be treated as confidential if the applicant submits a
13 request for confidential treatment of the responses.

14
15 (5) DETERMINATION. (a) Within 30 days after receiving a complete application if interrogatories
16 are waived, or within 30 days after receiving the information requested in the interrogatories, the
17 commission shall issue a written determination on the request for confidentiality. The
18 determination shall include all of the following:

- 19
20 1. A finding which identifies the type of information sought to be assigned confidential status.
21
22 2. A determination of whether the commission has the authority to compel submittal of the
23 information if the commission requested the information.

1 3. If the authority exists, a determination of whether the commission is authorized by law to
2 assign confidential status to the type of information at issue.

3
4 4. The decision to deny or to grant the request in whole or in part.

5
6 (b) A determination to assign confidential status shall be made pursuant to one or more of the
7 following:

8
9 1. Section 196.14, Stats.

10
11 2. Section 196.72, Stats.

12
13 3. Section 196.795(9), Stats.

14
15 4. Upon a finding consistent with the ruling in *State ex rel. Youmans v. Owens*, 28 Wis.2d 672,
16 (1965) that confidential treatment of the information is in the public interest.

17
18 5. Other specific statutory or common law right to confidential treatment of information.

19
20 (c) A determination made pursuant to par. (b)4. shall also include answers to all of the following
21 questions:

22

1 1. How many people have knowledge of the supposedly "secret" information? Will disclosure
2 increase that number to a significant degree?

3
4 2. Does the contested information have any value to the possessor? To a competitor? Is that
5 value substantial?

6
7 3. What damage, if any, would the possessor of the secret suffer from its disclosure? What
8 advantages would its competitors reap from disclosure?

9
10 4. What benefits are likely to flow from disclosure? To whom? Are they significant? In this
11 connection, what is the public "need" for disclosure? Can it be satisfied in any other way?

12
13 (d) 1. The commission shall notify the applicant in writing of the determination. The
14 commission post on its internet website a list of all determinations made under this section and
15 may provide any other notice it considers to be appropriate.

16
17 2. If information that is granted confidential status is filed in conjunction with a commission
18 proceeding, the applicant shall serve a copy of the determination on all persons listed on the
19 service list for the proceeding, and shall file proof of service with the commission.

20
21 (6) INTERIM CONFIDENTIAL STATUS. Information for which confidential status is requested shall
22 not be open to public scrutiny until 40 days after issuance of the determination.

23

1 (7) CONTESTED CASES. In any contested case hearing before the commission, the administrative
2 law judge, in determining the merits of a request for confidential treatment of information which
3 arises during the course of the hearing, may render a ruling on the request only after receiving
4 answers to the questions appearing in sub. (5) (c) 1. to 4.

5
6 SECTION 2. INITIAL APPLICABILITY.

7 The treatment of section PSC 2.06 the Wisconsin Administrative Code first applies to a request
8 for confidential treatment made to the commission on the effective date of this rule.

9
10 SECTION 3. EFFECTIVE DATE.

11 As provided in s. 227.24(1)(c), Stats., the treatment of section PSC 2.06 of the Wisconsin
12 Administrative Code takes effect upon publication in the official state newspaper.

13
14 (end)