



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY, THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-027

AN ORDER to repeal PSC 113.0811 (4); and to amend PSC 113.0402 (3) (b) and (4) (b), 113.0607 (2) (b) 1a. and 6., 113.0609 (1), 113.0701 (1), (2), (4), (6), (7) and (8), 113.0803 (1), 113.0912 (1) (a), 113.0913 (1) (a) and 113.0914 (1) (a), relating to customer satisfaction surveys for municipal utilities and technical corrections.

Submitted by **PUBLIC SERVICE COMMISSION**

02-26-02 RECEIVED BY LEGISLATIVE COUNCIL.

03-19-02 REPORT SENT TO AGENCY.

RS:DLL:tlu;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. There are two SECTIONS numbered 2 and none numbered 3; the second of these should be numbered SECTION 3. There are two SECTIONS numbered 7, separated by a SECTION numbered 6, and no SECTION numbered 5; the first SECTION 7 should be numbered SECTION 5.

b. In citations, the number of a subdivision and the letter of a subdivision paragraph are shown followed by a period. For example, in both the treatment clause and text of the second SECTION 2 of the rule, the section being amended should be cited as s. PSC 113.0607 (2) (b) 1. a. See also SECTION 4. [See s. 1.03, Manual.]

c. The text of s. PSC 113.0607 (2) (b) 1. a., should be preceded by the reference "PSC 113.0607 (2) (b) 1. a."; the title should not be shown. [See s. 1.05 (3) (c), Manual.]

d. In s. PSC 113.0607 (2) (b) 1. a. the first word of the first sentence should be capitalized. However, the word "plan" should *not* be capitalized. In fact, throughout that subsection, the terms "plan," "preventative maintenance plan," "availability data system," and "national electric reliability council" should not be capitalized. [See s. 1.01 (4), Manual.] In addition, the rule should refer to either "the plan under sub. (1)" or "the preventative maintenance plan," rather than the unspecific term, "the plan."

e. Since s. PSC 113.0609 (1) (a) and (b) are not changed by this draft rule-making order, SECTION 7 should be revised to amend only s. PSC 113.0609 (intro.).

f. In s. PSC 113.0701 (1), (2), (4), (6), (7), and (8), the fact that these terms are described or defined in the cited document is irrelevant to the meaning of the terms; the reference to the document need not be placed in the definitions. If the commission wishes to inform the reader of the origin of the definitions used, this information could be placed in a note, either following each of the definitions affected or at the end of s. PSC 113.0701. Similarly, the cause of harmonic distortion is irrelevant to the meaning of the term, and so the second sentence of s. PSC 113.0701 (2) should be placed in a note. Finally, in sub. (4), the word "power" should be replaced by the word "Power."

g. In s. PSC 113.0701 (2), there is a comma before the word "means" in the current rule which is missing from the draft rule-making order.

h. The second sentence of s. PSC 113.0701 (8) should begin as follows: "May A transient may be of". Also in that sentence, the word "form" should be shown as "from", as it is in the current rule.

i. In SECTION 12 of the draft rule-making order, the title of s. PSC 113.0803 should not be shown as if it were the title of s. PSC 113.0803 (1). Also, the comma following "1980" should be underscored, since it is not in the current rule. Finally, the changes made near the end of that subsection should be drafted as follows: "facility, facilities, residential care apartment complexes or similar facilities.".

j. In SECTIONS 14, 15 and 16, it is not necessary to strike an existing period and underscore a new one. It is sufficient to strike the material to be repealed and leave the existing period after it.

k. Sections PSC 113.0912 (1) (a), 113.0913 (1) (a), and 113.0914 (1) (a) each begin with an incomplete sentence. The same is true of the paragraphs that follow each of those provisions in the current rule. It appears that language is missing from the introductory language that precedes each of these provisions, such as "under the following circumstances:". Compare to s. PSC 113.0911 (1) (intro.).

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Petition of the Municipal Electric Utilities of Wisconsin to Revise
Wis. Admin. Code, PSC 113

1-AC-204

NOTICE OF HEARING

Hearing Date:	Tuesday, April 30, 2002, 10:00 a.m.
Hearing Location:	Public Service Commission, 610 North Whitney Way, Madison, WI (Amnicon Falls Hearing Room – 1st Floor)

The Commission proposes an order to make application of s. PSC 113.0609, Wis. Adm. Code, relating to customer satisfaction surveys discretionary with respect to municipal utilities, and to incorporate technical corrections to ch. PSC 113, Wis. Adm. Code.

NOTICE IS GIVEN that pursuant to s. 227.16(2)(b), Stats., a hearing will be held on Tuesday, April 30, 2002, at 10:00 a.m., in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, to consider the revision of these service rules for electric utilities. This building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact the docket coordinator listed at the end of this notice.

**ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Statutory authority: ss. 196.02(3) and 227.11(2), Stats.

Statute interpreted: ss. 196.499(14) and 196.58(4), Stats.

The objective of this rulemaking is to make modifications to ch. PSC 113, Wis. Adm. Code, based upon review after the repeal and recreation of the Chapter, which became effective in August 2000.

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The proposed revisions to ss. PSC 113.0402 (3) (b) and 113.0403 (4) (b), Wis. Adm. Code, are proposed to modify the timing requirements to be consistent with other sections in the chapter.

The proposed revisions to ss. PSC 113.0607 (2) (b) 6, 113.0701 (1), (2), (4), (6), (7), (8), 113.0912 (1) (a), 113.0913 (1) (a) and 133.0914 (1) (a), Wis. Adm. Code are to provide more accurate descriptive language in the various rule sections.

The objective of the revision to s. PSC 113.0609, Wis. Adm. Code relating to customer satisfaction surveys is to make the provision of such surveys by municipal utilities discretionary. Its purpose in part is to recognize that municipal utilities focus solely on core electric utility services, are small in size, and have a close relationship with their customers. The intention of the surveys is to ensure that competition in non-core services does not adversely affect the quality and value of core utility services. The implementation of the surveys by the municipal utilities would be an unnecessary cost burden with less benefit from mandated surveys of municipal customers than would be gained from surveys of customers of larger investor-owned utilities.

The proposed revision to s. PSC 113.0803 (1) Wis. Adm. Code would add the phrase "residential care apartment complex or similar facility" to follow Commission decisions incorporating such facilities as exempted from the separate metering requirement.

The proposed elimination of s. PSC 113.0811 (4) Wis. Adm. Code is because prepayment meters are not allowed.

A statement of scope on this rule was approved by the Commission on September 13, 2001, and was published in the Wisconsin Administrative Register on October 15, 2001.

TEXT OF PROPOSED RULE

SECTION 1. PSC 113.0402 (3) (b) is amended to read:

PSC 113.0402 (3) (b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or new or additional guarantee may be required upon 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon ~~8~~10 days' written notice.

SECTION 2. PSC 113.0403(4) (b) is amended to read:

PSC 113.0403 (4) (b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on 8 10 days written notice, subject to the establishment of an installment payment agreement.

SECTION 2. PSC 113.0607 (2) (b) 1a is amended to read:

PSC 113.0607 (2) (b) 1a. 1. ^{Plan} Inspection a. the Plan shall include a schedule for the periodic inspection as approved by the commission) of all facilities owned and operated by the utility and used to provide electric service to its customers. The Plan shall describe the method for inspection of each type of equipment as designated by the reporting utility. Checklist/report forms shall be included in the Plan.

SECTION 4. PSC 113.0607 (2) (b) 6 is amended to read:


Same for (2) (b) 2.

In par. (a), "preventive maintenance plan" should be lower case; in rest of section say either p- m- p- or plan under sub. (1)

(2)

X PSC 113.0607 (2) (b) ~~6~~⁶ Reporting requirements. Each utility shall provide a periodic report to the commission showing compliance with its Preventative Maintenance Plan. The report shall include a list of inspected circuits and facilities, the condition of the facilities according to established rating criteria, schedules established and success at meeting the established schedules. For generation facilities, the report shall include a summary of each generating unit's operating performance statistics based on the utility's GADS data, or other accepted industry data convention. Reported generating unit performance data shall include net dependable capacity, capacity factor, forced outage rate, scheduled outage rate factor, primary fuel and production technology type. The commission shall establish a periodic report schedule for each utility of at least once every 2 years.

SECTION 7. PSC 113.0609 (1)^(intra) is amended to read:

 PSC 113.0609 (1)^(intra) Using methods approved by the commission, the utility each municipally owned electric public utility, as directed by the commission where there is cause to do so, and each investor-owned electric public utility, on an annual basis, shall fund annual regular quantitative assessments, made by an independent entity, of the satisfaction of all customer classes with the services they have received from the utility. The results of these assessments shall be filed with the commission. The utility shall provide to the commission a detailed report of the information from any research it has conducted in the past year to help assess:

(a) The satisfaction of the utility's customers with the services they have received from the utility.

(b) The specific new services or alterations to existing services desired by customers.

SECTION 6. PSC 113.0701 (1) is amended to read:

These should all be in notes if needed at all (2)

113.0701 (1) "Flicker" or "voltage flicker," as described by IEEE Standard 1100-1992 the Authoritative Dictionary of IEEE Standards Terms-7th Ed., means a variation of input voltage sufficient in duration to allow visual observation of a change in electric light intensity.

SECTION 7. PSC 113.0701 (2) is amended to read:

Why different?

113.0701(2) "Harmonic distortion," as defined by IEEE Standard 1100-1992 the Authoritative Dictionary of IEEE Standards Terms-7th Ed. means a mathematical representation of the distortion of the pure sine waveform. Distortion of the pure sine waveform is typically caused by loads that draw current discontinuously or whose impedance varies during the cycle of the input ac voltage waveform. *note*

comm. a in current rule

SECTION 8. PSC 113.0701 (4) is amended to read:

113.0701 (4) "power quality," as defined by IEEE Standard 1100-1992 the Authoritative Dictionary of IEEE Standards Terms-7th Ed., means the concept of powering and grounding sensitive electronic equipment in a manner that is suitable to the operation of that equipment.

X

SECTION 9. PSC 113.0701 (6) is amended to read:

113.0701 (6) "Sag," as defined by IEEE Std 1100-1992 the Authoritative Dictionary of IEEE Standards Terms-7th Ed., means an rms reduction in the ac voltage at the power frequency, for durations from a half-cycle to a few seconds.

SECTION 10. PSC 113.0701 (7) is amended to read:

113.0701 (7) "Swell," as defined by IEEE Std 1100-1992 the Authoritative Dictionary of IEEE Standard Terms-7th Ed., means an rms increase in the ac voltage, at the power frequency, for durations from a half-cycle to a few seconds.

SECTION 11. PSC 113.0701 (8) is amended to read:

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May A transient may

PSC 113.0701 (8) "Transient," as defined by ~~IEEE Std. 1100-1992~~ the Authoritative Dictionary of IEEE Standards Terms-7th Ed., means a subcycle disturbance in the ac waveform that is evidenced by a sharp but brief discontinuity of the wave form. It may be of either polarity and may be additive to or subtractive from the nominal waveform.

SECTION 12. PSC 113.0803 (1) is amended to read:

from - correct in current rule

PSC 113.0803 (1) Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks, and for commercial establishments. Each dwelling in a multi-dwelling unit residential building and mobile home

park constructed after March 1, 1980, shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used to or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

no change in current rule

SECTION 13. PSC 113.0811 (4) is repealed.

SECTION 14. PSC 113.0912 (1) (a) is amended to read:

PSC 113.0912 (1) (a) Before being placed in service, For new meters given a prior test by the manufacturer, the manufacturer's certified test results may be substituted for this requirement for all meters tested under the provisions of s. PSC 113.0921.

not a sentence, nor flowing from intro. - same for following parts.

SECTION 15. PSC 113.0913 (1) (a) is amended to read:

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ditto
PSC 113.0913 (1) (a) Before being placed in service. For new meters given a prior test by the manufacturer, the manufacturer's results may be substituted for this requirement, ~~for all meters tested under the provisions of s. PSC 113.0921.~~

SECTION 16. PSC 113.0914 (1) (a) is amended to read:

ditto
PSC 113.0914 (1) (a) Before being placed in service. For new meters given a prior test by the manufacturer, the manufacturer's certified test results may be substituted for this requirement, ~~for all meters tested under the provisions of s. PSC 113.0921.~~

EFFECTIVE DATE; This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro), Stats.

(end)

INITIAL REGULATORY FLEXIBILITY ANALYSIS

In s. PSC 113.0403 (4) (b), Wis. Adm. Code, there is an increase in the written notice required to be provided to the commercial customer prior to disconnection. In s. PSC 113.0609 (1), Wis. Adm. Code, municipal utilities would be allowed to provide customer satisfaction surveys on an as needed basis rather than annually. Section PSC 113.0803 (1) Wis. Adm. Code, would add residential care apartment complexes or similar facilities to the type of unit excluded from requiring a separate electric meter for each dwelling unit. Otherwise the proposed rules will have no effect on small business.

FISCAL ESTIMATE

This rule has no fiscal impact. A completed Fiscal Estimate form is included as Attachment A.

CONTACT PERSON

Questions regarding this matter should be directed to docket coordinator Terri Kosobucki at (608) 267-3595. Hearing or speech-impaired individuals may also use the Commission's TTY number, (608) 267-1479.

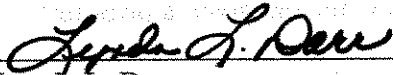
The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to

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participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed above.

Dated at Madison, Wisconsin, February 26, 2002

By the Commission:



Lynda L. Dorr
Secretary to the Commission

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Attachment

LRB or Bill No./Adm. Rule No.
1-AC-204

Amendment No. if Applicable

FISCAL ESTIMATE

DOA-2048 N(R10/96)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Revise Wis. Adm. Chapter 113 Service Rules for Electric Utilities

Fiscal Effect

State: No State Fiscal Effect

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

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

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

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(1)(g)

Assumptions Used in Arriving at Fiscal Estimate

These rules would make application of s. PSC 113.0609 Wis. Adm. Code, relating to customer satisfaction surveys discretionary with respect to municipal utilities and to incorporate technical corrections to ch. PSC 113. As such, no fiscal impact on state and local government is expected.

Long-Range Fiscal Implications

None.

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

PSC/Gordon Grant 267-9086

Gordon Grant

1/30/02