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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

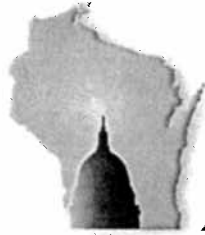
- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

*Senator Robert Jauch
Co-Chair, JCRAR*



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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April 14, 2008

Honorable Fred Risser, President
Wisconsin State Senate
Room 220 South, State Capitol
Madison, WI 53707-7882

Honorable Michael Huebsch, Speaker
Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53708

RE: Clearinghouse Rule No. 07-080 – Chapter Adm 44

Dear Senator Risser and Representative Huebsch:

Enclosed in final draft form is a proposed order to repeal Chapter Adm 44 relating energy conservation and efficiency and renewable resource programs. The fiscal estimate is also enclosed.

The proposed elimination of Chapter Adm 44 complies with 2005 Wisconsin Act 141 that transferred all the responsibilities governed by the rule to the Public Service Commission effective July 1, 2007. Separately, the Public Service Commission has developed a rule to fulfill its new responsibilities.

A copy of the Legislative Council Rules Clearinghouse Report is also enclosed. No comments were reported by the Clearinghouse.

No public hearing was held by the Department pursuant to s. 227.16(2)(b), Stats., because the proposed rule repeal brings an existing rule into conformity with a statute that has been changed to no longer require the Department's involvement in the energy conservation and efficiency and renewal resource programs.

We respectfully request submittal of the proposed rule to the appropriate standing committees for review.

Sincerely,

Michael L. Morgan
Secretary of Administration

cc: Bruce Hoesly, Legislative Reference Bureau
Joint Committee for Review of Administrative Rules

**PROPOSED ORDER OF THE
DEPARTMENT OF ADMINISTRATION**

The Wisconsin Department of Administration proposes to repeal Chapter Adm 44 of the Wisconsin Administrative Code relating to Energy Conservation and Efficiency and Renewable Resource Programs.

Analysis by the Department of Administration

Statutory Authority: ss.16.004 (1), 16.957(2)(c) 4 and 5 and 227.11, Stats
Statutes Interpreted: s. 16.957(1), (2) and (3), Stats.

Explanation of agency authority: The proposed elimination of Chapter Adm 44 complies with 2005 Wisconsin Act 141 that transferred all the responsibilities governed by the rule to the Public Service Commission.

Related statute or rule: None.

Plain language analysis: The Department proposes to repeal Chapter Adm 44. 2005 Wisconsin Act 141 amended s. 16.957, Stats., to exclude energy conservation and efficiency and renewable resource programs from Department duties effective July 1, 2007. The same Act created a similar set of responsibilities for the Public Service Commission also effective July 1, 2007. Separately, the Public Service Commission has developed a rule to fulfill its new responsibilities. The proposed rule repeal brings an existing rule into conformity with a statute that has been changed to no longer require the Department's involvement in the energy conservation and efficiency and renewal resource programs.

Summary of, and comparison with, existing or proposed federal regulations: No known existing or proposed federal regulations comparable to the proposed rules.

Comparison with rules in adjacent states: Each of the four states adjacent to Wisconsin operates energy efficiency and renewable energy programs, albeit with substantial variation in strategies and methods.

- The Minnesota Department of Commerce operates the "conservation improvement program" under Minnesota Rule, Chapter 7690. This rule specifies the "procedures to be followed by public utilities in submitting, and by the department [of Commerce] in analyzing and selecting, proposals for conservation improvement programs and to provide for the participation of other interested persons in developing conservation improvement programs." Minnesota Rule, Chapter 7635 establishes the requirements for "Major regulated utilities to offer their residential utility customers services related to the promotion of energy conservation." This is similar to the Wisconsin system, effective July 2007, that requires utilities to develop and deliver energy efficiency and renewable energy programs subject to oversight by a state agency.
- The Iowa Utilities Board, under the Iowa Department of Commerce, oversees energy efficiency and renewable programs under several administrative

rules. The Iowa Administrative Code (IAC) [199] Chapter 28 – Iowa Supplemental Energy Conservation Plan covers a voluntary plan for the “small- to medium-sized energy suppliers.” IAC [199] Chapter 35 provides implementation governance for gas and electric utilities required by statute to be rate-regulated and to provide the (Iowa Utilities) board the necessary information to review each utilities assessment of potential, to develop specific capacity and energy savings performance standards for each utility and to evaluate the appropriateness of each utility’s energy efficiency plan. IAC [199] Chapter 36 requires that “Each non-rate regulated gas and electric utility shall file energy efficiency plans...” Lastly, IAC [565] Chapter 18 establishes the State Energy Program under the Environmental Services Division of the Department of Natural Resources.

- The Michigan Low Income and Energy Efficiency Fund is overseen by the Michigan Public Service Commission in the Department of Labor and Economic Growth, generally through Commission orders. Funding is through the utility rate base. Michigan Rule 460.2401 – 2414 provides standards to be followed by public utilities that choose to deliver residential conservation programs. Unlike Wisconsin, Michigan does not mandate that the state’s utilities provide energy efficiency programs.
- The Illinois Department of Commerce and Economic Development operates energy efficiency and renewable energy programs in that state. There are no rules governing the efficiency programs. Illinois Administrative Code Title 86 Revenue, Part 517 provides rules by which the Department of Revenue collects a Renewable Energy Resources and Coal Technology Development Assistance Charge. Half of this charge is used to fund a Renewable Energy Resources Trust Fund administered by the Department of Commerce and Economic Opportunity. Illinois Administrative Code Title 32, Energy, Chapter 1, Part 130 covers the Illinois Renewable Fuels Development Program.

Summary of factual data and analytical methodologies: See plain language analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: Not applicable—rule is being repealed.

Effect on small business: None.

Agency contact person:

Donna Sorenson
Department of Administration
101 E. Wilson Street
Madison, WI 53707-7864
608-266-2887
Donna.Sorenson@Wisconsin.Gov

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the agency contact person listed above and via the Wisconsin Administrative Rules Website at <http://adminrules.wisconsin.gov> by January 15, 2008.

Final Regulatory Flexibility Analysis:

Pursuant to s. 227.114, Stats., the repeal of this rule is not expected to negatively impact on small businesses. A similar set of energy conservation and efficiency and renewable resource programs will be maintained by non-municipal electric utilities with oversight by the Public Service Commission, with no break in service to customers or small businesses.

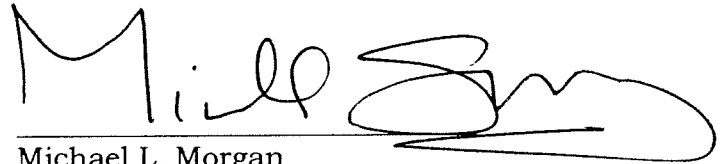
Fiscal Estimate: None

TEXT OF RULE:

SECTION 1. Chapter Adm 44 is repealed.

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.

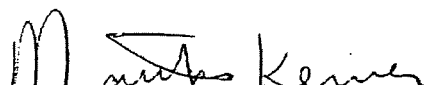
Dated: April 11, 2008



Michael L. Morgan
Secretary of Administration

Fiscal Estimate - 2007 Session

Original Updated Corrected Supplemental

LRB Number		Introduction Number	
Description			
Administrative Rule 44: Energy Conservation and Efficiency and Renewable Resources Programs			
Fiscal Effect			
State:			
<input checked="" type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:			
<input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		_____	
Agency/Prepared By		Authorized Signature	Date
Nancy Foss			3/28/07

Fiscal Estimate Narratives

DOA 3/28/2007

LRB Number	Introduction Number	Estimate Type	Updated
Description			
Administrative Rule 44: Energy Conservation and Efficiency and Renewable Resources Programs			

Assumptions Used in Arriving at Fiscal Estimate

This order will repeal Administrative Rule 44. 2005 Wisconsin Act 141 removed energy conservation and efficiency and renewable resources programs from the department's assigned duties. As the duties have been recreated from the Public Service Commission, there will be no fiscal effect at the state or local level.

Long-Range Fiscal Implications

None.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 07-080

AN ORDER to repeal chapter Adm 44, relating to energy conservation and efficiency and renewable resource programs.

Submitted by **DEPARTMENT OF ADMINISTRATION**

08-16-2007 RECEIVED BY LEGISLATIVE COUNCIL.

09-11-2007 REPORT SENT TO AGENCY.

RNS:REL

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

**REPORT TO LEGISLATURE
CLEARINGHOUSE RULE 07-080
CHAPTER Adm 44**

Proposed Rule:

Pursuant to 2005 Wisconsin Act 141, the Department of Administration proposes to repeal Chapter Adm 44 of the Wisconsin Administrative Code relating to Energy Conservation and Efficiency and Renewable Resource Programs.

Department response to Rules Clearinghouse recommendations:

No comments were received from the Wisconsin Legislative Council Rule Clearinghouse in response to the Department's proposed rule.

Department response to written comments:

No written comments were received.

Department response to public hearing testimony:

No public hearing was held. The Department's responsibilities relating to Chapter Adm 44 were transferred to the Wisconsin Public Service Commission in 2005 Wisconsin Act 141, effective July 1, 2007. A 30-day notice was published in the Wisconsin Administrative Register No. 624, effective December 15, 2007. [Section 227.16(2)(e), Stats.] The department did not receive any petitions for a public hearing.