



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-079

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 January 2005.]

4. Adequacy of References to Related Statutes, Rules and Forms

In the analysis accompanying the rule, the reference to s. 196.371, Stats., providing the statutory authority for the rule should be to the more specific s. 196.371 (4), as the other subsections in s. 196.371, Stats., do not confer rule-making authority.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the analysis, the first sentence of the third paragraph is awkwardly worded and should be rewritten to read: “2005 Wisconsin Act 7 provides that a public utility proposing to...may request that the commission determine....”

b. The phrase “but is not required to” in s. PSC 111.62 (1) is superfluous and not necessary to convey the plain meaning of the provision.

c. In s. PSC 111.62 (2), the word “simultaneous” is used as an adverb and thus should be “simultaneously.”

d. The commission should review the use of the term “affiliates” in s. PSC 111.62 (3) (b) and (c) to determine whether a definition of this term should be provided to ensure consistent application of these provisions. It is not clear from the context whether “affiliates” refer to entities that have a business relationship covered by the affiliated interest statute, s. 196.52, or to affiliates within a public utility holding company.

e. In s. PSC 111.63 (4), an article such as “a” appears to be missing before “purchased facility.” Also, the necessary modifications or improvements to the facility referenced in this subsection should be limited to those necessary at the time of the purchase of the facility for this subsection to be consistent with s. 196.371 (2) (intro.), Stats.