



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-020

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.]

2. Form, Style and Placement in Administrative Code

- a. The relating clause should be amended to read:

AN ORDER to repeal PSC 133.01 (1) to (4), 133.02 (1) (title), (2) (title), (3) (title), (4) (title), (5) (title), and 133.03 (1) (b), (e), (g), and (i), and (2) (b) and (c); to renumber and amend PSC 133.01 (5), 133.02 (1) to (5), 133.03 (1) (c), (d), (f), (h), and (j), (2) (d), (6), and (7), and 133.04 (9); to amend PSC 133.03 (1) (a) and (2) (a), and 133.04 (title) and (1) to (5); to repeal and recreate PSC 133.02 (6), 133.03 (1) (intro.) and (2) (intro.), 133.05, and 133.06; and to create PSC 133.01 (1), (2) (title), and (3), 133.02 (1) to (4), (11), and (12), 133.03 (3), and 133.04 (6) and (9) to (12), relating to the construction, installation, and placing in operation of natural gas facilities.

b. In the first paragraph of section A. of the analysis, the commission should cite “ch. PSC 133, Wis. Adm. Code,” rather than “Wis. Admin. Code ch. PSC 133.”

c. In the second paragraph of section A. of the analysis, the commission should cite “Section PSC 133.03 (1) (h), Wis. Adm. Code,” rather than “Wis. Admin. Code § PSC 133.03 (1) (h).”

- d. In section B. of the analysis, the commission should cite “Section 196.49, Stats.,” rather than “Wis. Stat. § 196.49.”
- e. The commission should organize the analysis in the manner specified in s. 1.02 (2), Manual.
- f. The commission should include an effective date in the rule-making order.
- g. In treatment clauses that involve renumbering, “PSC” should be inserted before the new number. For example, in SECTION 4, “PSC” should be inserted before “133.01 (2).”
- h. In s. PSC 133.02, the commission should clearly state the extent of the applicability of the definitions. For example, s. PSC 133.02 (intro.) could be created to read: “In this chapter:” [See s. 1.01 (7) (a), Manual.]
- i. Section PSC 133.02 (2) should be renumbered (7) rather than (6). Definitions are arranged alphabetically. [See s. 1.01 (7) (a), Manual.] Subsection (6), as created in SECTION 20, should be sub. (6).
- j. In s. PSC 133.02 (4), the commission may not use “means” and “includes” to define the same term. [See s. 1.01 (7) (c), Manual.] The subsection could be modified to merge the two sentences by adding “..., including natural gas...” at the end of the first sentence.
- k. In s. PSC 133.02 (7), the words “such as” should be replaced by “including.”
- l. In section 25 of the rule-making order, the commission should refer to s. PSC 133.03 (1) (b) rather than s. PSC 113.03 (1) (b).
- m. In section 37 of the rule-making order, the commission should amend the treatment clause to state: “PSC 133.04 (title), and (1) to (5) are amended to read:”

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

- a. In the analysis, the commission should include a section on related statutes or rules.
- b. The references to “these rules” in s. PSC 133.01 (1) (c) and (2) should be changed to “this chapter.”
- c. In s. PSC 133.04 (8), the commission should refer to s. 182.0175 (1) (c), Stats.

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

- a. In the rule-making order, the commission should be consistent in its use of commas before “and” and “or” in lists of three or more items. The preferred drafting style is to use commas.
- b. In s. PSC 133.03 (1) (c), it is suggested that the commission clarify its intent. The phrase “installed to be used” appears vague.
- c. In s. PSC 133.04 (11), the commission should delete the words “or not.”

d. In s. PSC 133.04 (12) (a) 2., the commission should insert a hyphen between “flood sensitive” and “flood prone.”

e. In s. PSC 133.04 (12) (a) 4. e., does the word “plant” have the same meaning as the term defined in s. PSC 133.02 (9)?

f. In s. PSC 133.04 (12) (a) 5., the commission should delete the word “such” and insert the word “the” in its place.