



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-044

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.]

1. Statutory Authority

Section 196.491 (3b), Stats., directs the Public Service Commission (PSC) to promulgate rules specifying the information that must be included in an application for expedited review under that subsection. In addition to standard application information plus “information describing in detail why the application should receive expedited review,” information should be required that documents that the project meets the eligibility requirements for expedited review. This should include documentation that “all related construction activity” (which presumably includes the “additional work areas” described in s. PSC 111.71) will take place “entirely within the area of an existing electric transmission line right-of-way.” (Compliance with the requirement that the project is limited to adding conductors to existing towers or poles will be apparent from the information required under s. PSC 111.55 (2).)

2. Form, Style and Placement in Administrative Code

a. The phrase “but shall contain all other application information listed in sub. (1)” is superfluous and should be omitted. If sub. (1) says it is so, it does not need to be said again in sub. (2).

b. Presumably, s. PSC 111.56 is intended to be part of subch. VI, in which case the treatment clause of SECTION 11 should read: “PSC 111.56 and note, preceding subch. VII (title), are created to read:”.

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

In the statutory citation in s. PSC 111.53 (2) (b) 2., “Stats.” should be inserted at the end.

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

a. “Commencement of construction” is a noun, and so the definition of that term in s. PSC 111.01 (3g) should read: “... means making any...”

b. Should the words “Construction of” be inserted before “A cogeneration facility” in s. PSC 111.53 (2) (b) 1. and 3.?