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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz and Jessica Karls-Ruplinger  
Clearinghouse Co-Directors

Terry C. Anderson  
Legislative Council Director

Laura D. Rose  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 14-053

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The treatment clause of SECTION 1 of the rule should indicate that s. PSC 112.05 (3) (a) (intro.) is renumbered s. PSC 112.05 (3) (a) and amended.

b. The treatment clause of SECTION 12 should indicate that s. PSC 133.03 (1) (e) is renumbered s. PSC 133.03 (1) (e) 1., and that s. PSC 133.03 (1) (e) 1. (intro.), as renumbered, is amended. The renumbering of s. PSC 133.03 (1) (e) 1. to 3. is not necessary, as this is accomplished by renumbering the paragraph. (They will be renumbered s. PSC 133.03 (1) (e) 1. a. to c., which presumably is what the Commission intends, not s. PSC 133.03 (1) (a) to (c), which is what the rule says.)

c. The rule’s treatment of s. PSC 133.03 (1) (e) results in the creation of subdivision paragraphs [s. PSC 133.03 (1) (e) 1. a. to c.], which the Legislative Reference Bureau Drafting Manual discourages. An alternative would be to retain the current numbering of s. PSC 133.03 (1) (e) and to create two new paragraphs, s. PSC 133.03 (1) (eg) and (er).

d. The style of the rule’s effective date SECTION should include a title, as described in s. 1.02 (4), Manual.

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

In s. PSC 118.09 (1m), since “renewable portfolio standard report” is not defined, the reference to those reports should include a reference to s. 196.378 (2) (c), Stats.

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

a. In s. PSC 112.05 (3) (a), it would appear more accurate to state that the cost limits are those specified in s. 196.49 (5g) (a), Stats., as revised under par. (b). Parallel comments apply to ss. PSC 133.03 (1) (e) and 184.03 (3).

b. Section PSC 118.09 (1) and (1m) are confusing. An alternative the Commission may want to consider is the following:

- (1) In sub. (1), define all of the terms used:
  - (a) Total statewide electricity sales.
  - (b) Total statewide renewable electricity generation (the three elements listed in s. PSC 118.09 (1) (a), based on the most recent reports under s. 196.378 (2) (c), Stats.).
  - (c) Total statewide conventional electricity generation [(a) minus (b)].
  - (d) Total statewide conventional energy percentage [(c) divided by (a)].
- (2) In sub. (1m), direct the Commission to annually calculate the total statewide conventional energy percentage (without reference to calculation of renewable resource credits – that occurs in sub. (5) and reference to it in sub. (1m) is unnecessary and confusing), and authorize the Commission to establish a different percentage for a specific type of facility.

Note that this alternative uses the term “total statewide conventional energy percentage”, which more clearly reflects the way the term is used.

c. Based on a conversation with Commission staff, it appears that s. PSC 118.09 (1) (a) 1. should refer to energy that a utility banks, in addition to energy it reports for compliance with the renewable portfolio standard.