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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 21-049

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

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

a. In the enumeration of provisions treated by the proposed rule, “PSC” should be placed before the first code reference in each of the treatment styles (e.g., “amend PSC 135.019 (1), ...”).

b. In SECTION 7 of the proposed rule, the cross-references in the proposed 192.321 (kw) (3) insertion should be modified. As written in the rule, the (kw) (3) insertion references “ss. PSC 135.321 and 192.321 (kw) (1)”. However, the “192.321 (kw) (1)” insertion is contained within s. PSC 135.321 and thus the cross-reference to both provisions appears superfluous. Given its placement, it appears more appropriate to refer to “par. (kw) (1)” or “192.321 (kw) (1)”.

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

a. The rule proposes various changes to reconcile ch. PSC 135 with revisions to 49 CFR Part 192. Generally, while the rule largely preserves language currently within ch. PSC 135, various provisions could be further modified to provide clarity, improve style, and address errors.

b. Under SECTION 2 of the proposed rule, further clarity could be provided regarding the requirement for gas public utilities and gas pipeline operators to file certain documentation with the PSC. Notably, it is unclear whether the specified documentation must be filed prior to each pipeline construction project or if the documentation need only be filed once. Similarly, it is unclear what is meant by “each change... shall be filed ... prior to the changes taking effect”. Details could be provided to indicate what it means for a change in the specifications, standards, or procedures to “take effect”.

c. Under SECTION 6 of the proposed rule, further amendment to s. PSC 135.206 could improve language currently within the Administrative Code, including:

- (1) In the introductory material, “... take the following precautions” could be omitted for brevity.

- (2) Paragraph (c) refers to lightning “strokes” when it appears that it should refer to lightning “strikes”. This error is also present in the current Administrative Code.
  - (3) In par. (c), “such protection” should be modified to read “the protection”. [See s. 1.08 (g), Manual.]
- d. Under SECTION 7 of the proposed rule, various changes could be made to provide clarity, including:
- (1) The proposed 192.321 (kw) (1) insertion states, “Plastic pipe and tubing may be deflected to a radius not less than the minimum recommended by the manufacturer for the kind, type, grade, wall thickness and diameter of the particular plastic used”. However, “wall thickness” and “diameter” are properties of pipe or tubing, rather than of “plastic” itself. Consider amending the proposed language to refer to the “kind, type, grade, wall thickness, and diameter of the particular plastic pipe or tubing used”.
  - (2) The proposed 192.321 (lw) insertion refers to “well tampered” earth. The provision should instead refer to “well tamped” earth. This error is also present in the current Administrative Code. Also, for clarity, this provision should be indicated as “(Lw)” as it could be confused with “(1w)”. [See SECTION 16 for contrast.]
- e. In SECTION 11 of the proposed rule, s. PSC 135.621 (title) should read “Maximum allowable operating pressure: high-pressure distribution ~~systems~~ systems additions” for consistency with the title of 49 CFR s. 192.621. This error is not present within the current Administrative Code.
- f. In SECTION 14 of the proposed rule, additional clarity could be provided, including:
- (1) The proposed 192.723 (cw) (1) insertion provides that, under certain circumstances, a second leakage survey must be conducted each calendar year, but not within 4 ½ months of the survey required under 49 CFR 192.723 (b) (1). Given the differing lengths of months, the duration of 4 ½ months is unclear. Consider replacing “4 ½ months” with a specified number of weeks (e.g., 20 weeks).
  - (2) The proposed 192.723 (cw) (7) insertion provides, under certain circumstances, that a search “shall be carried to conclusion until the leak is found”. It is unclear what “carried to conclusion” means in this context, particularly given the requirement that a search must be conducted until the leak is found. It appears that the agency’s intent could be captured by amending the provision to read “...a search shall be conducted until the leak is found”.
- g. In SECTION 15, the term “such service lines” should be modified to read “the service lines.” [See s. 1.08 (g), Manual.]
- h. In SECTION 16 of the proposed rule, “such records” should be modified to read “the records”. [See s. 1.08 (g), Manual.]