

Clearinghouse Rule 19-071

PUBLIC SERVICE COMMISSION OF WISCONSIN

PETITION TO REPEAL UNAUTHORIZED RULES

A. PETITION

Pursuant to Wis. Stat. § 227.26(4), the Public Service Commission of Wisconsin (Commission) petitions the Joint Committee for Review of Administrative Rules (JCRAR) to repeal rules the Commission has determined to be unauthorized.

B. PROPOSED ORDER

The Public Service Commission of Wisconsin proposes an order to repeal Wis. Admin. Code §§ PSC 136.05, 173.02(4), (6), (7), (11), (13), (14), and (15), 173.06, 173.07, 173.08, 173.09, 173.10, 173.11 and 173.12.

C. ANALYSIS

Previous Statutory Authority

Wis. Stat. §§ 196.97 and 256.35 (3m).

Related Statutes or Rules

None.

Explanation of Agency Authority and Brief Summary of Proposed Rules

Wisconsin Admin. Code § PSC 136.05

This section restricts the non-essential uses of natural gas but contains an explanatory note that this section is currently unenforceable due to the repeal of Wis. Stat. § 196.97. Under prior law, it was prohibited to install or connect to the natural gas distribution system any device that the Commission had determined, by rule, to be a non-essential use of natural gas. 2011

Wisconsin Act 154 repealed this prohibition and the Commission's related rule-making authority.

Wisconsin Admin. Code §§ 173.02 (4), (6), (7), (11), (13), (14), and (15), 173.06, 173.07, 173.08, 173.09, 173.10, 173.11 and 173.12

These sections relate to the Wireless 911 Fund. The Wireless 911 Fund was created by 2003 Wisconsin Act 48, which became law on September 2, 2003. Pursuant to previous Wis. Stat. § 256.35 (3m), the Wireless 911 Fund reimbursed county governments and wireless providers for the costs incurred to establish an enhanced wireless 911 system that automatically reports the geographic location of callers placing wireless calls to 911. However, Wis. Stat. § 256.35 (3m) sunset in April 2009. As a result, the Commission no longer has rule-making authority related to the Wireless 911 Fund.

Agency Contact

Questions regarding this matter should be directed to Assistant General Counsel Rory McGarry at (608) 267-6918 or rory.mcgarry@wisconsin.gov.

D. PROPOSED RULES

SECTION 1. PSC 136.05 is repealed.

SECTION 2. PSC 173.02 (4), (6), (7), (11), (13), (14), and (15) are repealed.

SECTION 3. PSC 173.06 is repealed.

SECTION 4. PSC 173.07 is repealed.

SECTION 5. PSC 173.08 is repealed.

SECTION 6. PSC 173.09 is repealed.

SECTION 7. PSC 173.10 is repealed.

SECTION 8. PSC 173.11 is repealed.

SECTION 9. PSC 173.12 is repealed.

SECTION 10. The rules repealed in this order shall take effect on the first day of the month following publication in the *Wisconsin Administrative Register* as provided in Wis. Stat.

§ 227.22 (2) (intro.)