



BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation on Motion of the Com-  
mission of the Construction and In-  
stallation of Plant and Facilities  
by Gas Companies } 2-U-53

ORDER AMENDING RULES

The general orders issued in this docket implement the application of Section 196.49, Wisconsin Statutes, to Wisconsin gas utilities. The general order originally issued on September 23, 1931, in this docket was amended May 3, 1937, September 26, 1940, October 31, 1940, and May 16, 1950. In the Wisconsin Administrative Code the general order has been designated as chapter PSC 133.

The proposed revision of Chapter PSC 133 was undertaken by the Commission on its own motion. At the Commission's suggestion the Wisconsin Utilities Association designated a committee to cooperate with the Commission staff in the preparation of a suggested draft of rules. The personnel of this committee and the extent of its preliminary activity is set forth in Appendix B attached hereto.

Notice of hearing dated December 12, 1957, together with a draft of the proposed rules, was sent to all gas public utilities. The notice of hearing was also published on page 15 of the notice section of the December 1957 Wisconsin Administrative Register #24.

Pursuant to such notice a hearing was held January 16, 1958 at Madison before Examiner Maurice H. Van Susteren.

Appearances are shown in Appendix C attached hereto.

Following the hearing, briefs were filed and oral argument was held on March 19, 1958.

In the testimony, briefs, and oral argument, various suggestions were made as to changes in the wording and content of the proposed rules.

The items of Exhibit 2 (rules as originally proposed by the staff) as to which modification was suggested are as follows:

1. PSC 133.03(1)(a) and (b)
2. PSC 133.03(1)(e) and (d)
3. PSC 133.03(1)(e)
4. PSC 133.03(1)(f)
5. PSC 133.03(1)(h) and (i)
6. PSC 133.03(1)(j) and (k)
7. PSC 133.03(2)(c) and (d)
8. PSC 133.04(1)(f) (omitted)
9. PSC 133.04(1)(f) (new paragraph added in Appendix A)
10. PSC 135.05(2)(a) and (b)
11. PSC 133.06

The Commission has carefully considered the evidence and argument with respect to such suggested modifications. Some of them have been adopted in whole or in part. In other instances the tentative rules as shown in Exhibit 2 herein have been modified and some retained without modification. Other minor changes and additions have been made by way of clarification. Appendix A comprises the rules as herein approved and adopted.

#### Findings of Fact

#### THE COMMISSION FINDS:

That the rules so set forth in Appendix A attached hereto are just and reasonable.

Conclusion of Law

THE COMMISSION CONCLUDES:

That it has authority under section 196.49 and section 227.014 of the Wisconsin Statutes to revise its rules PSC 133, Wisconsin Administrative Code, as set forth in the order herein pursuant to the foregoing opinion.

Order

THE COMMISSION THEREFORE ORDERS:

1. That the present Chapter PSC 133, Wisconsin Administrative Code, be and the same hereby is repealed as of the date when the new chapter PSC 133 (Appendix A attached) becomes effective.
2. That Appendix A is adopted and on and after the effective date of this order shall be Chapter PSC 133.
3. That certified copies of Chapter PSC 133, Wisconsin Administrative Code (Appendix A attached) be filed with the Secretary of State and Revisor of Statutes as required by section 227.023, Statutes.
4. That this order shall become effective on the first day of March, 1959 pursuant to Section 227.026, Statutes.

Dated at Madison, Wisconsin, this 9<sup>th</sup> day of January, 1959.

By the Commission.

Edward P. Kaveny  
Secretary

APPENDIX A

2-U-53

CHAPTER PSC 133

CONSTRUCTION, INSTALLATION, AND PLACING IN OPERATION  
OF FACILITIES BY GAS UTILITIES

PSC 133.01 General  
(Authority, Statutes, Application, Enforcement, Emergency,  
Report)

PSC 133.02 Definitions

PSC 133.03 When Certificate of Authority is Required

PSC 133.04 Information to be Included in Application

PSC 133.05 Public Service Commission Procedure

PSC 133.06 Abandonment

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PSC 133.01 General. (1) Chapter PSC 133 of the Wisconsin Administrative Code constitutes a general order of the Public Service Commission, authorized by sections 227.014 and 196.49, Wisconsin Statutes.

(2) Chapter PSC 133 is designed to effectuate and implement section 196.49, Wisconsin Statutes.

(3) The requirements of Chapter PSC 133 shall be observed by all public utilities, both privately and publicly owned, engaged in the manufacture, mixing, purchasing, storage, transmission and/or distribution of gaseous fuel.

(4) The manner of enforcing the rules in Chapter PSC 133 is prescribed in sections 196.66 and 196.49(6), Wisconsin Statutes.

(5) In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, immediate corrective action may be taken by the utility, which action, however, shall be subject to review by the Public Service Commission.

PSC 133.02 Definitions. (1) Gas line. Gas line means any conduit for the conveyance of gas.

(2) Mixing unit. Mixing unit means any apparatus designed to mix gas with air or other gas.

(3) Municipality. Municipality means any town, village or city.

(4) Plant. Plant as used in Chapter PSC 133 means all property items includible in the utility plant accounts provided for in the Uniform System of Accounts prescribed by the Public Service Commission for gas utilities.

(5) Principal gas manufacturing unit. Principal gas manufacturing unit means any piece of equipment which is capable of generating or manufacturing gas with or without connection to other auxiliary apparatus.

(6) Public Utility. Public utility is defined in section 196.01, Wisconsin Statutes, and Chapter PSC 133 applies to those supplying public utility gas service.

PSC 133.03 When Certificate of Authority is Required.

(1) Unless and until the Public Service Commission shall have authorized the same, no public utility supplying gas for heat, light, or power shall construct, install, or place in operation:

(a) Any plant or gas line for furnishing service in a municipality in which the utility has not theretofore rendered service;

(b) Any plant or gas line for the purpose of enlarging facilities in any municipality wherein more than one utility is supplying gas; provided however, that this paragraph shall not apply where two or more utilities are supplying gas in a municipality where the territorial limits of the service area of each of such utilities are set by agreement on file with the Public Service Commission and such facilities are to be enlarged only in the territory where the utility is so rendering service.

(c) Any production, mixing, standby, peak shaving or storage plant or principal gas manufacturing or mixing unit or any equipment designed to materially change the rated or nominal output characteristics thereof;

(d) Any gas line or plant installed to bring in a new or additional supply of gas from a new or existing supplier;

(e) Any gas line or plant installed to deliver gas for resale to another public gas utility, a gas pipeline company, or a cooperative association.

(f) Any new or altered existing facility or facilities for the purpose of bringing in a new type of gas or to supply a different type of gas to the public.

(g) Any single gas line project (other than hereinbefore included) the cost of which exceeds \$2,000 or 4% of the utility's gross gas operating revenue up to \$5,000,000 received during the previous calendar year, whichever is greater, except for gas lines installed in accordance with filed extension rules and rates, or in compliance with Public Service Commission orders.

(h) Any building, facility, or addition thereto (other than hereinbefore included) the cost of which exceeds \$10,000 or 4% of the utility's gross gas operating revenue up to \$5,000,000 received during the previous calendar year, whichever is greater.

(1) Any gas line or plant in a newly created municipality or newly annexed or consolidated area unless service facilities are already owned in the area and the exclusive right to serve a specified part or area has been established.

(2) Unless and until the Public Service Commission shall have authorized the same, no public utility furnishing gas to the public:

(a) Shall substitute one kind for another kind of gas to be sold to the public.

(b) Shall substitute a mixed gas to be regularly sold to the public.

(c) Shall supply gas to a new service location in a newly created municipality or in a newly annexed or consolidated area unless the exclusive right to serve a specified part or area has been established.

(d) Shall change the heating value or specific gravity of the gas normally supplied to customers in excess of variation permitted in Chapter PSC 134.

PSC 133.04 Information to be Included in Application. Application for authorization shall set forth insofar as applicable:

- (1) Description or plant of project;
- (2) Estimated cost and proposed method of financing;
- (3) Purpose and necessity of project with supporting data;
- (4) Effect of the project on cost of operation and on quality and quantity of service;
- (5) Description and cost of any property being replaced;
- (6) Whether consistent with future overall projects;
- (7) Designation of public utilities, municipalities, and others principally affected by the project and a statement as to which, if any, have been notified thereof by the applicant;
- (8) List of authorizations required of other governmental authorities and a statement indicating whether or not authorizations have been obtained.
- (9) Other facts as are necessary to convey a full understanding of the project and the reasons therefor.

PSC 133.05 Public Service Commission Procedure. (1)  
The application for a certificate of authorization, together with such additional information as may be required, shall be filed with the secretary of the Public Service Commission.

(2) If the application neither proposes a change in the type of gas to be supplied to the public, nor proposes the construction, installation or the placing into operation of facilities which contemplate a change in the type of gas, the Public Service Commission:

(a) May hold a public hearing thereon and grant or deny the application, in whole or in part, subject to such conditions as public convenience and necessity may require. (196.49(4), Wis. Stats.)

(3) If the application proposes a change in the type of gas or proposes the construction, installation, or the placing in operation of facilities which contemplate a change in the type of gas, the Public Service Commission shall set the matter for hearing, upon notice being given as provided in section 196.49(5), Wis. Stats., and grant or deny the application in whole or in part, subject to such condition as the general public interest and public convenience may require.

PSC 133.06 Abandonment. Compliance with Chapter PSC 2.71 is required.

APPENDIX B

Following a meeting with utility representatives and some correspondence, the following committee was selected:

Chairman

✓ Mr. Deane True, Chief Engineer, Milwaukee Gas Light Company *Indus*

Members

✓ Mr. Theron Brown	Madison Gas and Electric Company
✓ Mr. Charles Sherlock	Northern States Power Company <i>St. Louis</i>
✓ Mr. William O'Donnell	Wisconsin Fuel and Light Company <i>Madison</i>
✓ Mr. Vance Uhlmeyer	Wisconsin Power and Light Company <i>Madison</i>
✓ Mr. G. G. Ellerbrock	Wisconsin Public Service Corporation <i>Madison</i>
✓ Mr. A. H. Cramer	Michigan-Wisconsin Pipe Line Co. <i>St. Louis</i>
✓ Mr. J. L. Thompson	Michigan-Wisconsin Pipe Line Co. <i>St. Louis</i>
✓ Mr. Harvey Sargent	Superior Water, Light and Power Co. <i>Superior</i>
Mr. Robert C. Rice	Antigo City Gas Company
✓ Mr. J. F. Cota	Winnebago Natural Gas Corporation <i>Kaukauna</i>
✓ Mr. G. H. Head	Wisconsin Natural Gas Company <i>Madison</i>
✓ Mr. Harris J. Ide	Wisconsin Southern Gas Company <i>City of Madison</i>
Mr. O. H. Runde	Central Wisconsin Gas Company
Mr. D. J. Baker	Consumers City Gas Company

In addition to the committee members the following men attended one or more meetings and discussed Chapter PSC 133:

Mr. Harry Wrench	Wisconsin Fuel and Light Company
Mr. Glydewell Burdick	Wisconsin Power and Light Company
✓ Mr. N. Freck	Wisconsin Power and Light Company <i>Madison</i>
✓ Mr. L. W. Hanson	Wisconsin Power and Light Company

The Commission staff prepared a preliminary draft of rules and submitted them to the committee. Meetings were held September 24, October 29, and November 12 and 13, all in 1957.

APPENDIX C

Appearances:

Wisconsin Natural Gas Company  
Wisconsin-Michigan Power Company by

F. H. Prosser, attorney  
Maurice Lewis, Wisconsin-Michigan Power Company

G. H. Head, Wisconsin Natural Gas Company

Milwaukee Gas Light Company by

Rickard Lauritzen, attorney  
Deane True, chief engineer  
Vernon A. Swanson, attorney

Wisconsin Power and Light Company by

Glydewell Burdick  
Vance Uhlmeier  
William Ryan, attorney

Wisconsin Public Service Corporation by

Pierce G. Ellis  
Gilbert Ellerbrock

Winnebago Natural Gas Corporation by

J. F. Cota

Northern States Power Company by

Charles Sherlock

Superior Water, Light and Power Company by

Harvey C. Sargent

Wisconsin Fuel and Light Company by

Harry K. Wrench, Jr.

Of the Commission Staff:

R. E. Purucker, engineering department  
Harold R. Wetzel, engineering department

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation on Motion of the Commission )  
of the Construction and Installation of ) 2-U-53  
Plant and Facilities by Gas Companies )

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Edward T. Kaveny, Secretary of the Public Service Commission of Wisconsin, do hereby certify that I have compared the annexed copy of the decision with the original decision of the Public Service Commission of Wisconsin in the above-entitled matter, now on file in the office of said Commission, and that the same is a true copy of such original decision and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission at its office in the City of Madison, this 30th day of January, A.D. 1959

*Edward T. Kaveny*

Secretary

PUBLIC SERVICE COMMISSION OF WISCONSIN

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation on Motion of the Commission )  
of the Construction and Installation of ) 2-U-53  
Plant and Facilities by Gas Companies )

SUPPLEMENTAL ORDER

Questions have been raised concerning the wording and intent of Sections PSC 133.04(1) and PSC 133.05(2) in the January 9, 1959 order in docket 2-U-53. The rules in the January 9, 1959 order were designed to implement the application of 196.49, Wisconsin Statutes, to Wisconsin gas utilities and were ordered to become effective on March 1, 1959, pursuant to Section 227.026, Statutes.

Section PSC 133.04(1) in the January 9, 1959 order contains the word "plant". In discussions prior to the hearing and in exhibits introduced at the hearing the word "plan" was used. It is obvious that the word "plan" rather than "plant" is required to state the intent of the rule, since "plant" is not an apt alternative to "Description".

Inquiry has also been made regarding Section PSC 133.05(2) of the January 9, 1959 order because there is no positive statement that certificates can be issued without hearing in certain conditions. Drafts of rules and an exhibit at the hearing contained a separate paragraph stating that certificates could be issued without hearing. The transcript of the hearing indicates it was thought that the direct statement covering the issuance of certificates without hearing was unnecessary because the remaining paragraph used the words "may hold a hearing" and inferred "may not hold a hearing". The direct wording concerning certificates being

issued without hearing was dropped with no intention to eliminate the possibility of issuing certificates without hearing.

#### Findings

##### THE COMMISSION FINDS:

That the questions raised concerning Sections PSC 133.04(1) and PSC 133.05(2) can be answered by a rewording of the rules for clarification without a change in intent.

#### Order

##### THE COMMISSION ORDERS:

1. That Section PSC 133.04(1) of the January 9, 1959 order which reads:

"(1) Description or plant of project"; shall be changed to read: "(1) Description or plan of project";

2. That PSC 133.05(2) and 133.05(2)(a) shall be combined in one paragraph and the underlined words added.

"(2) If the application neither proposes a change in the type of gas to be supplied to the public, nor proposes the construction, installation or the placing into operation of facilities which contemplate a change in the type of gas, the Public Service Commission may after investigation issue a certificate without hearing or may hold a public hearing thereon and grant or deny the application, in whole or in part, subject to such conditions as public convenience and necessity may require. (196.49(4), Wisconsin Statutes).

3. That the changes ordered above shall be a part of Chapter PSC 133 to become effective on the first day of March 1959 pursuant to section 227.026, Statutes.

Dated at Madison, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 1959.

By the Commission.

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Secretary



PUBLIC SERVICE COMMISSION OF WISCONSIN

STATE OFFICE BUILDING

MADISON 2, WISCONSIN

GEORGE P. STEINMETZ,  
CHAIRMAN  
ARTHUR L. PADRUTT,  
COMMISSIONER  
EDMUND J. KRAWCZYK,  
COMMISSIONER  
EDWARD T. KAVENY, SECRETARY

January 30, 1959

FILE NO. 2-U-53

Mr. James J. Burke  
Revisor of Statutes  
State Capitol  
Madison, Wisconsin

Investigation on Motion of the Commission  
of the Construction and Installation of  
Plant and Facilities by Gas Companies

Dear Sir:

Pursuant to Section 227.023, Wisconsin Statutes,  
we are enclosing a certified copy of the order of January  
30, 1959 issued in the above entitled matter. This is a  
Supplemental Order to the new PSC chapter 133, Wisconsin  
Administrative Code.

Very truly yours,

*Edward T. Kaveny*  
Secretary

mcb



PUBLIC SERVICE COMMISSION OF WISCONSIN

STATE OFFICE BUILDING  
MADISON 2, WISCONSIN

GEORGE P. STEINMETZ,  
CHAIRMAN  
ARTHUR L. PADRUTT,  
COMMISSIONER  
EDMUND J. KRAWCZYK,  
COMMISSIONER  
EDWARD T. KAVENY, SECRETARY

January 30, 1959

FILE NO. 2-U-53

Mr. James J. Burke  
Revisor of Statutes  
State Capitol  
Madison, Wisconsin

Investigation on Motion of the Com-  
mission of the Construction and In-  
stallation of Plant and Facilities  
by Gas Companies

Dear Sir:

Pursuant to Section 227.023, Wisconsin Statutes,  
we are enclosing a certified copy of the order of January  
8, 1959 in the above entitled matter repealing present  
chapter PSC 133, Wisconsin Administrative Code, and enclos-  
ing a new chapter PSC 133, Wisconsin Administrative Code.

Very truly yours,

*Edward T. Kaveny*  
Secretary

mcb