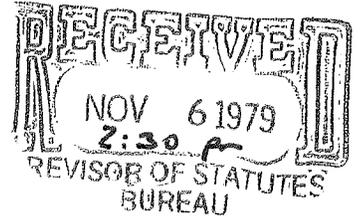


PSC 134, 136



CERTIFICATE

STATE OF WISCONSIN)
) ss. 1-AC-21
PUBLIC SERVICE COMMISSION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lewis T. Mittness, Executive Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the annexed order creating Wis. Adm. Code sections PSC 136.05 and 134.062(2)(f) was duly approved and adopted by this commission on August 30, 1979.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the commission at the Hill Farms State Office Building, in the City of Madison this 5th day of November 1979.

Lewis T. Mittness
Executive Secretary
PUBLIC SERVICE COMMISSION OF WISCONSIN

DATE MAILED
AUG 30 1979

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of the Investigation of)
the Commission Relative to Prohibiting) 1-AC-21
Nonessential Uses of Natural Gas)

ORDER ADOPTING FINAL RULES

On November 30, 1978, the Public Service Commission noticed a proposed rule, sec. PSC 134.08, Wis. Adm. Code, entitled "Nonessential Uses of Natural Gas." The notice stated in part:

During periods of energy shortage, the inefficient use of gas adversely affects existing customers and potential customers. All gas utilities and their customers are responsible for effective natural gas conservation and adoption of programs and procedures to assure continued conservation. Therefore, gas will no longer be available for certain new attachments that are specified as nonessential uses of natural gas. The proposed rules are in compliance with s. 196.97, Wis. Stats. (Chapter 369, Laws of 1977); this section directs the commission to specify, by rule, criteria for determining a nonessential use of natural gas and for specifying each nonessential use.

The proposed rule would have established eight criteria for determining nonessential uses of natural gas, and would have banned 11 devices or uses for natural gas as nonessential, "unless such device was received by any person prior to the effective date of the rule, including item inventories held by retailers and wholesalers." The language quoted, which was mandated by the legislation, grandfathers all existing installations.

Opinions were presented on the commission's proposed rule relative to the various uses. Concern was expressed over problems of enforcement and possible inconsistency between federal and state rules. Representatives of various manufacturers appeared to defend their product as an essential use of natural gas.

The following rules have been modified to reflect the commission's review of the testimony and exhibits which were presented. Several proposed criteria and nonessential uses have been eliminated. No uses were added that did not appear on the original list. In order to promote ease of administration, the final rules have been renumbered to conform with the creation of Chapter PSC 136 of the Wisconsin Administrative Code entitled, "Gas Conservation."

Pursuant to Chapter 196 in general, and ss. 196.37(2), 196.97 and 227.014(2)(a), Wis. Stats., the Public Service Commission adopts ss. PSC 136.05 and 134.062(2)(f), Wis. Adm. Code, as found in the attached appendix. The commission finds these rules to be reasonable and just and in the public interest.

Pursuant to s. 196.97(4)(c), Wis. Stats., the proposed rules do not take effect until after review of appropriate standing committees of the legislature and the legislature's joint committee for the review of administrative rules. If the final rules or any portion of these rules are disapproved by the legislative committees, a bill to support this disapproval must be placed before the legislature. If such bill is defeated, or fails enactment in any other manner, the proposed rules or portions of these rules will be promulgated. The rules would then become effective on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in s. 227.026(1), Wis. Stats.

Dated at Madison, Wisconsin,

AUG 30 1979

By the Commission.



Lewis T. Mittness
Executive Secretary

Appendix

CHAPTER PSC 136 GAS CONSERVATION

PSC 136.05 Nonessential Uses of Natural Gas

(1) A utility or other person shall not install, connect, or cause to be installed or connected to the distribution system any device which constitutes a nonessential use of natural gas, in accordance with PSC 136.05(3), unless such device has been received by any person prior to the effective date of this rule, including item inventories held by retailers and wholesalers.

(2) For purposes of determining a nonessential use of natural gas, the Public Service Commission shall consider the following criteria:

- (a) necessity of use;
- (b) availability and reasonableness of alternative fuel to provide a substitute service;
- (c) public health, safety and unusual hardship factors; and
- (d) compatibility of natural gas use with energy policy.

(3) In accordance with the preceding criteria, the use of natural gas in the following devices or for the following purposes is considered to be nonessential:

- (a) gas lights;
- (b) snowmelting equipment;
- (c) residential swimming pool heaters, unless provided with an active solar system which uses a solar collector with a surface area of at least 50% of the pool's surface area;
- (d) gas logs; and
- (e) heating areas containing swimming pools, porches, workshops, garages or other areas of marginal or seasonal use unless insulated to energy conservation standards as specified in IND 22 and IND 63, Wisconsin Administrative Code.

(4) The rule designating a nonessential use of natural gas may be modified or waived by the commission for reasons of health, safety or unusual hardship.

PSC 134.062(2)(f) is created to read as follows:

- (f) Connecting or causing to be connected a device or use of gas considered to be a nonessential use of natural gas. This rule applies only to devices or purposes connected after the effective date of the rule as specified in PSC 136.05.