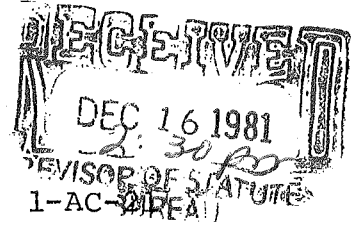


PSC 136

CERTIFICATE



STATE OF WISCONSIN)
)
 PUBLIC SERVICE COMMISSION) ss.

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Jacqueline K. Reynolds, Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the annexed order amending Wis. Adm. Code ch. PSC 136.05(3)(c) was duly approved and adopted by this commission on December 15, 1981.

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 15th day of December 1981.

Jacqueline K. Reynolds

Jacqueline K. Reynolds
Secretary to the Commission
PUBLIC SERVICE COMMISSION OF WISCONSIN

2-1-82

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

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

ORDER OF THE PUBLIC SERVICE
COMMISSION AMENDING RULE

Relating to amendment of s. PSC 136.05(3)(c), Wis.
Adm. Code, to allow the use of natural gas to heat residential
swimming pools, if the pool is provided with a passive solar
blanket which covers the entire pool surface.

ANALYSIS PREPARED BY THE PUBLIC
SERVICE COMMISSION OF WISCONSIN

On August 30, 1979, the Public Service Commission approved
s. 136.05, Wis. Adm. Code, specifying criteria to be used by the
commission in determining a nonessential use of natural gas and
determining that use of natural gas to heat residential swimming
pools constituted such a nonessential use unless the pool is
"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."
Section PSC 136.05(3)(c), Wis. Adm. Code, was adopted pursuant
to an interpretation of legislative direction in s. 196.97, Stats.,
which provides in part:

196.97 NONESSENTIAL USES OF NATURAL GAS

(1) No gas utility doing business in this
state or other person may install, connect or
cause to be installed or connected to the dis-
tribution system any device which constitutes a
nonessential use of natural gas, unless such
devices have been ordered and received by any
person prior to the effective date of each
rule specifying a nonessential use of natural
gas under sub. (2), including item inventories
held by retailers or wholesalers.

(2) The commission shall, by rules, specify criteria for determining nonessential use of natural gas for purposes of this section. The commission shall, by rule, specify each nonessential use of natural gas specified under this subsection. The commission may review any nonessential use of natural gas specified under this subsection at any time. Every rule promulgated under this subsection shall be transmitted to the joint committee for review of administrative rules for review by the joint committee.

(3) The commission may make rules as it deems necessary to carry out the purposes of and to enforce this section. The commission shall provide for exemptions for nonessential uses of natural gas for reasons of health, safety or unusual hardship.

The rule has been in effect since March 1, 1980.

On June 12, 1981, the commission received a letter from Assemblyman David R. Hopkins which stated in part:

Recent testimony before the Assembly Energy Committee clearly demonstrates that passive solar blankets are far less costly and far more efficient than active solar systems in saving energy in heated swimming pools.

Present PSC rules allow gas heating connections to only those pools with an active solar system. The rule has the effect of prohibiting a more effective device and severely limiting the pool construction industry.

The letter went on to request an amendment to the current rule to allow the heating of a residential swimming pool provided the pool is equipped with a passive solar blanket.

The amendment to s. 136.05(3)(c), Wis. Adm. Code, will allow natural gas heating of a residential swimming pool if the pool is equipped with a passive solar blanket covering the entire pool surface. This would serve as an alternative to the presently allowed use of gas if the pool is 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.

STATUTORY AUTHORITY

Pursuant to authority vested in the Public Service Commission by s. 196.97, Stats., the Public Service Commission amends rules as follows:

Section 1. PSC 136.05, Wis. Adm. Code is amended to read:

(c) Residential swimming pool heaters, unless provided with a passive solar pool blanket which covers the entire surface of the pool or an active solar system which uses a solar collector with a surface area of at least 50% of the pool's surface area;

There will be no fiscal impact of the rule on the state or municipalities, since the rule would apply to residential swimming pools.

The amendment has been sent to the legislature for review, as required by s. 227.018, Stats., with no request for a hearing. The amended rule will take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.026, Stats.

Dated at Madison, Wisconsin,

December 15, 1981

By the Commission.

Jacqueline K. Reynolds
Jacqueline K. Reynolds
Secretary to the Commission.