

1983 Assembly Bill 742

Date of enactment: **May 10, 1984**
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1983 Wisconsin Act 502

AN ACT *to amend* 196.20 (2m); and *to create* 196.20 (5) of the statutes, *relating to* deregulation of rates of small telephone companies and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 196.20 (2m) of the statutes, as created by 1983 Wisconsin Act 53, is amended to read:

196.20 (2m) ~~No~~ Except as provided under sub. (5), no change in schedules which constitutes an increase in rates to consumers may be made except by order of the commission, after an investigation and hearing.

SECTION 2. 196.20 (5) of the statutes is created to read:

196.20 (5) (a) In this subsection:

1. "Applicant" means a small telephone company which files with the commission a proposed change in its rate schedules which constitutes an increase in rates to consumers.
2. "Small telephone company" means any public utility which provided landline local telephone service as of January 1, 1984, and which provides such service to less than 7,500 consumers in this state.

(b) 1. If an applicant files a proposed change in rate schedule with the commission, it shall file with the proposed change, on a form prescribed by the commission by rule, information sufficient for the commission to consider the proposed change.

2. Within 20 days after an applicant files information under subd. 1, the commission may notify the applicant of any additional information necessary for the commission's consideration of the proposed change.

3. Within 5 days after receipt of any information under subd. 2, the commission may notify an applicant of any additional information necessary for the commission's consideration of the applicant's proposed change.

(c) 1. If the commission has received all of the information it has requested under par. (b) or 20 days have elapsed since the applicant filed a proposed change in rates and the commission has not requested any such information or 5 days have elapsed since the commission has requested and received any information under par. (b), whichever is sooner, the commission shall require the applicant to send a written notice to all of its consumers and to any other person requesting notice. The notice shall designate a period of time during which the commission will receive written comments in favor of or against the applicant's proposed rate increase and during which a request may be submitted under subd. 2.

2. After the applicant sends the notice under subd. 1, any person may submit to the commission a written request to have a hearing under s. 227.07 on the applicant's proposed changes and shall specify his or her interest in the proceeding. If the commission determines that any person who has submitted a request under this subdivision is entitled to have all of the rights of a party under s. 227.07, the commission shall conduct a hearing on the proposed changes.

3. If the period of time designated in a notice under subd. 1 has expired and the commission does not determine that at least one person is entitled to a hearing under subd. 2, or prior to any hearing to which the commission determines a person is entitled under subd. 2, the commission shall give the applicant, commission staff and full parties an opportunity to propose stipulations of facts, identify any issue between the parties and submit arguments in writing on such issues. On any issue for which no stipulation is reached, the commission shall conduct the hearing requested under subd. 2, or if no hearing was requested under subd. 2, the commission shall give an opportunity for a hearing to the applicant and to the commission staff.

(d) The commission shall issue a final order on the merits of the application under this subsection no later than 120 days after the notice is sent under par. (c) 1, except that if the commission has conducted a hearing on the proposed increase the commission shall issue the order no later than 180 days after the notice is required to be sent.

SECTION 3. Nonstatutory provisions. The public service commission shall submit the rule required under section 196.20 (5) (b) 1 of the statutes, as created by this act, in final draft form, under section 227.018 (2) of the statutes, no later than 180 days after the effective date of this act.
