

Chapter PSC 2

PROCEDURE AND PRACTICE

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GENERAL

PSC 2.01 Communications and documents addressed to commission. (1) All written communications and documents should be addressed to Public Service Commission of Wisconsin, State Office Building, 1 West Wilson Street, Madison 2, Wisconsin, and not to individual members of the staff. All communications and documents delivered at the office of the secretary are officially received.

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(2) The secretary may designate agents to receive written communications and documents. Presiding officers will receive communications and documents at hearings.

PSC 2.02 Parties. Parties to proceedings are known as complainants, defendants, interveners, respondents, applicants, objectors, and petitioners according to the nature of the proceeding and the relationship of the parties thereto.

(1) Parties who file complaints are complainants, the parties complained against are defendants, and other parties to the proceeding are interveners.

(2) In investigations or upon orders to show cause, the parties investigated or ordered to show cause are respondents. If the proceeding is initiated by the commission upon complaint, the parties complaining are complainants.

(3) All persons seeking approvals, authority, certificates of authority or of public convenience and necessity or other certificates, licenses, permits, or exemptions or other relief are applicants. Those opposing such applicants are objectors. Parties to such proceedings other than the applicants and objectors are interveners.

PSC 2.03 Computation of time. The time within which an act is to be done as provided in any rule promulgated by the commission, when expressed in days, shall be computed by excluding the first day

and including the last, except that if the last day be Sunday or a legal holiday the act may be done on the next secular day; and when any such time is expressed in hours the whole of any intervening Sunday and of any intervening legal holiday, from midnight to midnight, shall be excluded. The time within which an act is to be done as provided in any rule, when expressed in weeks, months, or years, shall be computed by excluding the first day in cases where the time limited runs from a date and by including the first day when it runs from an event.

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PSC 2.04 Furnishing copies of records. (1) A certified copy of the decision in a proceeding will be furnished free of charge to each party of record. Additional copies will be furnished at the rates and under the conditions stated below, except that when a party of record is represented by counsel a copy of the decision will be furnished to such counsel and when a municipal utility is a party of record to a proceeding a copy of the decision will be furnished both to the management of the utility and to the appropriate official of the municipality free of charge.

(2) Printed general orders will be distributed free of charge under the supervision of the secretary.

(3) Copies of records of the commission may be obtained at the rates and under the conditions stated below:

Rates

(payable in advance)

Transcript, order, or other record of the commission:

Typewritten original	12¢ a folio
Duplicate copy, if available	8¢ a folio
Minimum charge	35¢
Photostats	at cost
Material to which folio rate cannot be applied	\$1.50 an hour
Certification	25¢

Note: A folio is 100 words, ordinarily 10 typewritten lines or major fraction thereof. See section PSC 2.36 for free transcripts.

PSC 2.05 Service of documents. (1) Service of documents upon other parties in commission proceedings may be made by deposit thereof in the first class mail or by delivery in person.

(2) The date of service shall be the day when the matter served is deposited in the mail or is delivered in person, as the case may be.

COMPLAINTS AND INVESTIGATIONS

PSC 2.10 Informal complaints. (1) Informal complaints may be made in writing addressed to the commission. Letters may be considered as informal complaints. Matters thus presented are handled by correspondence or other informal investigation or by a formal investigation instituted by the commission upon its own motion.

(2) Complaints with respect to public utility rates, practices, or service made by less than 25 persons (see section 196.26, Wis. Stats.) will be treated as informal complaints. The commission may initiate formal proceedings in such cases upon its own motion.

PSC 2.11 Formal complaints. No particular form of complaint is required. Formal complaints shall be in writing and shall state:

- (1) The names, places of residence, and post office addresses of complainants;
- (2) The name of the company or person complained of;
- (3) The matter concerning which complaint is made. A sufficient number of copies shall be furnished to enable the commission to provide each defendant with one copy.

PSC 2.12 General procedure. Sections 196.26 to 196.34, Wis. Stats., prescribe the procedure to be followed in investigation and complaint proceedings involving public utility rates and service. The commission will follow the same procedure in other investigation and complaint cases so far as consistent with other provisions of the statutes and of these rules.

APPLICATIONS

PSC 2.20 Form of applications. Applications shall be in writing, shall state their object, shall contain a concise statement of the facts in support of the same, and shall be signed by the applicant or his authorized agent. They shall conform in all particulars to the requirements of applicable statutes and of these rules and of general orders of the commission. (For general orders see Wisconsin Administrative Code: Public Service Commission). Forms of applications in typical cases will be furnished upon request. See section PSC 2.80 for applications for motor carrier authority and assignment thereof.

PUBLIC HEARINGS

PSC 2.30 Notice of hearings. (1) Written notice of hearing will be sent to all parties and also to others requesting notice. The notice will be mailed sufficiently in advance to give parties, after receipt thereof, the full time provided by statute.

(2) A motor transportation calendar is issued each week containing applications scheduled for hearing, grants of authority without hearing, full or partial assignments of authority approved without hearing, and changes in previously scheduled hearings. The secretary will mail to each person applying therefor a copy of the weekly motor carrier calendar upon payment of \$2 per calendar year or 50 cents for each remaining quarter or fractional quarter of said year. The motor transportation calendar is mailed to each county clerk with a request for posting in a prominent place in the courthouse. The secretary also furnishes copies to various publications of motor carrier organizations in Wisconsin upon request, and to the general press, and posts copies in the main office and filing section of the commission.

(3) When the commission deems a hearing necessary for the discontinuance of train service under section 196.81, Wis. Stats., it shall give notice in such proceeding by mailing a copy of the notice to the clerk of every incorporated city or village, where the railroad company maintains a station, along the portion of the line on which discontinuance of service is proposed.

PSC 2.31 Conduct of hearings. (1) Public hearings will be conducted by one or more commissioners or a duly authorized examiner.

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Parties making exceptions to rulings may present the same to the commission for review in the manner provided in section PSC 2.35 (1). ✓

(2) The presiding officer will open the hearing and make a concise statement of its scope and purposes. Appearances then will be entered on the record. If the matter is contested, the examiner then will state the issues in the proceeding. Thereafter, parties may make motions or opening statements in accordance with the practice in circuit courts of Wisconsin.

(3) When opening statements are made they shall be confined to: (a) a brief summary or outline in clear and concise form of the evidence intended to be offered; and (b) a statement of ultimate legal points relied upon. There shall be no argument on either the facts or legal theories.

(4) Parties may be off the record only when the examiner permits. If a discussion off the record is pertinent, the examiner will summarize it on the record. Any argument before the examiner on objections to receipt of evidence or on motions to strike will not be recorded. The legal reasons for the objection or motion will be recorded.

PSC 2.32 Appearances. (1) A person desiring to participate in a proceeding, whether on his own behalf or as an authorized agent or attorney, shall enter his appearance by giving his name and address and the name of any party he represents and in what capacity he is employed by such party.

(2) Members of the commission staff appear neither in support of nor in opposition to any cause, but solely to discover and present, if necessary, facts pertinent to the issues.

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PSC 2.33 Changes in time or place of hearing; adjournments. Changes in the time and place of the first session of the hearing in any proceeding will be granted only for good cause shown in a written request made to the commission reasonably in advance of the time set. Changes will not be made, except in extreme circumstances, when the parties to the proceeding are not known. After a hearing has been called, adjournment thereof shall be under the direction of the examiner. The commission, upon its own motion, may change the time and place of any session.

PSC 2.34 Order of presenting evidence. Evidence ordinarily will be received in the following order:

(1) Upon investigation on motion of the commission instituted upon informal complaint—(a) the complainants and supporting interveners, (b) the respondent and supporting interveners, and (c) the commission's staff.

(2) Upon other investigations on motion of the commission—(a) the commission's staff, (b) the respondent, and (c) interveners.

(3) Upon applications and petitions—(a) the applicant or petitioner and supporting interveners, (b) objectors and their supporting interveners, and (c) the commission's staff.

(4) Upon formal complaints—(a) the complainant, (b) interveners supporting the complaint, (c) the defendant, (d) interveners supporting the defense, and (e) the commission's staff.

(5) Upon order to show good cause—(a) the commission's staff, (b) the respondent, and (c) interveners.