

## Chapter PSC 113

## SERVICE RULES FOR ELECTRIC UTILITIES

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**PSC 113.01 Application of rules.** (1) All public utilities, whether privately or municipally owned or operated, in respect to the supply of electric energy and provision of electric service in this state, shall comply with and conform to rules set forth in this order except insofar as exception may be made by order of the commission as hereinafter mentioned.

(2) Nothing in this chapter of the Wisconsin Administrative Code shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in said rules.

**History:** 1-2-56; am. (2), Register, October, 1965, No. 118, eff. 11-1-65.

Register, January, 1975, No. 229

## PART I

## MISCELLANEOUS SERVICE REQUIREMENTS

**PSC 113.015 General requirement.** Every utility shall furnish reasonably adequate service and facilities at the rates filed with the commission and subject to these rules and the rules of the utility<sup>1</sup> applicable thereto and not otherwise. The energy shall be generated, transmitted, converted, and distributed by the utility, and utilized, whether by the utility or the customer, in such manner as to obviate so far as reasonably practicable undesirable effects upon the operation of standard services or equipment of the utility, its customers, or other utilities or agencies.

**PSC 113.02 Refusal of service. History:** 1-2-56; r. (1), and recr. to be PSC 113.13, Register, August, 1962, No. 80, eff. 9-1-62; r. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.03 Inspection of structures and equipment.** Each pole, post, tower, structure, conductor, or guy used for the support or attachment of electrical conductors or lamps owned or used by a utility shall be inspected with reasonable frequency and all major equipment shall be inspected periodically by the utility to determine its fitness for service and the necessity for replacement or repair.

**PSC 113.04 Servicing utilization control equipment.** (1) Utilities shall service and maintain any equipment they use on customers' premises and shall adjust thermostats, clocks, relays, or time switches, if such devices must be so adjusted to provide service in accordance with the rate provisions.

(2) The time switches used by the utility for controlling equipment such as water heaters, street lights, etc., shall be of such quality that the timing mechanism may be adjusted so as to be accurate within 10 minutes per month. Time switches used by the utility for controlling street lighting or display lighting shall be inspected or operation observed at least once a month and if in error, adjusted, and also adjusted upon complaint if found in error or when service interruptions cause them to be in error by one-half hour or more. Time switches used by the utility for controlling off-peak appliances shall be inspected or operation observed when the utility reads the meter and when the meter is tested and adjusted if in error, and also adjusted upon complaint if found in error or whenever service interruptions result in error of 2 hours or more or in supplying service to off-peak appliances during peak periods.

(3) Control devices other than time switches used by the utility to control loads shall be checked periodically.

**PSC 113.05 Relocation of poles.** (1) When a utility is required by governmental authority or requested by customers to move poles, as, for example, from streets to alleys, the utility is not required to furnish new service entrance conductors, cable, conduit, or service equipment unless it makes a practice of supplying this equipment. It shall, however, run a service drop to the nearest point on each building served from the new location and remove the old service drop without expense to the customer.

<sup>1</sup>As used in these rules the terms "rules of the utility" or "utility's rules" mean the rules of the utility on file with the commission.

(2) If the utility moves its poles of its own volition the utility shall supply new service entrance conductors, cable, conduit, interior wiring connection, and service equipment, and remove the old; or shall attach its system to the existing service entrance conductors without expense to the customer.

**PSC 113.055 Protection of utility facilities.** A public utility upon receipt of written notice as required by section 66.047 (2), Wis. Stats., from the property owner or from a contractor of work which may affect its facilities used for serving the public:

(1) Shall investigate and decide what action, if any, must reasonably be taken to protect or alter utility facilities, in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground utility facilities which may be affected by the work.

(2) The utility shall take such action as is reasonably and legally necessary to protect, remove, alter, or reconstruct its facilities, and shall perform such work with reasonable dispatch taking into account the conditions to be met, provided that nothing in this rule shall be deemed to affect any right which the utility may have to require advance payment or adequate assurance of payment of the reasonable cost thereof to the utility by the property owner or contractor.

(3) The utility may, in order to protect its interests, require that the owner or contractor perform certain work upon that part of the service piping or wiring on or being removed from the property upon which the excavating, building, or wrecking operations are being performed.

(4) This rule is not intended to affect the responsibility of the contractor or owner, or the liability or legal rights of any party.

**History:** Cr. Register, June, 1962, No. 78, eff. 7-1-62; am. intro. par., Register, October, 1965, No. 118, eff. 11-1-65.

**PSC 113.057 Interference with public service structures.** (1) No utility having any work upon, over, along, or under any public street or highway or upon, over, along, or under any private property shall interfere with, destroy, or disturb the structures of any other public service corporation or railroad encountered in the performance of such work so as to interrupt, impair, or affect the public service for which such structures may be used, without first reaching an agreement concerning the location and the nature of the proposed work.

(2) A utility shall exercise care when working in close proximity of existing facilities. When the facilities are underground and are to be exposed or possibly may be exposed, hand-digging shall be employed. In these cases, such support as may be reasonably necessary for protection of the facilities shall be provided in and near the construction area. When backfilling an excavation such procedures and materials will be employed to provide reliable support for existing underground facilities in and near the construction area.

(3) A utility shall, in the absence of working arrangements, give at least 3 days' written notice (not counting Saturdays, Sundays, and legal holidays) to all utilities or railroads and to those who may have facilities in and near the construction area which may be affected by the proposed work. The utility proposing to work shall obtain from the affected party the location of the existing facilities determined to be affected or to be in and near the construction area.

(4) A utility upon receiving a notice of proposed construction shall furnish in 3 days detailed information relative to location and type of facilities that are present in the proposed construction area. In those cases where the facilities are underground, they shall be marked physically in the field relative to location.

(5) Nothing in the above shall prevent a utility from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities. However, all reasonable precautions shall be taken to avoid or minimize damage or interference to the other facilities and notification shall be given as soon as possible to the utilities which have facilities in the construction area.

**History:** Cr. Register, October, 1965, No. 118, eff. 11-1-65.

**PSC 113.06 Standard utilization equipment.** (1) All utilities shall have available a tabulation showing the character and type of electric service supplied.

(2) Street lamp bulbs used or furnished by the utility shall initially be such that the customer receives the proper illumination in lumens specified in the rate. If the street lighting rate is based on wattage, or if the utility furnishes lamps to customers free or at reduced cost, the lamp bulbs shall be of such efficiency in lumens per watt when used on the utility's circuits that customers may obtain their lighting service under the most favorable conditions practicable under the rate schedule.

**PSC 113.07 Tamper-resistant equipment.** Where electrical energy has been diverted or the utility's equipment for measuring the service has been interfered with, the utility may require the customer to install entrance and service equipment to prevent current diversion or interference with the metering equipment.

*Note:* Care should be taken in determining the existence of diversion and amount of energy diverted. In case check-meters are used, the possibility of grounds between meters, normal meter inaccuracies, and incorrect connections of meters should not be overlooked. The requirements of the Wisconsin state electrical code for entrances should effectively prevent such diversion. Attention is directed to sections 939.32 and 943.20, Wis. Stats. (Section 98.25, Wis. Stats., was repealed by chapter 659, laws of 1961.)

**PSC 113.08 Power-factor correction of gaseous tube lighting.** When fluorescent, neon, zeon, or other hot or cold cathode types of gaseous tube lighting having similar power-factor characteristics are installed as the major lighting source, the customer shall furnish, install, and maintain at his own expense corrective apparatus designed to maintain at not less than 90% lagging the power-factor of individual lighting unit or the entire lighting installation.

**History:** 1-2-56; r. and recr., Register, October, 1965, No. 118, eff. 11-1-65.

**PSC 113.09 Change in type of service.** (1) If a change in type of service, such as from 25 to 60 cycle or from direct to alternating current, or a change in voltage to a customer's substation, is effected at the insistence of the utility and not solely by reason of increase in the customer's load or change in the character thereof, the utility shall share equitably in the cost of changing the equipment of the customers affected as determined by the commission in the absence of agreement between utility and customer.

*Note:* The change in customer's equipment should be made with the greatest possible economy to the customer, and final settlement made at Register, January, 1975, No. 229

the time of the change. Substantially the following basis was prescribed by the commission in *Jackman v. Janesville Electric Co.*, 17 W.R.C.R. 356, and has been customarily adopted as the basis for settlement:

Payment by the utility to the customer of:

1. The remaining value of the customer's electrical equipment which is made obsolete;
2. The cost of making the resulting necessary change in interior wiring; and
3. The cost of installing the new equipment and removing the old, less the salvage value of such equipment as the customer retains.

(2) If a utility changes its standard voltage it shall notify customers in advance and if customer equipment other than lamps must be changed, an adjustment as required in subsection (1) hereof shall be made. If tests of a representative sample of customers' meters indicate that meters have started to creep because of the voltage increase or if the tests of the representative sample show that meters average more than 0.5% fast, meters affected by the change in voltage shall be tested and adjusted.

**PSC 113.10 Connection of motor-generator-type welders.** The connection of motor-generator-type welders shall be governed by the utilities' rules covering the connection of motors.

**PSC 113.101 Connection of other than motor-generator-type welders.** (1) Each welder shall be provided with a name plate showing:

- (a) Name of manufacturer.
- (b) Manufacturer's type designation and serial number.
- (c) Frequency.
- (d) Primary volts.
- (e) Maximum input (primary) amperes (at rated output amperes).
- (f) Output volts at rated output amperes.
- (g) Rated output amperes.
- (h) Rated duty cycle or time rating.
- (i) Temperature rise in degrees C.
- (j) Open-circuit voltage.

(2) Each welder shall be provided with a proper disconnecting means, and shall be constructed, installed, and maintained in a manner which does not conflict with the requirements of the Wisconsin state electrical code.

(3) The consent of the utility shall be obtained and any changes in the customer's wiring and in the utility's facilities, necessary to permit welder operation under safe conditions and without interference to the service of other customers, shall be completed before any electrical welder is connected.

(4) Where the utility's distribution facilities supplying the customer using a welder are reasonably adequate and of sufficient capacity to carry other loads normally imposed, variations in the voltage of the utility's supply to such customer caused by his welder in excess of the limits set in sections PSC 113.25 and 113.28 (3) shall not be considered a violation of such order by the utility.

(5) Electric welders not larger than the sizes set forth below and used under the conditions specified shall be served without charges other than applicable to the customer's other service on the same circuit.

(a) All classes of customers in any area, 110-120 or 220-240 volt electrical welders which can be operated on circuits fused at not to exceed 15 amperes and without causing violations of sections PSC 113.25 and 113.28 (3) at other customers' service entrances on a reasonably adequate secondary.

(b) Commercial customers irrespective of location and customers residing in areas where service generally is supplied from individual distribution transformers.

1. 220-240 volt electric arc welders having a rated-maximum operating input current of not to exceed 37.5 amperes with an output-load voltage of 25 volts at an input of 230 volts, where the customer agrees to reduce operation of other electrical equipment to a minimum during periods the welder is in use, and agrees not to use the welder during lighting hours except in case of emergency.

2. Where the welder name plate does not give the rated primary current, the welder primary rated current shall be taken as two-thirds of the maximum final or stable short-circuit current obtainable.

3. The welder transformer used as a part of the welder shall be of the double-winding type, and the secondary shall be thoroughly insulated from the primary.

4. The welders shall not have a final or stable short-circuit current for any current setting exceeding 150% of the rated input current.

(6) Each utility may require that welders not permitted by subsection (5) above be served from a separately metered circuit under rates applicable to that arrangement, or may file an extra charge for serving such welders from the general service circuit, which charge shall be based on the excess of the primary input current of the welder over the allowable input welder current, according to location, permitted under subsection (5) above. The input current shall be taken as two-thirds of the maximum final or stable short-circuit current obtainable.

## PART II

### REQUIREMENTS AS TO RATE SCHEDULES AND RULES OF THE UTILITY

(See also section PSC 113.25)

**PSC 113.11 Schedules to be filed with commission.** The schedules of rates and rules to be filed with the commission by the utility shall be classified, designated, arranged, and submitted so as to conform to the requirements of current tariff or rate schedule circulars and special instructions which have been and may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation, and shall include, together with such other information as may be deemed pertinent, the following:

(1) All rates for service with indication for each rate of the type and voltage of service and the class of customers to which each rate applies. There shall also be shown any limitations on loads and type of equipment which may be connected, the prices per unit of service, and the number of units per billing period to which the prices apply,

the period of billing, the minimum bill, method of measuring demands including method of calculating or estimating loads or minimums, and any special terms and conditions applicable. The discount for prompt payment or penalty for late payment, if any, and the period during which the net amount may be paid shall be specified.

(2) By municipalities, but without reference required to any particular part thereof, the voltage at which service will be supplied and the type of service (direct current or single- /or polyphase alternating current).

(3) Forms of standard contracts required of customers for the various types of service available.

(4) If service to other utilities, to electric cooperatives, or municipalities is furnished at a standard filed rate, either a copy of each contract or the standard contract form together with a summary of the provisions of each signed contract. The summary shall show the principal provisions of the contract and shall include the name and address of the customer, the points where energy is delivered, rate, term, minimums, load conditions, voltage of delivery, and any special provisions such as rentals. Standard contracts for such sales as that of energy for resale, street lighting, municipal athletic-field lighting, and for water utilities may be filed in summary form as above outlined.

(5) Copies of special contracts for the purchase, sale, or interchange of energy.

(6) List of villages, cities, and unincorporated communities where urban rates are applicable, and towns in which service is furnished.

(7) The list of service areas and the rates shall be filed in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service at urban rates. If the utility has various rural rates, the areas where the same are available shall be indicated.

(8) Definitions of classes of customers.

(9) Extension rules for extending service to new customers indicating what portion of the extension or cost thereof will be furnished by the utility; and if the rule is based on cost, the items of cost included.

(10) Type of construction required if in excess of the standards required by the Wisconsin state electrical code.

(11) Specification of such portion of service as the utility furnishes, owns, and maintains, such as service drop, service entrance cable or conductors, conduits, service entrance equipment, meter, and socket. Indication of the portions of interior wiring such as range or water-heater connection, furnished in whole or in part by the utility, and statement indicating final ownership and responsibility for maintaining equipment furnished by utility.

(12) Statement of the type of special construction commonly requested by customers which the utility allows to be connected, and terms upon which such construction will be permitted, with due provision for the avoidance of unjust discrimination as between customers who request special construction and those who do not. This applies, for example, to a case where a customer desires underground service in overhead territory.

(13) Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

(14) Rules governing the establishment of credit by customers for payment of service bills.

(15) Rules governing the procedure followed in disconnecting and reconnecting service.

(16) Notice by customer required for having service discontinued.

(17) Rules covering temporary, emergency, auxiliary, and stand-by service.

(18) Rules covering the type of equipment which may or may not be connected, including rules such as those requiring demand-limiting devices or power-factor corrective equipment.

**PSC 113.115 Forms to be filed.** On or before May 1 of each year, all public utilities rendering electric service in Wisconsin who report to the federal power commission on form 12-12A or form 12D shall supply a copy of such report to the public service commission.

**History:** Cr. Register, March, 1963, No. 87, eff. 4-1-63.

**PSC 113.12 Information available to customers.** (1) There shall be kept on file in every station and office of the utility where payments are received copies of the rate schedules applicable in such locality. Copies of these rules and such rules of the utility as are applicable shall be kept on file in every general and local office of the utility. Reasonable notice shall be given customers as to where the foregoing information is available to them.

(2) (a) Where a customer is eligible to take service under any one or more of 2 or more rates, the company shall advise the customer in the selection of the rate or rates which result in the lowest cost of service, based on 12 months' service and on the information at hand.

(b) The selection of a rate or rates shall be reviewed every 12 months, whenever there is a change in rates, and whenever a request to do so is received from the customer. The customer shall be notified if any combination of services, change in voltage of delivery, or the installation of any equipment will result in a lower cost of service.

(3) Each electric utility, for every municipality in which it serves, shall provide in the respective telephone directories a telephone listing by which the utility can be notified during a 24-hour day of any utility service deficiency or emergency which may exist.

(4) Where a second language is common in a particular area served by the utility and so identified by the commission, all rules pertaining to billing and credit shall be available upon customer request, for distribution in English and that second language in every business office of the utility in that area accessible to the public and where customer payments are received.

**History:** 1-2-56; cr. (3) and (4), Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.13 Deposit, guarantee, and disconnect rules.** **History:** 1-2-56; r., Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.131 Deposits.** (1) **NEW RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer has an outstanding account balance with the utility which accrued within the last 6 years, and which at the time of the request for new service remains outstanding and not in dispute. (See Wis. Adm. Code section PSC 113.134).

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(2) **EXISTING RESIDENTIAL SERVICE.** A utility shall not require a cash deposit or other guarantee as a condition of continued service unless either or both of the following circumstances apply.

(a) The utility has shut off or discontinued the service of the customer within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

(b) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

(3) **COMMERCIAL SERVICE.** (a) In the case of commercial service if the credit of an applicant for service has not been established satisfactorily to the utility, he may be required to deposit a sum not exceeding the estimated gross bills for service for any 2 consecutive billing periods selected by the utility.

(b) In the case of commercial service, the deposit shall be refunded after 24 consecutive months of prompt payment, if the customer's credit standing is satisfactory to the utility.

(c) In the case of commercial accounts, payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment not in dispute.

(4) **CONDITIONS OF DEPOSIT.** The maximum deposit for a new account shall not exceed the highest estimated gross bill for any 2 consecutive months. Deposits for existing accounts shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12-month review period as determined by the utility.

(5) **INTEREST.** Deposits shall bear interest of at least the legal rate, payable from the date of deposit to the date of refund or discontinuance of service, whichever is earlier.

(6) **REVIEW.** The utility shall review the payment record of each residential utility customer with a deposit on file at 12-month intervals. The utility shall not require or continue to require a cash deposit unless a deposit is required under the provisions of section PSC 113.131 (2).

(7) **REFUND.** Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless subsection (8) applies.

(8) **ACCRUED INTEREST.** Upon termination of service, the deposit, with accrued interest shall be credited to the final bill and the balance shall be returned promptly to the customer.

(9) **GUARANTEE.** A utility shall not require any customer to pay a deposit or establish a guarantee in lieu of deposit without explaining, in writing if requested, why that deposit is being required.

(10) **REFUSAL OF SERVICE.** Service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service. (Wis. Adm. Code section PSC 113.132)

(11) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satis-

factory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but shall automatically terminate after the customer has closed his account with the utility, or at the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 8 days' written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

(12) **DEFERRED PAYMENT.** In lieu of cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement as defined in Wis. Adm. Code section PSC 113.133 for the outstanding account.

(13) **APPLICABILITY.** The rules in subsections (11) and (12) of this section are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.132 Disconnection and refusal of service.** (1) (a) The due date of the bill for utility service shall not be less than 20 days after issuance. A bill for utility service is delinquent if unpaid after the due date.

**NOTE:** See December 17, 1974 order of the public service commission in Docket No. 2-U-7720.

(b) At least 8 calendar days prior to disconnection, the utility shall give written disconnect notice upon a form which must be in the tariff of the utility filed with the public service commission and which conforms to the requirements of Wis. Adm. Code section PSC 113.132 (9) unless excepted elsewhere.

(c) When a customer, either directly or through the public service commission, disputes a disconnection notice the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(d) If a disputed issue cannot be resolved pursuant to Wis. Adm. Code section PSC 113.134 (1), the utility shall inform the customer of the right to contact the public service commission.

(2) Utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (See Wis. Adm. Code section PSC 113.133.).

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been

notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements as specified in Wis. Adm. Code section PSC 113.131.

(d) Diversion of service around the meter.

(3) A public utility may disconnect utility service without notice where a dangerous condition exists for as long as the condition exists.

(4) Service may be denied to any customer for failure to comply with applicable requirements of this section, or of the utility's rules, or with section 167.16, Wis. Stats.; or if the customer proposes to use a device that is not so designed that interference with communication and signal services is reasonably minimized.

(5) A utility is not required to furnish service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

(6) Utility service may not be disconnected or refused for any of the following reasons:

(a) Nonpayment of a delinquent account over 6 months old unless the passage of additional time results from other provisions herein or from good faith negotiations or arrangements made with the customer.

(b) Delinquency in payment for service by a previous occupant of the premises to be served other than a member of the same household residing at the same premises.

(c) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(d) Failure to pay for a different type of class of utility service.

(e) Failure to pay the account of another customer as guarantor thereof.

(f) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates.

(g) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any faulty metering.

(h) Failure to pay an estimated bill other than a bill rendered pursuant to an approved bimonthly meter reading plan, unless the customer upon request refuses to permit the reading of the meter during normal business hours.

(7) A utility shall not disconnect any residential service without notifying the county department of health and social services at least 5 calendar days prior to the scheduled disconnection, if the customer or responsible person has made a written request for this procedure to the utility. The customer shall be appraised of this right upon application for service.

(8) Notwithstanding any other provision of this section, a utility may not disconnect service to a residential customer if disconnection will aggravate an existing medical emergency of the customer, a member of his family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in paragraph (a), below.

(a) A utility shall postpone the disconnection of service for 21 days to enable the customer to arrange for payment, if the customer produces a licensed Wisconsin physician's statement or notice from a public health or social services official which identifies the medical emergency and specifies the period of time during which disconnection will aggravate the circumstances. The postponement may be extended once by renewal of the certificate or notice. No further extension of time shall be granted except upon a showing by the customer of the existence of extraordinary circumstances and further that he has exercised due diligence in meeting the emergency as evidenced in part by close and continuous communication with the utility.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. However, no action to disconnect that service will be undertaken until expiration of the period of continued service.

(c) If there is a dispute concerning an alleged existing medical emergency, either party shall have the right to an informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued provided that the resident has submitted a statement or notice as set forth in paragraph (a) of this subsection.

(9) (a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served at least 8 calendar days prior to the first date of the proposed disconnection. Notice shall be sent to the account name and address, and to the address where service is provided, if different. If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice must be left on the premise not less than 24 hours nor more than 48 hours prior to disconnection.

(b) The utility shall make a reasonable effort to have a personal or telephone contact with the customer prior to disconnection.

(c) Disconnection notice shall be given upon a form approved by the Commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different.

2. A statement of the reason(s) for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he disputes the notice of delinquent account, if he wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances.

4. A statement that residential utility service will be continued for up to 21 days during serious illness if the account holder submits a statement or notice pursuant to Wis. Adm. Code section PSC 113.132 (8).

5. A statement that the customer may appeal to the Public Service Commission staff in the event that the grounds for the proposed dis-

connection or the amount of any disagreement remains in dispute after the customer has pursued the available remedies with the utility.

(10) (a) Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under Wis. Adm. Code section PSC 113.134, and proper service personnel are readily available to restore service 24 hours per day.

(b) If a residential service which has been disconnected, has not been restored to service within 24 hours after the time of the disconnection, the utility shall inform the local law enforcement department of the billing name and the service address and that threat to health and life might exist to persons occupying the premises.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.133 Deferred payment agreement.** The utility is required to offer deferred payment agreements only to residential accounts.

(1) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(2) For purposes of determining reasonableness under these rules the parties shall consider the:

- (a) Size of the delinquent account.
- (b) Customer's ability to pay.
- (c) Customer's payment history.
- (d) Time that the debt has been outstanding.
- (e) Reasons why debt has been outstanding.
- (f) Any other relevant factors concerning the circumstances of the customer.

(3) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 sizes larger than any other used thereon, that "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT."

(4) A deferred payment agreement shall not include a finance charge.

(5) If an applicant for utility service has not fulfilled terms of a deferred payment agreement, the utility shall have the right to disconnect pursuant to disconnection of service rules (Wis. Adm. Code section PSC 113.132) and under such circumstances it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(6) Any payments made by a customer in compliance with a deferred payment agreement or otherwise shall first be considered made

in payment of the previous account balance with any remainder credited to the current bill.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.134 Dispute procedures.** (1) Whenever the customer advises the utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the customer of the results of the investigation.
- (c) Attempt to resolve the dispute.
- (d) Provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.

(2) After the customer has pursued the available remedies with the utility, he may request that the public service commission staff informally review the disputed issue and recommend terms of settlement.

(a) A request for informal review may be made in any reasonable manner such as by written notice or telephoned request directed to the public service commission.

(b) There must be at least 5 days between the date the commission staff mails written notice of terms of settlement after informal review, and any subsequent disconnection.

(3) Any party to the dispute after informal review may make a written request for a formal review by the commission. Such request must be made within 5 days of the date the commission staff mails written notice of terms of settlement after informal review.

(a) Within 10 days from the time such a request is made, the commission shall decide on the basis of the information it has received from the staff whether to hold hearing on the matter and shall inform both parties of its decision.

(b) If the commission decides to conduct formal hearing on the dispute, the customer shall be required to pay 50% of the bill in dispute to the utility or post bond for that amount on or before date of hearing. Failure to pay this amount or post bond before hearing will constitute waiver.

(c) Such a hearing shall conform to the procedures described in sections 196.26 to 196.34, Wis. Stats.

(d) Any such hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(4) Utility service shall not be disconnected because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. In no way does this relieve the customer from obligation of paying charges which are not disputed.

**History:** Cr. Register, January, 1975, No. 229, eff. 2-1-75.

**PSC 113.14 Limiting connected load.** If the utility maintains a rate based on connected load, provision shall be made in its rules whereby the customer may arrange his load or wiring in such manner as is reasonably acceptable to the utility, whether by the use of double-throw switches or such other devices as may be approved by the utility, so that only a portion of the load may be served at one time

and whereby, in such cases, the connected load to be used for the computation of charges shall be the largest load which can be served at any one time.

### PART III

#### CHARGES AND BILLING

**PSC 113.15 Meter readings and billing periods.** Readings of all meters used for determining charges to customers shall be scheduled monthly, bimonthly, quarterly, or semiannually. An effort shall be made to read meters on corresponding days of each meter-reading period. The meter-reading date may be advanced or postponed not more than 5 days without adjustment of the billing for the period. Bills for service shall be rendered within 40 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings on a form supplied by the utility, provided a utility representative reads the meter at least once each 6 months and when there is a change of customer.

**PSC 113.16 Billing.** (1) Each bill, including the customer's receipt, shall show the present and last preceding meter readings, the date of the present reading, the number of units consumed, the class of service if other than residential, the net and gross amount of the bill, the date after which the gross amount must be paid, and the rate schedule under which the bill is computed. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective and at least twice a year supply each customer with the schedule of rates at which the bills are computed and any other rates that might be applicable. Bills rendered at rates requiring the measurement of a number of different factors shall show all data necessary for the customer to check the computation of the bill. Minimum and estimated bills shall be distinctly marked as such.

(2) (a) If the billing period is longer or shorter than allowed in section PSC 113.15, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) If the utility reads the meters at the end of each billing period, the utility may, or if requested by the customer shall, leave meter reading forms when access to meters cannot be gained. If no form is left or the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered. In cases of emergency, the utility may render minimum or estimated (average) bills without reading meters or supplying meter-reading forms to customers. Only in unusual cases or when approval is obtained from the customer shall more than 3 consecutive estimated bills be rendered.

(c) If the utility schedules the reading of meters less frequently than once each billing period, the utility unless otherwise requested by the customer, shall supply meter-reading forms for the periods when the meter is not scheduled to be read. If the customer fails to return the meter-reading form or has informed the utility he does not wish to supply a reading, a minimum or estimated bill may be rendered.

(d) If an estimated bill appears to be abnormal when a subsequent reading is obtained, the bill for the entire period shall be computed at

a rate which contemplates the use of service during the entire period and the estimated bill shall be deducted. If there is reasonable evidence that the use occurred during only one billing period, the bill shall be so computed.

(3) (a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) The original billing rendered because of meter inaccuracy, or errors in billing, shall be separated from the regular bill and the charges explained in detail. Subsequent to the first billing the amount can be shown as a separate item on the regular bill.

(4) At the end of each billing period the utility shall read all prepayment meters, calculate the customer's bill at the regular net rates applicable, report the amount of money in the meter, and bill, refund, or credit the account with the difference between the bill at the regular rates and the amount collected, provided the same customer has received service during the entire billing period. Credits shall be liquidated at least once a year and upon termination of service.

(5) Each bill for service shall be computed at the proper filed rate and the rate used shall be the cheapest applicable rate based on 12 months' use of service. If the customer's use is such that it is difficult to be certain what rate should be applied until there has been 12 months' use, the billing shall be adjusted on the 12th bill.

(a) This rule does not prohibit contracts having terms longer than 1 year but does require that the rates in such contracts be the lowest on file with the commission.

(b) This rule applies to service as it is being supplied. If the customer could reduce his bills by installing equipment, combining or separating services, he should be notified as required by section PSC 113.12 (2) but no change in rates shall be made until the customer makes the necessary changes.

**PSC 113.17 Adjustment of bills.** (1) Whenever a meter creeps or whenever a var meter or watt-hour meter installation is found upon test to have an average error of more than 2% from 100%, or a