

Chapter PSC 185

STANDARDS FOR WATER PUBLIC UTILITY SERVICE

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History: Chapter PSC 185 as it was in effect on May 31, 1972 was repealed, and a new chapter PSC 185 was created, Register, May, 1972, No. 197, effective June 1, 1972.

Part 1. General

PSC 185.11 Authorization for and application of rules. (1) Wis. Adm. Code Chapter PSC 185 of the public service commission's departmental rules is part of the Wis. Adm. Code and constitutes a general order of the public service commission, the issuance of which is authorized by sections 227.014, 196.02, 196.06, 196.12, 196.15, 196.16, 196.17, 196.19, 196.37, Wis. Stats.

(2) The rules making up Wis. Adm. Code chapter PSC 185 are designed to effectuate and implement sections 196.02, 196.03, 196.06, 196.12, 196.15, 196.16, 196.17, 196.19, 196.21, 196.22, 196.60, 196.62, 196.72 and parts of other sections of the Wisconsin statutes.

(3) The requirements of Wis. Adm. Code chapter PSC 185 shall be observed by all water public utilities except insofar as an exemption may be given by the commission as hereinafter mentioned. Nothing herein 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 adop-

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tion of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in these rules and regulations.

(4) The manner of enforcing the rules in Wis. Adm. Code chapter PSC 185 is prescribed in section 196.66, Wis. Stats., and such other means as provided in statutory sections administered by the public service commission.

(5) In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, the rules shall not prevent immediate corrective action by the utility, which action, however, shall be subject to review by the public service commission.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.12 Definitions. The following terms as used in this chapter mean:

(1) "Commission"—public service commission.

(2) "Customer"—any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc., provided with water service by any water public utility.

(3) "Meter"—an instrument installed to measure the volume and/or rate of flow of water delivered through it.

(4) "Percent registration"—the ratio of the meter registration divided by the actual volume or rate of flow, stated in percent. Stated more simply for domestic (volumetric) meters, this is the percent of the water delivered through a meter which the meter actually registers.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.13 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 (on file with the commission) applicable thereto and not otherwise.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.14 Refusal or discontinuance of service. **History:** Cr. Register, May, 1972, No. 197, eff. 6-1-72; r. Register, January, 1975, No. 229, eff. 2-1-75.

PSC 185.15 Free or discriminatory service prohibited. (1) No utility shall provide water service free or at a rate different than provided for in its rates. (See sections 196.62 and 196.63, Wis. Stats.) Such prohibition shall include, among others, water service for all non-utility municipal purposes such as street and sewer flushing and service to non-utility public buildings.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.16 Protection of utility facilities. A water 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.

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(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 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, May, 1972, No. 197, eff. 6-1-72.

PSC 185.17 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. Where practical 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, May, 1972, No. 197, eff. 6-1-72.

PSC 185.18 Location of records. All records required by these rules or necessary for the administration thereof, shall be kept within this state unless otherwise authorized by the commission. These records

shall be available for examination by the commission or its authorized representative at all reasonable hours. (See section 196.06 (6), Wis. Stats.)

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.19 Retention of records. The following records shall be preserved and kept available for inspection by the commission for the period indicated. The list is not to be taken as comprehending all types of utility records.

Description of Record	Period to be Retained
(1) Maps showing the location and physical characteristics of the utility plant.	Until map is superseded or 6 years after plant is retired provided mortality data are retained.
(2) Engineering records in connection with construction projects.	Until record is superseded or 6 years after plant is retired provided mortality data are retained.
(3) Operating records:	
Station pumpage records	15 years or 3 years after the source is abandoned, whichever is shorter
Interruption records	6 years
Meter test records	(See Wis. Adm. Code section PSC 185.46)
Meter history record*	Life of meter
Annual meter accuracy summary	10 years
Pressure records	6 years
(4) Customer records:	
Complaint records	3 years
Customer deposit	6 years after refund
Meter reading sheets or cards	**
Billing record	**
(5) Filed rates and rules	Permanently

* Where practicable should be placed in mortality study before destroying.
 ** Where machine billing is used and meter readings recorded on tabulated cards the register sheets may be considered to be "meter reading sheets" and the "billing records." "Meter reading sheets" and "billing records" or the "register sheets" shall be kept 6 years or until they are no longer needed to adjust bills. This means that the records must be kept 6 years or from the date of one meter test to the next, whichever is longer.

Note: See also "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" adopted by the Commission in docket 2-U-5005, April 27, 1961 for more comprehensive listing of retention periods of specific records.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

Part 2. Rate Schedules and Rules

PSC 185.21 Schedules to be filed with the commission. The schedules of rates and rules shall be filed with the commission by the utility and shall be classified, designated, arranged and submitted so as to conform to the requirements of the current tariff or rate schedule circulars and the 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 class of customers to which it applies. There shall also be shown any limitations on the service furnished under such rate, 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 (where applicable) and consumptions, and any special terms and conditions applicable. The discount for prompt pay-

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ment or penalty for late payment, if any, and the period during which the net amount may be paid shall be specified.

(2) If service to other utilities or municipalities for resale is furnished at a standard filed rate, either a copy of each contract or the standard contract form with a summary of the provisions of each signed contract.

(3) 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.

(4) Designation of such portion of the service facilities as the utility furnishes, owns and maintains.

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

(6) Rules governing the establishing of credit by customers for payment of service bills.

(7) Rules governing disconnecting and reconnecting service.

(8) Notice required from customer for having service discontinued.

(9) Rules governing temporary, emergency, auxiliary, and standby service.

(10) Rules governing any limitations on the type of equipment which may or may not be connected.

(11) A list of the municipalities in which service is rendered.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.22 Information available to customers. (1) There shall be kept on file in every station and office of the utility where customer 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) 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.

(3) Each water 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.

(5) Upon application for service, every customer shall be advised by the utility of the utility's collection powers contained in section 66.069 (1) (b), Wis. Stats.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72; r. and recr. Register, January, 1975, No. 229, eff. 2-1-75.

Part 3. Service and Billing

PSC 185.31 Metered service. (1) Except where otherwise authorized by the commission, all water sold by a utility shall be on the basis

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of meter measurement except that water used for street or sewer flushing, construction, or similar purposes where metering is not practicable may be estimated (See Wis. Adm. Code section PSC 185.15).

(2) Wherever practicable, consumption of water within the utility itself, or by administrative units associated with it or with the municipality shall be metered.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.32 Meter readings and billing periods. Readings of all meters used for determining charges to customers shall be taken by the utility monthly, bi-monthly, quarterly, semi-annually or for such other period or in such other manner as may be authorized by the commission. 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 10 days without adjustment of the billing period. Bills for service shall be rendered within 50 days from the reading of the meter except as may be otherwise specifically authorized by the commission.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.33 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 used, the net and gross amount of the bill or the net amount with late payment penalty, 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 once each year, supply each customer with the schedule of rates at which the bills are computed and any other rates that might be applicable. Minimum and estimated bills shall be distinctly marked as such.

(2) (a) If the billing period is longer or shorter than allowed in Wis. Adm. Code section PSC 185.32, 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 leave the meter reading forms when access to meters cannot be gained. If requested by the customer, the utility shall provide such forms. 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 where bills are rendered monthly and there shall be not more than 2 consecutive estimated bills where the billing period is 2 months or more.

(c) 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 error in billing, shall be separated from the regular bill and the charges explained in detail. Subsequent to the first billing, the amount may be shown as a separate item on the regular bills.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.35 Adjustment of bills. (1) Whenever a positive displacement meter is found upon test to have an average percent registration of more than 102 and whenever a compound or current type meter is found upon test to have an average percent registration of more than 103, a recalculation of bills for service shall be made for the period of inaccuracy assuming an inaccuracy equal to the average percent error in excess of 100.

(2) For the purposes of this rule, the average percent registration shall be the average percent registration for those normal test points which are within the normal test flow limits of the meter, except that the test point within the "change-over" range for compound meters shall be ignored. (For positive displacement meters the light flow test point would not be considered.)

(3) If the period of inaccuracy cannot be determined, it shall be assumed that the full amount of inaccuracy existed during the last half of the period since the meter was installed or last tested; however, the period of accuracy shall not exceed one-half the required test period.

(4) If the recalculated bills indicate that more than \$1 is due an existing customer or \$2 is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility shall, upon request made within 3 months thereafter, refund the amount due.

(5) Where a meter in service is found not to register or is found to have an average percent registration of less than 97, the utility may bill the customer for the amount the test indicates has been undercharged for the period of inaccuracy, which period shall not exceed the last 6 months the meter was in service unless otherwise authorized by the commission after investigation. This limitation does not apply in the case of wholesale customers. No back bill will be sanctioned if the customer has called to the company's attention his doubts as to the meter's accuracy and the company has failed within a reasonable time to check it.

(6) Subject to the utility's rules setting forth the method of determining a reduced rate herein authorized, if a leak unknown to the customer is found in an appliance or the plumbing, the utility may estimate the water so wasted and bill for it at a reduced rate not less than the utility's cost thereof. No such adjustment shall be made for water supplied after the customer has been notified and has had an opportunity to correct the condition.

(7) Where, because of some deficiency in the utility's portion of the facilities and at the request of the utility, a customer permits a stream of water to flow to prevent freezing of the service or main the utility shall adjust his bill for the excess consumption which results.

(8) A classified record shall be kept of the number of refunds and charges made because of inaccurate meters, misapplication of rates, and erroneous billing. A summary of the record for the previous calendar year shall, upon request, be submitted to the commission by April 1.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.36 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 185.39.)

(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) **NON-RESIDENTIAL SERVICE.** (a) In the case of non-residential service if the credit of an applicant for water service has not been established satisfactorily to the utility, he may be required to deposit a sum not exceeding the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1 per month for each class of water service furnished.

(b) The deposit shall be refunded after 24 consecutive months of prompt payment. In no case, however, will a deposit be refunded if the customer's credit standing is not satisfactory to the utility.

(c) 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 or existing residential account shall not exceed the estimated gross bills for all water service, both billed and unbilled, which can be supplied before the utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1 per month for each class of water service furnished.

(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 185.36 (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) **SERVICE REFUSAL.** 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 185.37)

(11) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the utility, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be 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 the utility under a deferred payment agreement as defined in Wis. Adm. Code section PSC 185.38 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, May, 1972, No. 197, eff. 6-1-72; r. and recr. Register, January, 1975, No. 229, eff. 2-1-75.

PSC 185.37 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 185.37 (9) unless excepted elsewhere.

(c) When a customer, either directly or through the public service

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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 185.39 (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 185.38.).

(b) Failure to comply with deposit or guarantee arrangements as specified in Wis. Adm. Code section PSC 185.36.

(c) Diversion of service around the meter.

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

(4) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water if so provided in the filed tariff of the utility.

(5) 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 or 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 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.

(6) 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.

(7) Notwithstanding any other provision of this section, a utility may not disconnect service to a residential customer if disconnection will aggravate an existent 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 service 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 existent 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.

(8) (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 premises not less than 24 hours nor more than 48 hours prior to the 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 payment 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 185.37 (7).

5. A statement that the customer may appeal to the public service commission staff in the event that the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the customer has pursued the available remedies with the utility.

(9) (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 185.39, 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 a threat to health and life might exist to persons occupying the premises.

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

PSC 185.38 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 185.37) 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 185.39 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 a hearing on the matter and shall inform both parties of its decision.

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

(c) Such a hearing shall conform to the procedures described in sections 196.27 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 the obligation of paying charges which are not disputed.

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

Register, January, 1975, No. 229

Part 4. Records

PSC 185.41 **Employees authorized to enter customers' premises.** The utility shall keep a record of its employees authorized pursuant to section 196.171, Wis. Stats., to enter customers' premises.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.42 **Customer complaints.** Each utility shall investigate and keep a record of complaints received by it from its customers in regard to safety, service, or rates, and the operation of its system. The record shall show the name and address of the complainant, the date and nature of the complaint, and its disposition and the date thereof.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.43 **Construction records.** Every water utility shall prepare, or cause to be prepared, and shall keep on file, permanent and adequate records in the form of maps or clearly descriptive tabular statements, or both, showing the size, kind, and location of all its underground main and service pipe lines and other construction, and definite locations of all valves and shutoff cocks. The records shall also show date of construction by year and month. The maps may be part of the continuing property records if they show the size, kind and location of the facilities and the date of construction by month and year.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.44 **Records and reports of service interruptions.** (See also Wis. Adm. Code section PSC 185.88, interruptions of service.) (1) Each utility shall notify the commission as soon as possible of any unusual occurrence which has caused or is expected to cause an interruption of service for one hour or longer to all of the customers or 500 (or more) customers, whichever number is the smaller. (This supplements but does not preempt the requirements of Wis. Adm. Code Chapter PSC 104.)

(2) Each utility shall maintain a record of interruptions showing for each the date and time it began, the duration, the cause, and the approximate number of customers affected.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.45 **Pumpage records.** A permanent record shall be kept of the amount of water pumped into the distribution system each day from each station. The daily pumpage shall be summarized by months and such daily records and monthly summaries kept on file.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

PSC 185.46 **Metering equipment records.** (1) A test record shall be made whenever a unit of metering equipment is tested but need not be retained after the equipment is again tested if a complete history record is maintained. The test record shall identify the unit and its location, date of test, reason for test, readings before and after test, a statement of "As Found" and "As Left" accuracies, a statement of test conditions sufficiently complete to permit checking the calculations employed, identification of the testing standard and the person making the test, and the results of the check or test of any associated remote register device. (See Wis. Adm. Code section PSC 185.19 for record retention period.)

Register, January, 1975, No. 229