

Chapter PSC 186

WATER OR SEWER SERVICE IN MOBILE HOME PARKS

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Note: Chapter PSC 186 was created as an emergency rule effective May 1, 1999.

Subchapter I — General

PSC 186.11 Authorization for and application of rules. (1) This chapter is authorized by s. 101.937 (1), Stats.

(2) This chapter is designed to effectuate and implement s. 101.937, Stats.

(3) The requirements of this chapter apply to mobile home park operators and all mobile home park contractors who supply water and sewer service, or both, to mobile home park occupants. Subchapter III is not applicable to mobile home park operators or mobile home park contractors who include the costs associated with water and sewer service in their rental fees.

(4) The commission may grant a variance from a nonstatutory requirement of this chapter to individual mobile home park contractors, mobile home park operators, water and sewer services which are different from those provided in this chapter and which fulfill the intent of this chapter.

(5) The manner of enforcing this chapter is prescribed in s. 101.937 (3), (4) and (5), Stats., and such other means as provided in statutory sections of ch. 196, Stats., administered by the public service commission.

(6) In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of this chapter, immediate corrective action shall be taken by the mobile home park operator or mobile home park contractor. The action is subject to review by the public service commission.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99; corrections in (1), (2) and (5) made under s. 13.93 (2m) (b) 7., Stats.

PSC 186.12 Definitions. In this chapter:

(1) “Ability to pay” means a mobile home park occupant’s financial capacity to meet the mobile home park occupant’s water and sewer service obligation.

(2) “Actual meter read” means a reading obtained by the mobile home park operator or mobile home park contractor or other party upon physical inspection of the meter or remote outside meter.

(3) “Commission” means the public service commission of Wisconsin.

(4) “Complaint” has the meaning given in s. 196.26 (1), Stats.

(5) “Deferred payment agreement” means an arrangement between a mobile home park operator or mobile home park contractor and a mobile home park occupant for payment of a delinquent amount or deposit owed for water and sewer service in installments.

(6) “Denied or refused service” means that a mobile home park operator or mobile home park contractor has refused to provide water and sewer service to a present or future mobile home park occupant or premises.

(7) “Disconnection” means an event or action taken by the mobile home park operator or mobile home park contractor to terminate or discontinue the provision of water and sewer service, but does not include a mobile home park occupant-requested termination of service.

(8) “Dispute” means a statement or question by a mobile home park occupant alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a mobile home park operator or mobile home park contractor, or alleging failure of a mobile home park operator or mobile home park contractor to meet its obligation to supply water and sewer service.

(9) “General service charges” means charges billed to the mobile home park occupant by the mobile home park operator or mobile home park contractor and intended to recover the cost of supplying water and sewer service.

Note: The expenses typically recovered by general service charges are operation and maintenance expenses, taxes, depreciation, or debt service. Expenses such as late payment charges, non-sufficient funds check charges, or reconnection charges are not typically recovered through general service charges but are separate, additional charges applied to the mobile home park occupant’s account.

(10) “Manufactured home” has the meaning given in s. 101.91 (2), Stats.

(11) “Meter” means an instrument installed to measure the volume and/or rate of flow of water delivered through it.

(12) “Mobile home” has the meaning given in s. 101.91 (10), Stats.

(13) “Mobile home park” has the meaning given in s. 196.01 (3p), Stats.

Note: 2001 Wis. Act 16 repealed s. 196.01 (3p), (3q), and (3s), Stats.

(14) “Mobile home park contractor” has the meaning given in s. 196.01 (3q), Stats.

Note: 2001 Wis. Act 16 repealed s. 196.01 (3p), (3q), and (3s), Stats.

(15) "Mobile home park occupant" has the meaning given in s. 196.01 (3s), Stats.

Note: 2001 Wis. Act 16 repealed s. 196.01 (3p), (3q), and (3s), Stats.

(16) "Mobile home park occupant-requested termination" means cessation of service at the request of the mobile home park occupant.

(17) "Mobile home park operator" has the meaning given in s. 196.01 (3t), Stats.

(18) "Percent registration" means the ratio of the meter registration divided by the actual volume or rate of flow, stated as a percentage. For domestic or volumetric meters, "percent registration" means the percentage of the water delivered through a meter which the meter actually registers.

(19) "Prompt payment" means payment prior to the time when a mobile home park operator or mobile home park contractor could issue a notice of disconnection for nonpayment of an amount not in dispute.

(20) "Protective services emergency" means a threat to the health or safety of an occupant because of the infirmities of aging, mental retardation, other developmental or mental disabilities, or like infirmities incurred at any age, or the frailties associated with being very young.

(21) "Remote outside meter" or "ROM" means an analog device attached to a building structure which displays the reading of the base meter through electronic pulses sent from the base meter.

Note: Remote outside meters are considered part of the mobile home park operator or mobile home park contractor's metering configuration.

(22) "Small mobile home park" means a mobile home park containing fewer than 6 individual plots of land that are rented or offered for rent for the accommodation of a mobile home.

(23) "Voucher agreement" means a payment agreement guaranteed by a third party who has access to or control over the benefits and finances of a public assistance recipient.

Note: Examples of some public assistance are:

(a) Wisconsin Works (W2) and Temporary Assistance to Needy Families (TANF) restrictive payment arrangements.

(b) General relief voucher payment systems.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99; correction in (12) made under s. 13.93 (2m) (b) 7., Stats.

PSC 186.13 General requirement. A mobile home park contractor and a mobile home park operator that provides water and sewer service to the occupants of its mobile home park shall furnish reasonably adequate service and facilities as required by this chapter.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.14 Discriminatory service prohibited. No mobile home park operator or mobile home park contractor may provide water and sewer service at a rate different from that provided to all other occupants of its mobile home park.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

Subchapter II — Records and Available Information

PSC 186.21 Records of service interruptions. Each mobile home park operator or mobile home park contractor shall maintain a record of each interruption of service which results from a failure or disruption of the mobile home park water supply or sewer collection system lasting more than one hour or affecting more than 25% of the mobile home park occupants upon reporting of such an outage by a mobile home park occupant. The mobile home park operator's or mobile home park contractor's records shall show the date and time the service interruption began, the duration, the cause, and the approximate number of mobile home park occupants affected. Records must be maintained for 3 years following the date of occurrence.

Note: See also s. PSC 186.75, Interruptions of service.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.22 Information available and required to be provided to customers. Each mobile home park operator or mobile home park contractor shall have available and provide, to all new mobile home park occupants and to any mobile home park occupant making a request, written notice of the rules set forth in this chapter pertaining to deposits, payment options including deferred payment agreements, disconnection, and dispute procedures. The notice shall contain a reply procedure to allow mobile home park occupants an opportunity to advise the mobile home park operator or mobile home park contractor of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the mobile home park operator or mobile home park contractor to contact a specific third-party agency or individual prior to any disconnection action being taken. Each mobile home park operator or mobile home park contractor shall also provide annually, on July 1, and any time rates are increased, written information regarding the rates charged to mobile home park occupants for the provision of water and sewer service. The information provided shall include a description of how rates are determined, the rate charged the mobile home park operator or mobile home park contractor by its water or sewer service provider, and the commission's toll-free telephone number.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99; reprinted to correct printing error, Register, November, 1999, No. 527.

Subchapter III — Rates, Service, and Billing

Note: Subchapter III is not applicable to mobile home park operators or mobile home park contractors who include the costs associated with water and sewer service in their rental fees.

PSC 186.31 Reasonableness of water and sewer rates. A mobile home park operator or mobile home park contractor may establish general service charges for water and sewer service in one of the following ways:

(1) If a mobile home park operator or mobile home park contractor purchases water and sewer service and resells the service to the occupants of the mobile home park, the maximum allowable water and sewer bill to the average user within the mobile home park may not exceed the lesser of the mobile home park's water and sewer bill, plus 30%, divided by the number of occupied lots within the park, or the retail rates of the local municipality's water and sewer operation applied to the average user.

Note: An average user is one whose consumption is equal to the volume of water billed to the mobile home park operator or mobile home park contractor, divided by the number of occupied lots within the mobile home park. The 30% additional charge is intended to recover the operational, maintenance, and capital costs associated with the facilities within the mobile home park.

(2) If a mobile home park operator or mobile home park contractor owns the water supply facilities or the sewerage treatment facilities which serve the mobile home park, the water charge to a mobile home park occupant may not exceed the average amount charged for a similar level of water utility service furnished by Wisconsin Class D water public utilities. The charge for sewer service may not exceed 2.5 times the charge for water service.

Note: Information relative to the rates of Wisconsin Class D water public utilities is available from the commission.

(3) (a) A mobile home park operator or mobile home park contractor may establish water and sewer rates in excess of those set forth in sub. (1) or (2) if the mobile home park operator or mobile home park contractor can provide written documentation to the commission which demonstrates that higher charges are necessary to meet the reasonable costs associated with all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, or depreciation of the water and sewer system and for the payment of all or part of the principal and interest of any indebted-

edness associated with providing water and sewer service at a reasonable cost.

(b) A mobile home park operator or mobile home park contractor shall provide a written explanation of rates upon request of a mobile home park occupant, and at any time rates are increased.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99; reprinted to correct printing error in (2), Register, November, 1999, No. 527.

PSC 186.32 Billing methods. Sewer or water bills for mobile home park occupants may be based on one of the following methods:

- (1) Metered.
- (2) Flat rate.
- (3) Residential equivalent units.
- (4) Any other method that can be shown to reasonably allocate costs among mobile home park occupants.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.33 Billing. (1) A bill for water and sewer service issued at least quarterly and provided by the mobile home park operator or mobile home park contractor shall include all of the following on the mobile home park occupant's receipt:

- (a) The service address.
- (b) The present and last preceding meter readings if service is metered.
- (c) The present and last preceding meter reading dates if service is metered.
- (d) The number of units consumed if service is metered.
- (e) Clear itemization of the amounts included in the bill for the present billing period and any unpaid balance from previous billing periods, including any late payment charges.

(2) Estimated bills shall be distinctly marked as such, if service is on a metered basis.

(3) Except as provided in subs. (4) and (5), a partial payment received for water and sewer service shall be applied, in descending order until fully paid, to each of the following types of charges on the mobile home park occupant's account:

- (a) Current water and sewer service.
- (b) Current deferred payment agreement.
- (c) Water and sewer service arrears.
- (d) Miscellaneous water and sewer charges.
- (e) All other charges.

(4) If charges for water and sewer service are not paid separately from the charge for rent by the mobile home park occupant, the terms for the allocation of partial payments set forth in the lease agreement shall apply.

(5) Upon mobile home park occupant request, or at the discretion of the mobile home park operator or mobile home park contractor, partial payments may be allocated differently than set forth under sub. (3) if the allocation does not result in a disconnection of service or the imposition of a late payment penalty which would not have occurred under the allocation methodology set forth under sub. (3).

(6) The mobile home park operator or mobile home park contractor may apply late payment charges to any portion of a mobile home park occupant's water and sewer service bill that is not paid in full based on the order of payment application as provided in subs. (3) and (4), within 20 days following issuance of the bill. The late payment charge shall not exceed one percent of the total unpaid balance per month.

(7) (a) If a mobile home park operator or mobile home park contractor applies a late payment charge, the new charge shall apply only to water and sewer service provided after the effective date of initiation.

(b) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following

issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the mobile home park operator or mobile home park contractor.

(8) (a) All new mobile home park occupants shall apply for water and sewer service. This application may be incorporated into the lease agreement. The mobile home park operator or mobile home park contractor may require that either a verbal or written application be made. The mobile home park operator or mobile home park contractor shall establish a uniform policy for obtaining the information required by this paragraph. The mobile home park operator or mobile home park contractor may require a mobile home park occupant to provide all of the following:

1. The name or names of parties responsible for bill payment.
2. The address where service is to be provided.
3. The address of residence immediately prior to application.

(b) Except as provided in s. PSC 186.35, water and sewer service shall not be disconnected or refused for refusal to provide any information other than that specified in par. (a).

(9) A mobile home park occupant or other responsible party who uses water and sewer service but does not apply for it may be billed an estimated or actual amount at a later date for service used prior to the time of application. The mobile home park operator or mobile home park contractor shall have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 186.37.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.34 Deposits for water and sewer service. (1) (a) A mobile home park operator or mobile home park contractor may require a deposit as a condition of new or continued water and sewer service. The amount of the required deposit may not exceed \$40.

(b) Deposits shall bear simple interest at the rate of 5% per year from the date a deposit is made to the date it is applied to the water and sewer service account balance or it is refunded.

(c) A mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the mobile home park occupant's right to enter into an installment plan for payment of the deposit amount. Under the installment plan, the deposit amount shall be paid to the mobile home park operator or mobile home park contractor in no more than three equal monthly installments. Operators or contractors of small mobile home parks are not required to offer installment plans for the payment of deposits.

(2) The mobile home park operator or mobile home park contractor shall refund the water and sewer deposit of a mobile home park occupant within 21 days of the termination of the rental agreement.

(3) (a) Any arrearage owed by a mobile home park occupant for water and sewer service may be deducted from the mobile home park occupant's water and sewer deposit.

(b) If the mobile home park operator or mobile home park contractor deducts a water and sewer arrearage from a mobile home park occupant's deposit, it may require the mobile home park occupant to bring the water and sewer deposit up to its original amount. Failure of the mobile home park occupant to do so within 20 days of mailing a written request for payment is grounds for disconnection.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99; reprinted to correct printing error in (1) (a), Register, November, 1999, No. 527.

PSC 186.35 Reasons for disconnection and refusal of service. (1) Water and sewer service may be disconnected or refused for any of the following actions on the part of a mobile home park occupant:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.

Note: See s. PSC 186.36.

(b) Failure to comply with deposit arrangements as specified in s. PSC 186.34.

(c) Diversion of service around the meter.

(d) Refusal or failure to permit authorized mobile home park operator or mobile home park contractor personnel access to the base meter or remote register.

(e) Use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if the mobile home park occupant has first been notified and provided with reasonable opportunity to remedy the situation.

(f) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to water and sewer service.

(g) Failure to pay costs or fees incurred by and awarded to the mobile home park operator or mobile home park contractor by a court of law for pursuit of collection of water and sewer bills, or failure to pay collection charges associated with water and sewer service.

(h) Use of a device that unreasonably interferes with communications or signal services used for reading meters.

(i) Failure to bring a deposit up to its original amount within 20 days of the written request to do so if all or a portion of the deposit has been used to pay a water and sewer arrearage.

(2) A mobile home park operator or mobile home park contractor may disconnect water and sewer service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the mobile home park operator or mobile home park contractor shall provide the mobile home park occupant a written explanation of the dangerous condition.

(3) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water and sewer.

(4) A mobile home park operator or mobile home park contractor may disconnect water and sewer service without notice where it has reasonable evidence that water and sewer service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the water and sewer service.

(5) Water and sewer service may not be disconnected or refused for any of the following reasons:

(a) Failure to pay the account of another mobile home park occupant as guarantor of that account.

(b) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing.

(c) For the purpose of eviction of a mobile home park occupant.

(d) If a heat advisory or warning has been declared by the national weather service for a geographic area which includes the mobile home park.

(6) Between the dates of November 1 and April 15 of each year, a mobile home park operator or mobile home park contractor may not disconnect residential water service that is a necessary part of a mobile home's heating system.

(7) Notwithstanding any other provision of this section, upon due notice a mobile home park operator or mobile home park contractor may not disconnect service or refuse to reconnect service to a mobile home park occupant if disconnection will aggravate an existing medical or protective services emergency of the occupant, a member of the mobile home park

occupant's family, or other permanent occupant of the premises where service is rendered and if the mobile home park occupant conforms to the procedures described in s. PSC 186.351 (1) (d).

(8) Notwithstanding any other provision of this chapter, water and sewer service may not be refused or disconnected because of a delinquent account if the mobile home park occupant or applicant provides a deposit as a condition of future service, as governed by s. PSC 186.34, or a voucher agreement. If the guarantor has agreed to be responsible for payment of all future bills, the mobile home park occupant shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.351 Disconnection procedure. (1) (a) A notice of disconnection may not be issued until at least 20 days after the date of issuance of the bill.

(b) At least 8 calendar days prior to disconnection, the mobile home park operator or mobile home park contractor shall give a written notice of disconnection.

(c) Mobile home park water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of s. PSC 186.37.

(d) A mobile home park operator or mobile home park contractor shall postpone the disconnection of service, or reconnect the service if disconnected, for up to 21 days on the written recommendation of a licensed physician or notice from a public health, social services, or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection shall aggravate the circumstances. This postponement is to enable the mobile home park occupant to arrange for payment. During the period of continued service, the mobile home park operator or mobile home park contractor and mobile home park occupant shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. Additional postponements may be granted if there is evidence of reasonable communication between the mobile home park operator or mobile home park contractor and mobile home park occupant in attempting to make arrangements for payment.

(e) During the period service is continued under the provisions of this subsection, the mobile home park occupant is responsible for the cost of residential water and sewer service. However, no action to disconnect that service shall be undertaken until expiration of the period of continued service.

(f) If there is a dispute concerning an alleged medical emergency, either party may request an informal review by the commission staff. During the informal review, residential water and sewer service shall be continued if the mobile home park occupant has submitted a statement or notice as set forth in par. (d).

(2) (a) A mobile home park operator or mobile home park contractor shall not disconnect service unless written notice by first class mail is sent to the mobile home park occupant or personally served upon a responsible party at least 8 calendar days prior to the first date of the proposed disconnection except as provided in s. PSC 186.35 (2), (3), and (4). If the billing address is different from the service address, notice shall be posted at the service address not less than 5 days before disconnection. The notice shall contain the information set forth in s. PSC 186.352.

(b) If disconnection is not accomplished on or before the 15th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the mobile home park occupant and the mobile home park operator or mobile home park contractor agree to extend the 15-day time period. If dis-

connection is not accomplished on or before the 30th day after the original eight-day disconnection notice was issued, the mobile home park operator or mobile home park contractor shall issue a new eight-day disconnection notice prior to proceeding with the disconnection of water and sewer service.

(c) The mobile home park operator or mobile home park contractor shall make a reasonable effort to have a personal or telephone contact with the mobile home park occupant prior to disconnection. If a contact is made, the mobile home park operator or mobile home park contractor shall review the reasons for the pending disconnection of service and explain what actions shall be taken to avoid disconnection. The mobile home park operator or mobile home park contractor shall keep a record of the contacts and contact attempts.

(d) If a dispute cannot be resolved, the mobile home park operator or mobile home park contractor shall inform the mobile home park occupant of the right to appeal to the commission.

(3) Service shall not be disconnected on a day, or on the day immediately preceding a day, when the business offices of the mobile home park operator or mobile home park contractor are not available to the mobile home park occupants for the purpose of transacting all business matters, unless the mobile home park operator or mobile home park contractor provides personnel which are readily available to the mobile home park occupant 24 hours per day to evaluate, negotiate, or otherwise consider the mobile home park occupant's objection to the disconnection as provided under s. PSC 186.37, and proper service personnel are readily available to restore service 24 hours per day.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.352 Disconnection notice. (1) A disconnection notice shall contain the following information:

(a) The name and address of the mobile home park occupant and the address of the service, if different.

(b) The reason for the proposed disconnection of service and a statement that service will be disconnected if one of the following does not occur:

1. The account is paid.
2. Arrangement is made to pay the account under deferred payment agreement.
3. Other suitable arrangements are made.
4. Equipment changes are made.

(c) A statement that the mobile home park occupant shall immediately contact the mobile home park operator or mobile home park contractor at the number listed if the mobile home park occupant disputes the account considered delinquent, if the mobile home park occupant wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any occupant is seriously ill, or if there are other extenuating circumstances.

Note: Extenuating circumstances include things such as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of occupants who use life support systems or equipment, and occupants who have mental retardation or other developmental or mental disabilities.

(d) A statement that residential water and sewer service shall be continued for up to 21 days during serious illness on the written recommendation of a licensed physician.

(e) A statement that the mobile home park occupant may appeal to the commission staff if the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the mobile home park occupant has pursued the available remedies with the mobile home park operator or mobile home park contractor.

(f) The date of the notice.

(g) The proposed date of disconnection.

(h) A phone number at which the mobile home park operator or mobile home park contractor can be contacted.

(i) A statement that the mobile home park occupant may apply to accept responsibility for future bills and avoid disconnection of service as allowed under s. PSC 186.33 (9).

(j) A statement that disputing any matter does not relieve the mobile home park occupant of the obligation of paying charges not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute that are later determined to be correct.

(2) 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 mobile home park occupant which are considered to constitute default.

Note: A copy of a sample disconnection notice is available from the commission.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.36 Deferred payment agreement. (1) A mobile home park operator or mobile home park contractor shall offer deferred payment agreements to mobile home park occupants for water and sewer service. The term of the deferred payment agreement shall not extend past the termination date of the lease in effect for the mobile home park occupant. Operators or contractors of small mobile home parks are not required to offer deferred payment agreements to mobile home park occupants.

(2) Every deferred payment agreement shall provide that service not be discontinued if the mobile home park occupant pays a reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments, and agrees to pay the current bill by the due date.

(3) For purposes of determining reasonableness in sub. (2), the mobile home park operator or mobile home park contractor shall consider the mobile home park occupant's ability to pay, including the following factors:

- (a) Size of the delinquent account.
- (b) Mobile home park occupant's water and sewer service payment history.
- (c) Time that the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the circumstances of the mobile home park occupant, such as household size, income, and necessary expenses.

(4) A deferred payment agreement offered by a mobile home park operator or mobile home park contractor shall set out all terms and conditions of the agreement. If the mobile home park operator or mobile home park contractor and the mobile home park occupant cannot reach agreement on the terms and conditions of the deferred payment agreement, the mobile home park occupant shall be informed of the right to ask the commission to review the agreement being offered. The mobile home park occupant shall be informed that signing the agreement does not affect the responsibility of the mobile home park occupant to pay for current service or meet the payment schedule set out in the agreement. The mobile home park occupant will be considered in default of the agreement if any bill for current service or any payment under the agreement is allowed to become delinquent.

(5) If a deferred payment agreement cannot be reached because the mobile home park occupant's offer is unacceptable to the mobile home park operator or mobile home park contractor, the mobile home park operator or mobile home park contractor shall inform the mobile home park occupant why the mobile home park occupant's offer was not acceptable.

(6) If an applicant for mobile home park water and sewer service or a mobile home park occupant has not fulfilled the terms of a deferred payment agreement and there has not been

a significant change in the mobile home park occupant's ability to pay since the agreement was negotiated, the mobile home park operator or mobile home park contractor may disconnect under s. PSC 186.35, and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(7) Any payments made by a mobile home park occupant solely in compliance with a deferred payment agreement, and not as part of a payment for other mobile home park services, shall first be considered as payment toward the deferred payment agreement, with any remainder credited to the current bill. Payments made to satisfy a current bill for mobile home park service, which may include a portion for a deferred payment agreement, shall be credited as set forth in s. PSC 186.33 (3) and (4).

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.37 Dispute procedures. (1) If a mobile home park occupant disputes a mobile home park operator or mobile home park contractor's request for a deposit, or advises the mobile home park'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 or refusal of service is in dispute, the mobile home park operator or mobile home park contractor shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the mobile home park occupant of the results of the investigation.
- (c) Attempt to resolve the dispute, including offering a deferred payment agreement under s. PSC 186.36.

(2) (a) After the mobile home park occupant has pursued the available remedies with the mobile home park operator or mobile home park contractor, the mobile home park occupant may request that the commission staff informally review the disputed issue and recommend terms of settlement.

(b) A request for informal review may be made in any reasonable manner, including written or telephone request directed to the commission. The commission staff may request in writing or by telephone the mobile home park operator or mobile home park contractor to investigate the dispute.

(c) A mobile home park operator or mobile home park contractor shall respond to the commission staff's request for an investigation promptly. Based on information provided by the mobile home park operator or mobile home park contractor and the mobile home park occupant, the commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing. Commission staff shall inform any mobile home park occupant disputing an informal determination of the right to pursue a formal review.

(d) At least 7 business days shall elapse between the date the commission staff telephones or mails notice of terms of settlement and disconnection.

(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the commission. To avoid disconnection pending a formal review, the mobile home park occupant shall request in writing a formal review by the commission within 7 business days of the issuance of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the commission staff telephones or provides written notice of terms of the settlement after informal review. If a party to a dispute requests written confirmation of the commission staff decision, the 30-day period begins from the date of that mailing.

(b) The commission shall base its determination on the request for formal review and commission staff's informal dispute file. Within 45 calendar days from the time that a request

for formal review is made, commission staff shall provide the commission with a memorandum based on the information it has received from the mobile home park operator or mobile home park contractor and the mobile home park occupant. A copy of the commission staff memorandum shall be provided to the parties 15 business days prior to consideration by the commission. Either party to the dispute may file a response to the commission staff's memorandum. A response shall be filed with the commission 2 working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties in writing of its decision.

(4) Either party to the dispute may request that the commission reconsider its formal determination under this section. A request for reconsideration shall comply with s. 227.49, Stats., and shall be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original dispute. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold a hearing on the matter for the gathering of additional information.

(5) (a) If the commission decides under sub. (4) to conduct a hearing, the commission may impose conditions on granting the hearing. If the mobile home park occupant fails to meet a condition, the commission may not hold a hearing and no subsequent hearing may be held by the commission on the dispute.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) The hearing shall be held not less than 10 days following mailing of the notice of hearing and a decision shall be rendered following the conclusion of the hearing.

(6) Mobile home park water and sewer service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The mobile home park operator or mobile home park contractor shall inform the mobile home park occupant that pursuing a disputed matter does not relieve the mobile home park occupant of the obligation of paying charges which are not in dispute, prevent disconnection of water and sewer service for nonpayment of undisputed charges, or prevent the application of a late payment charge to amounts in dispute and later determined to be correct.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99; reprinted to correct printing error in (2) (d) and (3), Register, November, 1999, No. 527.

PSC 186.38 Complaint procedures. (1) Mobile home park occupants may complain to the commission concerning adequacy of supply, general condition of the mobile home park's water distribution system, sewer collection system or sewer treatment system, or the mobile home park operator's or mobile home park contractor's billing methodology.

(2) The procedure for resolving complaints will be as set forth in s. PSC 186.37.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

Subchapter IV — Engineering

PSC 186.41 General construction requirements.

(1) Water and sewer systems owned by a mobile home park operator or mobile home park contractor shall be constructed and maintained in compliance with the applicable requirements of all federal, state, or local agencies, including the Wisconsin department of commerce and Wisconsin department of natural resources.

(2) If water service is supplied by a mobile home park operator or mobile home park contractor on a metered basis, service may not be supplied to any mobile home park occupant from facilities which are downstream from another mobile home park occupant's meter.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

Subchapter V — Customer Meters, Accuracy Requirements

PSC 186.51 Meters. All meters used for measuring the quantity of water delivered to a mobile home park occupant shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to the standard specified in s. PSC 185.65 (2).

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

Subchapter VI — Meter Testing

PSC 186.61 Meter testing facilities and equipment. Each mobile home park operator or mobile home park contractor billing for water and sewer service on a metered basis shall own or provide, through contract or otherwise, adequate equipment and facilities to provide for testing all of its water meters.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.62 Testing of mobile home park occupant meters. (1) The test of any mobile home park occupant's meter shall consist of a comparison of its accuracy with that of a standard of known accuracy. If the test standard consists of a previously calibrated reference or service meter, the test results for the mobile home park occupant meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.

(2) Meters shall be tested before repair ("As Found") and after repair ("As Left"), if applicable.

(3) Meters not meeting the accuracy or other requirements of s. PSC 185.65 (2) shall be repaired or rebuilt to meet those requirements before further use.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.63 Test flows. The required test flow and normal test flow limits are as listed in s. PSC 185.65. The stated test flows apply for both "As Found" and "As Left" tests.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.64 Required tests of mobile home park occupant meters. Meters shall be tested by the mobile home park operator or mobile home park contractor at the following times:

(1) Before use if the meter has not been tested or certified to be accurate.

(2) Upon mobile home park occupant request or dispute.

Note: See s. PSC 186.65.

(3) When damaged or otherwise suspected of being inaccurate.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.65 Requested test. Each mobile home park operator or mobile home park contractor shall promptly make an accuracy test of any metering installation upon request of a mobile home park occupant. If less than one year has elapsed since the last meter test, the mobile home park operator or mobile home park contractor is not obligated to test the meter unless there is evidence that the meter is damaged or otherwise registering incorrectly. When a meter test is performed upon request of the mobile home park occupant, an amount equal to 50% of the estimated cost of the meter test shall be advanced to the mobile home park operator or mobile home park contractor by the mobile home park occupant. This amount shall be refunded if the test shows the meter to be over registering by more than 2%. The entire cost resulting from the meter test shall be the responsibility of the mobile home park occupant if the results of the test show the meter to be accurate under s. PSC 186.51. A report giving the results of the test shall be made to the mobile home park occupant and a complete original test record shall be kept on file by the mobile home park operator

or mobile home park contractor for one year following the test date. Upon request, the test shall be made in the presence of the mobile home park occupant during normal business hours.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.66 Remote outside meter system tests. The ROM system, if used, shall be tested each time the associated meter is tested. If the total recorded consumption of the ROM agrees with that of the base meter, no further testing of the ROM system is required.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

Subchapter VII — Operating Requirements

PSC 186.71 Quality of water. (1) Mobile home park operators or mobile home park contractors shall provide water of such quality that it complies with state and federal requirements for drinking water.

Note: Department of natural resources requirements are set forth in ch. NR 809, Wis. Adm. Code.

(2) Each water supply system shall be designed and operated so that the water supplied to all mobile home park occupants is reasonably free from objectionable taste, color, odor, and sand or other sediment.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.72 Adequacy of water supply. Each mobile home park operator or mobile home park contractor shall furnish a continuous and adequate supply of water to its mobile home park occupants.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.73 Pressure standards. The pressure of any mobile home park water supply system shall meet all applicable federal, state, or local requirements.

Note: State rules are set forth by the department of commerce or department of natural resources.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.74 Flushing mains. If practical, dead-end mains or other low-flow portions of distribution systems shall be flushed as needed to eliminate or minimize complaints from mobile home park occupants arising from an objectionable condition of water due to lack of circulation.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.75 Interruptions of service. (1) Each mobile home park operator or mobile home park contractor shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the mobile home park operator or mobile home park contractor shall endeavor to re-establish service with the shortest possible delay consistent with safety to its employees, mobile home park occupants, and the general public.

(2) Reasonable notice shall be given to mobile home park occupants of planned interruptions of service.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.

PSC 186.76 Maintenance of water and sewer laterals. (1) Thawing of a mobile home park occupant's frozen lateral shall be at the mobile home park occupant's expense unless:

(a) The freeze-up is a direct result of a disconnect initiated by the mobile home park operator or mobile home park contractor and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur.

(b) The freeze-up is a result of a deficiency in the mobile home park distribution or collection system.

(2) All other maintenance of water and sewer laterals shall be at the expense of the mobile home park operator or mobile home park contractor unless the water and sewer lateral is physically damaged by the activities of the mobile home park

occupant or by the discharge of improper materials into the sewer lateral by the mobile home park occupant. Improper materials include, but are not limited to, such materials as: any flammable or explosive liquids, solids, or gases; wastes having a pH lower than 5.0 or in excess of 10.0; or solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the lateral.

History: Cr. Register, August, 1999, No. 524, eff. 9-1-99.