

## Chapter PSC 12

### UTILITY ADVERTISING PRACTICES

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**PSC 12.01 Purpose.** The purpose of this chapter is to implement s. 196.595, Stats.

**History:** Cr. Register, April, 1988, No. 388, eff. 5-1-88.

**PSC 12.02 Definitions.** In this chapter:

(1) "Advertising" has the meaning set forth in s. 196.595 (1) (a), Stats.

(2) "Direct and substantial benefits" means a benefit that is produced by advertising which:

(a) Demonstrates or provides information about available energy conservation methods or programs;

(b) Conveys safety information related to the provision of utility service;

(c) Is required by law;

(d) Provides customer information on how to save money on utility services;

(e) Is likely to produce the effect of holding down prices for basic utility services, and is not in conflict with public service commission policy; or

(f) Provides information related to the provision of utility service which is otherwise of significant value to the consumer.

(3) "Mixed advertisement" means an advertisement which produces a direct and substantial benefit to customers, but which also serves good will, institutional or other purposes unrelated to sub. (2) in more than a minor or incidental manner.

(4) "Public utility" has the meaning set forth in s. 196.595 (1) (c), Stats. "Public utility" does not include a sewer or water service or a cooperative association organized under ch. 185, Stats.

**History:** Cr. Register, April, 1988, No. 388, eff. 5-1-88; **corrections made under s. 13.93 (2m) (b) 1. and 4., Stats., Register, September, 1997, No. 501.**

**PSC 12.03 Prior approval.** A public utility may submit an advertisement to the public service commission prior to public presentation for a determination as to whether the advertisement produces a demonstrated, direct and substantial benefit to the consumer. The commission shall make the determination within 30 days of submission.

**History:** Cr. Register, April, 1988, No. 388, eff. 5-1-88.

**PSC 12.04 Demonstration of benefit. (1)** A utility may demonstrate that its advertisements produce a direct and substantial benefit by showing the commission that the advertisements:

(a) Promote conservation or safety, or are required by law;

(b) Are likely to produce the effect of lowering the price of providing basic utility service to the consumer;

(c) Provide consumers with information which will enable them to save money on utility services; or

(d) Provide information related to the provision of utility service which is otherwise of significant value to the consumer.

(2) An analysis of a utility's advertising expenses which is performed by commission staff for the utility's rate case shall be provided to the parties to the case, if requested.

(3) Mixed advertisements may not be charged to ratepayers.

**History:** Cr. Register, April, 1988, No. 388, eff. 5-1-88.

**PSC 12.05 Participation in advertising of others.** No advertising sponsored by a utility's parent company or affiliated interest, as defined in s. 196.52 (1), Stats., or by any other national or regional organizations, may be charged to utility consumers unless it complies with s. 196.595, Stats., and this chapter.

**History:** Cr. Register, April, 1988, No. 388, eff. 5-1-88.