

Clearinghouse Rule 00-113

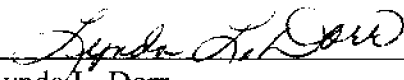
CERTIFICATE

STATE OF WISCONSIN)
) SS
PUBLIC SERVICE COMMISSION)
OF WISCONSIN)

I, Lynda L. Dorr, Secretary to the Commission, certify that the annexed order adopting rules, relating to the Wis. Admin. Code ch. PSC 132 definition of "public utility" and cable operators' access to railroad rights-of-way in docket 1-AC-195, was duly approved and adopted by this Commission on December 19, 2000.

I further certify that this copy has been compared by me with the original on file in this Commission and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Public Service Commission of Wisconsin at Madison, WI, this 11th day of January 2001.

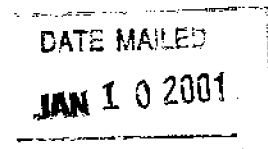


Lynda L. Dorr
Secretary to the Commission
Public Service Commission of Wisconsin

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3/1/01





BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Rule Amendment to Add Sewerage Systems to Wis. Admin.
Code ch. PSC 132

1-AC-195

FINAL ORDER AMENDING RULES

The Public Service Commission of Wisconsin adopts an order to amend Wis. Admin. Code § PSC 132.02(3), relating to ch. PSC 132’s definition of “public utility” and sewerage systems access to railroad rights-of-way consistent with statutory change embodied in 1999 Wisconsin Act 9 §§ 2311q and 2311s.

**ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Statutory authority: Wis. Stat. §§ 196.02(1) and (3), 196.04(4), and 227.11(2)
Statute interpreted: Wis. Stat. § 196.04(4)

Wis. Stat. § 196.04(4), permits the Commission, under certain circumstances, to order the extension of a public utility, telecommunications provider, sewerage system operator or cable operator’s lines on, over or under the right-of-way of any railroad, or require the tracks of any railroad be extended on, over or under the right-of-way of any public utility, telecommunications provider, sewerage system operator or cable operator. The Commission is required to prescribe conditions and compensation that are equitable and reasonable under the circumstances.

Docket 1-AC-195

Chapter PSC 132 was created to set forth the compensation to be paid and conditions to be met by the above-described entities for the construction or maintenance of facilities within a railroad right-of-way in cases where the entity and the railroad cannot agree.

A Statement of Scope on this rule was approved by the Commission on May 4, 2000, and was published in the Wisconsin Administrative Register on May 31, 2000.

TEXT OF RULE

SECTION 1. PSC 132.02 (3) is amended to read:

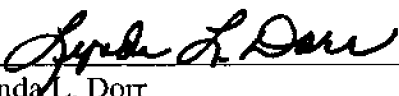
(3) "Public utility" has the meaning given in s. 196.01 (5), Stats., and includes a "telecommunications provider," as defined in s. 196.01 (8p), Stats., and a "cable operator," has the meaning given in s. 66.0419 (2) (b), and a "sewerage system operator" as defined in s. 196.04 (4) (a) 2, Stats.

EFFECTIVE DATE

These rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in Wis. Stat. § 227.22(2)(intro.).

Dated at Madison, Wisconsin December 19, 2000

By the Commission.



Lynda L. Dorr
Secretary to the Commission

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<p>FISCAL ESTIMATE DOA-2048 N(R10/96)</p> <p><input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL</p>	<p>2000 Session</p> <p>LRB or Bill No./Adm. Rule No. 1-AC-195</p> <p>Amendment No. if Applicable</p>
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Subject
Add Sewerage Systems to Ch. PSC 132

Fiscal Effect
State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriation	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Create New Appropriation		

Local: No local government costs

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

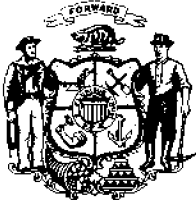
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Ch. 20 Appropriations 20.155(l)(g)
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Assumptions Used in Arriving at Fiscal Estimate

This rule would add sewerage systems to the definition of "public utility" in Chapter PSC 132. Chapter PSC 132 sets forth the compensation to be paid and conditions to be met by a "public utility" for the construction or maintenance of facilities within a railroad right-of-way in cases where the utility and railroad cannot agree. This change is not expected to add costs to the operation of either state or local government.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.) PSC/Bruce Schmidt 266-5726	Authorized Signature/Telephone No. <i>Martin Grant</i> 267-9086	Date 6/20/2000
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Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Mettner, Commissioner
John H. Farrow, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Mr. Gary Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, WI 53703-3233

Re: Rule Amendment to Add Sewerage Systems to Wis. Admin. Code
ch. PSC 132

1-AC-195

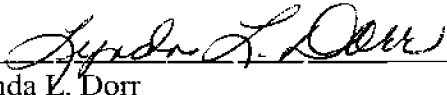
Dear Mr. Poulson:

Enclosed please find two copies (one certified) of the Final Order of the Public Service Commission of Wisconsin adopting rules in the above-entitled matter. Also enclosed is a disk containing the electronic version of the rules. We will also send you the rules in Microsoft Word via e-mail.

Legislative committees have seen the rules.

Dated at Madison, Wisconsin, January 11, 2001

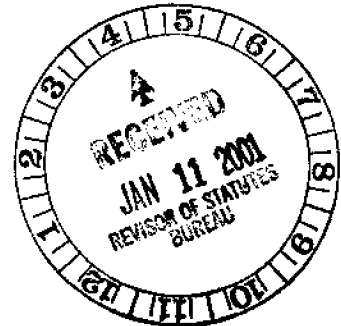
By the Commission:


Lynda L. Dorr
Secretary to the Commission

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Enclosure

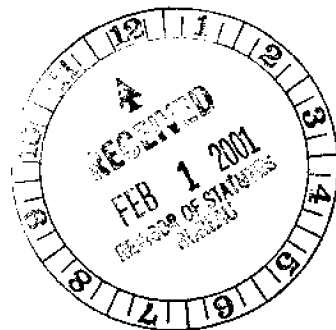
cc: Records Management, MFC
Richard Chandler

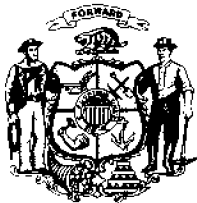


PSC 132.02 (3) is amended to read:

(3) "Public utility" has the meaning given in s. 196.01 (5), Stats., and includes both a "telecommunications provider," as defined in s. 196.01 (8p), Stats., ~~and~~ a "cable operator," as defined in s. ~~66.082 (2) (b)~~ 66.0419 (2) (b), Stats. and a "sewerage system operator," as defined in s. 196.04 (4) (a) 2, Stats.

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Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Mettner, Commissioner
John H. Farrow, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

January 31, 2001

Mr. Gary Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, WI 53703-3233

Re: Rule Amendment to Add Sewerage Systems to Wis. Admin. Code
ch. PSC 132

1-AC-195

Dear Mr. Poulson:

Enclosed please find ^{corrected} a copy of the recent revisions of the Final Order of the Public Service Commission of Wisconsin adopting rules in the above-entitled matter. Also enclosed is a disk containing the electronic version of the rules.

Sincerely,

David A. Sheard

David A. Sheard, P.E.
Assistant Administrator
Division of Water, Compliance and Consumer Affairs

DAS:brs:tlm:W:\WATER\Schmidt\PSC 132\Order\PSC 132 Second Revisor ltr.doc

Enclosure

cc: Records Management, MFC

