



1995 ASSEMBLY BILL 185

March 13, 1995 - Introduced by Representatives DUFF, OTT, PORTER, LEHMAN, GOETSCH, JENSEN, HAHN and SILBAUGH, cosponsored by Senators COWLES, FARROW and PANZER. Referred to Committee on Environment and Utilities.

1 **AN ACT to amend** 182.70 (5) (e), 182.70 (6), 182.71 (5) (e), 182.71 (5) (g) and 196.74
2 of the statutes; **relating to:** eliminating certain public service commission
3 hearings.

Analysis by the Legislative Reference Bureau

Under current law, if the public service commission (PSC) receives a complaint suggesting that electric or communications wires of a public utility are unsafe or are interfering with service furnished by another public utility, PSC is required to hold a hearing on the complaint. Under this bill, PSC may, but is not required to, hold a hearing on such a complaint.

Also under current law, PSC is required to hold hearings to set tolls for river improvements that are charged to hydroelectric generator operators located on rivers maintained by the Chippewa and Flambeau Improvement Company or by the Wisconsin Valley Improvement Company. This bill eliminates mandatory toll hearings and permits a generator operator to request a hearing if the operator objects to a toll.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 182.70 (5) (e) of the statutes is amended to read:
5 182.70 (5) (e) The commission shall provide notice ~~and a hearing, in accordance~~
6 ~~with s. 227.44,~~ to each water power operator to be charged with tolls. The commission
7 shall determine and certify the amount of the tolls to be collected from each water

1 power operator for the period under consideration. The tolls shall then be due the
2 company.

3 **SECTION 2.** 182.70 (6) of the statutes is amended to read:

4 182.70 (6) (title) ~~JUDICIAL REVIEW~~ REVIEW. A party aggrieved by the
5 determination of tolls to be collected may petition for a ~~rehearing under s. 227.49~~
6 hearing. A person whose substantial interests have been adversely affected by the
7 commission's decision may seek judicial review under ss. 227.53 to 227.58, in the
8 circuit court in the county where the property affected is located.

9 **SECTION 3.** 182.71 (5) (e) of the statutes is amended to read:

10 182.71 (5) (e) The commission shall provide notice ~~and a hearing, in accordance~~
11 ~~with s. 227.44,~~ to each water power operator to be charged with tolls. The commission
12 shall determine and certify the amount of the tolls to be collected from each water
13 power operator for the period under consideration. The tolls shall then be due the
14 company.

15 **SECTION 4.** 182.71 (5) (g) of the statutes is amended to read:

16 182.71 (5) (g) A party aggrieved by the determination of tolls to be collected may
17 petition for a ~~rehearing under s. 227.49~~ hearing. A person whose substantial
18 interests have been adversely affected by the commission's decision may seek judicial
19 review under ss. 227.53 to 227.58, in the circuit court in the county where the
20 property affected is located.

21 **SECTION 5.** 196.74 of the statutes is amended to read:

22 **196.74 Electric lines; safety and interference.** Each public utility and
23 railroad which owns, operates, manages or controls along or across any public or
24 private way any wires over which electricity or messages are transmitted shall
25 construct, operate and maintain the wires and any related equipment in a manner

1 which is reasonably adequate and safe and which does not unreasonably interfere
2 with the service furnished by any other public utility or railroad. The commission
3 may issue orders or rules, after hearing, requiring electric construction and
4 operating of such wires and equipment to be safe. The commission may revise the
5 orders or rules as may be required to promote public safety. If any interested party
6 files a complaint with the commission indicating that public safety or adequate
7 service requires changes in construction, location or methods of operation, the
8 commission shall give notice to the parties in interest of the filing of the complaint.
9 The commission shall proceed to investigate the complaint and ~~shall~~ may order a
10 hearing on it. ~~After the hearing the~~ The commission shall order any change in
11 construction or location or change of methods of operation required for public safety
12 or to avoid service interference. The commission shall indicate in the order by whom
13 the change shall be made. The commission shall fix the proportion of the cost and
14 expense of the change, which shall be paid by the parties in interest. The commission
15 shall fix reasonable terms and conditions related to the payment of the cost and
16 expense.

17 **SECTION 6. Initial applicability.**

18 (1) The treatment of section 196.74 of the statutes first applies to complaints
19 filed on the effective date of this subsection.

20 (END)