Overview of Changes at the Commission

Energy, Telecommunications and Water Law Update
February 7, 2014

Cynthia Smith, Chief Legal Counsel
What’s New?

• Administrative Update
  – Organizational Changes
  – Process Changes and Operational Efficiencies
  – Proposed Revisions to Wis. Admin. Code ch. PSC 2
  – Upcoming Training Opportunity
What’s New

• Substantive Update
  – New or Amended State Laws
  – Proposed State Laws
  – Rules Update
  – Court Case Update
Administrative Update

– Organizational Changes

  • Division of Business and Communications Services (DBCS)
    – Consolidates Commission’s administrative division (formerly Division of Administrative Services) and Telecommunications Division

  • Division of Regional Energy Markets (DREM)
    – Focus on Whole Energy Issues, and other issues related to MISO
Administrative Update

• Process Changes and Operational Efficiencies
  – Commission’s E-Paper Initiative
    • Electronic Service
    • Electronic Workflows to streamline internal review and approval process
    • E-Agenda and E-Binders for Commissioners
    • Public E-Agenda available 2 hours prior to start of scheduled Open Meeting
Hot Topics - Quick links to important information or breaking news...

- The Public Service Commission is now accepting applications for Telemedicine Equipment Grants. The Commission may award up to $500,000 in grants during Fiscal Year 2014 to nonprofit medical clinics, hospitals or public health agencies for the purchase of specialized telecommunications equipment designed to augment or enhance the delivery of medical services. Applications are due April 17, 2014. Application instructions and additional information may be found here.

- The Public Service Commission is now accepting applications for Broadband Expansion Grants. The Commission may award up to $500,000 in grants during Fiscal Year 2014 to improve broadband communications services in underserved areas of Wisconsin. Applications are due March 21, 2014. Application instructions and additional information may be found here.
Public E-Agenda

January 2014

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Color Key: ● Public Hearing ● Open Meeting ● Other Meeting
Hot Topics - Quick links to important information or breaking news...

- The Public Service Commission is now accepting applications for Telemedicine Equipment Grants. The Commission may award up to $500,000 in grants during Fiscal Year 2014 to nonprofit medical clinics, hospitals or public health agencies for the purchase of specialized telecommunications equipment designed to augment or enhance the delivery of medical services. Applications are due April 17, 2014. Application instructions and additional information may be found [here](#).

- The Public Service Commission is now accepting applications for Broadband Expansion Grants. The Commission may award up to $500,000 in grants during Fiscal Year 2014 to improve broadband communications services in underserved areas of Wisconsin. Applications are due Mar 24, 2014. Application instructions and additional information may be found [here](#).

Link Directly to a Case

To view documents related to a specific case, enter the case number in the boxes below. Additionally, you can select a specific type of document for the case. If you do not select a type of document the search will return all the case documents.

If you do not know the specific case number, you may find the case you are looking for in our list of major cases for **electric**, **natural gas**, and **telecommunications** or by searching **ERF**.
Electronic Public Comments
– Rules governing Commission process and procedure
– Not been significantly updated since early 2000 (pre-ERF)
– Goal to have the rules reflect what has become common practices
Open rulemaking, 1-AC-215, which will generally update code chapter

Areas likely to be addressed

- Incorporation of the Electronic Regulatory Filing system
- Clarification on written or electronic documents and signature
- Deleting the “less than 11 days” provision in the computation of time
- Updated filing and service provisions
- Revised paper copy requirements
• More references to procedure in rulemaking dockets
• Possible revisions to customer notice requirements for rate increases
• Updated procedures for confidential handling of documents
• Inclusion in the rules of many of the standard provisions now included in the Administrative Law Judge’s standard “Prehearing Conference Memorandum,” such as:
  – Filing and service requirements
  – Discovery process
  – Testimony and Exhibit format
  – Briefing
• Ability to modify standard provisions in individual proceedings
– Process and Estimated Timeline

• Informal Stakeholder Input
  – Draft available for informal comment February 28, 2014

• Draft Presented to Commission

• Formal Comments process
Administrative Update

• PSC Practice and Procedure Training
• Wednesday, February 26, 2014
  – 1 p.m. – 3 p.m.
  – Amnicon Falls
  – Webcast
  – Free
Substantive Update

• New or Amended Laws
  – Wis. Stat. § 227.50 (modified by 2013 Wisconsin Act 28)
    • Ex Parte Rules

  – Wis. Stat. § 196.137 (created by 2013 Wisconsin Act 25, and modified by 2013 Wisconsin Act 47)
    • Municipal utility customer information
Ex Parte Rule

• What hasn’t changed
  – Prohibited types of communications (i.e. on the merits, threat, offer or reward)
  – Timing of prohibited communications (i.e. before a decision is rendered)
  – Persons prohibited from making the communication (official of agency or other public employee engaged in prosecution or advocacy in matter (excludes advisory staff), party, or any person who directly or indirectly would have substantial interest)
Ex Parte Rules

• What has changed
  – Persons prohibited from receiving communications
    • Hearings examiner or any other official or employee of the agency involved in the decision-making process
    • Wis. Stat. § 227.50(1)(am)4 clarifies that decision-makers include Commissioners and not their EAs

• Commission Practice
Wis. Stat. § 196.137

What hasn’t changed

Wis. Admin. Code § PSC 113.0505(2) which generally limits disclosure of utility customer information

- Any information received from individual customers which serves to identify them individually, by usage or status, shall not be released by a utility to any source other than a utility low-income assistance program or the customer, without the customer's consent. In preparing summaries or reports, a utility shall not provide any information from which the identity, usage, or account status of any individual customer can be ascertained.
• What hasn’t changed
  – Wis. Admin. Code §§ PSC 113.0501(5), 134.05(5), 185.22(5) which makes available to current or prospective customers, tenants, or property owners information about average consumption for the prior 12-month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months.

• Need for change?
Wis. Stat. § 196.137

• What’s new
  – Municipal utility may not release customer information to any person without consent except to certain persons
  – Customer information is not subject to inspection under the public records law
• Exceptions (persons who can receive info without consent)
  – Agents, vendors, partners or affiliates of municipal utility performing services
  – In connection with municipal bonding to lender, purchaser, potential purchaser, investor, potential investor
  – In connection with real estate closing documents to title agent, insurer, lender, mortgage broker, attorney
  – In connection with foreclosure to lender or prospective purchaser
Wis. Stat. § 196.137

• Exceptions (persons who can receive info without consent)
  – Transmission and distribution utilities
  – The Commission or any person whom the commission authorizes by order or rule
  – Owner of a rental dwelling to whom municipal utility provides notice of past due charges
  – Owner provided with municipal utility service or designated agent or representative
  – Any person who is otherwise authorized by law to receive customer information
Wis. Stat. § 196.137

• 2013 AB 496

  – Would require Commission to prepare a form for a municipal utility to use when getting consent
• 2011 Wisconsin Act 155
  – Streamline processes and create more operational efficiency
• Additional Proposed Reform
  – 2013 AB 594/SB 474
  – 2013 AB 595/SB 470
  – 2013 AB 596/SB 473
PSC Reform Legislation

• AB 594/SB 474
  – Relieves handful of small utilities that have a baseline renewable percentage at or above 12%, and have elevated RPS requirements of 14% or higher in years 2010-2014 from a 2015 RPS requirements
    • Not materially impact aggregated statewide 2015 RPS requirements
    • Small reduction for these small utilities will be offset by larger utilities exceeding RPS requirements
AB 595/SB 470
- Allows Chairperson to extend CPCN deadline by 180 days
- Repeals obsolete telecommunications definition of “transmission” facility

Act 155 Clean-Up
- Fixes cross-reference to make clear cost thresholds only apply to construction CAs
- Line tampering
PSC Reform Legislation

• AB 595/SB 470
  – Posting of utility filings
  – Telecommunications Provisions
    • ILECs and CLECs same accident report requirements
    • General ATU classifications for pay telephone service providers and cable television telecommunications service provides
PSC Reform Legislation

• AB 596/SB 473
  – No approval necessary for customer requested natural gas service drops
  – Removes statutory language that displacement technologies be eligible for RRCs creation only if put into operation after 6/3/2010
  – Allows small, utility and customer agreed to territorial exchanges to proceed without CA
Rules Update

• Number of rulemakings in various stages
  – 1-AC-237 Telecommunications reform to conform to 2011 Wisconsin Act 22 (various chapters)
    • Effective February 1, 2014

  – 1-AC-222 Meter retention rules (water, gas, electric, chs. PSC 113, 134, 185)
    • Draft returned by Commission to staff for further work
• 1-AC-233, Water Service Rules
  • General review and update of ch. PSC 185
  • Drafting continues with input from workgroup
• 1-AC-229, FACT rules (chs. PSC 113, 134, 185)
  • Amendment of service rules for compliance with Fair and Accurate Credit Transactions Act
  • Legislative Packet at Governor’s office
Rules Update

• 1-AC-236, USF rules (ch. PSC 160)
  – Review and update of Universal Service Fund rules
  – Legislative Packet being prepared for Commission approval

• 1-AC-238, Electric Code (ch. PSC 114)
  – General update of state electric code to incorporate changes to federal code and make specific state additions
  – Review by legislative standing committees
Rules Update

• 1-AC-240, Renewable Energy Credits (ch. PSC 118)
  – Changes to renewable energy credits to conform with 2011 Wisconsin Act 151
  – JCRAR

• 1-AC-242, CPCN provisions (ch. PSC 111)
  – Changes required by 2013 Wisconsin Act 10 about how applications provided
  – Legislative Packet with Governor’s office
Pending Court Cases

• *Wisconsin Realtors Assoc., et al. v. PSC*, 2013AP1407
  – Appeal of Brown County Cir. Court grant of summary judgment to Commission and dismissing WRA lawsuit challenging PSC 128 (wind siting rule promulgation)
Pending Court Cases

• *Dan Kraemer v. PSC, 13-CV-0611* (Sheboygan County Cir. Ct)
  – Court affirmed PSC decision denying Mr. Kraemer’s complaint regarding buy-back rate paid by Plymouth Utilities
Court Case Update

• **RENEW v. PSC, 2013-CV-0851 and 14-CV-0169** (Dane County Cir. Ct)
  – Challenges decisions made by Commission in WEPCO 2012 rate case (5-UR-106) and WPSC 2013 rate case (6690-UR-122) relating to DG tariff issues
  • Size limitations 20 kW vs. 100 kW
  • Buy-back rate (WEPCO)
Court Case Update

• *Town of Forest vs. PSC, 2014-CV-0018 (St. Croix County Cir. Ct.)*
  – Challenges Commission’s approval of application of Highland Wind Farm LLC to for CPCN to construct 102 MW wind generating facility
PSC Contact Information

• **Phone:**
  – General Inquiries: 1-888-816-3831
  – Consumer Affairs: 1-800-225-7729
• **Web Site:** [http://psc.wi.gov/](http://psc.wi.gov/)
• **Facebook:** [http://www.facebook.com/PSCWisconsin](http://www.facebook.com/PSCWisconsin)
• **Twitter:** [http://twitter.com/PSCWisconsin](http://twitter.com/PSCWisconsin)
• **Address:** 610 N. Whitney Way
  Madison, WI 53707
• **Email:** [PSCRECS@wisconsin.gov](mailto:PSCRECS@wisconsin.gov)