



# Public Service Commission of Wisconsin

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Public Service Commission of Wisconsin  
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To interested parties:

The Commission would like to invite you to join a workgroup of about twenty water industry representatives that will provide comments on an initial draft of the revised Wisconsin Administrative Code ch. PSC 185, "Standards for Water Public Utility Service".

An earlier workgroup participated in brainstorming sessions to provide ideas for changes to the rule. Those ideas were taken into consideration while preparing this initial draft. The next formal step in the process is to hold a public hearing and obtain formal comments. Before continuing that formal process, the 1-AC-233 rulemaking team would like to solicit informal comments on an initial draft. Once this version is redrafted based on the informal comments, the Commission will proceed with the next formal step. A copy of the draft is enclosed.

The workgroup meetings will run from 9:30 a.m. to 12:30 p.m., break for lunch and then return from 1:30 p.m. to 4:30 p.m. in the Pecatonica Room (lowest floor) of the Public Service Commission at 610 North Whitney Way in Madison. There will be two workgroup sessions, one on Tuesday, November 10, 2015, to discuss **consumer** issues and one on Wednesday, November 18, 2015, to discuss **technical** issues. A list of what will be addressed at each meeting is attached.

The water staff would like to thank you for your potential willingness to attend these meetings and help make sure the rewrite of this rule is as good as possible. If you are interested in joining the workgroups or have any questions please call Joyce Dingman at (608) 267-6919 to let us know of your participation.

Sincerely,

Joyce M. Dingman  
 Office of General Counsel

JMD:ev:DL: 01262752

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## Subchapter I — General

### **PSC 185.11 — Authorization for and application of rules. 185.10 General.**

~~(1)~~ Chapter PSC 185 is part of the Wisconsin administrative code and constitutes a general order of the public service commission, the issuance of which is authorized by ss. 227.11 (2), 196.02, 196.06, 196.12, 196.15, 196.16, 196.19, and 196.37, Stats.

~~(2)~~ **(1) PURPOSE.** Chapter PSC 185 is designed to effectuate and implement ss. 196.02, 196.03, 196.06, 196.12, 196.15, 196.16, and 196.17, and 196.37 Stats., and parts of other sections of the Wisconsin statutes.

~~(3)~~ **(2) SCOPE AND EXCEPTION. (a)** The requirements of ch. Chapter PSC 185 shall be observed by all water public utilities, both privately and publicly owned, engaged in the pumping, purchasing, transmission, or distribution of water except that an exemption may be given by the public service commission.

~~(4)~~ (b) Nothing in this chapter shall preclude the commission from giving special and individual consideration being given to exceptional or unusual situations and, upon due investigation of the facts and circumstances involved, the adoption of requirements as to individual utilities or services which shall may be lesser, greater, other, or different than those provided in this chapter.

~~(5)~~ **(3) ENFORCEMENT.** The manner of enforcing this chapter is prescribed in s. 196.66, Stats., and such other means as provided in statutory sections administered by the public service commission.

~~(6)~~ **(4) EMERGENCY.** 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 utility, which. This action, however, shall be subject to review by the public service commission.

~~(7)~~ **(5) LIMITATIONS.** Nothing in this chapter shall prevent imposition of sanctions, fines, forfeitures, penalties or damages under more than one section of this chapter or ch. 196, Stats., or other statutes, for the same incidence or occurrence.

### **PSC 185.11 Definitions.**

**(1)** The following terms as used in this chapter mean:

(a) "Ability to pay" means a customer's financial capacity to meet the customer's utility service obligation;

(a) "Actual meter read" means a reading obtained by the utility or other party ~~upon physical inspection of the meter or remote outside meter (ROM);~~ in one of the following ways:

1. By physical observation of the meter index.
2. By receiving a reading from an automatic meter reading system.

(b) "Applicant" means a person that meets both of the following conditions:

1. Is the person for which water service is being requested.
2. Is not the last customer that received water service in its name at that premises from the utility from which such service is requested.

~~(c) "Automatic meter reading" (AMR) system means a system which provides digitally encoded information from an encoded meter register. The encoded information is transferred to the utility by means of remote receptacles, telephone lines, cable TV lines, power lines, or radio transmission;~~

(c) "Automated meter reading system" means facilities that allow a meter reading to be obtained without the need for a person to physically observe the meter index.

(d) "Class AB utility" means a ~~public~~ utility that has more than 4,000 service connections.

(e) "Class C utility" means a ~~public~~ utility that has not fewer than 1,000 nor more than 4,000 service connections.

(f) "Class D utility" means a ~~public~~ utility that has less than 1,000 service connections.

(g) "Commercial customer" means a business entity, not-for-profit organization, or other non-governmental institution that provides goods or services ~~and that takes service for non-residential purposes.~~ "Commercial customer" includes churches, private schools, and private colleges and universities.

~~Note: Churches, private schools, private colleges and universities, co-ops, and associations are non-governmental entities and are considered commercial customers.~~

(h) "Class of service" means the category of service such as residential or nonresidential.

(i) "Cold weather period" means the period beginning November 1 and continuing through April 15.

(j) "Commission" means public service commission of Wisconsin.

(k) "Complaint" means a statement or question by any person, whether a utility customer or not, concerning a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a utility, or failure of a utility to meet a utility obligation.

~~(6) "Customer" means any person, owner, occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc., provided with water service by any water public utility and is the party billed for payment of bills issued for use of utility service at a given premises. This definition is intended to create billing and payment responsibilities, but does not limit the need to afford occupants other protection under this chapter (e.g., evictions, emergency);~~

(L) "Customer" means the person responsible for the payment of bills issued for the use of-water-service at a given premises.

~~(m) "Customer-requested termination" is cessation the discontinuation of water service at the request of the customer;~~

(n) "Curb stop box" means an enclosure and the enclosed pipe that extends from near the edge of a property down to and including the valve used to shut off a water service connection to a building, and the connection to the customer portion of the lateral.

(o) "Curtailed plan" means the procedures that a utility will follow to limit the quantity of water its customers consume during a period when, due to unusual or emergency conditions, there is an insufficient supply of water, distribution capacity, or pipeline capacity to meet the requirements of all customers.

~~(6) "Customer" means any person, owner, occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc., provided with water service by any water public utility and is the party billed for payment of bills issued for use of utility service at a given premises. This definition is intended to create billing and payment responsibilities, but does not limit the need to afford occupants other protection under this chapter (e.g., evictions, emergency);~~

(p) "Customer" means the person responsible for the payment of bills issued for the use of-water service at a given premises.

~~(7) "Customer requested termination" is cessation of service at the request of the customer;~~

(q) "Customer-requested termination" means a request by a customer or occupant for the utility to discontinue providing water service to a premises.

~~(r) "Deferred payment agreement" means an arrangement between a utility and a customer for payment of a delinquent amount or deposit in installments;. A deferred payment agreement is a type of installment payment agreement, but not all installment payment agreements are deferred payment agreements.~~

~~(9) "Denied or refused service" means service that a utility has refused to provide to a present or future customer, occupant, or premises;~~

(s) "Denied or refused service" means a utility has denied an application for water service or refused to provide water service, or both, to a customer, applicant, occupant or premises.

(t) "Deposit installment payment agreement" means an arrangement between a utility and a customer or applicant for the customer to pay a deposit in a series of payments rather than all at once.

(u) "Disconnection" means an event or action taken by the utility to terminate or discontinue the provision of water service, but does not include a customer-requested termination of service; or a temporary loss of service due to events such as emergencies, required work, or maintenance.

(v) "Dwelling" or "residence" means a place at which a home or regular abode is maintained, and requires both a personal presence and an intent to remain for a period of time.

Note: See sub. (2) for more information on how to determine if a location is a dwelling or residence.

(w) "Estimated bill" means a bill rendered without an actual meter reading.

(x) "Holiday" means the days listed in s. 230.35(4)(a), Stats.

(y) "Incumbent local exchange carrier" means a telecommunications provider, and its successors and assigns, authorized under law or by the commission before September 1, 1994, to place telecommunications facilities and provide basic local exchange service in a particular geographic area.

(z) "Industrial customer" means a customer who is engaged in the manufacture or production of goods.

(aa) "Irrigation" means the use of water to sustain crops, lawns, or landscapes, including water used on athletic fields, parks, and golf courses.

~~(10s) "Irrigation customer" means a customer who has water service provided primarily for irrigation and other outdoor uses.~~

(bb) "LIHEAP" means the low income home energy assistance program under s. 16.27, Stats.

(cc) "Lateral" means a pipe that connects utility-owned facilities to a customer's premises, with no other customer connection downstream from the utility's shut-off valve. "Lateral" does not include piping from a central point to a multi-occupancy premises.

(dd) "Meter" means ~~an instrument~~ a device installed to measure the volume ~~and/or~~ or rate of flow, ~~or both~~, of water delivered through it; ~~and includes meter indexes, automated meter reading systems, and the housing around them.~~

(ee) "Meter index" means the mechanism that indicates the volume of water that has passed through the meter.

(ff) "Minimum bill" means the minimum amount a customer will be billed in each billing period, as specified in the utility's tariff.

(gg) "Multi-family residential customer" means a customer taking water service for a building that is intended primarily for residential purposes, has three or more dwelling units, and is served by a single water meter.

**Note:** For accounting purposes, sales to multi-family residential customers are recorded as commercial sales under to the Commission's Uniform System of Accounts for Municipal Water Utilities (January 2008).

(hh) "Municipality" means a town, city or village.

(ii) "New meter" means a meter that is sold to a utility as unused or as refurbished by its manufacturer.

~~(12) "New residential customer," for purpose of deposit, means a customer who has not received utility service in his or her name during the previous 6 months from the utility from which service is requested;~~

(jj) "Nonregistering" means that neither the automated meter reading device nor the meter index are functioning.

(kk) "~~Non-residential~~ Nonresidential customer" means any commercial, industrial, or public authority customer.

~~(13) "Occupant" means the resident or residents of a premises to which utility service is provided;~~

(LL) "Occupant" means the individual or business that resides at a premises to which service is provided.

~~(14) "Percent registration" means the ratio of the meter registration divided by the actual volume or rate of flow, stated in percent. Stated more simply for domestic (volumetric) meters, this is the percent of the water delivered through a meter which the meter actually registers;~~

(mm) "Printed" means words, figures or symbols on paper rather than in electronic form.

~~(15) "Private hydrant" means any hydrant whose lead is connected to a private water main, private lateral, or public main where the hydrant lead is owned by the customer;~~

~~(16) "Prompt payment" means payment prior to the time when a utility could issue a notice of disconnection for nonpayment of an amount not in dispute;~~

(nn) "Prompt full payment" means payment of non-disputed amounts, made on or before the bill due date.

~~(oo) "Protective service services emergency" means a threat to the health or safety of a resident because of the infirmities of aging, mental retardation, other developmental or mental disabilities, or like infirmities incurred at any age, or physical, developmental or mental disabilities, or the frailties associated with being very young or very old;~~

(pp) "Public authority customer" means any department, agency or entity of local, state, or federal government, including public schools, colleges, and universities.

~~(18) "Public hydrant" means any hydrant and lead owned by the utility and connected to a utility owned main, whether that main is in the public right of way or owned by the utility on an easement through private property;~~

~~**Note:** The hydrant and related fixtures would be recorded on the books of the utility.~~

~~(19) "Public utility" means an entity or individual included in s. 196.01 (5), Stats., which provides water for the public and an entity authorized by s. 66.0819, Stats., which provides water and sewer service for the public;~~

(ppm) "Public utility" includes the entities listed in ss. 196.01(5) (a) and (b) 1., 4., and 5., Stats.

(qq) "Reconnect service" means restoring a customer's water service after the interruption or disconnection of water service.

(rr) "Refurbished meter" means a meter that has been used by a utility and then refurbished by that utility or a third party hired by that utility.

(ss) "Refused or denied service" means that a utility has denied an application for water service or refused to provide water service, or both, to a customer, applicant, occupant or premises.

(tt) "Remote outside meter" (~~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. Remote outside meters are considered part of the utility's metering configuration.

(uu) "Residence" or "dwelling" means a place at which a home or regular abode is maintained, and requires both a personal presence and an intent to remain for a period of time.

Note: See sub. (2) for more information on how to determine if a location is a dwelling or residence.

(vv) "Residential customer" means a customer taking water service for residential ~~or domestic~~ purposes ~~but does not include a multi-family residential customer.~~

(ww) "Special payment arrangement" means an arrangement other than one to pay off arrears in a series of installments. "Special payment arrangement" does not include deposit installment payment agreements or deferred payment agreements.

(xx) "Station meter" means a meter used to measure the volume ~~or flow~~ of water ~~within a utility's~~ produced by a well and discharged to the distribution system and not used to measure customer use. ~~Station meter includes any meter used to measure pumps.~~

(yy) "Summary bill" means a single billing statement for 2 or more accounts.

(zz) "Tariff" means the rate schedules and service rules filed with the commission under ss. 196.19 (1) and (2), Stats.

(aaa) "Termination of service" means the customer-requested discontinuation of water service and closing of a customer's account by the utility, the customer, or a third party.

(bbb) "Type of utility service" means category of service, such as gas, electric, water, or sewer.

(ccc) "Utility" means an entity or individual included in s. 196.01 (5), Stats., which provides water for the public and an entity authorized by s. 66.0819, Stats., which provides water and sewer service for the public.

~~(21) "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) Aid to families with dependent children (AFDC) restrictive payment arrangements;~~
- ~~(b) Social security representative payee;~~
- ~~(c) General relief voucher payment systems;~~
- ~~(d) Legal guardian.~~



**(ddd)** "Water conservation" means practices, techniques, and technologies that reduce the demand for water, reduce water loss or waste, or improve water use efficiency.

**(dddm)** "Water service" includes both water and regulated sewer service.

**(eee)** "Written" or "in writing" means legibly printed on paper or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically store and retrieve, for future reference. Permission for electronic delivery of commission documents and communications to utilities is considered granted.

**(2)** When a utility is uncertain about whether a location is a residence or dwelling under subs. (1)(v) and (uu), it shall consider at least all of the following when making its determination:

**(a)** Whether the alleged resident's personal property and effects are kept at that location.

**(b)** Whether the alleged resident receives personal mail at that location.

**(c)** Whether the alleged resident spends his or her free time at that location.

**(d)** Whether the alleged residence or dwelling is designed to be used as such.

**(e)** Whether the usual components of a home, such as bathroom facilities and running water, are present at that location.

**(f)** Whether the alleged resident uses this location as his or her primary dwelling place.

**(g)** The address on the alleged resident's driver's license.

**185.12 Whistleblower protection.** (1) No utility may interfere with, restrain, or coerce any employee or other person in the exercise of the right to disclose information to the commission or other governmental body regarding the safety and reliability of any portion of the water or regulated sewer system, provided that the employee or other person reasonably believes that such information is true.

(2) No utility may dismiss, discipline, demote, transfer, reprimand, harass, reduce the pay of, discriminate against, or otherwise retaliate against any employee or other person because that person engaged in any of the activities described in sub. (1).

**PSC 185.13** ~~Interference with public service structures~~ utility facilities.

**(1)** ~~No A utility having doing any work upon, over, along, or under any public street or highway or upon, over, along, or under any private property shall~~ may not interfere with, destroy, or disturb the any public utility or railroad facilities or structures of any other public service corporation or railroad encountered in the performance of such work so as to interrupt, impair, or affect the public service for which such facilities or structures may be used, without first reaching an agreement with the public utility or railroad concerning the location and the nature of the proposed work.

**(32)** (a) A utility shall, in the absence of working arrangements with the public utility or the railroad, give at least a ~~3-day~~ 3 business days written notice ~~(not counting Saturdays, Sundays, and legal holidays)~~ of proposed construction to all public utilities ~~or~~, railroads, ~~and to those who~~ others that may have facilities or structures in ~~and~~ or near the construction area which may be affected by the proposed work. ~~The utility proposing to work shall obtain from the affected party the location of the existing facilities determined to be affected or to be in and near the construction area. Contacting a one-call system, such as the diggers' hot line system established under s. 182.0175 (1m), Stats., shall constitute compliance with this subsection.~~

(b) The utility proposing work shall obtain from the affected party the location of the existing facilities and structures that may be affected or are in or near the construction area. If a utility proposing work contacts a one-call system, such as the diggers' hot line system established under s. 182.0175 (1m), Stats., that contact shall constitute compliance with this paragraph.

**(43)** A public utility, upon receiving a notice of proposed construction under sub. (2), shall furnish in 3 business days detailed information ~~relative to~~ about the location and type of facilities and structures that are present in and near the proposed construction area. Where practical in those cases where the facilities are, the public utility shall ensure that the location of underground, facilities they shall be is marked physically in the field ~~relative to location~~.

**(24)** (a) A utility shall exercise care when working in close proximity to the existing facilities and structures of a public utility, a railroad, and others that have facilities or structures in and near the proposed construction area. When the facilities are underground and are to be exposed or possibly may be exposed, hand digging shall be employed. In these cases, such support as may be reasonably necessary for protection of the facilities shall be provided in and near the construction area. When backfilling an excavation, such procedures and materials shall be employed to provide reliable support for existing underground facilities in and near the construction area.

(b) A utility shall employ hand digging when the facilities or structures under par. (a) are underground and are to be exposed or possibly may be exposed. In these cases, the utility shall provide whatever support may be reasonably necessary for the protection of the facilities or structures in and near the construction area.

(c) When a utility is backfilling an excavation, it shall employ whatever procedures and materials are necessary to provide reliable support for existing underground facilities and structures in and near the construction area.

(5) Nothing in this section shall prevent a utility from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities or structures. However, the utility shall take all reasonable precautions ~~shall be taken to~~ avoid or minimize damage to or interference ~~to~~ with the other facilities and structures and ~~notification shall be given as soon as possible to~~ shall notify the public utilities, railroads or others ~~which that~~ have facilities in or near the construction area of the emergency work as soon as possible.

#### **PSC 185.14 Protection of water utility facilities.**

(1) ~~A water public utility upon~~ Upon receipt of written notice as ~~required by s. 66.0831, Stats.,~~ from ~~the~~ a property owner or from a contractor ~~of~~ as required by s. 66.0831, Stats., about work which may affect ~~its~~ a utility's facilities or structures used for serving the public, the utility:

(a) Shall investigate and decide what action, if any, may reasonably be taken to protect or alter utility facilities or structures in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground utility facilities or structures which may be affected by the work.

(b) Shall take such action as is reasonably and legally necessary to protect, remove, alter, or reconstruct its facilities or structures, and shall perform this work ~~with reasonable dispatch taking into account the conditions to be met, provided that nothing in this section shall be deemed to affect any right which the utility may have to require advance payment or adequate assurance of payment of the reasonable cost to the utility by the property owner or contractor~~ within a reasonable period of time.

(c) May, in order to protect its interests, require that the property owner or contractor perform certain work upon, ~~or removal of~~ remove, that part of the service piping from the property upon which ~~the~~ excavating, building, or wrecking operations are being performed.

(2) Nothing in this section shall be considered to affect any right which the utility may have to require advance payment or adequate assurance of payment by the property owner or contractor of the reasonable cost to the utility of taking action under sub. (1) (b).

**(23)** This section is not intended to affect the responsibility of the contractor or property owner, or the liability or legal rights of any party.

## Subchapter II — Miscellaneous Service Requirements

**PSC ~~185.13~~ 185.20 General requirement.** Every utility shall furnish reasonably adequate service and facilities at the rates filed with the commission, and subject to this chapter and the rules of the utility that are on file tariffs filed with the commission.

### **PSC 185.21 Metered Water service.**

(1) METERING GENERALLY REQUIRED. A utility shall sell its water based on meter measurement except that the utility may estimate the volume of water used for the following purposes:

- (a) Fire protection.
- (b) Sewer or water main flushing.
- (c) Construction.
- (d) Similar purposes where metering is not practicable.
- (e) Where authorized by the commission in a tariff.

(2) UTILITY SUPPLIES METER. A utility shall own and supply the meter being used to measure the water it sells.

(3) STARTING THE FLOW OF WATER. Only an authorized employee or designee of a utility may open the valve to start the flow of water to a premises.

(4) TEMPORARY METERED SERVICE. (a) Deposit and other charges. 1. A utility may require an applicant for temporary metered service to pay a reasonable monetary deposit for each meter installed. The utility shall keep the deposit as security for payment for water use and other related charges.

2. The utility may establish a charge for setting the valve and furnishing and setting the meter.

Note: See Schedule BW-1 for the applicable rate.

(b) Use of hydrants. 1. A utility may grant permission to use a hydrant in cases where no other water supply is available.

2. A utility shall install the proper equipment before a hydrant may be used. Only a utility employee or designee may install or move such equipment.

(5) UNMETERED WATER. A utility shall require an applicant for unmetered water use to file a written application with the utility. The application shall include a statement of the expected amount of water use.

(6) DEPOSIT REFUNDS. (a) A utility shall refund all deposits collected under this section on the discontinuation of the use of water, the payment of all charges levied against the depositor, and the return of any water utility equipment.

(b) A utility may retain all or a portion of a deposit if not all charges are paid, or if equipment is not returned or is returned damaged.

**PSC 185.22 Free or discriminatory service prohibited.** ~~No~~ A utility shall may not provide water service free or at a rate different than provided for in its rates tariffs. (See ss. 196.22 and 196.60, Stats.) This section applies to, but is not limited to, water service for all nonutility municipal purposes such as street and flushing, sewer flushing, and service to nonutility public buildings.

Note: See ss. 196.22 and 196.60, Stats.

**PSC 185.23 Schedules to be filed with the commission.**

(1) DEFINITIONS. For purposes of this section, "rate" includes fees and charges billed to a customer by a utility.

(2) TARIFFS. Each utility shall file tariffs with the commission. The tariffs shall be definite and minimize ambiguity. A utility shall classify, designate, arrange, and submit tariffs in conformity with the requirements of any instructions issued by the commission.

(a) TARIFF ITEMS. The tariffs filed shall include all of the following that apply:

1. Rate schedules under par. (b).
2. Definitions of classes of service.
3. Rules governing leak credits, if the utility offers them.
4. Designation of the facilities that the utility furnishes, owns, or maintains, or some combination thereof.
5. Rules with which prospective and current customers must comply as a condition of receiving water service, and the terms of any contracts required.
6. Rates and rules governing water service disconnection and reconnection.
7. Rules governing customer-requested water service termination and utility-initiated disconnection, and reconnection.
8. Rules governing temporary, emergency, auxiliary, and standby water service.

9. The charge for late payment, if any, and the period during which the bill may be paid without late charges.

10. Rules for extending water service to new customers indicating what portion of the extension or cost shall be furnished by the utility and, if the rule is based on cost, the items of cost included.

11. Rates other than those in par. (b).

12. Other rules, terms and conditions of water service, and other pertinent information regarding water service.

(b) RATE SCHEDULES.

1. A utility shall adopt general service water rates that reflect the cost of service for each class of customer and include a volume charge based on actual customer consumption.

2. Each rate schedule under subd. 1., shall contain all of the following that apply:

a. The class of customers to which the rate schedule is available, along with a description of the customer characteristics necessary to be eligible for that rate schedule.

b. Any limitations on the water service.

c. The billing period.

d. All rates for water service.

e. The prices per unit of water service.

f. The number of units per billing period to which the rates apply.

g. The method of measuring demand and consumption.

h. The minimum bill.

i. Any special terms and conditions applicable.

**Subchapter III—Billing and Payment Procedures.**

**PSC 185.30 Application for residential and multi-family service.**

~~(1) For purposes of this section, "written" or "in writing" means legibly printed on paper or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.~~

(2) APPLICATION REQUIREMENTS. (a) If a utility requires an application, a residential or multi-family user of water service shall apply for service.

(b) A utility may require a verbal or written application for residential water service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for water service from a person other than the user or potential user of water service.

(c) 1. Except as provided in par. (d) and sub. (3), a utility may only require that an applicant provide the following information in an application:

- a. Legal name and birthdate of the user of water service and the person responsible for bill payment, if different than the user.
- b. If the user of water service has telephone service, the telephone number of the user of service. If the person responsible for bill payment is different than the user and the person responsible for bill payment has telephone service, the utility may also require the telephone number of the person responsible for bill payment. Lack of telephone service is not grounds for water service refusal.
- c. Address where water service is to be provided.
- d. Mailing address if different from service address.
- e. Date requested for water service to begin.
- f. The most recent previous address of the person responsible for bill payment.
- g. Initial identification data under [subd. 2.](#)

2. A utility shall accept any of the following items as adequate initial identification data, although it may accept other forms of identification:

- a. Driver's license number.
- b. State identification card number.
- c. Passport number.
- d. Social security number or the last 4 digits of the social security number.

3. If a utility requests the initial identification data under [subd. 2.](#), it shall inform the applicant of all acceptable forms of initial identification data and allow the applicant to choose which the applicant wishes to provide.

(d) If a utility determines that an applicant's response under [par. \(e\) \(b\) 1. a. to f.](#) indicates that additional information is necessary to further evaluate the applicant's credit history or identity, the utility may require the applicant's addresses for the past 6 years as part of its application for water service. Each utility shall establish a written policy for requesting the application information under this paragraph.

**Note:** Also see [s. PSC 185.31 \(2\)](#), which allows a request for a deposit if an applicant has an outstanding account balance that accrued within the last 6 years.

(e) A utility may request information other than that listed in pars. (c) and (d), but before requesting it the utility shall inform the applicant that providing that information is optional.

(f) A utility may refuse or disconnect water service for failure to provide any information specified in par. (c) 1. a., c., e., and f. or par. (d).

**Note:** See sub. (3) (a) about what can be required if an applicant refuses to provide the initial identification data under s. PSC 185.30 (2) (c) 1. g.

### (3) IDENTITY AND RESIDENCY VERIFICATION.

(a) A utility may require verification of the initial identification data or the residency, or both, of the person responsible for bill payment under any of the following circumstances:

1. The application is for water service at a premises where a bill remains unpaid for service provided within the previous 24 months.

2. The person responsible for bill payment has an outstanding bill with the utility but claims that the bill was accrued in the person's name as a result of identity theft.

3. The applicant fails to provide the initial identification data under sub. (2) (c) 1. g. or the utility finds, with reasonable certainty, that the initial identification information is inaccurate.

(b) A utility shall establish a written policy for when it will require verification of identity or residency under par. (a).

(c) A utility shall accept any of the following items as adequate verification of identity, although it may accept other forms of verification:

1. Any one of the following items:

a. Valid driver's license or other photo identification issued by a state, U.S., or tribal governmental entity.

b. Valid U.S. military or military dependent identification card.

c. Valid passport.

2. Any two of the following items:

a. Social security card.

b. Certified copy of a marriage certificate.

c. Certified copy of a judgment of divorce or legal separation.

d. Military discharge papers, including federal form DD-214.



- e. Valid student identification card with the applicant's photo.
- f. Current employee photo identification card that includes information, such as the employer's telephone number or address, which can be used for verification purposes.
- g. Letter of identification from a social service agency or employer that includes information, such as the agency or employer's telephone number or address, which can be used for verification purposes.

(d) 1. A utility shall accept any one of the following items as adequate verification of ~~an applicant's~~ the person responsible for bill payment's residency, although it may accept other forms of verification:

- a. Current utility bill.
- b. Current financial institution statement.
- c. Rental agreement.
- d. Documents indicating home purchase.
- e. Current paycheck or pay stub showing the ~~applicant's~~ person responsible for bill payment's name and address, and the employer's name.
- f. Verification of address provided by a social service or government agency.

2. A utility may require ~~an applicant~~ a person responsible for bill payment to provide information that may be used for verification purposes, such as a telephone number or address, if the ~~applicant~~ person responsible for bill payment submits one of the items in [subd. 1. b., c., e., or f.](#) to the utility.

(e) If a request for verification of identity or residency is based on [par. \(a\) 2.](#), the utility may require that the ~~applicant~~ person responsible for bill payment provide the information in [s. 196.23 \(1\), Stats.](#)

(f) If a utility requests information under this subsection, it shall inform the ~~applicant~~ person responsible for bill payment of all items that are acceptable for verification of identity or residency, and allow the ~~applicant~~ person responsible for bill payment to choose which items ~~the applicant~~ it wishes to provide.

(g) If ~~an applicant~~ the person responsible for bill payment refuses to provide the information under [pars. \(c\) or \(d\)](#) or a utility finds, with reasonable certainty, that the verification is falsified, the utility may request an additional item, refuse service or disconnect service.

(4) PROCESSING APPLICATIONS AND PROVIDING NOTICE.

(a) Except under exceptional circumstances, a utility shall approve or deny an application for water service no later than 10 calendar days after receipt of the information required under this section. An unexpectedly high volume of requests for service shall not constitute exceptional circumstances.

(b) A utility shall notify the applicant in writing within 5 days of its denial. A utility may notify an applicant verbally before written notification is sent. An application shall be considered denied when a water service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why water service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and web site.

**Note:** For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the most recent previous address of the person responsible for payment and the address for which water service has been requested.

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If water service is refused, the written notification shall include the information in [par. \(b\) 1. to 3.](#)

### **PSC 185.305 Application for nonresidential service.**

~~(1) For purposes of this section, "written" or "in writing" means legibly printed on paper or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.~~

(2) APPLICATION REQUIREMENTS. (a) If a utility requires an application, a user of water service shall apply for service in a form specified by the utility.

(b) A utility may require a verbal or written application for nonresidential water service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service

(c) The utility may only require that ~~an applicant~~ the person responsible for bill payment provide the following information in an application:

1. Legal name of the user of service and the person responsible for bill payment, if different than the user.
2. Telephone number of the user of water service and the person responsible for bill payment, if different than the user.
3. Address where water service is to be provided.
4. Mailing address if different from service address.
5. Date requested for water service to begin.
6. The most recent previous address of the person responsible for bill payment.
7. Credit information under par. (e).
8. Initial identification data under par. (f).

(d) A utility may request information other than that listed in par. (c), but before requesting it the utility shall inform the ~~applicant~~ person responsible for bill payment that providing that information is optional.

(e) A utility may request reasonable credit information from a person responsible for bill payment for nonresidential applicant water service as part of its application for service. A utility shall establish a written policy about when it will request credit information and what credit information it will request.

(f) A utility shall accept any of the following items as adequate initial identification data, although it may accept other forms of identification:

1. Federal employer identification number or proof that it has been applied for but not yet granted.
2. Wisconsin department of financial institutions identification number.
3. Wisconsin seller's permit identification number.

(g) A utility may refuse or disconnect water service for failure to provide any information specified in pars. (c) 1. to 7. or (f).

**Note:** See sub. (3) (a) about what can be required if an applicant refuses to provide the initial identification data under par. (c) 8.

(3) IDENTITY VERIFICATION.

(a) A utility may require verification of the initial identification data of ~~an applicant~~ a person responsible for bill payment for nonresidential water service under any of the following circumstances:

1. ~~An applicant~~ A person responsible for bill payment refuses to provide the information under sub. (2) (c), (e), or (f).

2. The utility finds, with reasonable certainty, that the information provided under sub. (2) (c), (e) or (f) is falsified.

(b) A utility shall establish a written policy for when it will require verification of identity under this subsection.

(c) A utility shall accept any of the following items as adequate verification of identity, although it may accept other forms of verification:

1. State or federal income tax returns.

2. Internal Revenue Service letter assigning federal employer identification number.

3. Wisconsin seller's permit or department of revenue letter assigning a Wisconsin seller's permit identification number.

4. Business articles of incorporation, partnership agreement, limited liability company articles of organization, or similar organizational documents.

(d) A utility may refuse or disconnect water service if it does not obtain adequate verification of identity.

(4) PROCESSING APPLICATIONS AND PROVIDING NOTICE.

(a) Except under exceptional circumstances, a utility shall approve or deny an application for water service no later than 10 calendar days after receipt of the information required under this section. An expected high volume of requests for service shall not constitute exceptional circumstances.

(b) A utility shall notify the applicant in writing within 5 days of the denial of application. A utility may notify an applicant verbally before written notification is sent. An application shall be considered denied when a water service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why water service is being refused.

2. The applicant's right to ask commission staff to review the refusal.

3. The commission's address, telephone number and web site.

Note: For example, if a utility has told a customer that it would supply water service if the customer makes a payment, enters a deferred payment agreement or provides additional identity information under [sub. \(3\)](#), the refusal is still conditional and has not been finalized.

(c) If a third party applies for water service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested.

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If water service is refused, the written notification shall include the information in par. (b) 1. to 3.

### **PSC 185.31 Deposits and guarantees for residential service.**

(1) APPLICABILITY. (a) This section applies only to deposits or guarantees for residential water service.

(b) This section does not apply to any of the following:

1. Deposits for temporary metered service.

2. Prepayments made or promissory notes given to a utility by a customer in connection with the financing of extensions of water service or equipment.

Note: See s. [PSC 185.21 \(4\)](#) about deposits for temporary metered service.

(2) NEW RESIDENTIAL SERVICE. (a) 1. A utility may require a deposit or other guarantee from an applicant for new residential service only if all of the following are true:

a. The applicant has a delinquent account balance with the utility that accrued within the last 6 years.

b. The delinquent account balance remains outstanding and not in dispute, as defined in s. [PSC 185.54](#).

c. There is no agreement or arrangement for payment of the delinquent account balance being honored by the applicant.

2. A utility may not consider a balance that has been included on the list furnished to the treasurer under s. 66.0809 to be outstanding under [subd. \(a\) 1. b.](#)

(b) A utility may not require a deposit or guarantee if either of the following are true:

1. The applicant provides the utility with documentation showing that the applicant's household gross income over the last 3 completed months is at or below 200% of the federal income poverty guidelines used by the LIHEAP at the time of the request for new service .

2. The utility or applicant can verify that the applicant has been determined to be eligible for LIHEAP support during the previous 12 months.

Note: If an applicant has filed for bankruptcy protection, the bankruptcy law rather than this chapter controls matters related to deposits.

(c) 1. In lieu of a deposit or guarantee, an applicant for new residential service who has a delinquent account balance that accrued within the last 6 years with the same Wisconsin utility with which the current application is being filed shall have the right to receive water service from that utility under a deferred payment agreement. The utility may require that it receive the down payment under the deferred payment agreement before it provides service.

2. A utility may require an individual who defaults on a deferred payment agreement offered under this subsection to furnish a deposit or guarantee, and is not required to offer another deferred payment agreement in lieu of a deposit, although the utility may agree to do so.

(d) A utility shall inform the customer of the customer's right to appeal any deposit request or amount required under this section to the commission.

**(3) EXISTING RESIDENTIAL SERVICE.** (a) A utility may require a deposit or guarantee as a condition of continued residential service; only if one or more of the following are true:

1. The utility has disconnected the customer's water service within the last ~~12-month period~~ 8 months for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute; for one of the following reasons:

a. Nonpayment of a delinquent account not currently in dispute.

b. The utility obtains subsequent information indicating that the initial application for water service was falsified.

2. A customer accrues charges for water service that become 60 or more days past due within the first 8 months of service.

3. The customer had an arrears that was both incurred and 80 days or more past due during the cold weather period. The utility may request a deposit or guarantee under this subsection even if the customer's water service has not been disconnected, but any request for a deposit or guarantee under this subsection shall be made before the beginning of the following cold weather period.

Note: In general, arrears must be incurred prior to January 26th for this to apply, otherwise it cannot become 80 days past due during the cold weather period.

4. A utility has reasonable evidence that the customer has obtained water utility service by using a device or method that interferes or could interfere with the proper metering of utility service.

5. The utility disconnected water service and service was reconnected without the utility's authorization, regardless of whether the reconnection interferes with proper metering.

(b) A utility may not require a deposit or guarantee if either of the following are true:

1. The customer provides the utility with documentation showing that the customer's household gross income over the last 3 completed months is at or below 200% of the federal income poverty guidelines used by the LIHEAP at the time of the request for the deposit.

2. The utility or customer can verify that the customer has been determined to be eligible for LIHEAP support during the previous 12 months.

Note: If a customer has filed for bankruptcy protection, the bankruptcy law controls whether a deposit may be taken.

(c) When the utility requests a deposit of an existing customer, the utility shall allow the customer at least 30 days to provide the deposit, guarantee, or enter into a deposit installment payment agreement.

(4) DEPOSIT INSTALLMENT PAYMENT AGREEMENT. (a) A customer or applicant for residential service from whom a deposit is requested shall have the right to receive service while paying the deposit under a reasonable deposit installment payment agreement.

(b) The utility may not require a down payment of more than one-third of the deposit, or require that the remaining balance be paid over fewer than 3 months when establishing a deposit installment payment agreement.

(5) GUARANTEE TERMS AND CONDITIONS. (a) 1. A utility may accept, in lieu of a cash deposit for new or existing residential service, a contract signed by a guarantor satisfactory to the utility where in which payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or where in which the guarantor accepts responsibility for payment of all future bills. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the customer in writing of the agreement and of the customer's right to refuse such an agreement. The term of the contract shall be for no longer than one year, but it shall automatically terminate after the residential customer has closed the account with the utility, or on the guarantor's request upon a 30-day written notice to the utility but may be renewed for subsequent periods of time.

2. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the applicant or customer in writing of the agreement, and of the applicant's or customer's right to refuse such an agreement.

3. The guarantee shall automatically terminate if one of the following has occurred:

a. The customer has closed his or her account with the utility and the account is paid in full.

b. The guarantor requests termination and provides at least a 30 day written notice to the utility. The utility shall notify the customer of the guarantor's request for termination within 10 days after receiving such a request.

4. If the utility still requires a deposit or guarantee from the customer after receiving notice of intent to terminate from the guarantor, the customer notice under subd. 3, shall inform the customer that the requirement remains and that the deposit or guarantee must be received, or a deposit installment payment agreement must be entered into, before the date on which the terminated guarantee ends. The water service of a customer who fails to comply with this requirement may be disconnected subject to the rules pertaining to disconnection of service, as provided in s. PSC 185.40 and 185.41.

(b) A utility shall have written guidelines concerning what it will consider when determining whether a guarantor under subd. (a) 1. is satisfactory and shall make those guidelines available to the commission upon request.

(c) If a utility rejects a guarantor as unsatisfactory, it shall notify the applicant or customer of the reason for that rejection.

(d) The amount of a customer's guarantee may be reviewed annually and adjusted under sub. (10).

(e) The utility shall offer the guarantor the option to receive copies of all disconnect notices sent to the customer whose account has been guaranteed.

(6) INFORMATION PROVIDED BY UTILITY AND TIME TO RESPOND TO REQUEST. (a) A utility shall notify an applicant or customer if a deposit or guarantee is required. If a deposit or guarantee is required, the utility shall also inform the customer or applicant that if he or she demonstrates that he or she meets the income requirements under sub. (2) (b) or (3) (b), the deposit or guarantee will be waived. The utility shall provide the notice within 7 days of the later of the following:  
1. The water service request date.  
2. The date on which the applicant or customer provides all reasonable and relevant information requested by the utility.

**Note:** This notice requirement may be met using the written notice required in par. (b).

(b) The utility shall provide written information to an applicant or customer if a deposit or guarantee is required. The written information shall do all of the following:  
1. Provide an explanation of why a deposit or guarantee is being required.  
2. Disclose what information was relied on in determining that a deposit or guarantee is required.  
3. Inform the applicant or customer of the right to:  
a. Provide additional information and request reconsideration of the decision to require a deposit or guarantee.  
b. If applicable, enter into a deferred payment agreement in lieu of a deposit or guarantee.  
c. Submit information showing that he or she meets the income requirements under sub. (2) (b) or (3) (b).  
d. Enter into a deposit installment payment agreement.



- e. Appeal any deposit or guarantee request or its amount, or both, to the commission.
- 4. Explain the terms and conditions for the return of a deposit or the release of a guarantee.

(c) 1. When a utility requests a deposit or guarantee from an applicant or customer, the utility shall give the applicant or customer at least 20 days, from the date the utility sends the written information under par. (b), to do one of the following:

- a. Provide the deposit or guarantee.
- b. Enter into a deposit installment payment agreement for a deposit amount.
- c. Except when the deposit is required under sub. (3) (a) 3., enter into a deferred payment agreement in lieu of a deposit or guarantee.

2. The utility may disconnect the water service of a customer or refuse service to an applicant who fails to comply with subds. 1.a. to c. within the required time period, subject to the rules pertaining to disconnection and refusal of service, as provided in ss. PSC 185.40 and 185.405.

(7) AMOUNT OF DEPOSIT. (a) If the utility requests a deposit under sub. (2) (a), The deposit amount a utility may request for a new residential account shall may not exceed: a. the equivalent of the highest reasonable estimated gross bills for any 2 months selected by the utility if billed monthly.  
b. the highest estimated gross bill for any one billing period selected by the utility if billed less frequently than monthly.

Note: To determine reasonableness a utility could consider the bills of the prior customer at that location, but must take into account factors such as household size and conservation efforts.

(b) Except as provided in par. (c), the deposit for an existing residential account may not exceed: a. the equivalent of the highest actual gross bills for any 2 consecutive months, as selected by the utility, within the preceding 12 months.

Note: For example, if a utility bills quarterly, then to calculate a 2 month deposit the utility would divide the highest estimated or actual bill by 3 and multiply by 2. If the deposit amount is the 4 highest months the utility would use the entire highest quarter bill in the preceding 12 months plus 1/3 of the second high consecutive bill in the past 12 months.

(c) If a utility cannot disconnect during the cold weather period under s. PSC 185.41 and the customer had an arrears that was both incurred and 80 days or more past due during the cold weather period, the deposit may not exceed the equivalent of the highest actual gross bills for any 4 consecutive months, as selected by the utility, within the preceding 12 months.

(d) The amount of a customer's deposit or guarantee may be reviewed annually and adjusted under sub. (10). The utility may not continue to require a cash deposit or guarantee unless a deposit is permitted under sub. (4) or (10).

(8) REASONABLENESS OF DEPOSIT. For the purpose of determining the reasonableness of a deposit, the utility shall consider at least the following factors:

- (a) The amount in arrears.

(b) Customer's or applicant's recent payment history, including factors such as the following:

1. Number of late payments.
2. Number of missed payments.
3. Number of defaulted or satisfied deferred payment agreements.
4. Number of payments made during the cold weather period.

(c) Length of time that the account has been in arrears.

(d) Reasons why the account has been in arrears.

(e) Other relevant factors, such as household size, income and reasonable expenses.

**(9) INTEREST.** (a) Interest shall accrue on deposits from the date a deposit, or portion of a deposit, is paid to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually ~~on a calendar year basis~~. The commission shall determine the rate of interest to be paid on deposits held during the following ~~calendar~~ year and notify ~~the utility~~ utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) Utilities shall calculate the interest earned on each deposit at the time the deposit is applied to an account balance or is refunded, and at the end of each year. The interest rate in a year shall apply to the amount deposited and to all interest previously accrued.

**(10) REVIEW.** (a) A utility shall review a deposit or guarantee at the end of each 12-month period during which a deposit or guarantee is held by a utility or if the customer indicates he or she is low income. The A utility shall ~~may~~ not continue to require a ~~cash~~ deposit or guarantee for a residential account unless a deposit it is permitted under the provisions of sub. (4) or (10) this section.

(b) If the review under par. (a) shows that a deposit or guarantee is still permitted under this section, the utility may choose to recalculate the deposit or guarantee amount by determining whether the amount of the deposit or guarantee still meets the deposit calculation requirements in subs. (7) and (8). A utility choosing to do such a recalculation shall do one for all deposits and guarantees. A customer may, no more often than once a year, request that a recalculation be done.

(c) When a recalculation is done, a utility shall refund, using a credit to the customer's bill, any deposit amount held which is 10% or more and at least \$50 over the recalculated deposit amount. If the guarantee amount is 10% or more and at least \$50 more than the recalculated deposit amount, the utility shall notify the guarantor and the customer so that a new guarantee may be issued.

(d) When a recalculation is done, a utility may require an additional deposit or guarantee amount if the recalculated deposit amount is 10% or more and at least \$50 more than the deposit or guarantee the utility is holding for that customer. If a customer fails to pay or enter into an installment payment agreement for the additional deposit, or to obtain a new guarantee, within 20 days of the date on which the utility sends a written request for payment, then the utility may pursue disconnection subject to the rules pertaining to disconnection of water service, as provided in s. PSC 185.40.

**(11) ARREARAGES DEDUCTING ARREARS.** (a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrears occurring after the deposit was made.

(b) If the utility deducts an ~~arrears~~ ~~arrears~~ from a customer deposit, it may require the customer to bring the deposit up to its ~~original~~ ~~currently required~~ amount. ~~Failure of the customer~~ The customer's failure to do so within 20 days of mailing the date on which the utility sends a written request for payment to bring the deposit up to its new required amount is a ~~ground~~ grounds for disconnection; subject to the rules pertaining to disconnection of water service, as provided in s. PSC 185.40.

(c) When a deposit is to be refunded to a customer, the utility may first deduct any ~~arrears~~ ~~arrears~~ owed by the customer, whether the ~~arrears~~ ~~arrears~~ arose prior to or after the date of the deposit, if no deferred payment or other payment arrangement exists for the arrears or if a payment arrangement exists but is not being honored by the customer.

**(12) DEPOSIT REFUND OR GUARANTEE RELEASE.** (a) A utility shall refund a deposit, with accrued interest, or end the requirement for a guarantee and provide written notice of this to the customer and the guarantor, if any of the following are true:

1. The customer has demonstrated one year of prompt full payment of amounts due, measured from the first bill payment after a deposit is requested regardless of whether a deposit has been paid in full at the time of that payment.

2. The utility has not disconnected water service during the last 2 years, measured from the first bill payment after a deposit is requested, and the deposit was not requested because a customer had an arrears that was both incurred and 80 days or more past due during the cold weather period.

3. The customer provides verification that household gross income over the last 3 completed months is at or below 200% of the federal income poverty guidelines used by LIHEAP at that time.

(b) Paragraph (a) does not apply if the utility could reassess a deposit or guarantee immediately after issuing the refund under par. (a) or ending the existing guarantee requirement.

(c) Upon customer- requested termination of service, the utility shall release the guarantee or credit the deposit, with accrued interest, to the customer's final bill and return any balance within 30 days of issuing the final bill, as provided in sub 11.

**(13) METHOD OF REFUND.** ~~Any~~ Except as provided in subs. (10) (c) and (12) (c), any deposit or portion of a deposit refunded to a residential customer shall be refunded by check directly to the customer unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (13) or (14) applies.

**PSC 185.315 Deposits and guarantees for nonresidential service.**

**(1) APPLICABILITY.** (a) This section applies only to deposits or guarantees for nonresidential water service.

(b) This section does not apply to any of the following:

1. Deposits for temporary metered service.
2. Prepayments made or promissory notes given to a utility by a customer in connection with the financing of extensions of service or equipment.

Note: See s. PSC 185.21 (4) about deposits for temporary metered service.

**(2) NEW NONRESIDENTIAL SERVICE.** (a) A utility may require a deposit or guarantee from an applicant for new nonresidential service only if the credit of the applicant has not been established satisfactorily to the utility, based on the following information:

1. Credit information from credit reporting services.
2. Letter of credit from a financial institution.
3. Letter or other communication from another utility showing the applicant's payment history with that utility.
4. Applicant's business characteristics, such as type of business, length of time the applicant has operated, the applicant's business experience and knowledge, and estimated size of the applicant's bills.
5. Assets of the business.
6. The financial condition of the business, as indicated in a financial statement.

(b) A utility may conclude that the credit of an applicant has not been satisfactorily established if the applicant is producing the same product or offering the same service as a previous customer with arrears, and at least 50% of the owners, partners, or limited liability company members of the applicant are the same as the previous customer.

**(3) EXISTING NONRESIDENTIAL SERVICE.** (a) A utility may require a deposit or guarantee as a condition of continued nonresidential service only if one or more of the following are true:

1. The customer has not made prompt full payment of all bills issued within the last 24 12 months;

2. The utility has disconnected the customer's service within the last 12-month period 12 months violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute; for one of the following reasons:

a. Nonpayment of a delinquent service account not currently in dispute.

b. The utility obtains subsequent information indicating that the initial application for water service was falsified.

3. A utility has reasonable evidence that the customer has obtained water utility service by using a device or method that interferes or could interfere with the proper metering of utility service.

4. The utility disconnected water service and service was reconnected without the utility's authorization, regardless of whether the reconnection interferes with proper metering.

(b) When the utility requests a deposit of an existing customer, the utility shall allow the customer shall have at least 30 days to provide the deposit, guarantee, or to establish enter into a deferred deposit installment payment agreement.

(4) DEPOSIT INSTALLMENT PAYMENT AGREEMENT. (a) A customer or applicant for nonresidential service from which a deposit is requested shall have the right to receive water service while paying the deposit under a reasonable installment payment agreement.

(b) The utility may not require a down payment of more than one-third of the deposit, or require that the remaining balance be paid over fewer than 3 months when establishing a deposit installment payment agreement.

(5) GUARANTEE TERMS AND CONDITIONS. (a) 1. The A utility may accept, in lieu of a cash deposit for new or existing nonresidential service, a contract signed by a guarantor satisfactory to the utility where in which payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or in which the guarantor accepts responsibility for payment of all future bills. The term of such a contract shall be for no longer than 2 years, but it shall automatically terminate after the customer has closed its account with the utility, or at the guarantor's request, on a 30-day written notice to the utility may be renewed for subsequent periods of time.

2. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the applicant or customer in writing of the agreement, and of the applicant's or customer's right to refuse such an agreement.

3. The guarantee shall automatically terminate if one of the following has occurred:

a. The customer has closed its account with the utility and the account is paid in full.

b. The guarantor requests termination and provides at least a 30 day written notice to the utility.

c. The utility shall notify the customer of a guarantor's request for termination within 10 days after receiving such a request.

4. If the utility still requires a deposit or guarantee from the customer after receiving notice of intent to terminate from the guarantor, the customer notice under subd. 3. shall inform the customer that the requirement remains and that the deposit or guarantee must be received, or a deposit installment payment agreement must be entered into, before the date on which the terminated guarantee ends. The water service of a customer who fails to comply with this requirement may be disconnected subject to the rules pertaining to disconnection and refusal of service, as provided in s. PSC 185.405, except that if the meter also serves a residential dwelling on the premises then the service shall be considered residential service under PSC 185.40 and 185.41.

(b) A utility shall have written guidelines concerning what it will consider when determining whether a guarantor under sub. (a) 1. is satisfactory and shall make those guidelines available to the commission upon request.

(c) If a utility rejects a guarantor as unsatisfactory, it shall notify the applicant or customer of the reason for that rejection.

(d) The amount of a customer's guarantee may be reviewed annually and adjusted under sub. (9)(b).

(e) The utility shall offer the guarantor the option to receive copies of all disconnect notices sent to the customer whose account has been guaranteed.

(6) INFORMATION PROVIDED BY UTILITY AND TIME TO RESPOND TO REQUEST. (a) A utility shall notify an applicant or customer if a deposit or guarantee is required.

1. The utility shall provide the notice within 7 days of the later of the following:

a. The water service request date.

b. The date on which the applicant or customer provides all reasonable and relevant information requested by the utility.

Note: This notice requirement may be met using the written notice required in par. (b).

(b) The utility shall provide written information to an applicant or customer if a deposit or guarantee is required. The written information shall do all of the following:

1. Provide an explanation of why a deposit or guarantee is being required.

2. Disclose what information was relied on in determining that a deposit or guarantee is required.

3. Inform the applicant or customer of the right to:

a. Provide other information under sub. (2)(a)1. to 6. and request reconsideration of the decision to require a deposit or guarantee.

b. Enter into a deposit installment payment agreement.

c. Appeal any deposit or guarantee request or its amount, or both, to the commission.

4. Explain the terms and conditions for the return of a deposit or the release of a guarantee.

(c) 1. When a utility requests a deposit or guarantee from an applicant or customer, the utility shall give the applicant or customer at least 20 days, from the date the utility sends the written information under par. (b), to do one of the following:

a. Provide the deposit or guarantee.

b. Enter into a deposit installment payment agreement for the deposit amount.

2. The utility may disconnect the water service of a customer or refuse service to an applicant that fails to comply with subd. 1. within the required time period, subject to the rules pertaining to disconnection and refusal of service as provided in s. PSC 185.405, except that if the meter also serves a dwelling on the premises then the water service shall be considered residential service under PSC 185.40 and 185.41.

(7) AMOUNT OF DEPOSIT. (a) The ~~maximum~~ deposit amount a utility may request for a new nonresidential account shall ~~may not~~ exceed the equivalent of the highest reasonable estimated gross bill bills for any ~~consecutive billing period 2 months~~ selected by the utility (~~not to exceed 4 months~~). If after a 12-month period the deposit amount is shown to be greater than warranted based on actual consumption, the utility shall at the customer's request refund the difference between the 2 amounts plus interest.

Note: To determine reasonableness a utility could consider the bills of the prior customer at that location, but must take into account things like type of business and conservation efforts.

(b) Except as provided in par. (c), the deposit for an existing nonresidential account may not exceed the equivalent of the highest actual gross bills for any 2 consecutive months, as selected by the utility, within the preceding 12 months.

Note: For example, if a utility bills quarterly, then to calculate a 2 month deposit the utility would divide the highest estimated or actual bill by 3 and multiply by 2. If the deposit amount is the 4 highest months the utility would use the entire highest quarter bill in the preceding 12 months plus 1/3 of the second high consecutive bill in the past 12 months.

(c) If a utility cannot disconnect during the cold weather period under s. PSC 185.41, the deposit for an existing nonresidential account may not exceed the equivalent of the highest actual gross



bills for any 4 consecutive months, as selected by the utility, within the preceding 12 months if all of the following are true:

1. A meter for an existing nonresidential account also serves a dwelling on the premises.

2. The customer had an arrears that was both incurred and 80 days or more past due during the cold weather period.

(d) The amount of a customer's deposit or guarantee may be reviewed annually and adjusted under sub. (10). The utility may not continue to require a deposit or guarantee unless a deposit is permitted under sub (4) or (10).

(8) REASONABLENESS OF DEPOSIT. For the purpose of determining the reasonableness of a deposit, the utility shall consider at least the following factors:

(a) The amount in arrears.

(b) Customer's or applicant's recent payment history, including factors such as the following:

1. Number of late payments.

2. Number of missed payments.

3. Number of defaulted or satisfied payment arrangements.

4. Number of payments made during the cold weather period.

(c) Length of time that the account has been in arrears.

(d) Reasons why the account has been in arrears.

(e) Other relevant factors, such as revenue and reasonable expenses.

(9) INTEREST. (a) ~~Deposits for nonresidential service~~ Interest shall bear interest accrue on a deposit from the date a deposit, or portion of a deposit, is made paid to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually ~~on a calendar basis~~. The commission shall determine the rate of interest to be paid on deposits held during the following ~~calendar~~ year and notify the ~~utility~~ utilities of the that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) ~~The rate of interest set by the commission shall be payable on all deposits. The utility~~ A utility shall calculate the interest earned on each deposit at the time of the refund when the deposit is applied to an account balance or is refunded, and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit deposited and to all interest previously accrued during the previous year, for the fraction of the calendar year that the deposit was held by the utility.



(10) REVIEW. (a) A utility shall review a deposit or guarantee at the end of each 12-month period during which a deposit or guarantee is held by a utility. A utility may not continue to require a deposit or guarantee for a nonresidential account unless it is permitted under this section.

(b) If the review under par. (a) shows that a deposit or guarantee is still permitted under this section, the utility may choose to recalculate the deposit or guarantee amount by determining whether the amount of the deposit or guarantee still meets the deposit calculation requirements in sub. (7). A utility choosing to do such a recalculation shall do one for all deposits and guarantees. A customer may, no more often than once a year, request that a recalculation be done.

(c) When a recalculation is done, a utility shall refund, using a credit to the customer's bill, any deposit amount held which is 10% or more and at least \$50 over the recalculated deposit amount. If the guarantee amount is 10% or more and at least \$50 over the recalculated deposit amount, the utility shall notify the guarantor and customer so that a new guarantee may be issued.

(d) When a recalculation is done, a utility may require an additional deposit or guarantee amount if the recalculated deposit amount is 10% or more and at least \$50 more than the deposit or guarantee the utility is holding for that customer. If a customer fails to pay or enter into an installment payment agreement for the additional deposit, or to obtain a new guarantee, within 20 days of the date on which the utility sends a written request for payment, then the utility may pursue disconnection subject to the rules pertaining to disconnection of water service, as provided in s. PSC 185.405.

(11) ARREARAGES DEDUCTING ARREARS. An arrearage owed by a customer may be deducted from the customer's deposit under the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage arrear occurring after the deposit was made;

(b) If the utility deducts an arrearage arrear from a customer deposit, it may require the customer to bring the deposit up to its original currently required amount. Failure of the customer If a customer fails to do so within 20 days of mailing the date on which the utility sends a written request for payment to bring the deposit up to its new required amount, then the utility may pursue disconnection subject to the rules pertaining to disconnection of water service, as provided in s. PSC 185.405, except that if service is being provided to a dwelling that is part of a nonresidential account, then the service shall be considered service to a dwelling under PSC 185.40 and 185.41.

(c) When a deposit is to be refunded to the a customer, the utility may first deduct any arrearage arrear owed by the customer, whether the arrearage arrear arose prior to or after the date of the deposit, if no payment arrangement exists for the arrear or if a payment arrangement exists but is not being honored by the customer.

(12) DEPOSIT REFUND OR GUARANTEE RELEASE. (a) A utility shall refund a deposit, with accrued interest, or end the requirement for a guarantee and provide written notice of this to the customer

and the guarantor, if the customer has demonstrated 2 consecutive years of prompt full payment of amounts due, measured from the first bill payment after a deposit is requested regardless of whether a deposit has been paid in full at the time of that payment.

(b) Paragraph (a) does not apply if the utility could reassess a deposit or guarantee immediately after issuing the refund under par. (a) or ending the existing guarantee requirement.

(c) Upon customer-requested termination of service, the utility shall release the guarantee or credit the deposit, with accrued interest, to the customer's final bill and return any balance within 30 days of issuing the final bill, as provided in sub. (11) (c).

**(13) METHOD OF REFUND.** Any Except as provided in subs. (10) (c) and (11) (c), any deposit or portion thereof of a deposit refunded to a nonresidential customer shall be refunded by check directly to the customer unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (11) or (12) applies.

**PSC 185.32 Meter readings and billing periods.** (1) Except under unusual circumstances such as inclement weather or a labor dispute, a utility shall read all meters used to determine charges to customers at least quarterly.

(2) A utility shall make an effort to read meters on corresponding days of each billing period cycle. The meter reading date may not be advanced or postponed more than 10 days without changing the billing period and prorating the billing for the period.

(3) When a meter must be read manually and the customer cannot be available during normal business hours, a utility shall make reasonable effort to read the meter after normal business hours.

(4) If a meter reading is scheduled to be done under sub. (1), but exceptional circumstances such as inclement weather or a labor dispute prevent the reading, then that reading shall be done as soon as possible.

**Note:** See s. PSC 185.34 about adjusting billing and sub. (8) about prorating bills.

(5) The utility is obligated to obtain a final read from both the meter and the automated meter reading device when there is a change of customers unless such final readings have been done within the last 2 years.

(6) If an automated meter reading system does not provide a meter reading or indicates unexpected zero consumption, the utility shall again attempt to obtain a meter reading from that system within the next 30 days. If the automated meter reading system does not provide a meter reading or indicates zero consumption in response to that attempt, the utility shall promptly

investigate with the intent to evaluate and resolve the situation within 60 days following the second failure to provide a meter reading or indication of zero consumption.

**Note:** An example of expected zero consumption would be when the utility's records show that the customer is a seasonal customer that does not use water during this season.

(8) The utility may leave a meter reading form when it cannot gain access to a meter, obtain a meter reading, or upon customer request. A utility shall consider a meter reading supplied by a customer to be an actual meter reading. If the utility does not leave a form on the premises, or if the customer does not return the form in time for it to be processed in the billing cycle, an estimated bill may be rendered. When a utility is unable to read a meter, that fact will be plainly indicated on the bill.

(9) A utility may render only 3 consecutive estimated bills unless the commission, by order under s. PSC 185.10 (2) (b), allows it to issue more. If a utility has issued estimated bills, minimum bills, bills issued on customer readings, or some combination thereof, the utility shall, nonetheless, perform an actual meter reading at least every 6 months.

**Note:** See s. PSC 185.40 (4) (a) 7. and 185.405 (4) (a) 7. about disconnection being allowed when the utility is not allowed access for reads every 6 months.

### **PSC 185.33 Billing.**

(1) BILLING CYCLE. (a) *When bills issued.* 1. A utility shall issue a monthly bill for water service, except that a utility may, with commission approval, issue a bill more or less frequently.

2. A utility shall issue a bill for water service within 20 days of the reading of the meter unless otherwise authorized by the commission.

(b) *Bill due dates.* 1. A utility shall establish a due date that is at least 20 days from the date a utility sends a bill. An account may be deemed delinquent and a notice of disconnection issued after the 20-day period has elapsed. In the event of a discrepancy between the date on the bill and the postmark, the 20-day period shall be calculated from whichever is later.

2. If a utility's billing system is capable of doing so, a utility shall make a reasonable effort to accommodate an applicant or customer's request for a due date other than the one that would otherwise be assigned.

(2) INFORMATION ON CUSTOMER BILLS. (a) *On all customer bills.* A utility shall include all of the following information for each meter on each customer's bill:

1. The customer name, billing address, and service address, if different from the billing address.
2. Account number.
3. Meter identification information or number.
4. That usage is estimated, if applicable.

5. The present and most recent prior meter readings, regardless of whether actual or estimated.
6. The number of days in the billing period.
7. The class of service.
8. The rate and any other billing factor used to calculate the bill, itemized in a manner that allows the customer to check the calculation of the bill, including items such as the following:
  - a. Customer charge.
  - b. Volume charge.
  - c. Cost charge.
  - d. Clear itemization of other utility charges and credits.
  - e. Public fire protection charge.
  - f. Amount subject to tax, tax rate, and tax billed.
9. Due date.
10. A clear explanation of codes, abbreviations and terminology used on that bill.
11. Clear itemization of the amount of the bill for the present billing period, any unpaid balance from the previous billing period, and any late payment charges.
12. Clear itemization of payment arrangement information including all of the following:
  - a. On the first bill after making the payment arrangement, the original total amount of the payment arrangement.
  - b. On all bills during the payment arrangement, the current payment arrangement amount due.
13. For budget payment customers, the charge for the usage to that point in the budget plan and the amount paid to that point in the budget plan.
14. Separate itemization of credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates.
15. Separate itemization and detailed explanation of adjustments to past bills rendered because of meter inaccuracies, errors in billing, or misapplication of rates.
16. The number of gallons consumed by this customer at this address during the current billing period and during the same billing period the previous year.
17. A statement that the utility will, upon customer request, provide the information and explanation necessary for the customer to evaluate water consumption and conservation.

(b) *Presentation of usage charges.* A utility that calculates its volume charges in units of cubic feet shall include customer usage in both cubic feet and gallons on the customer bill.

(c) *Transferred balances.* If a utility transfers a customer's balance from a different address onto a bill, on the first bill on which the transfer appears the utility shall include a message that a transferred amount is included and that the amount transferred and a detailed breakdown of the transferred amount can be obtained from the utility. Upon request, a utility shall provide such a breakdown. The breakdown shall include all of the following:

1. The address where all portions of the transferred amount originated.
2. The time period during which any part of a transferred balance at the address in [subd. 1.](#), was accrued.

3. The amount accrued at the address in [subd. 1.](#), during the time period in [subd. 2.](#)
4. Order in which partial payments have been applied to transferred arrears.

**Note:** PSC s. [185.40 \(4\) \(a\) 1. b.](#) states that water service cannot be disconnected for a delinquent balance if the utility cannot document the charges with billing data including the service address, date of service, usage and other relevant information

(d) *Rate change.* If a rate change as a result of commission action is reflected on a bill, the utility shall provide a clear explanation of the rate change and how the bill was calculated, either on the bill, as a bill insert, or in a separate mailing.

**(3) OTHER ITEMS ON CUSTOMERS' BILLS.** (a) A utility may include only the following additional charges, costs, fees or credits on a customer's bill:

1. Charges to the customer resulting from other services, materials, or work provided by the utility as a result of commission-approved water use efficiency and renewable resource programs and activities.
2. With the consent of both the customer and the utility, water- or sewer-related merchandise and service repair work charges.
3. Nonutility charges such as charges for municipal fees or licenses, contracted sewer billing services, or penalties levied under municipal ordinances.
4. The costs, charges, fees, or credits incurred by and awarded to the utility by a court of law for pursuing bill collection through other agencies, such as small claims courts.
5. Other costs, charges, fees, or credits as approved by the commission.

(b) The charges, costs, fees and credits in [par. \(a\)](#) shall be listed individually on the bill. A customer shall be permitted to include payment for such items in its payment for water service.

**(5) CUSTOMER-REQUESTED WATER CONSUMPTION AND CONSERVATION INFORMATION.** (a) Upon receiving a request under [sub. \(2\) \(a\) 17.](#), the utility shall provide all of the following to the customer:

1. Consumption information for this customer, by billing periods, for at least the last 12 months.
2. Information and any explanation needed by the customer to make consumption comparisons and evaluate conservation efforts.

(b) The customer shall be entitled to one such statement every 12 months for free and additional statements during that time at a charge not to exceed \$5. .

**(6) RATES.** Each bill for water service shall be computed at the proper filed rates.

**(6m) NOTICE OF RATE CHANGE.** If a rate change is reflected on a customer's bill, the utility shall provide a clear explanation of the rate change and how the bill was calculated, either on the bill, as a bill insert, or in a separate mailing.

(7) LATE PAYMENT CHARGES. (a) The commission may authorize the utility to assess late payment charges to a customer's bill that is not paid in full by the due date.

(b) A utility's late payment charge shall comply with all of the following requirements:

1. The amount of the charge shall be no more than one percent per month and shall be filed and approved by the commission before it can be applied.

2. The late payment charge shall be applied to the total unpaid balance for water service, including unpaid late payment charges.

Note: But see [PSC 185.35 \(6\) \(a\)](#) about late payment charges on balances covered by deferred payment agreements.

3. Except as provided in [subd. 8.](#), the late payment charge shall be applied no sooner than the day after the due date.

4. Except as provided elsewhere in this chapter, late payment charge shall be applied to all customers that do not pay their bill in full by the due date.

5. If a customer disputes a bill, or portion of a bill, for water service and does not pay the disputed bill in full by the due date, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility.

6. No additional late payment charge may be applied to a delinquent account for water service after the date on which the delinquent account was written off by the utility as uncollectable.

7. If a utility initiates a late payment charge, the new charge shall apply only to water service provided after the effective date of the initiation.

8. If a utility is authorized to assess late payment charges, then it may include charges on bills issued for water service that was previously unbilled because of meter diversion or tampering with the proper metering of the account. The late payment charge shall be applied from the estimated date that the diversion or tampering began.

(8) PRORATED BILLS. If the meter reading date is advanced or postponed under s. [PSC 185.32 \(2\)](#), the bill shall be prorated on a daily basis unless other provision is made in the utility's tariffs.

(9) ESTIMATED BILLS. (a) 1. A utility may issue an estimated bill only under one of the following circumstances:

a. The customer has not provided a reading.

b. The meter index is not functioning properly.

c. The automated meter reading system is not functioning properly and there is insufficient time to correct the problem and re-read the meter before a bill must be issued. For purposes of this subsection, a bill must be issued within 30 days of the usual meter reading date.

Note: This 30-day period includes the 10 days that a utility may advance a meter reading date under 185.32 (2) without changing the billing period, and the 20 days after the meter reading date within which a utility must issue a bill.

d. The utility has made reasonable attempts to obtain a meter reading, the customer has been uncooperative, the utility has given the customer the opportunity to read the meter, and the utility has made a reasonable effort to read the meter at times other than normal business hours.

Note: But see the PSC 185.32 (9) requirement that the utility itself read the meter at least every 6 months.

e. In unusual situations that prevent a utility from obtaining a meter reading, such as inclement weather or labor disputes.

2. A utility shall base an estimated bill on applicable data including historical actual usage at that address and applicable weather information.

3. A utility may not issue more than 3 consecutive estimated bills except under one of the following circumstances:

a. Unusual situations that prevent a utility from obtaining a meter reading, such as inclement weather or labor disputes.

b. The utility has made reasonable attempts to obtain a meter reading, the customer has been uncooperative, the utility has given the customer the opportunity to read the meter, and the utility has made a reasonable effort to read the meter at times other than normal business hours.

Note: But see the PSC 185.32 (9) requirement that the utility itself read the meter at least every 6 months.

(b) If the utility issues an estimated bill under par. (a), the utility shall include information with the bill explaining how the estimate was determined and how to contact the utility to avoid future estimated bills.

(c) When an actual meter reading indicates that a previous estimated bill was significantly high or low, or that the meter has malfunctioned, the utility shall disregard that bill and recalculate the bill based on available information, distributing usage appropriately throughout the period.

Note: See s. 185.34 about adjustments to bills.

**(10) BUDGET PAYMENT PLANS.** (a) Each utility may offer a budget payment plan to all applicants and existing customers, subject to the following minimum requirements:

1. An applicant or existing customer may enter into a budget payment plan at any time of the year.



2. A utility shall calculate a budget amount on the basis of the estimated consumption at that address and estimated applicable rates through the end of the budget year.

3. If a utility's budget year is a fixed year and an applicant or existing customer requests a budget payment plan after the start of the fixed budget year, the utility shall determine the initial monthly budget amount on the basis of the number of months remaining in the current fixed budget year.

(b) If a utility offers a budget payment plan, it shall file a budget payment plan tariff with the commission.

(c) If a utility offers a budget payment plan, it shall review budget amounts at least every 6 months and, if necessary, change them in order to reflect current circumstances. The utility shall inform an applicant for a budget plan of this requirement. Adjustments to the budget amount shall be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one billing period's budget amount.

(d) The utility shall notify a customer on a budget payment plan of adjustments to the budget amount by means of a bill insert, a message printed on the bill itself, or both. The customer shall be informed of the adjustment no later than the same time the bill containing the adjustment is issued.

(e) If a utility offers a budget payment plan, it shall allow a residential customer who has arrearages to establish a budget payment plan if the customer enters into a deferred payment agreement for the arrears, according to the provisions of s. [PSC 185.35](#).

(f) Budget payment plans shall be subject to the late payment charge provisions under [sub. \(7\)](#).

(g) If a customer does not make a payment under a budget payment plan, the utility may remove the customer from the budget payment plan. If the utility chooses to do so, it shall notify the customer with the next billing that if proper payment of the overdue budget amount is not received by the due date of that bill, utility may remove the customer from the budget plan. The notice shall also indicate the overdue budget amount.

(h) At the end of a budget year, if an underbilled or overbilled balance exists on the account, the balance shall be handled as follows:

1. If underbilled, a utility shall, at the customer's option, do one of the following:

a. Accept payment of the balance in full.

b. Incorporate the balance into the budget amount for the next budget year.

c. Remove the customer from budget billing and establish a deferred payment agreement, if allowed under s. [PSC 185.35](#), for the balance.

2. If overbilled, a utility shall, at the customer's option, do any of the following:

a. Promptly refund the credit balance directly to the customer.



b. Apply the credit balance against the customer's account, credited to sequential bills until the credit balance has been exhausted.

c. If the utility's billing system is capable of doing so, apply the credit balance against the customer's account, credited in monthly installments to the customer's account over the course of the next budget year.

(11) BILLING NON-CUSTOMERS. If the utility does not bill a customer other than "occupant" at a premises and the person who uses utility service at that premises does not apply for water service although it is required to do so by the utility's tariffs, then the utility may bill the person an estimated or actual amount at a later date for this service. The utility must have reasonable grounds to establish responsibility for the billing. Failure to pay charges resulting from this billing may result in disconnection of service under s. PSC 134.40 or 134.405. The utility shall inform the person of the right to dispute the billing through the dispute procedures set forth in s. PSC 134.54.

(12) RENTAL DWELLING. (a) Where water service for a rental dwelling is in the tenant's name, and the tenant vacates the rental dwelling, the utility shall transfer the billing responsibility as described in s. 196.643, Stats. The utility may issue the notice required under that section as soon as it is notified of the tenant's intent to vacate the property, and shall issue the notice no later than 60 days from the date on which it receives notice of the tenant's intent to vacate.

(b) A utility may have a written agreement with the owner of a rental dwelling about how to handle service transfers when a tenant vacates a dwelling.

(c) Notwithstanding par. (b), a customer who vacates his or her rental dwelling without notifying the utility is responsible for usage charges until the earlier of the following:

1. The date on which the notice required under 196.643 (1), Stats., is issued.
2. The date on which the next tenant first receives water service.
3. The date on which the landlord or property manager contacts the utility with billing instructions.

Note: See sub. (11) about when a new tenant doesn't apply for water service.

(d) Notwithstanding par. (b), a customer who vacates his or her rental dwelling and notifies the utility in advance is responsible for usage charges until the later of the following:

1. The customer-identified date on which to end water service.
2. The date on which the customer vacates the dwelling unit.

(13) INTEREST. (a) A utility shall pay interest on customer overpayments not refunded to the customer within 45 business days of receipt if the overpayment is made due to:

1. A meter registering fast as defined in s. PSC 134.76.
2. Use of an incorrect meter constant or multiplier.

3. Incorrect service or rate classification, provided the information furnished by the customer to the utility was not deficient.
4. Billing based on a switched meter condition where the customer was billed on the incorrect meter.
5. Misapplication of rates.
6. Automated meter reading system readings that are not in agreement with meter index readings.
7. Other billing errors.

(b) A utility is not required to pay interest to customers for overpayments made for any of the following reasons:

1. For financing of service extensions or equipment.
2. Due to budget payment plans.
3. As a result of estimated bills issued in compliance with [sub. \(9\) \(a\) 1.](#), if the utility meets the requirements under [sub. \(9\) \(a\) 3. b.](#) and did an actual reading of the meter index within the last 6 months.
4. Due to receipt of lump sum payment made from an outside source such as the LIHEAP or similar programs.
5. With a customer's full knowledge that an overpayment is being made.

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in [s. PSC 134.30 \(9\) \(b\)](#) or [134.305 \(9\) \(b\)](#). Interest shall be paid from the date when the customer overpayment is received until the date when the overpayment is refunded. For a refund based on payments made in more than one year, interest shall be calculated on the net amount overpaid in each year.

(d) Nothing in these rules shall prevent the commission or its staff from requiring the payment of interest on amounts returned to customers in those instances where the commission or its staff finds that such payment is necessary for a fair and equitable resolution of an individual complaint.

**(14) REFUNDS.** (a) A utility shall promptly return overpayments and pay related interest, except that a utility need not pay interest on or return overpayments made before the earlier of the following:

1. 6 years ago.
2. The first billing record that the utility has for that customer.

(b) If a recalculated bill indicates that more than \$10 is due an existing customer, or more than \$15 is due a person no longer a customer of the utility, the utility shall refund to the customer, or attempt to refund to the past customer under [par. \(d\)](#), the full amount of the difference between the amount paid and the recalculated amount.

(c) The refund to an existing customer may, at the discretion of the utility, be in cash or be a credit to the customer's current bill. If the refund is done as a credit and the amount of the credit

is greater than the current bill, the amount in excess of the current bill shall, at the discretion of the customer, be refunded in cash or as a credit on future bills.

(d) If a refund is due a person no longer a customer of the utility, the utility shall mail a notice to the person's last known address, and shall, upon request made within 6 months, refund the amount due.

Note: While not required to do so, a utility may issue a refund if a request is made more than 6 months after the notice is mailed.

(e) A utility shall issue a refund under par. (c), or a notice under par. (d), within 90 days after the date on which one of the following occurs:

1. A billing error is discovered.
2. A test demonstrates a meter's inaccuracy.

Note: See sub. (13) about interest on refund payments.

(f) Adjustments to past bills shall be identified, shown separately, and explained in detail. A utility may provide this information on a bill, as a bill insert, or as a separate mailing.

**(15) NOTICE OF DELAYED CUSTOMER BILLING.** If a utility discovers that a customer's bill is abnormally high or low and chooses to delay billing by more than 10 days in order to conduct an investigation, the utility shall notify the customer and explain the situation. The notice shall be given by the regular billing date in writing, in person or by telephone. The notice shall be issued to a responsible member of a residential customer's household or a responsible adult worker at a nonresidential customer's office or place of business. If a telephone contact effort is answered by an answering machine or similar technology, the effort shall only be considered reasonable if a message is left.

**(16) PARTIAL PAYMENTS.** (a) Unless doing so would result in an immediate disconnection that would not occur using a different application, a utility shall apply any partial payments it receives to a customer's account in the following order:

1. If the customer has a deferred payment agreement:
  - a. Current installment of deferred payment agreement.
  - b. Deposits.
  - c. Current utility service or budget plan.
  - d. Utility service arrears not covered by a deferred payment agreement.
  - e. Miscellaneous utility charges including items in sub. (3) (a) 3.
  - f. Charges resulting from other services, materials or work provided by the utility as a result of commission-approved conservation and alternative energy programs.
  - g. Nonutility services.
2. If the customer does not have a deferred payment agreement:
  - a. Utility service arrears.

b. Deposits.

c. Current utility service or budget plan.

d. Miscellaneous utility charges including items in sub. (3) (a) 3.

e. Charges resulting from other services, materials or work provided by the utility as a result of commission-approved conservation and alternative energy programs.

f. Nonutility services.

(b) Where a billing on which a partial payment is made also includes charges for other types of utility services, but the customer has not indicated how to divide the partial payment among the different types of service, then the utility shall divide the payment on a prorata basis.

(c) Upon customer request, partial payments may be allocated differently than required under par. (a) or (b), or both, provided that such allocation does not result in disconnection of water service that would not occur if the allocation method under par. (a) or (b), or both, is used.

### **PSC 185.34 Adjustment of bills.**

(1) REQUIREMENTS TO RECALCULATE AND IDENTIFY. (a) A utility shall recalculate bills for water service under either of the following circumstances:

1. Whenever it finds that a meter does not meet the accuracy requirements under s. PSC 185.76.

2. Whenever it finds there has been unbilled usage by a customer.

Note: See section 196.635, Stats., which limits back billing to 24 months except where there has been fraud or where the customer prevents access to a meter or interferes with measuring equipment. Credits are applied for the full period of the inaccuracy.

(b) A utility shall itemize and explain adjustments to past bills in detail. A utility may provide this information on a bill, as a bill insert, or as a separate mailing.

(2) BILL RECALCULATION PERIOD. (a) If the period of inaccuracy can be determined, the utility shall recalculate the bill for the entire period of inaccuracy and shall assume an inaccuracy equal to the measured percentage over or under 100%.

(b) If the period of inaccuracy cannot be determined within reason and unless it is otherwise clear from the circumstances, the utility shall recalculate the bill assuming that the full amount of the inaccuracy existed for the last half of the period since the later of the following:

1. The date on which the last meter test was performed.

2. The date on which the meter was installed at the present premises.

(3) HOW TO CALCULATE A BACK BILL OR CREDIT. (a) To calculate the amount of a back bill or credit required after a bill recalculation, a utility shall follow each of the following steps:

1. Calculate the time period involved under sub. (2).

2. Allocate the overbilled or unbilled usage for each billing period during the time determined under par. (a) considering factors such as historical usage, household size and business type.

3. Recalculate the customer's bills for the time period determined under par. (a) by adding the prorated overbilled usage to or subtracting the unbilled usage from the already billed usage for the applicable billing periods.

4. Back bill or credit the sum of the recomputed bills minus what the customer has already paid for the applicable previous billing periods.

(b) Late payment charges on overbilled usage shall be prorated and adjusted. Except as provided in s. PSC 185.33 (7) (b) 8., late payment charges on underbilled usage may not be applied until the day after the due date for the previously underbilled amount.

(c) Except for back bills due to fraud or deception, a utility shall offer a back bill installment payment agreement that runs for as long as the time period over which the debt accrued.

(4) LEAK CREDIT. Notwithstanding sub. (3), a utility may offer a credit to a customer when a leak unknown to the customer is found in an appliance or the plumbing. If a utility offers such credits, it shall have a written policy in its tariff on when it will do so. The policy shall include the calculation method to be used, but the calculation may not result in a rate lower than utility's cost for treatment chemicals plus the cost of electricity for supplying the water.

(5) REFUNDS. A utility shall promptly return overpayments, and pay related interest as required under PSC 185.33.

(6) CREDIT FOR WATER TO PREVENT FREEZING. A utility shall adjust a customer's bill for the excess water consumption that occurs when a customer permits a stream of water to flow, at the request of the utility, to prevent freezing of a water supply system.

(7) RECORDS. (a) A utility shall keep a record of all of the following information for the time period specified in s. PSC 185.104:

1. The number of billing adjustments made.

2. The amount of each adjustment.

3. The reason for each adjustment.

(b) The information in par. (a) shall be filed with the commission upon request.

**PSC 185.35 Deferred payment agreement.**

(1) For purposes of this section, “customer” includes an applicant as defined in s. PSC 185.11 (1) (b).

(1m) (a) Except as provided in ss. PSC 185.35 (2) (c) 2., a utility shall offer reasonable deferred payment agreements to all of the following:

1. Existing residential customers with outstanding balances.
2. Residential water service applicants with outstanding balances.

(b) The utility may offer deferred payment agreements to other customers.

(c) Except as provided in s. PSC 185.35 (2) (c) 2., a utility shall offer reasonable deferred payment agreements at all of the following times:

1. Prior to disconnection.
2. If a customer accrues arrears again after bringing his or her balance due down to \$0.
3. Every 12 months if a utility does not disconnect customers for nonpayment, even if the reason for the new deferred payment agreement is the customer’s failure to abide by an earlier deferred payment agreement.
4. In lieu of a deposit or guarantee from an applicant for new residential service who has a delinquent account balance that accrued within the last 6 years with the same Wisconsin utility with which the current application is being filed.

(2)(a) ~~Every~~ A utility shall state in every deferred payment agreement ~~entered into due to the customer's inability to pay the outstanding bill in full shall provide that water service shall will not be discontinued disconnected or refused~~ if the customer 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. ~~does all of the following:~~

1. Pays a reasonable amount of the outstanding bill as a down payment.
2. Agrees to pay the remaining outstanding balance in reasonable installments.
3. Agrees to pay future bills or budget amounts by the due date.

(b) If an applicant is entering into a deferred payment agreement under s. PSC 185.35 (2) (c) in lieu of a deposit, a utility may require that it receive the down payment under the deferred payment agreement before it provides water service.

(3) For purposes of determining reasonableness in sub. (2), the ~~parties~~ utility shall consider ~~the customer's ability to pay, including all of the following factors:~~

(a) The amount in arrears.

(b) Customer's or applicant's recent payment history, including factors such as the following:

1. Number of late payments.

2. Number of missed payments.

3. Number of defaulted or satisfied deferred payment agreements.

4. Number of payments made during the cold weather period.

(c) Length of time that the account has been in arrears.

(d) Reasons why the account has been in arrears.

(e) Other relevant factors, such as household size, income and reasonable expenses.

(4)(a) If a deferred payment agreement cannot be reached by the end of the second day after the customer's initial contact about making a deferred payment agreement because the customer's offer is unacceptable to the utility, the utility shall inform the customer of all of the following verbally and, upon request, in writing within 3 business days of the date on which the customer's offer is rejected:

1. An explanation of why the customer's offer was unacceptable.

2. The right to appeal to the commission.

3. The commission's toll-free telephone number and website.

(b) 1. If a deferred payment agreement is reached, the utility shall provide all of the following verbally, and shall offer to provide them in writing:

a. An explanation of the terms of the agreement.

b. An explanation of the consequences of not fulfilling the agreement.

2. If a customer accepts the utility's offer to provide the information in subs. 1. a. and b. in writing, the utility shall provide that information within 3 business days of the date on which the agreement is finalized.

(5) The commission may require a utility to use written deferred payment agreements.

(6)(a) Neither a special payment arrangement nor an outstanding balance covered by a deferred payment agreement shall be subject to a late payment charge if the customer meets the payment schedule required by the agreement.

(b) An outstanding balance covered by deferred payment agreement may not be included on the list furnished to the treasurer under s. 66.0809, Stats., if the customer meets the payment schedule required by the agreement.

~~(7)(a) 1. If a utility customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's circumstances since the agreement was negotiated, the A utility shall have the right to may disconnect pursuant to water service under the disconnection of service rules (s. PSC 185.37) and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection in s. PSC 185.40 if both of the following are true:~~

~~a. The customer defaults on a deferred payment agreement.~~

~~b. There has not been a significant change in the customer's circumstances since the deferred payment agreement was negotiated.~~

~~2. The utility may negotiate another deferred payment agreement prior to disconnection. If it chooses to negotiate another agreement it shall consider all of the factors in sub. (3) when negotiating.~~

~~(b) 1. It may be reasonable for the down payment on a new deferred payment agreement to be larger and for the number of months over which the balance must be paid to be fewer than they were under a deferred payment agreement that the customer has not fulfilled if either of the following are true:~~

~~a. The utility chooses to enter into another deferred payment agreement in lieu of disconnection under par. (a) and there has not been a significant change in the customer's circumstances since the unfulfilled deferred payment agreement was negotiated.~~

~~b. The customer is negotiating a new deferred payment agreement to be reconnected after disconnection or termination of water service and there has not been a significant change in the customer's circumstances since the unfulfilled deferred payment agreement was negotiated.~~

~~2. Whether the larger down payment or number of months to pay is reasonable shall be determined using the factors under sub. (3).~~

(8) Any partial payments made by a customer under the terms of a deferred payment agreement, and not as part of a payment for another type of utility service, shall first be considered as payment toward the deferred payment agreement as set forth in s. PSC 185.33 (16).

#### **Subchapter IV — Disconnection, Refusal and Reconnection of Service**



**PSC 185.40 Service disconnections and refusals, residential and multi-family accounts.**

(1) DEFINITIONS. For purposes of this section, “residential” includes residential and multi-family accounts, and nonresidential accounts that include service to a residential dwelling.

(2) APPLICABILITY. This section applies to residential and multi-family accounts, and nonresidential accounts that include water service to a residential dwelling.

(3) GENERAL. (a) A residential customer shall have, in all instances, at least 20 days from the date a utility sends the bill to provide payment. An account may be deemed delinquent and a notice of disconnection issued after the 20-day period has elapsed. In the event of a discrepancy between the date on the bill and the postmark, the 20-day period shall be calculated from whichever is later.

Note: See PSC 2.05 (2) about how to determine what days are included in the 20-day period.

(b) Nonresidential accounts that include water service to residential or multi-family dwellings shall be subject to the cold weather disconnection rules under ss. PSC 185.41 and 185.42.

(4) REASONS FOR DISCONNECTION OR REFUSAL OF SERVICE - WITH NOTICE. (a) A utility may disconnect or refuse residential service, with notice under sub. (5) or (8), only for one of the following reasons:

1. Failure to pay a delinquent account balance, except that water service may not be disconnected or refused if either of the following apply:

a. The charges were initially billed more than 6 years ago, no bill including those charges or other utility collection activity for the charges has occurred in 6 years or more, and the lack of collection activity has been the result of something other than the existence of a judgment that was entered 6 or more years ago and is still in effect.

b. The utility cannot document the charges with billing data including the service address, date of service, usage and other relevant information.

2. Failure to comply with the terms of a deferred payment agreement, as provided in s. PSC 185.35, or a similar payment agreement.

3. Failure to comply with a deposit, guarantee, or deposit installment payment agreement, as specified in s. PSC 185.31.

4. Failure to pay for water service received by a previous customer at the premises to be served, if the previous customer is still an occupant of the premises as demonstrated in both of the following ways:

a. The current customer's inability to produce one document showing that the previous customer has left, such as a letter from the landlord, a current bill or identification for the previous customer showing a new address, or a revised lease with the previous customer removed.

**Note:** See [PSC 185.30 \(2\) \(c\) 2.](#) for examples of acceptable forms of identification.

b. The utility's inability to confirm that the previous customer has left by the utility taking actions such as contacting the landlord, looking to see if the previous customer has requested water service elsewhere or searching for a new address.

5. Failure to pay the utility an outstanding account balance that meets all of the following:

a. It is from a previous address.

b. It is not included in a deferred payment agreement or special payment arrangement.

c. It is not in dispute but remains outstanding.

6. Violation of the utility's rules pertaining to one of the following:

a. The use of water service in a manner which interferes with the service of others.

b. The installation of non-standard equipment.

c. The operation of non-standard equipment.

7. Failure to provide authorized utility personnel access to the utility's equipment.

8. Failure to allow authorized utility personnel to inspect plumbing in order to locate and correct cross connections under SPS 382.41 or a plan developed under NR 811.09.

9. Failure to comply with Wisconsin statute or rule, commission order, or a utility's tariff including provisions about curtailment under a water supply shortage.

**Note:** See [PSC 185.63](#) and [185.69](#) about water adequacy and water supply shortages.

10. Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills.

11. Failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the commission.

12. Failure of an applicant for utility service to provide the information set out in s. PSC 185.30 (2)(c) 1.a., c., e., and f., and (d).

13. Failure of an applicant for utility service to provide adequate verification of identity and residency, as provided in sub. 185.30 (3).

14. The customer has an outstanding balance and claims that it was accrued in the customer's name as a result of identity theft, but fails to provide the information in. s. 196.23, Stats.

Note: 196.23 states that such a customer must do the following:

a. Furnish the public utility with an affidavit indicating that to the best of the individual's knowledge his or her personal identifying information was used by another individual, without the authorization or consent of the affiant, to obtain the utility service.

b. Furnish the public utility with a copy of a law enforcement agency report, based on the individual's report to the law enforcement agency of the use by another individual of his or her personal identifying information without authorization or consent to obtain utility service.

15. A property owner fails to repair a leaking, broken, or frozen customer-owned portion of the lateral within a reasonable time after the utility has served notice on the property owner, the customer, and the occupant if different than the customer. The utility shall include all of the following in the notice:

a. That the water will be shut off and will not be turned on again until the repairs have been completed.

b. That the utility may issue a bill to the property owner for the estimated amount of lost water.

(b) A utility may disconnect water service, with a written 24-hour notice, for nonpayment of a bill covering theft of water.

(c) Notwithstanding par. (a), a utility may not disconnect water service if all of the following are true:

1. The customer or former customer whose action is prompting disconnection is no longer an occupant of the premises served.

2. The current occupant's application for water service was submitted at least 5 business days before the disconnection date and time.

3. The application under subd. 2. is pending.

(5) DISCONNECTION NOTICE. (a) A utility may not disconnect residential water service for reasons enumerated in sub. (4) unless a printed notice is sent to the customer by first class mail at least 10 days prior to the day of the proposed disconnection. The notice shall contain the information in .

(b) If disconnection is not accomplished before the first bill after the disconnection notice in par. (a) is issued, that bill shall contain a message that a disconnection notice was sent earlier and that the issuance of the new bill does not change the disconnection date on that notice or the amount that must be paid to avoid disconnection.

(c) 1. The utility shall leave a subsequent notice on the premises not less than 24 hours nor more than 48 hours prior to disconnection if the utility has not disconnected water service by the earlier of the following:

a. 20 days from the date on which the initial notice under par. (a) is issued.

b. The issuance date of a notice under par (a) for a subsequent delinquency.

2. The notice under sub. (1) shall contain the information in par. (e).

3. Notwithstanding subd. 1., if a customer makes a payment in response to the initial notice under par. (a) or the bill message under par. (b), but the payment was not honored by a financial institution for a reason such as non-sufficient available credit or funds, then:

a. If the utility receives notice that the payment was not honored within the disconnection period under subd. (c) 1. and disconnection can still be accomplished within the disconnection period under subd. (c) 1., then the utility shall provide notice to the customer that the payment was not honored using the process in sub. (6) (a).

b. If the utility receives notice within the disconnection period under subd. (c) 1. that a payment was not honored and disconnection is not accomplished within the disconnection period under subd. (c) 1., then a subsequent printed and dated notice, including information about what steps must be taken for reconnection, shall be left on the premises not less than 24 or more than 48 hours prior to disconnection. Disconnection under this subdivision paragraph must occur within 10 days following the utility's receipt of notice that a payment was not honored.

(d) The utility's notice of disconnection for the reasons listed in sub. (4) shall be in a format approved by the commission, and shall contain all of the following information:

1. The date on which the notice is being sent to the customer.

2. The name and address of the customer and the service address, if different.
3. A statement of the reasons for the proposed disconnection of service.
4. A statement that disconnection will occur if the account is not paid, if no arrangement is made to pay the account under a deferred payment agreement, if other suitable payment arrangements are not made, or if equipment changes are not made, by a specified date.
5. If a utility is disconnecting water service because of default on a deferred payment agreement, a statement of what customer action constitutes default.
6. A statement that the customer should communicate immediately with the utility's designated office upon receipt of the notice, listing a telephone number, if one of the following is true:
  - a. The customer disputes the notice of delinquent account.
  - b. Unless the reason for disconnection is default on a deferred payment agreement, the customer wishes to negotiate a deferred payment agreement as an alternative to disconnection.
  - c. There is a threat to the health and safety of an occupant because of physical, developmental or mental disabilities, the use of life support equipment or the frailties associated with being very young or very old.
7. A statement that utility service will be continued for up to 21 days during a medical or protective services emergency if the occupant submits a statement or notice pursuant to [sub. \(12\)](#).
8. A statement that the customer may appeal to the commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued available remedies with the utility.
9. The commission's address, telephone number and web site.

**Note:** See [PSC 185.30 \(4\)](#) about providing notice of refusal of service.

(e) If the billing address is different from the service address, a utility shall post notice at each individual dwelling unit at the service address not less than 5 days before disconnection. If access is not possible, the utility shall post this notice, at a minimum, at all entrances to the building and in the lobby. Such notice shall state, at a minimum, all of the following:

1. The date of the notice.
2. The proposed date of disconnection.

3. Except in cases of joint metering and if feasible, that the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Denial or acceptance of the application for service is subject to those conditions set out in this chapter.

4. That if disconnection of water service will aggravate an existing medical or protective services emergency, the customer or occupant should contact the utility immediately.

(6) CONTACT BEFORE DISCONNECTION. (a) Except in situations under sub. (7), a utility shall make a reasonable effort to have a personal or telephone contact with a residential customer prior to disconnection. If a telephone contact effort is answered by an answering machine or similar technology, the utility shall attempt to leave a message. If a utility is unable to contact or leave a message for the customer during regular business hours, it shall make another effort during nonbusiness hours.

(b) If contact is made with the customer, the utility shall review the reasons for the pending disconnection of water service, explain what actions must be taken to avoid disconnection, and attempt to ascertain if a medical or protective services issue exists at the premises.

(c) If a message is left for the customer, the utility shall advise the customer to contact the utility immediately regarding a time sensitive issue about their service, particularly if any medical or protective services issues exist on the premises.

(d) The utility shall keep a record of the contacts and contact attempts under this subsection.

(7) REASONS FOR DISCONNECTION - WITH NO NOTICE. (a) Notwithstanding any other provision in this section, a utility may disconnect residential water service, without advance notice and regardless of the time of year, where there is reasonable evidence that any of the following are true:

1. An unsafe or potentially unsafe condition exists.

2. Water service is being obtained by unsafe or potentially unsafe devices or methods.

3. Water service is being obtained in a manner that interferes or could interfere with the proper metering of the utility service.

4. Water service has been connected or reconnected without the utility's authorization.

5. Diversion of water service around the meter.

6. If a water shortage situation exists under s. [PSC 185.69](#) and a utility's curtailment plan so allows.

(b) Except as provided in sub. (12), a utility may refuse to reconnect water service disconnected under pars. (a) 3. to 5. until any charges that were unbilled as a result of circumstances under par. (a) are paid in full.

(8) NOTIFICATION TO CUSTOMER AFTER DISCONNECTION WITH NO NOTICE. Immediately upon disconnection under sub. (7), a utility shall leave a printed notice on the premises explaining the reason for the disconnection and, if applicable, a description of the unsafe or potentially unsafe condition, device, or method. The notice shall also contain information about what steps must be taken for water service reconnection.

(9) PROHIBITIONS AGAINST SERVICE DISCONNECTION OR REFUSAL. (a) A utility may disconnect or refuse residential water service only for the reasons listed in subs. (4) and (7). A utility may not disconnect or refuse water service for any other reason, including all of the following:

1. Delinquency in payment for service by a previous customer at the premises to be served if that previous customer is no longer an occupant of the premises as demonstrated in both of the following ways:

a. The current customer's inability to produce one document showing that the previous customer has left, such as a letter from the landlord, a current bill or ID for the previous customer showing a new address, or a revised lease with the previous customer removed.

b. The utility's inability to confirm that the previous customer has left by the utility taking actions such as contacting the landlord, looking to see if the previous customer has requested service elsewhere or searching for a new address.

2. Failure to pay for merchandise or charges for non-utility service billed by the utility, except where authorized by law.

3. Failure to pay for a different type or class of utility service, except as provided in sub. (15).

4. Failure to pay the account of another customer as guarantor.

5. Failure to pay charges arising from any underbilling that occurred more than one year prior to the current billing and that was due to a misapplication of rates or faulty metering, except that water service may be disconnected if all the following are true:

a. A deferred payment agreement including the underbilled amount is entered into under s. PSC 185.35.

b. The customer fails to make the required payments.

c. The balance owed on the deferred payment agreement at the time of the failure to pay is greater than the underbilled amount.

6. Except as provided in sub. (4) (a) 7., failure to pay a bill issued as an estimate because of the utility's failure to read the meter at the intervals required under s. PSC 185.32 unless all of the following are true:

a. A deferred payment agreement including the estimated bill is entered into under s. PSC 185.35.

b. The customer fails to make the required payments.

c. The balance owed on the deferred payment agreement at the time of the failure to pay is greater than the estimated amount.

7. To knowingly assist a landlord in the intentional removal or eviction of a tenant from rental property.

8. Failure to pay during the cold weather period for water service provided to an occupied residential dwelling if the service is a necessary part of a dwelling's heating system.

9. The customer has an outstanding balance, but claims that it was accrued in the customer's name as a result of identity theft, and provides the information in. s. 196.23, Stats., and the utility is reviewing that information.

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Note: A summary of 196.23 may be found under sub. (15) (a).

10. When a heat advisory, heat warning, or heat emergency issued by the National Weather Service is in effect.

(b) A utility shall make reasonable attempts to reconnect water service to an occupied dwelling that has been disconnected under sub. (a) 10. when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of water service. The utility may require that an occupant produce a Wisconsin licensed medical personnel's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat



emergency, the utility may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

(10) CONSIDERATION BEFORE DISCONNECTION. If a utility is provided notice that there are extenuating circumstances involving an occupant of the premises being served, such as physical, developmental or mental disabilities, or the frailties associated with being very young or very old, the utility shall take these circumstances into consideration and ensure compliance with sub. (12) prior to disconnecting service.

(11) DISCONNECTION DISPUTES. When a residential customer, either directly or through the commission, disputes a disconnection notice, the dispute procedures under s. PSC 185.54 shall apply.

(12) MEDICAL AND PROTECTIVE SERVICES EMERGENCY. Notwithstanding any other provision of this section, other than for reasons of safety or danger, a utility may not disconnect service or refuse to reconnect water service to a residential customer dwelling if disconnecting or refusing service will aggravate an existing medical or protective services emergency of the for an occupant, a member of the customer's family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (b) and the customer or affected occupant complies with the all of following:

(a) A utility shall postpone the disconnection of water service, or reconnect connect the service if disconnected, for 21 days to enable the occupant customer to arrange for payment, or a deferred payment agreement if applicable, or to resolve other issues, if the customer or affected occupant produces a licensed Wisconsin physician's licensed medical personnel's statement 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 the disconnection shall lack of water service will aggravate the circumstances medical or protective services emergency. The postponement may be extended by renewal of the statement or notice. During this 21 days 21-day continuation of water service, the utility and occupant the customer shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. Further postponements may be granted The utility may extend the postponement, by renewal of the statement or notice, if there is evidence of reasonable communication between the utility and occupant customer in attempting to make arrangements for payment or a deferred payment agreement if applicable, or to resolve other issues.

(b) The utility may not disconnect service until the 21-day water service continuation period under [par. \(a\)](#) has expired. The customer shall be responsible for the cost of residential service received during the service continuation period.

(c) Any customer who is in the 21-day water service continuation period under [par. \(a\)](#) shall be admitted into available, appropriate and special payment plan programs the utility may offer for which the customer is eligible.

(d) If there is a dispute concerning an existing medical or protective services emergency, and the customer or occupant has submitted the statement or notice under [par. \(a\)](#), the dispute procedures under s. [PSC 185.54](#) apply.

**(13) DISCONNECTION PROHIBITED ON CERTAIN DAYS.** A utility may not disconnect residential water service on a day, or during the 24 hours immediately preceding a day, when the utility's business offices are closed, except that service may be disconnected on such a day if the utility does all of the following:

(a) Provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection, as provided under s. [PSC 185.54](#).

(b) Has qualified service personnel readily available to restore water service within 24 hours after resolution of the contact under [par. \(a\)](#).

**(14) TIMELY RECONNECTION.** A utility shall reconnect water service promptly when the cause for the disconnection has been eliminated. The utility shall make an effort to restore water service as soon as possible but, in any event, shall restore service no later than the end of the second business day following elimination of the cause for the disconnection, unless it cannot gain access to the necessary utility facilities.

**(15) RENTAL PROPERTY - TRANSFER OF RESPONSIBILITY.** (a) When an owner or property manager for a rental dwelling unit incurs account arrears for the dwelling unit, the utility shall attempt to transfer the arrears to the owner or property manager's home or office account and pursue available collection efforts there, including disconnection, before disconnecting the dwelling unit. If collection efforts on the owner or property manager's home or office account are

unsuccessful, the utility may disconnect the dwelling unit for which the arrears were incurred, provided that the utility complies with this chapter and s. PSC 185.41. If collection efforts after disconnecting the dwelling unit for which the arrears were incurred are unsuccessful, the utility may transfer the arrears to other accounts in the owner or property manager's name regardless of type or class of service.

(b) Prior to making the transfer under par. (a), the utility shall send written notice of the planned transfer of the account arrears to the owner and property manager.

(c) An owner or property manager whose account is subject to disconnection action under par. (a) may avoid disconnection of water service by making payment, entering into a deferred payment agreement under s. PSC 185.35, if eligible, or making other payment arrangements if they are available with his or her utility. Any disconnection shall be in compliance with this chapter and s. PSC 185.41.

#### **PSC 185.405 Service disconnections and refusals, nonresidential accounts**

(1) DEFINITIONS. For purposes of this section, "nonresidential" does not include nonresidential accounts that include service to a residential dwelling.

(2) APPLICABILITY. This section does not apply to a nonresidential account that includes water service to a residential dwelling. The provisions that apply to residential accounts, including ss. PSC 185.40 and 185.41, apply to such nonresidential accounts.

(3) GENERAL. A nonresidential customer shall have, in all instances, at least 20 days from the date a utility sends the bill to provide payment. An account may be deemed delinquent and a notice of disconnection issued after the 20-day period has elapsed. In the event of a discrepancy between the date on the bill and the postmark, the 20-day period shall be calculated from whichever is later.

**Note:** See PSC 2.05 (2) about how to determine what days are included in the 20-day period.

(4) REASONS FOR DISCONNECTION OR REFUSAL OF SERVICE – WITH NOTICE. (a) A utility may disconnect or refuse nonresidential service, with notice under sub. (5) or (8), only for one of the following reasons:

1. Failure to pay a delinquent account balance, except that water service may not be disconnected or refused if either of the following apply:

a. The charges were initially billed more than 6 years ago, no bill including those charges or other utility collection activity for the charges has occurred in 6 years or more, and the lack of collection activity has been the result of something other than the existence of a judgment that was entered 6 or more years ago and is still in effect.

b. The utility cannot document the charges with billing data including the service address, date of service, usage and other relevant information.

2. Failure to comply with the terms of a payment.

3. Failure to comply with a deposit, guarantee, or deposit installment payment agreement, as specified in s. [PSC 185.315](#).

4. Failure to pay for water service received by a previous customer at the premises to be served if the utility can demonstrate that the previous customer is still an occupant of the premises, as demonstrated in both of the following ways:

a. The current customer's inability to produce one document showing that the previous customer has left, such as a letter from the landlord, a current bill or ID for the previous customer showing a new address, or a revised lease with the previous customer removed.

b. The utility's inability to confirm that the previous customer has left by the utility taking actions such as contacting the landlord, looking to see if the previous customer has requested water service elsewhere or searching for a new address.

5. Failure to pay the utility an outstanding account balance that meets all of the following:

a. It is from a previous address.

b. It is not included in a payment agreement.

c. It is not in dispute but remains outstanding.

6. Violation of the utility's rules pertaining to one of the following:

a. The use of water service in a manner which interferes with the service of others.

b. The installation of non-standard equipment.

c. The operation of non-standard equipment.

7. Failure to provide authorized utility personnel access to the utility's equipment.

8. Failure to allow authorized utility personnel to inspect plumbing in order to locate and correct cross connections under s. SPS 382.41 or a plan developed under s. NR 811.09.

9. Failure to comply with Wisconsin statute or rule, commission order, or a utility's tariff including provisions about curtailment under a water supply shortage.

Note: See PSC 185.63 and 185.69 about water adequacy and water supply shortages.

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10. Failure to pay costs or fees incurred by and awarded to the utility by a court of law for pursuit of collection of bills.

11. Failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the commission.

12. Failure of an applicant for utility service to provide the information set out in s. PSC 185.305 (2) (c) 1. to 7., and (f).

13. Failure of an applicant for utility service to provide adequate verification of identity, as provided in s. PSC 185.305 (3).

14. A property owner fails to repair a leaking, broken, or frozen customer-owned portion of the lateral within a reasonable time after the utility has served notice on the property owner, the customer, and the occupant if different than the customer. The utility shall include all of the following in the notice:

a. That the water will be shut off and will not be turned on again until the repairs have been completed.

b. That the utility may issue a bill to the property owner for the estimated amount of lost water.

(b) A utility may disconnect water service, with a written 24-hour notice, for nonpayment of a bill covering theft of water.

(c) Notwithstanding [par. \(a\)](#), a utility may not disconnect water service if all of the following are true:

1. The customer or former customer whose action is prompting disconnection is no longer an occupant of the premises served.

2. The current occupant's application for water service was submitted at least 5 business days before the disconnection date and time.

3. The application under [subd. 2.](#) is pending.

(5) DISCONNECTION NOTICE. (a) A utility may not disconnect nonresidential service for reasons enumerated in [sub. \(4\)](#) unless a printed notice is sent to the customer by first class mail at least

10 days prior to the day of the proposed disconnection. The notice shall contain the information in sub. (d).

(b) If disconnection is not accomplished before the first bill after the disconnection notice in par. (a) is issued, that bill shall contain a message that a disconnection notice was sent earlier and that the issuance of the new bill does not change the disconnection date on that notice or the amount that must be paid to avoid disconnection.

(c) 1. The utility shall leave a subsequent notice on the premises not less than 24 hours nor more than 48 hours prior to disconnection if the utility has not disconnected service by the earlier of the following:

a. 20 days from the date on which the initial notice under par. (a) is issued.

b. The issuance date of a notice under par. (a) for a subsequent delinquency.

2. The notice under sub. (1) shall contain the information in par. (e).

3. Notwithstanding subd. 1., if a customer makes a payment in response to the initial notice under sub. (a) or the bill message under sub. (b), but the payment was not honored by a financial institution for a reason such as non-sufficient available credit or funds, then:

a. If the utility receives notice that the payment was not honored within the disconnection period under subd. (c) 1. and disconnection can still be accomplished within the disconnection period under subd. (c) 1., then the utility shall provide notice to the customer that the payment was not honored using the process in sub. (6) (a).

b. If the utility receives notice within the disconnection period under subd. (c)1. that a payment was not honored and disconnection is not accomplished within the disconnection period under subd. (c) 1., then a subsequent printed and dated notice, including information about what steps must be taken for reconnection, shall be left on the premises not less than 24 or more than 48 hours prior to disconnection. Disconnection under this subdivision must occur within 10 days following the utility's receipt of notice that a payment was not honored.

(d) The utility's notice of disconnection for the reasons listed in sub. (4) shall be in a format approved by the commission, and shall contain all the following information:

1. The date on which the notice is being sent to the customer.

2. The name and address of the customer and the service address, if different.

3. A statement of the reasons for the proposed disconnection of water service.
4. A statement that disconnection will occur if the account is not paid, if no payment arrangements are made, or if equipment changes are not made, by a specified date.
5. If a utility is disconnecting water service because of default on a payment arrangement, a statement of what customer action constitutes default.
6. A statement that the customer should communicate immediately with the utility's designated office upon receipt of the notice, listing a telephone number, if one of the following is true:
  - a. The customer disputes the notice of delinquent account.
  - b. The customer wishes to discuss whether any alternatives to disconnection exist.
  - c. There is a threat to the health and safety of an occupant because of physical, developmental or mental disabilities, the use of life support equipment or the frailties associated with being very young or very old.
7. A statement that utility service will be continued for 21 days during a medical or protective services emergency if the occupant submits a statement or notice pursuant to [sub. \(12\)](#).
8. A statement that the customer may appeal to the commission staff in the event that the grounds for the proposed disconnection or the amount of any bill remains in dispute after the customer has pursued available remedies with the utility.
9. The commission's address, telephone number and web site.

**Note:** See [PSC 185.305 \(4\)](#) about providing notice of refusal of service.

- (e) A utility shall post notice at each individual business at the service address not less than 5 days before disconnection. If access is not possible, the utility shall post this notice, at a minimum, at all entrances to the building and in the lobby. Such notice shall state, at a minimum, all of the following:
  1. The date of the notice.
  2. The proposed date of disconnection.
  3. Except in cases of joint metering and if feasible, that the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of water service. Denial or acceptance of the application for service is subject to those conditions set out in this chapter.
  4. That if disconnection of water service will aggravate an existing medical or protective services emergency, the customer or occupant should contact the utility immediately.

(6) CONTACT BEFORE DISCONNECTION. (a) Except in situations under sub. (7), a utility shall make a reasonable effort to have a personal or telephone contact with a nonresidential customer prior to disconnection. If a telephone contact effort is answered by an answering machine or similar technology, the utility shall attempt to leave a message. If a utility is unable to contact or leave a message for the customer during regular business hours, it shall make another effort during nonbusiness hours.

(b) If contact is made with the customer, the utility shall review the reasons for the pending disconnection of service, explain what actions must be taken to avoid disconnection, and attempt to ascertain if a medical or protective services issue exists at the premises.

(c) If a message is left for the customer, the utility shall advise the customer to contact the utility immediately regarding a time sensitive issue about his or her water service, particularly if any medical or protective services issues exist on the premises.

(d) The utility shall keep a record of the contacts and contact attempts under this subsection.

(7) REASONS FOR DISCONNECTION – WITH NO NOTICE. (a) Notwithstanding any other provision in this section, a utility may disconnect nonresidential water service, without advance notice and regardless of the time of year, where there is reasonable evidence that any of the following are true:

1. An unsafe or potentially unsafe condition exists.

2. Water service is being obtained by unsafe or potentially unsafe devices or methods.

3. Water service is being obtained in a manner that interferes or could interfere with the proper metering of the utility service.

4. Water service has been connected or reconnected without the utility's authorization.

5. Diversion of water service around the meter.

6. If a water shortage situation exists under s. [PSC 185.69](#) and a utility's curtailment plan so allows.

(b) Except as provided in [sub. \(12\)](#), a utility may refuse to reconnect water service disconnected under [par. \(a\) 3. or 6.](#) until any charges that were unbilled as a result of circumstances under [par. \(a\)](#) are paid in full.



(8) NOTIFICATION TO CUSTOMER AFTER DISCONNECTION WITH NO NOTICE. Immediately upon disconnection under [sub. \(7\)](#), a utility shall leave a printed notice on the premises explaining the reason for the disconnection and, if applicable, a description of the unsafe or potentially unsafe condition, device, or method. The notice shall also contain information about what steps must be taken for reconnection.

(9) PROHIBITIONS AGAINST SERVICE DISCONNECTION OR REFUSAL. (a) A utility may disconnect or refuse nonresidential water service only for the reasons listed in subs. (4) and (7). A utility may not disconnect or refuse service for any other reason, including all of the following:

1. Delinquency in payment for water service by a previous customer at the premises to be served if that previous customer is no longer an occupant of the premises as demonstrated in both of the following ways:

a. The current customer's inability to produce one document showing that the previous customer has left, such as a letter from the landlord, a current bill or ID for the previous customer showing a new address, or a revised lease with the previous customer removed.

b. The utility's inability to confirm that the previous customer has left by the utility taking actions such as contacting the landlord, looking to see if the previous customer has requested water service elsewhere or searching for a new address.

2. Failure to pay for merchandise or charges for non-utility service billed by the utility, except where authorized by law.

3. Failure to pay for a different type or class of utility service, except as provided in [sub. \(15\)](#).

4. Failure to pay the account of another customer as guarantor.

5. Failure to pay charges arising from any underbilling that occurred more than one year prior to the current billing and that was due to a misapplication of rates or faulty metering.

6. Except as provided in subs. (4) (a) 7., failure to pay a bill issued as an estimate because of the utility's failure to read the meter at the intervals required under s. [PSC 185.32](#).

7. To knowingly assist a landlord in the intentional removal or eviction of a tenant from rental property.

8. When a heat advisory, heat warning, or heat emergency issued by the National Weather Service is in effect.

(b) A utility shall make reasonable attempts to reconnect service to an occupied premises that has been disconnected under sub. (a) 8, when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of water service. The utility may require that an occupant produce a Wisconsin licensed medical personnel's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat emergency, the utility may disconnect water service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

(10) CONSIDERATION BEFORE DISCONNECTION. If a utility is notified that there are extenuating circumstances involving an occupant of the premises being served, such as physical, developmental or mental disabilities, or the frailties associated with being very young or very old, the utility shall take these circumstances into consideration and ensure compliance with sub. (12) prior to disconnecting water service.

(11) DISCONNECTION DISPUTES. When a nonresidential customer, either directly or through the commission, disputes a disconnection notice, the dispute procedures under s. PSC 185.54 shall apply.

(12) MEDICAL AND PROTECTIVE SERVICES EMERGENCY. Notwithstanding any other provision of this section, other than for reasons of safety or danger, a utility may not disconnect or refuse to water service to a nonresidential premises if disconnecting or refusing reconnection of service will aggravate an existing medical or protective services emergency for an occupant, and the customer or affected occupant complies with par. (a).

(a) A utility shall postpone the disconnection of water service, or connect the service, for 21 days to enable the customer to arrange for payment or a payment arrangement or to resolve other issues, if the customer or affected occupant produces a Wisconsin licensed medical personnel's statement 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 lack of water service will aggravate the medical or protective services emergency. During this 21-day continuation of water service, the utility and the customer shall work together to develop resources and make reasonable payment arrangements in order to continue the water service on a permanent basis. The utility may extend the postponement, by renewal of the

statement or notice, if there is evidence of reasonable communication between the utility and customer in attempting to make arrangements for payment or a payment arrangement, or to resolve other issues.

(b) The utility may not disconnect water service until the 21-day water service continuation period under par. (a) has expired. The customer shall be responsible for the cost of service received during the service continuation period.

(c) Any customer who is in the 21-day service continuation period under par. (a) shall be admitted into available, appropriate and special payment plan programs the utility may offer for which the customer is eligible.

(d) If there is a dispute concerning an existing medical or protective services emergency, and the customer or occupant has submitted the statement or notice under par. (a), the dispute procedures under s. PSC 185.54 apply.

**(13) DISCONNECTION PROHIBITED ON CERTAIN DAYS.** A utility may not disconnect nonresidential water service on a day, or during the 24 hours immediately preceding a day, when the utility's business offices are closed, except that service may be disconnected on such a day if the utility does all of the following:

(a) Provides personnel who are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objections to the disconnection, as provided under s. PSC 185.54.

(b) Has qualified service personnel readily available to restore water service within 24 hours after the resolution of the contact under par. (a).

**(14) TIMELY RECONNECTION.** A utility shall reconnect water service promptly when the cause for the disconnection has been eliminated. The utility shall make an effort to restore water service as soon as possible but, in any event, shall restore service no later than the end of the second business day following elimination of the cause for the disconnection, unless it cannot gain access to the necessary utility facilities.

(15) RENTAL PROPERTY - TRANSFER OF ARREARS. (a) When an owner or property manager for a nonresidential rental unit incurs account arrears for the rental unit, the utility shall attempt to transfer the arrears to the owner or property manager's home or office account and pursue available collection efforts there, including disconnection, before disconnecting the rental unit. If collection efforts on the owner or property manager's home or office account are unsuccessful, the utility may disconnect the rental unit for which the arrears were incurred, provided that the utility complies with this chapter and s. PSC 185.41. If collection efforts after disconnecting the rental unit for which the arrears was incurred are unsuccessful, the utility may transfer the arrears to other accounts in the owner or property manager's name regardless of type or class of service.

(b) Prior to making the transfer under par. (a), the utility shall send written notice of the planned transfer of the account arrears to the owner and property manager.

(c) An owner or property manager whose account is subject to disconnection action under par. (a) may avoid disconnection of water service by making payment or making payment arrangements if they are available with his or her utility. Any disconnection shall be in compliance with this chapter and s. PSC 185.41.

**PSC 185.41 Cold weather disconnections. (1) DECLARATION OF POLICY. (a) The commission recognizes that there are many citizens of the state who, because of income, physical, developmental or mental disabilities, or the frailties associated with being very young or very old, need protection from cold weather disconnections. This section is intended to provide that protection as enumerated below.**

(b) It is the further intent of the commission that the issues to be considered under this rule, including income, disability, and age, serve as guidelines when considering disconnection of customers during the cold weather period when those customers are not included under sub. (2) (a).

(c) For customers subject to disconnection under this section, any disconnection shall be a last resort, after all other legal means of recourse have been attempted and proven unsuccessful.

**(2) APPLICABILITY. (a) This section applies to the disconnection of water service at a residence when all of the following are true:**

1. The disconnection is because of nonpayment.
2. The disconnection occurs during the cold weather period.

3. The water service is a necessary part of a dwelling's heating system.

(b) This section does not apply to customer-requested terminations of service, disconnections of water service as set forth in s. PSC 185.40 (4) (a) 6., or (7) (a) 1. to 5., or disconnections for remodeling or repairs.

Note: See s. PSC 185.42 about customer-requested terminations of service both during and outside the cold weather period.

(3) DISCONNECTION PLAN APPROVAL. (a) If a utility intends to disconnect water service to residences under this section, it shall each year, prior to performing any disconnections under this section, submit for approval by commission order a plan that includes:

1. A procedure describing how the utility intends to identify the residences that are both subject to disconnection and assumed to be occupied.

2. A description of how the utility will verify the household's income and situation in order to ensure that the conditions in sub. (4) have been met.

3. The name, title, and contact number of one or more executive employees who will be responsible for final approval of the disconnection of utility service under this section. The designated executive employee shall be one of the following:

a. For an investor-owned utility, an employee with at least the position of vice president.

b. For a municipal utility, either the general manager or chairperson of the governing board.

4. Copies of its written internal procedures for implementing this section and any materials used in training its employees to carry out these rules.

5. A description of how it will meet the requirements under subs. (5), (6), (7), (8) and (11).

6. A description of all of the legal means of recourse the utility will attempt before pursuing disconnection under this section.

(b) If the commission does not approve the plan under par. (a) by order within 60 days of submission, the plan shall be considered disapproved.

(c) A utility may, in the plan under par. (a), designate a management-level employee to be responsible in case of the extended illness or vacation-related absence of the person listed in sub. (a) 3.

(d) The utility shall review the procedures under sub. (a) 4, annually and update the filed procedures when appropriate. If the commission does not approve the updated procedures by order within 60 days of submission, the procedures shall be considered disapproved.

(4) CONDITIONS FOR DISCONNECTION. A utility's plan under sub. (3) may only provide for disconnection under this section if all of the following are true:

(a) The household's gross income over the last 3 completed months is above 250% of the federal income poverty guidelines used by the LIHEAP at the time of the potential disconnection.

(b) The customer has not been determined to be eligible for LIHEAP support during the previous 12 months.

(c) Health and safety would not be endangered because of physical, developmental or mental disabilities, or the frailties associated with being very young or very old, if water service were disconnected.

(5) VERIFICATION. (a) The utility bears the burden of proof for determining that a household may be disconnected under sub. (4).

(b) The employee designated under sub. (3) (a) 3. shall certify on a form approved by the commission that all appropriate code provisions have been met prior to authorizing disconnection under this section.

(6) NOTICE. (a) Notice under s. PSC 185.40 shall be provided before a household is disconnected under this section.

(b) Prior to, and again at the time of disconnection of water service, a utility representative shall meet personally with a responsible, adult member of the household to identify any circumstances which deserve special attention, such as medical problems or disabilities.

(c) The utility shall maintain a record of all contacts with the household from the time that the notice of pending disconnection under sub. (a) is first given.

(7) CUSTOMER AND OCCUPANT SERVICE INFORMATION. Prior to disconnection under this section, a utility shall inform the household of the availability of deferred payment agreements, budget billing, shelter assistance, agencies or programs that may provide financial assistance and that such a list is available from the utility or, if applicable, by telephoning 211, and in the case of a non-customer occupant where there is not joint metering, the option of accepting responsibility for future bills.

(8) FOLLOW-UP VISIT. (a) By the end of the business day following the day of disconnection, a utility shall make an in-person visit to the residence to check on the household's well-being and to ensure there is no danger to human health and or life. The utility shall again inform the household of the availability of deferred payment agreements, budget billing, shelter assistance, agencies or programs that may provide financial assistance and that such a list is available from the utility or, if applicable, by telephoning 211, and in the case of a non-customer occupant where there is not joint metering, the option of accepting responsibility for-future bills. If the utility or its representative observes a danger to human health or life due to the disconnection, the utility shall immediately restore water service.

(b) The utility may arrange for the visit required under par. (a) to be made by a representative of a city health department, local health and social service agency, local law enforcement agency, or similar authority, but ultimate responsibility for the visit shall remain with the utility.

(c) The utility shall keep a written record of the visit required under par. (a).

(9) TELEPHONE AVAILABILITY. A utility shall provide its emergency after-hours telephone number to all households scheduled for service disconnection.

(10) NO DISCONNECTION ON CERTAIN DAYS. A utility may not disconnect water service to a residence on a Friday, Saturday, Sunday, holiday, day before a holiday, or on a day when utility personnel are not readily available to the occupant 24 hours per day to negotiate and perform restoration of service.

(11) THIRD PARTY CONTACTS. If a customer has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnecting water service.

(12) REPORTS. A utility shall report to a commission designated contact person each disconnection of water service to a residence during the cold weather period. The report shall include information regarding how the utility verified the household's income and situation in order to ensure that the conditions in sub. (4) have been met. The report shall be filed by electronic transmission or telephone, and shall be filed by 3:30 p.m. on the same day that disconnection takes place.

**PSC 185.42 Customer-requested termination of service.** (1) DURING THE COLD WEATHER PERIOD. (a) If water service is a necessary part of a location's heating system and a customer requests that service to that unoccupied location be terminated during the cold weather period, a utility may rely on verification by the owner or the owner's agent that the location is unoccupied, provided that the utility visits the location at the time of disconnection and verifies that the location is unoccupied. The utility shall keep a written record of its determination that the location is unoccupied.

(b) If the utility determines at the time of disconnection that the location appears to be occupied, the utility shall leave a printed and dated notice on the premises not less than 24 hours nor more than 48 hours prior to disconnection. The notice shall state, at a minimum, all of the following:

1. The date of the notice.

2. The proposed date of disconnection.

3. That if disconnection should not occur on the proposed date, the customer or occupant should contact the utility immediately.

(2) OUTSIDE THE COLD WEATHER PERIOD. (a) Except as provided in par. (b), if a customer requests that water service be disconnected outside the cold weather period, a utility may rely on the customer's statement that the location is unoccupied and that disconnection will not endanger human health or safety, and may terminate service without further verification.

(b) If the service address is different from the billing address, then before disconnection a utility shall make a reasonable effort to have a personal or telephone contact with the service address occupant prior to disconnection. If a telephone contact effort is answered by an answering



machine or similar technology, the utility shall attempt to leave a message. If a utility is unable to contact or leave a message for the occupant during regular business hours, it shall make another effort during nonbusiness hours.

Note: See s. PSC 185.40 (9) (a) 7., that prohibits a utility from disconnecting service to knowingly assist a landlord in evicting a tenant.

## Subchapter V — Customer Service and Protection

### PSC 185.50 Information available to customers.

(1) (a) A utility shall have copies of its ~~rates and rules~~ current tariffs applicable to ~~the~~ a locality ~~available in on file at its office where payments are received and at area libraries.~~ A utility shall ~~give reasonable notice to customers as to where the information is~~ make copies of its current tariffs available to ~~them.~~ the public by making a copy available in at least one of the following locations:

1. Utility locations where payments are received.
2. On the utility's website.
3. In a form and place that is otherwise readily accessible to the public, such as libraries.

(b) A utility shall provide a printed copy of its current tariffs upon request.

(2) A utility shall make a new tariff available to the public at least 10 days before it takes effect unless the commission prescribes a shorter time period.

(3) (a) ~~Each water~~ A utility, for every municipality in which it serves, shall provide, in the respective telephone directories of the incumbent local exchange carrier for every municipality in which it serves, a telephone listing by which the utility shall can be ~~notified during a 24-hour day~~ or contacted at all times about any utility service deficiency or emergency or deficiency which may exist.

(b) If the utility has an automated menu system answering its emergency telephone number or its general information telephone number, or both, the number to press in case of emergency shall be the first item offered on the menu other than language choice.

(4) (a) A utility shall provide all information pertaining to billing, credit, emergencies and safety in English and in other languages commonly understood by a significant number of the non-English speaking population in the utility's service territory. This requirement does not apply to tariffs.

(b) A utility shall have the information under par. (a) available in printed form and may also have it available in electronic or telephonic form, or both.

(c) A utility shall have the information under par. (a) available for distribution upon customer request in every business office of the utility that is accessible to the public, and every utility office in the service territory where customer payments are received.



(d) If a utility has a website, it shall include the information under par. (a) on the website.

(5) (a) A utility shall provide written, plain language information to all new residential customers that includes, at a minimum, all of the following:

1. Rules on deposits.

2. Payment options including budget billing and deferred payment agreements.

3. Dispute procedures.

4. Water service disconnection and reconnection procedures.

5. A procedure to follow in order to advise the utility 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 utility to contact a specific third-party agency or individual prior to any disconnection action being taken.

6. The availability of information on water conservation practices.

7. The advisability of setting water heater thermostats no higher than the temperature specified in s. 196.373 (2), Stats.

Note: As of July 2015, the specified temperature is 125° Fahrenheit.

8. The availability of a clear and concise record of the customer's actual water consumption for each billing period during the prior 12 months or the actual number of months that the customer has lived at that location if less than 12 months.

9. The availability of charitable organizations which may provide financial assistance or counseling, and that a list of such organizations may be available by telephoning 211.

10. The availability of a list of utility authorized offices where payments are received in the service territory, and an explanation of how to use them.

(b) If a utility has a website, it shall include the information in par. (a) on that website.

(c) A utility shall inform its existing residential customers annually that the information in par. (a) is available upon request.

(d) A utility shall include with the information under pars. (a) to (c), an explanation of how a non-English speaking customer can obtain the information in any other language commonly understood by a significant number of the non-English speaking population in the utility's service territory. That explanation shall be in the other language.

(6) (a) Upon request, a utility shall provide to current or prospective customers, tenants or property owners, residential water consumption information about a particular residential location. Occupancy of the property is not a prerequisite to receiving such information.

(b) This information shall provide consumption information by billing periods for at least the last year, and either the average consumption for the prior 12 month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months.

(c) Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for the premises in question.

(d) A utility may provide the information under par. (b) verbally. A requestor is entitled to receive one free printed consumption statement about a property every 12 months. A utility shall provide additional printed statements about the same property to the same requestor within that 12 months at a charge not to exceed \$5.

(e) Upon request, a utility shall provide to a residential or multi-family residential customer, information and instructions needed by the customer to make consumption comparisons to similar residential or multi-family residential customers in the same class and to evaluate water conservation efforts.

**PSC 185.51 Employees and agents authorized to enter a customer's premises.** The A utility shall keep a record of its all employees and agents authorized pursuant to under s. 196.171, Stats., to enter a customer's premises where service is provided. A utility shall ensure that each employee and agent authorized to enter a premises has identification showing that he or she is so authorized by the utility.

**PSC 185.52 Unconscionable, oppressive and deceptive practices prohibited.**

(1) A utility may not engage in unconscionable, oppressive or deceptive practices.

(2) "Unconscionable, oppressive or deceptive practices" include the following:

(a) Using or threatening to use force or violence to cause physical harm to the person, relatives, or property of an applicant or customer.

(b) Threatening legal action or referral for criminal prosecution without merit or authority.

(c) Initiating or threatening to initiate communications with the applicant's or customer's employer except as permitted by law.

(d) Engaging in any conduct that can reasonably be expected to harass an applicant or customer.

(e) Threatening an applicant or customer with actions prohibited under the law.

(f) Claiming or attempting to claim to enforce a right, when the utility knew or should have known that the right does not exist.

(g) Using obscene, threatening, or abusive language in communicating with an applicant, a customer, or a person related to an applicant or customer.

(h) Unfairly taking advantage of the lack of knowledge, ability, experience or capacity of an applicant or customer, when the utility knew or should have known that the applicant or customer lacked such.

(i) Engaging in conduct that would have the natural effect of reasonably causing or aid in causing applicants or customers to misunderstand the true nature of the transaction or their rights and duties thereunder.

(j) Requiring applicants or customers to waive legal rights.

(3) This section does not preempt and is in addition to applicable provisions of ch. 100, Stats., and related administrative rules.

**PSC 134.53 Customer Complaints.** ~~(1) Each A utility shall investigate and keep a record of complaints from its customers in regard to it receives about safety, service, or rates, and or the operation of its system. The record shall show complainant's name and address, the date the complaint is filed, the nature of the complaint, its resolution, and the date resolved. all of the following:~~

(a) The name and address of the complainant.

(b) The date and nature of the complaint.

(c) The disposition of the complaint.

(d) The date of disposition.

(2) A summary of this record shall be provided to the commission upon request.

**PSC 185.54 Dispute procedures.** ~~(1) (a) Whenever the a customer or applicant disputes the a utility's request for a deposit or other guarantee, or advises the utility's designated office prior to the disconnection of service a utility that all or any part of any billing as rendered bill is in dispute, or that any matter related to the disconnection or refusal of water service is in dispute, or that any matter related to the customer or applicant's regulated service is in dispute, the utility shall:~~

~~(a) 1. Investigate the dispute promptly and completely;~~

~~(b) 2. Advise the customer or applicant of the results of the investigation;~~

~~(c) 3. Attempt to resolve the dispute;~~

~~(d) 4. Provide When applicable, provide the opportunity for a residential customers, customer or applicant nonresidential customers at utility discretion, per s. PSC 185.38 (1) to enter into a deferred payment agreement under s. PSC 185.35 when reasonable in order to resolve the dispute.~~

(b) If a utility designates an agent to handle disputes and inquiries and if the agent refuses or fails to adequately address the disputes and inquiries, upon complaint or other indicator of refusal or failure, the dispute resolution responsibility required under this section reverts to the utility.

(c) If utility payments are made electronically or through third parties and these third parties are authorized utility payment processors with the utility, the dispute and inquiry resolution responsibility remains, ultimately, with the utility.

(2)(a) After the customer or applicant has pursued the available remedies with the utility, the customer or applicant may request that the commission staff informally review the disputed issue and recommend terms of settlement.

Note: See s. PSC 2.08.

(b) A customer's or applicant's request for informal review may be made in any reasonable manner such as by written notice or telephone request directed to the commission. ~~Either by~~ By telephone or written request, the commission staff may request that the utility ~~to~~ investigate the dispute.

(3)(a) ~~The~~ A utility shall designate one or more employees for responding to ~~commission~~ commission-referred complaints ~~who are~~. These employees shall be readily available and have an appropriate and sufficient authority level for investigating and resolving to investigate concerns raised by the commission and its staff. Utilities shall provide the names of the designated employees to the commission and shall promptly inform the commission of any changes in these designations. A utility shall respond to the public service commission staff's request for an investigation by attempting to contact the complainant within 48 hours for most circumstances, or 4 hours in an emergency situation, and by providing a response to the commission within 10 business days. Staff may extend this time period if the utility requests more time to complete its investigation. Based on information provided by the utility and the customer, 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 customer disputing an informal determination of the right to pursue a formal review.

(b) A utility shall respond to the commission staff's request for an investigation by contacting the complainant within 2 business days for most circumstances, or 4 hours in an emergency situation. The utility shall provide a response to the commission within 10 business days of the commission's request for investigation. Staff may extend this response time period if the utility requests more time to complete its investigation.

(4)(a) Based on its review, commission staff shall make an informal, binding determination concerning the dispute and communicate that determination to both the customer or applicant and the utility either verbally or in writing. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing.

(b) Commission staff shall inform any party disputing an informal determination of the right to pursue a formal review. Staff shall inform the party that a request for formal review shall meet the requirements in sub. (5).

(c) There shall be at least 7 days between the date the commission staff provides verbal or written notice of its determination after informal review and any subsequent disconnection due to the disputed matter. If a disconnection notice related to the disputed matter has expired, the utility shall do one of the following:

- ~~1. Issue a new written and dated notice under s. PSC 185.40 or 185.405 indicating when disconnection will occur, and how disconnection can be avoided.~~
- ~~2. Leave a door hanger on the premises, indicating when disconnection will occur and how disconnection can be avoided, not less than 24 or more than 48 hours prior to disconnection.~~

~~(5)(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 customer shall request a formal review by the commission, in writing, within 7 calendar days of the issue 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 written confirmation is requested, the 30-day period begins from the date of that mailing. Requests for formal review shall be in writing and shall describe the nature of the dispute and the basis for the review request.~~

~~(b) If a customer or applicant requests a formal review within 7 days of the issuance of an informal determination, the utility may not disconnect water service until a determination on the request has been issued. Requests for formal review that do not involve disconnection shall be made within 20 days of the issuance of an informal determination. If the informal determination is issued verbally and written confirmation of the informal determination is requested within 2 days of issuance of the verbal determination, the 7 or 20 day period begins from the date on which the written confirmation is sent. If the written confirmation is requested after that 2-day period, the 7 or 20 day period begins from the date on which the informal determination is issued.~~

~~(c) Commission staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties at least 15 days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. This response shall be filed with the commission at least 2 business days prior to the date on which the issue is scheduled for consideration by the commission. The commission shall base its determination on the request for formal review and commission staff's informal complaint file, including its memorandum. Within 35 calendar days from the time that all other requests for formal review are made, commission staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 calendar days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments 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 of its decision.~~

~~(d) The commission shall review the dispute and informal determination, and either order that a hearing be held on the disputed matter or choose not to hold a hearing.~~

~~(67) (a) If the commission decides to conduct a formal hearing under sub. (4) on the dispute (5), the commission may condition the terms of its granting a formal hearing. Failure to meet these~~

conditions before the hearing shall constitute waiver of the dispute by the customer, applicant or utility.

(b) ~~Any such~~ The hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

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

(8)(a) ~~Utility service shall not be disconnected or refused~~ Except as provided in par. (b), a utility may not disconnect or refuse water service because of any disputed matter while the disputed matter is being pursued-resolved in accordance with the provisions of this section. The utility shall inform the customer that pursuing a disputed matter does not relieve the customer of the obligation of paying charges which are not in dispute, prevent disconnection of service for nonpayment of undisputed charges, or prevent the application of the late payment charge to amounts in dispute and later determined to be correct. result in any of the following:

1. Relieving the customer from the obligation of paying charges which are not in dispute.
2. Preventing disconnection of water service for nonpayment of undisputed charges.

(b) Upon consideration of the facts and circumstances involved, commission staff may waive the no disconnect requirement in par. (a).

## **Subchapter VI - Safety and Service Standards**

### **PSC 185.60 ~~Engineering and safety practices~~ GENERAL REQUIREMENTS.**

(1) *Good engineering practices.* A utility shall design and construct its water plant according to recognized and generally accepted good engineering practices.

(2) *Complying with requirements.* A utility shall comply with the requirements for the design, construction, operation, and maintenance of water supply systems and plumbing established in this chapter and by the appropriate federal, state, and local regulatory authorities.

### **PSC 185.61 ~~General construction requirements~~ Distribution systems.**

(1) MAINS. (a) Ownership of mains. A utility shall own, maintain, repair and replace its distribution system.

(b) Location of mains. ~~Utility owned mains shall be located~~ A utility shall locate any main that it owns either in a public right-of-way, or in a readily accessible easement. ~~As much as~~ To the extent possible, easements shall be a utility shall ensure that an easement is free of encumbrances such as pavement, expensive landscaping, and mobile home pads, etc.

(c) Installation of mains. A utility shall take adequate measures to protect the water supply system from freezing. A utility shall install all water mains at such depth or provide whatever protection is necessary to prevent freezing. At a minimum, a utility shall install mains according to the standards established by the department of natural resources.

**Note:** See NR 811.73 –NR 811.77 for specific requirements.

(d) ~~Networked systems.~~ System reliability. Where practical ~~the,~~ each utility shall design and construct its distribution system ~~shall be laid out~~ to maximize water service reliability.

(e) Segmentation of system. ~~Valves shall be provided~~ A utility shall provide valves at reasonable intervals and at appropriate locations so that service interruptions because of repairs to, or maintenance, repair or replacement of the mains shall minimize service interruptions are minimized.

(f) ~~Dead-ends~~ Dead-end mains. ~~Where practical~~ To the extent practicable, the utility shall design its ~~distribution~~ water supply system to avoid dead-end mains. Where dead-ends are necessary, the utility shall install hydrants or other flushing devices ~~shall be installed~~ to permit flushing. ~~(See s. PSC 185.86.)~~ Dead-end mains shall be flushed according to a schedule established using the standards of the department of natural resources.

**Note:** See NR 810.13 (2) (d) and NR 811.70 (8).

**Note:** See [PSC 185.67](#) about flushing mains.

(g) Repairs to mains. A utility may temporarily shut off the water supply in its mains to make repairs, alterations, or additions to the plant or system.

1. The utility shall make a reasonable attempt to notify any customers, property owners, or occupants who are directly affected by a scheduled water service interruption at least 24 hours prior to shutting off the water supply. This notice may be provided verbally or in writing.

2. A utility may not provide a credit to a customer for such a temporary interruption of the water supply due to repairs, replacements, alteration, or additions under this section.

## (2) LATERALS.

(a) Ownership, repair and replacement. 1. Unless otherwise approved by the commission in writing and included in a tariff, a utility shall own the portion of the lateral from the main up to



and including the curb stop box. The utility shall be responsible for the maintenance, repair, and replacement of the utility-owned portion of a lateral.

2. Except as provided in s. PSC 185.68 or if the damage was caused by a utility, the utility is not required to maintain, repair, or replace the customer-owned portion of a lateral.

(b) Control valves. Each lateral connected to a utility's main shall have the appropriate control valves, as defined by SPS 382.40(4) (b).

(c) Single connections. 1. Except as provided in subd. 3., one lateral shall be installed to each customer such that the utility can shut off water service to that customer without affecting the service of any other customer.

2. A customer's lateral customer-owned portion of the lateral shall be directly connected to utility-owned facilities, and there shall be no other customer connection downstream from the utility's shut-off valve. This does not apply to multi-occupancy premises, such as apartments, condominiums, and shopping centers. Except as provided elsewhere in this section, no customer may be connected to another customer's customer-owned portion of the lateral.

**Note:** This provision does not prohibit meters downstream from the utility's meter so long as they are not used by the utility for billing.

4. A utility may allow a customer's water supply piping from more than one building to be installed to a central point so that the property can be master-metered if all of the following are true:

- a. All of the buildings are located on the same parcel.
- b. All of the buildings on the parcel are used in the same business.
- c. All of the buildings are served by a single lateral.

(d) Lateral sizing. A utility shall ensure that a customer's installed lateral has the same size connection to the meter as to the main.

(e) Protection. (a) A utility shall take adequate measures to protect the water supply system from freezing. A utility shall install all utility-owned portions of a lateral at such depth and provide whatever protection is necessary to prevent freezing.

(f) A utility may not lay a lateral through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the lateral, unless adequate means of protection are provided by sand filling or other insulation.

(g) Installation through a curb or retaining wall. A utility shall adequately safeguard laterals passing through curb or retaining walls by providing a channel space or pipe casing not less than twice the diameter of the lateral. The utility shall fill and lightly caulk the space between the



lateral and the channel or pipe casing with an oakum, mastic cement, or other resilient material to ensure that the lateral is impervious to moisture.

(h) *Backfilling a trench.* In backfilling a pipe trench, a utility shall protect the lateral against injury by carefully hand tamping the ground filling around the pipe. The utility shall ensure that there is at least 6 inches of ground filling over the pipe, and that the ground filling is free from hard lumps, rocks, stones, or other injurious material.

(i) *Curb stop boxes*

1. The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem.

2. A utility shall have a policy in its tariff that neither a customer nor a property owner may cover over a curb stop box.

3. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. If the location of a curb stop box has been modified or obscured by a customer or property owner, then all of the following are true:

a. The utility is not responsible for failing to locate the curb stop box and shutting off the water in case of a leak on the owner's premises.

b. The utility may require the property owner to locate the curb stop box.

c. The utility may locate the curb stop box and bill the property owner for the cost of doing so.

(3) **METERING CONFIGURATION IN A PRIVATE WATER SYSTEM.** (a) *Master metering.* Water distribution facilities within a private water system shall be master metered and the system's owner shall be the utility's billable customer.

(b) *Individual metering.* 1. A water utility may only provide retail service directly to individual dwellings within a private water system if the distribution facilities within the private water system are owned by the utility on easements.

2. A utility may accept ownership of such facilities only if the facilities meet the utility's construction standards and the requirements of this section and s. [PSC 185.60](#).

**185.62 Quality of water.** (1) WATER QUALITY. ~~Every water public~~ A utility shall provide water of such quality that it complies with state and federal requirements for drinking water.

(2) WATER PURITY. ~~Each water utility system shall be designed and operated~~ A utility shall design and operate its water system so that, except during temporary events such as the flushing

of mains, the water supplied to all customers is reasonably free from objectionable taste, color, odor, and sand or other sediment.

**PSC 185.63 Adequacy of water supply, emergency operations, and interruptions of service.**

(1) ADEQUACY OF WATER SUPPLY. A public utility shall exercise reasonable diligence to furnish a continuous and adequate supply of water to its customers.

(2) EMERGENCY OPERATION.

(a) A public utility shall make reasonable provisions to meet an emergency resulting from the failure of power supply or from fire, storm, or similar events. A public utility shall inform its employees of procedures to be followed in an emergency to prevent or mitigate the interruption or impairment of water service.

(3) INTERRUPTIONS OF SERVICE.

(a) A public utility shall make all reasonable efforts to prevent interruptions of water service, including maintaining its water distribution system valves. If an interruption occurs, the public utility shall make reasonable efforts to re-establish service with the shortest possible delay, consistent with safety to its employees, customers, and the general public.

(b) If an emergency interruption significantly affects fire-protection service, a public utility shall immediately notify the fire chief or other responsible local official.

(c) A public utility shall make reasonable efforts to schedule planned interruptions at times that minimize customer inconvenience. A public utility shall make reasonable efforts to notify customers of the time and anticipated duration of a planned interruption.

(d) A public utility shall notify the ~~Commission~~ commission of a water service interruption under s. [PSC 185.101](#).

**PSC 185.64 Pressure standards.**

(1) Under conditions of normal heavy system demand, a utility shall maintain the residual pressure at the meter outlet ~~shall or nearest faucet on the same floor at not be~~ less than 20 p.s.i.g. with the water flowing. For a typical residential ~~customers~~ customer, normal conditions of use shall mean a flow rate of not less than 12 gallons per minute. This standard assumes that the customer's portion of the service lateral is of normal, adequate design, and in good condition. ~~This standard shall ordinarily require that the~~ The utility shall maintain the distribution main

pressure at the ~~corporation stop connection~~ be valve that is closest to the main at least not less than 35 p.s.i.g. with the water flowing. The utility ~~is to~~ shall establish minimum specifications for ~~the a~~ a service lateral to assure ~~ensure~~ that an excessive pressure drop does not occur in the lateral because of its length or for other cause.

(2) ~~The maximum~~ A utility shall ensure that the pressure at the meter shall ~~does not exceed 125 100 p.s.i.g. The maximum~~ A utility shall ensure that the pressure at the a meter shall ~~does not exceed 100~~ 125 p.s.i.g. for new systems built after December 31, 1996 and, to the extent practical ~~practicable~~, major additions to ~~existing~~ systems that existed before that date.

(3) ~~Each~~ A utility shall have at least one permanently installed pressure gauge on its system and shall have access to indicating and recording pressure gauges to check pressure levels.

(4) ~~Each~~ A utility shall ~~make such~~ perform enough ~~pressure tests or surveys as to assure~~ ensure that the pressure limitations of subs. (1) and (2) are being met.

#### **PSC 185.65 Station meters.**

(1) ~~Each~~ In order to accurately measure the water pumped into its distribution system, a utility shall provide each pumping station shall be provided with a station metering to accurately measure the water pumped into the distribution system (See s. PSC 185.45.) ~~meter that is placed so as to ensure accurate measurement, including the meter manufacturer's recommended length of straight pipe before and after the meter to ensure proper fluid flow characteristics for the meter to accurately measure the volume of water pumped into its distribution system.~~

Note: See s. PSC 185.102 about pumpage records.

(2) ~~Station~~ A utility shall maintain station meters shall be maintained to ensure reasonable accuracy and shall ~~have the accuracy checked~~ check the accuracy at least once every 2 years.

(3) ~~Station meters shall be selected~~ A utility shall select an appropriately sized station meter so that the actual flow rates are entirely within the normal flow range for the particular meter, as defined by the manufacturer. ~~These meters~~ Where practical, a utility shall ordinarily be installed ~~install a station meter in the inlet rather than outlet line of pressure tank storage reservoirs.~~

#### **PSC 185.66 Water audits and water loss control.**

(1) DEFINITIONS. In this section:

(a) "Apparent loss" means the volume of water attributable to customer and station meter inaccuracies, billing and data transfer errors, unauthorized consumption, and theft.

(b) "Authorized consumption" means the volume of water used by metered and unmetered customers and the volume of water used for other purposes that is implicitly or explicitly authorized by the utility, including water used for flushing water mains and sewers, fire protection and training, street cleaning, public fountains, freeze prevention, and other municipal purposes regardless of whether the use is metered.

(c) "Economic level of leakage" means the level at which the cost of leakage abatement activities exceeds the value of the water saved.

(cm) "Non-revenue water" means the volume of water equal to the difference between the volume of water entering the distribution system and the volume of water that is sold.

(d) "Real loss" means the volume of water attributable to leaks and losses in the pressurized distribution system up to the customer meter, including water lost due to main breaks, service breaks, and tank and reservoir overflows.

~~(e) "Revenue water" means the volume of water entering the distribution system that is billed and for which the utility receives revenue~~ portion of authorized consumption that is billed and produces revenue, including billed metered consumption and billed unmetered consumption.

~~(f) "Unaccounted for water" means the volume of water entering the distribution system for which a specific use or purpose cannot be determined~~

(g) "Water loss" means the difference between the volume of water entering the distribution system and authorized consumption.

**Note:** Water loss equals the sum of real and apparent losses that are caused by unauthorized consumption, meter inaccuracies, ~~accounting~~ systematic data handling errors, ~~data processing errors~~, leaks in transmission and distribution mains, leaks in water service connections up to the customer meter, ~~seepage, overflow, evaporation, theft, malfunctioning distribution system controls, and other unaccounted for water and leaks and overflows at a utility's storage tanks~~, as described in the American Water Works Association M36 manual – Water Audits and Water Loss Control Programs.

(2) UTILITY PRACTICES. A ~~public~~ utility shall do all of the following:

(a) Meter all water uses and sales, where practicable.

(b) Maintain and verify the accuracy of customer meters.

(c) Maintain and verify the accuracy of station meters.

(d) Identify and repair leaks in its distribution system to the extent that it is reasonable for the ~~public~~ utility to do so.

(e) Control water usage from hydrants.

(f) Maintain a continuing record of ~~system pumpage~~ water supplied to the distribution system and metered authorized consumption.

(g) Conduct an annual water audit under [sub. \(3\)](#).

**(3) WATER AUDITS.**

**(a)** A public utility shall conduct an annual water audit on a calendar year basis ~~and using the most current version of the American Water Works Association’s Free Water Audit Software.~~ The utility shall submit the results of the audit to the commission no later than April 1 of the subsequent year.

**(b)** ~~A public utility water audit shall include the measured or estimated volume of all of the following:~~

- ~~1. Water purchased or pumped from all sources.~~
- ~~2. Water used in treatment or production processes.~~
- ~~3. Water entering the distribution system.~~
- ~~4. Water sold, including both metered and unmetered sales.~~
- ~~5. Water not sold but used for utility authorized purposes, including flushing mains, fire protection, freeze prevention, and other authorized system uses.~~
- ~~6. Water loss.~~
- ~~7. Unknown or unaccounted for water~~

**(eb)** The components of a water audit are shown in Table 1.

Table 1. Water Audit Components

Volume from Own Sources (corrected for known errors)	System Input Volume	Water Exported (corrected for known errors)	Billed Water Exported			Revenue Water
		Water Supplied	Authorized Consumption	Billed Authorized Consumption	Billed Metered Consumption	Revenue Water
Water Losses	Real Losses			Unbilled Authorized Consumption	Billed Unmetered Consumption	
		Apparent Losses	Unbilled metered Consumption			
Leakage on Transmission and Distribution Mains	Unbilled unmetered consumption					
Leakage and Overflows at Utility's Storage Tanks	Systematic Data Handling Errors					
Leakage on Service Connections up to the point of Customer Metering	Customer Metering Inaccuracies Unauthorized Consumption					
Water Imported (corrected for known errors)						

**(4) WATER LOSS CONTROL.**

~~(a) Each public utility shall calculate its annual percentage of non-revenue water and its percentage of water loss, based on the volume of water entering its distribution system.~~

~~(b) A public utility shall submit to the commission a water loss control plan if a water audit shows the public utility has any of the following: a~~

~~1. A percentage of non-revenue water that exceeds 30% -percent.~~

~~2. A percentage of water loss that exceeds 15 percent for a Class AB or Class C utility or 25 percent for a Class D utility.~~

~~(c) A water loss control plan under par. (b) shall include all of the following:~~

~~1. The reasons for the excessive non-revenue water or water loss.~~

~~2. A description of the measures that the utility plans to undertake to reduce water loss to acceptable levels within a reasonable time period.~~

~~3. An analysis of the costs of implementing a water loss control program, including a comparison of lost sales revenue and the costs that would be avoided by reducing leaks and losses.~~

~~4. Any additional information required by the commission.~~

~~(d) The commission may require a public utility to conduct a leak detection survey of its distribution system if for three consecutive years the public utility's percentage of water loss exceeds 15 percent for a Class AB or Class C utility or 25percent for a Class D utility~~

(a) Each utility, except those that can demonstrate to the commission that they have reached an economic level of leakage, shall establish both individual goals and a water loss control plan for reducing water loss. A utility shall file its plan and a brief summary of its goals with the commission at the same time it files its water loss audit report under sub. (3) (a), or at a later date set by the commission.

(b) Individual goals. A utility shall establish individualized measures of water use efficiency and goals to control water loss and improve water use efficiency. The utility's measures may include any of the following:

1. The infrastructure leakage index from the water audit.

2. The data validity score from the water audit.

3. Operational real losses as shown in the water audit.

4. Operational apparent losses as shown in the water audit.

5. Economic level of leakage.

(d) Water loss control plan. A utility shall develop and implement a water loss control plan to investigate, assess, and implement efforts to lessen water loss. The utility shall file its plan in a form and manner prescribed by the commission and may include measures such as any of the following:

1. Leakage management, including distribution system water leakage detection and repairs or replacements.

2. Finished water meter flow verification.

3. Customer water meter testing and calibration.
4. Billing system business process evaluation.
5. Resource allocation, including planned preventative maintenance.

(e) The commission may require a utility to take corrective action if, for 3 consecutive years, a utility does not show demonstrable progress in reducing its non-revenue water. A utility may show demonstrable progress through one or more of the following measures:

1. Improvement in the infrastructure leakage index and data validity score in the water audit.
2. Improvement in the operational real losses as shown in the water audit.
3. Improvement in the operational apparent losses as shown in the water audit.
4. Evidence that an economic level of leakage has been achieved.

(f) The commission may consider a utility's progress in addressing water loss during rate-making and construction authorization cases.

#### **PSC 185.67 Flushing mains.**

~~(1) Dead-end~~ A utility shall flush dead-end mains, or other low flow portions of distribution systems, shall be flushed as needed to eliminate or minimize complaints from consumers arising from an objectionable condition of water-conditions due to lack of circulation. Hydrants A utility shall place hydrants or other flushing devices shall be placed to allow for flushing of the entire system.

(2) When practical, a utility shall give public notice of proposed flushing shall be given by using television, radio, newspaper announcement, or other appropriate means.

(3) A utility shall keep a record shall be kept of all main flushing of mains, showing the date, place, and estimated volume of water used. This A utility shall use this record shall be used to determine the necessary frequency of flushing and to estimate unmetered use.

#### **185.68 Cold weather conditions and freezing. (1) Responsibility for water supply system.**

For purposes of this section:

(a) "Portion of a water supply system for which the utility is responsible" means all of the following:

1. The main and all facilities preceding the main.
2. The facilities between the main and the curb stop.
3. The curb stop box and valve, including the connection to that portion of the water supply system for which the property owner or customer is responsible.

(b) “Portion of a water supply system for which the property owner or customer is responsible” means that portion that is between the customer’s side of the connection to the curb stop box and the point of use.

**(2) Thawing frozen portions of a water supply system.** (a) *General rule.* 1. A utility shall be responsible for the cost of thawing that portion of a water supply system for which it is responsible.

2. Except as provided in par. (b), a property owner or customer shall be responsible for the cost of thawing that portion of a water supply system for which it is responsible.

(b) *Exceptions.* 1. A utility shall thaw that portion of a water supply system for which the property owner or customer is responsible, at no cost to the property owner or customer, if the property owner, customer, and occupant have not each received the notice under sub. (5) (b) or (6).

2. The utility shall thaw that portion of a water supply system for which the property owner or customer is responsible, at no cost to the property owner or customer, if the freezing is a direct result of the utility disconnecting the customer for a reason other than a dangerous condition and the disconnection occurs during a time when conditions are such that freezing could reasonably be expected to occur.

(c) *Alternative method of providing water.* If a utility is unable to thaw a frozen portion of a water supply system for which it is responsible to thaw, then it shall supply the occupant with water using an alternative method such as connecting the occupant with another customer’s service.

**(3) The source of the freezing.** (a) A utility shall employ reasonable methods for determining in which of the following portions of a water supply system freezing began:

1. The portion for which the utility is responsible.

2. The portion for which the property owner or customer is responsible.

(b) A utility shall treat freezing as having begun in the portion of the water supply system for which the utility is responsible if all of the following are true:

1. The source of freezing in a water supply system cannot be determined.

2. The portion of the water supply system for which the property owner or customer is responsible is frozen and there is no record of that portion of the water supply system freezing in the past.

(c) A utility shall document its findings about where freezing began.

**(4) Utility’s future responsibility.** (a) The utility is responsible for preventing future freezes if it determines under sub. (3) that freezing began in a portion of a water supply system for which the utility is responsible.



(b) If the utility is responsible for preventing future freezes, it shall do all of the following:

1. Initiate an immediate temporary corrective action that will prevent that portion of a water supply system from freezing again, such as giving the occupant a notice under sub. (6), which requests that the occupant run water.

2. Within a reasonable time frame, provide a lasting solution which may include adding ground cover or insulation to protect that portion of a water supply system from freezing under normal winter conditions.

Note: See s. 185.34 (6) which is the requirement to adjust a customer's bill for water that is run at the utility's request to prevent freezing.

Note: See the s. 185.61 (2) (e) requirement to protect utility-owned portions of the laterals from freezing.

**(5) Property owner or customer's future responsibility.** (a) The property owner or customer is responsible for preventing future freezes if the utility determines under sub. (3) that freezing began in a portion of a water supply system for which the property owner or customer is responsible.

(b) If the property owner or customer is responsible for preventing future freezes, the utility shall inform the property owner, customer and occupant, in writing, of all of the following:

1. That freezing began in a portion of the water supply system for which the property owner or customer is responsible and that the property owner or customer is responsible for preventing future freezes.

2. That the occupant may initiate some immediate temporary corrective action to prevent that portion of a water supply system from freezing again, such as running the water at the customer's expense.

3. That if no lasting solution is provided to prevent future freezing, such as adding ground cover or insulation, then the property owner or customer will be responsible for thawing its portion of the water supply system in the future.

4. A statement that the customer may contact the commission staff in the event that the customer disputes this finding and has pursued available remedies with the utility.

5. The commission's address, telephone number and web site.

(c) A utility shall provide the notice under sub. (b) at the following times:

1. At the time the utility determines that freezing began in the portion of a water supply system for which the property owner or customer is responsible.

2. Between October 1 and October 15 of each succeeding year.

3. When a new customer applies for water service at that location between the time the notice was given under subd.1. or 2. and April 1 of the following year.

**(6) Run water notice - individual.**

(a) A utility shall include all of the following in a notice under this subsection:

1. An explanation of why water should be run.
2. The date on which the occupant should begin running water.
3. The volume of water to be run, such as at the rate of 1 gallon per X minutes or Y fluid ounces per X minutes.
4. An explanation of how the volume in subd. 3. can be easily determined.
5. An explanation of how the occupant will know that the occupant can stop running water.
6. A statement that unless it has been told otherwise by the utility, the customer will receive a credit for the water that it runs at the utility's request and a description of the method that will be used to calculate the credit for the customer.
7. A statement that if the occupant does not run water after receiving the notice, the customer may, under certain circumstances, be responsible for the cost of thawing the customer's frozen portion of a water supply system.

(b) Although it may use additional methods, a utility shall deliver a notice under this subsection in at least 1 of the following ways:

1. First-class mail to the mailing address and the service address, if different.
2. Hand delivery to an adult member of the household at the service address.
3. Unless the premises is likely to be empty because the customer is seasonal, leaving a notice at the service address.

(c) A utility shall keep, for the time period specified in [s. PSC 185.104](#) a record of its method of delivery for each notice issued under this subsection.

(d) A utility that issues a notice under this subsection shall notify the commission within 7 days of issuing it if a notice is sent to the lesser of the following:

1. 500 of the utility's customers.
2. 20% of the utility's customers if that number is greater than 50.

**(7) Run water notice – emergency notice.**

(a) When weather conditions result in a risk of freezing in the water supply systems of multiple customers, the utility may issue an emergency notice to customers informing them that they should run water to prevent freezing. The utility shall issue the notice in a manner most likely to reach its customers, including television, radio, and its web site.

(b) A utility shall include all of the following in the notice under par. (a):

1. An explanation of why water should be run.
2. The volume of water to be run, such as at the rate of 1 gallon per X minutes or Y fluid ounces per X minutes.
3. An explanation of how the volume in subd. 2. can be easily determined.

4. A statement that unless the customer has been told something different by the utility, the customer will receive a credit for the water that it runs.

(c) A utility shall issue an individual printed notice under sub. (6) to each affected customer as soon as practicable after issuing an emergency notice under this subsection.

(d) A utility that issues a notice under this subsection shall notify the commission within 7 days of issuing the notice.

**Note:** Issuing an emergency notice cannot take the place of issuing an individual notice under sub. (5) when an individual notice is required.

### **PSC 185.69 Water supply shortage.**

**(1) DECLARATION.** A public utility may declare a water supply shortage if ~~the public utility~~ it cannot adequately meet customer demand due to drought, insufficient source capacity, or excessive demand.

**(2) PLAN.** A public utility may adopt a water supply shortage curtailment plan and file the plan with the commission under s. [PSC 185.23](#).

**(3) APPLICABILITY.** Unless a public utility has adopted a water supply shortage curtailment plan under sub. (2), the provisions of this section apply.

**(4) TEMPORARY CURTAILMENT.** Except as provided in [sub. \(6\)](#), a public utility may temporarily curtail water service to some or all of its customers during a water supply shortage, if the curtailment is necessary to protect public utility facilities, to prevent a dangerous condition, or to alleviate a condition that presents an imminent threat to public health, welfare, or safety.

**(5) UTILITY RESPONSIBILITIES.** If a public utility determines that it is necessary to curtail water service under this section, the public utility shall do all of the following:

**(a)** Make reasonable efforts to notify customers affected by the water supply shortage.

**(b)** Request that all customers ~~to~~ enact voluntary water conservation measures to reduce water consumption, including limiting irrigation and other non-essential uses.

**(c)** Implement any curtailment in an equitable manner that allows the public utility to maintain reasonably adequate water service to the greatest number of customers, consistent with public health, welfare or safety.

**(d)** Promptly restore water service.

**(6) APPROVAL TO CURTAIL ESSENTIAL USE CUSTOMERS.** A public utility may not curtail water service to a customer under this section without the commission's prior approval if the customer provides essential public health, welfare, or safety functions that require consistent water

service or if any of the conditions described in ss. ~~PSC 185.37 (8) (h), (8m), (9), or (10)~~ PSC 185.40 (9) (a) 8. and 10., (10) or (12), or 185.405 (9) (a) 8., (10), and (12) apply.

(7) REPORT. A public utility shall report to the commission within 7 days of declaring a water supply shortage. The public utility shall include in the report the reasons for any curtailment, the number of customers affected, the duration of the curtailment, and any other information requested by the commission.

## **Subchapter VII - General Customer Metering and Equipment Accuracy**

### **PSC 185.70 Customer metering requirement.**

GENERAL. (a) A utility shall own and maintain the meters and automated meter reading devices that it uses for billing of utility service, unless otherwise authorized by the commission.

(b) A utility may use any type of meter as long as it meets the accuracy requirements specified in s. PSC 185.76.

(c) A utility shall ensure that the meter it uses for measuring the quantity of water delivered to a customer meets all of the following conditions:

1. Is in good working condition.
2. Is adequate in size and design for the type of service measured.
3. Is accurate to the standard specified in s. PSC 185.76.

(2) METER INSTALLATION. (a) A utility shall install the meters that it uses to bill for utility service.

(b) Except as provided in s. PSC 185.68, a utility is not responsible for the facilities after the curb stop box, except the meter. When an owner has requested an additional meter, the owner is responsible for the related installation and maintenance of piping, whether inside or outside a building.

(c) A utility shall establish written standards for customers regarding meter-related plumbing and connections. The standards shall include all of the following:

1. The requirement that a property owner provide a suitable location and proper piping and connections for the meter at the owner's expense.
2. The requirement that the meter setting and associated piping comply with the water utility's standards.

3. The requirement to consult with the water utility about the type and size of the meter.

(3) METER REPAIRS. (a) A utility shall repair its meters and may not charge a property owner or customer for the cost of repairs caused by ordinary wear and tear.

(b) A utility may charge a property owner or customer for the cost of repairs to a meter resulting from the carelessness of the property owner or customer, or from his or her negligence in properly securing and protecting the meter. It is rebuttably presumed that damage that results from allowing a meter to become frozen or to be damaged from the presence of hot water or steam in the meter is due to the property owner or customer's carelessness or negligence.

(4) MASTER METERING. Unless a utility owns the water distribution facilities within a mobile home park, condominium association, trust, or other such entity, the utility shall master meter the private system and the park owner, condominium association, trust, or other such body, shall be the utility's billable customer.

(5) INDIVIDUAL METERING. A utility may only provide retail water service directly to individual dwellings within a mobile home park, condominium association, trust, or other such entity, if the distribution facilities within the mobile home park, condominium association, trust, or other such entity, are owned by the utility on easements. The utility may accept such facilities for ownership at a utility's discretion and only if the facilities meet the utility's construction standards and the requirements of ss. [PSC 185.60](#), [185.61](#) and other applicable state rules.

**PSC 185.71 Meter testing facilities and equipment and facilities.**

(1) Each utility furnishing metered water service shall own or provide, through contract or otherwise, adequate equipment and facilities to provide for testing all of its water meters in compliance with this chapter. A utility shall be responsible for the accuracy of equipment used as a standard to test meters.

(2) ~~The~~ A utility shall ensure that a meter testing facility shall, to the extent practical, simulate ~~simulates~~ the actual water service ~~condition~~ conditions of inlet pressure and outlet pressure. ~~It shall be provided with~~ The utility shall ensure that the testing facility has the necessary fittings, including a quick-acting valve for controlling the starting and stopping of the test, and a device for regulating the flow of water through the meter under test within the requirements of this chapter being tested.

(3) The utility shall ensure that the overall accuracy of the ~~test~~ meter testing equipment and test procedures ~~shall be~~ are sufficient to enable the testing of service meters within the requirements of this chapter and regulations. In any event, the inherent overall accuracy of the equipment shall permit tests with an overall error of not to exceed 0.5 % at the normal test flows established by the meter's manufacturer and 1.0 % at the stated minimum test flow.

**PSC 185.72 Calibration of meter testing equipment.**

~~(1) Volumetric standards. A utility may use a calibrated tank to test meters only if the tank is shall be accompanied by a dated certificate of accuracy from an approved laboratory or agency. For any weight standard used, the scales shall be tested periodically by an approved agency and a record maintained of the results of the test.~~

~~(2) A utility may use a reference meter used for to testing domestic or larger meters may be used only if the referenced meter has been tested and calibrated during the preceding 6 months. A record shall be kept of the 2 latest tests of any reference meter. (See also s. PSC 185.73 (1).)~~

**PSC 185.73 Required tests of When to test customer meters.**

(1) A utility shall test the following meters before placing them in service:

(a) Rebuilt meters.

(b) Except as provided in s. PSC 185.805, new meters that are received from the supplier without a certificate of accuracy.

(2) A utility shall test all meters at the following times:

(a) Periodically under s. PSC 185.81, unless the utility is using an alternative sample-testing plan under s. PSC 185.815.

(b) Upon customer request or complaint as provided in s. PSC 185.82.

(c) Upon commission request.

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

(e) If a meter is removed while a usage dispute is pending.

**PSC 185.74 Comparison of meter index readings and automatic meter reading system readings.**

(1) A utility shall compare the meter index and AMR system readings each time the meter is tested, every 10 years, or when performing a final read under s. PSC 185.32 (5), whichever time period is shorter.

(2) The utility is not required to take any action if the meter index reading and the AMR system reading are the same.

(3) If the meter index reading and the AMR system reading are not the same, then the utility shall test the meter. If the meter tests as accurate and billing has been based on AMR readings, the utility shall adjust the billing under s. PSC 185.34. If the meter does not test as accurate, the

utility shall adjust the billing under s. [PSC 185.34](#) and repair or replace the meter unless it must be retained under s. [PSC 185.82 \(3\)](#).

### **PSC 185.75 Testing of How to test customer meters.**

(1) ~~The A utility shall test of any a customer meter shall consist of a comparison of its by comparing the meter's accuracy with that of a standard of known accuracy, such as a reference meter or a calibrated tank. Where the test standard consists of a previously calibrated reference or service meter, the test results for the customer meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.~~

(2) ~~Meters shall be tested~~ A utility shall test a meter "as found," before repair (As Found), and, unless the meter must be retained under s. [PSC 185.82 \(3\)](#), "as left," after repair (As Left). (See s. [PSC 185.46](#) for exceptions.)

(3) ~~The When testing a customer meter, a utility shall volume of water through the meter at each test flow point shall be sufficient to produce at least one revolution of the test dial except at the "minimum test flow" point when said volume of water shall produce at least one half revolution of the test dial~~ use the instructions and specifications in [s PSC 185.76 Tables 1 to 3](#).

(4) ~~Meters~~ If a utility learns that a meter is not meeting the accuracy or other requirements of ss. [PSC 185.70 \(1\)](#) or ~~185.65~~ [185.76](#), the utility shall be ~~replace, repaired~~ repair, or ~~rebuilt~~ rebuild the meter to meet those requirements before further use.

**~~PSC 185.795 Electrical safety. Jumper ring meter settings.~~** (5) Under certain abnormal conditions, a dangerous voltage may appear across the a meter setting when the a water line is electrically opened as by removal of the meter. ~~Before a water meter is removed (or the interior piping leading to the service otherwise opened),~~ A utility employee or contracted worker shall connect an appropriate electrical jumper ~~shall be connected~~ across the meter setting or proposed opening in the piping to maintain electrical continuity. If the water supply piping is used as a ground for the building's electrical service, the electrical jumper shall may not be removed until a meter is again set or the piping closed. The utility shall inform the customer that the electrical jumper may not be removed until a meter is again set or the piping closed.

### **PSC 185.76 Accuracy requirements for meters.**

(1) APPLICABILITY. Metering accuracy requirements apply to the complete installation, including devices such as automated meter reading devices.

(2) POSITIVE DISPLACEMENT METERS. A utility shall test the accuracy of a positive displacement meter using the specifications found for the minimum, intermediate and maximum



rates in Table 1. The meter shall test within the accuracy limit specified. If the meter does not test within the accuracy limit, unless the meter must be retained under [s. PSC 185.82 \(3\)](#), the utility shall remove the meter, and may either retire it or repair and retest it.

**Table 1**  
**Summary of Test Conditions and Accuracy Requirements for Positive Displacement Meters (AWWA C700\*)**

Size in.	Minimum Rate**			Intermediate Rate			Maximum Rate			Accuracy Limit
	Rate of Flow	Test Quantity**		Rate of flow	Test Quantity		Rate of flow	Test Quantity		
	gpm	Gal.	Cu. Ft.	gpm	Gal	Cu Ft	gpm	Gal.	Cu Ft	Percent
5/8	1/4	10	1	2	10	1	15	100	10	98-102
3/4	1/2	10	1	3	10	1	25	100	10	98-102
1	3/4	10	1	4	10	1	40	100	10	98-102
1 1/2	1 1/2	100	10	8	100	10	50	100	10	98-102
2	2	100	10	15	100	10	100	100	10	98-102
3	4	100	10	20	100	10	150	500	50	98-102
4	7	100	10	40	100	10	200	500	50	98-102
6	12	100	10	60	100	10	500	1000	100	98-102

\* Except for the accuracy limits column.

\*\*At this flow rate the test quantity may be reduced to that equivalent to one-half revolution of the test dial. For the typical 5/8-inch meter the minimum test quantity would, therefore, be 5 gal. or 1/2 cu. ft.

**(3) COMPOUND METERS.** (a) A utility shall test the accuracy of a compound meter using the process in this subsection and the specifications found in Table 2. If the meter does not test within the accuracy limit, unless the meter must be retained under [s. PSC 185.82 \(3\)](#), the utility shall remove the meter, and may either retire it or repair and retest it.

(b) A utility shall determine whether or not the bypass unit operates at its minimum flow rate and at the maximum flow rate.

(c) A utility shall test a compound meter at all of the following points:

1. Below the minimum of the changeover rate.
2. The maximum flow rate or as close to that rate as practicable.
3. Approximately 50% of the maximum flow rate but above the changeover range for that type of meter.



**Table 2**  
**Summary of Test Conditions and Accuracy Requirements for Compound Meters (AWWA C702\*)**

Size In.	Changeover rate			Maximum rate			Accuracy limits Percent
	Rate of flow gpm	Test quantity Gal    Cu Ft		Rate of flow gpm	Test Quantity Gal    Cu Ft		
2	**	100	10	100	100	10	98-102
3	**	100	10	150	500	50	98-102
4	**	100	10	200	500	50	98-102
6	**	100	10	500	1000	100	98-102
8	**	200	20	600	2000	200	98-102
10	**	1000	100	900	2000	200	98-102

\* Except for the accuracy limits column.

\*\* Varies by meter. Use manufacturer's recommendation.

(4) TURBINE METERS. (a) A utility shall test the accuracy of a turbine meter using the process in this subsection and the specifications found in Table 3. The meter shall test within the accuracy limit specified. If the meter does not test within the accuracy limit, unless the meter must be retained under [s. PSC 185.82 \(3\)](#), the utility shall remove the meter, and may either retire it or repair and retest it.

(b) A utility shall test a turbine meter at each of the following flow rates:

1. The minimum flow rate.
2. The maximum flow rate or as close to that rate as practicable.
3. At a point midway between the maximum and minimum flow rates.

**Table 3**  
**Summary of Test Conditions and Accuracy Requirements for Turbine Meters (AWWA C701\*)**

Size	Minimum rate			Maximum rate			Accuracy limits Percent
	Rate of flow gpm	Test quantity gal    Cu Ft		Rate of flow gpm	Test quantity gal    Cu Ft		
2	16	100	10	120	300	30	98-102
3	24	100	10	250	500	50	98-102
4	40	100	10	400	1000	100	98-102

6	80	1000	100	1000	2000	200	98-102
8	140	1000	100	1500	3000	300	98-102
10	225	1000	100	2200	5000	500	98-102
12	400	1000	100	3300	7000	700	98-102

\* Except for the accuracy limits column.

## Subchapter VIII - Meter Testing Programs and Records Requirements

**PSC 185.80 Testing of meters before use.** (1) The utility shall test all of the following meters before placing them in use:

(a) Rebuilt meters.

(b) New meters that are received from the supplier without a certificate of accuracy.

(2) Notwithstanding sub. (1), a utility may use a sample-testing plan under s. PSC 185.805 as an alternative to testing all meters under sub. (1) (b).

**PSC 185.805 Alternate sample-testing plan for "before-use" test for testing of 5/8-, 3/4-, and 1-inch meters.**

~~(1) All rebuilt meters must be tested before use.~~

~~(12) Meters as A utility shall divide new meters that are received from the supplier without a certificate of accuracy shall be divided into lots of 36 or less. Each lot shall consist of meters of the same make, type, and size.~~

~~(23) A random-selected The utility shall select and test a randomly-selected sample of 4 meters from each lot shall be selected and tested.~~

~~(34) If any of the tested meters in a given lot fail to meet the accuracy requirements of s. PSC 185.65 (2) 185.76 for new meters, either the entire lot shall be rejected, or the utility shall test all meters in the lot, rejecting or correcting those found to be inaccurate. the utility shall do one of the following:~~

~~(a) Reject the entire lot.~~

~~(b) Test all meters in the lot, rejecting or correcting those found to be inaccurate.~~

~~(45) Records shall be maintained The utility shall maintain, for the time period specified in s. PSC 185.104, records showing the identification numbers of all meters in each lot and the test results for the meters tested per s. PSC 185.19.~~

**PSC 185.81 Periodic tests testing of in-use meters.**

(1) ~~Customer~~ A utility shall test in-use meters ("in-use" meters) shall be tested as frequently as is necessary to ~~maintain their accuracies within~~ ensure that they continue to meet the accuracy requirements set forth in s. PSC 185.76. Unless otherwise authorized by the commission, each utility shall observe a test schedule such that the intervals between tests do not exceed the following: that requires a test at least as often as shown in Table 185.81 (1).

Figure 185.76 (1)

Table 185.81 (1)

Periodic Meter Testing Table	
Meter Size	Frequency of Meter Test
$\frac{5}{8}$ , $\frac{3}{4}$ and 1-inch meters	10 years
1 $\frac{1}{2}$ and 2-inch meters	4-6 years
3 and 4-inch meters	2 years
6-inch and larger meters	Once a year

(2) ~~Where~~ A utility shall test in-use meters more frequently where local water conditions are such that ~~meters shall~~ a meter does not retain the required accuracy for the periods indicated; appropriate shorter test intervals shall be observed and in Table 185.76 (1) may be specifically required by the commission. The commission may also specifically require more frequent testing.

(3) ~~For 3 and 4 inch meters, the above test interval may be extended to 4 years where~~ A utility may, with specific commission approval, extend the test interval for in-use meters that measure 4-inches or less if local water conditions permit and the utility shall demonstrate provides the data under sub. (7) to the commission showing that those meters remain accurate ~~the accuracy of its meters shall be retained for such~~ the extended period.

(4) In lieu of testing every in-use  $\frac{5}{8}$ -,  $\frac{3}{4}$ -, and 1-inch water meter as required under sub. (1), a utility may satisfy the requirements of this section by testing meters according to s. PSC 185.761 ~~use a sample-testing plan under s.~~ PSC 185.815.

(5) When system losses are less than the prescribed percentages a utility shows demonstrable progress in reducing its non-revenue water under PSC 185.85 (4) PSC 185.66 (4) (e), a utility may, in lieu of testing every in-use meter as required under sub. (1), ~~may satisfy the requirements of this section for~~  $\frac{5}{8}$ ,  $\frac{3}{4}$ , and 1-inch meters by adopting adopt a new meter replacement program that results in each  $\frac{5}{8}$ ,  $\frac{3}{4}$ , and 1-inch meter being replaced with a new meter within 20 years of the original date of installation.

(6) When requesting commission approval to test less frequently under sub. (3), a utility shall provide the commission meter test data that demonstrate that a significant number of meters remain accurate for the extended period. This data shall include the year in which a meter was purchased, the number of meters purchased during that year and, as to the meters purchased in each year, all of the following:

(a) The test results for all of the meters.

(b) The number of years each meter was accurate without repairs.

(c) The number of meters that were retired during the extended period and the age at retirement.

(d) The number of meters that needed to be repaired during the extended period before being placed back into service.

**PSC 185.815 Alternative sample-testing plan for in-use 5/8-, 3/4-, and 1-inch meters.**

(1) In lieu of periodically testing every in-use water meter as required under s. PSC 185.81 (1), a utility may use the sample-testing plan under this section to test 5/8-, 3/4-, and 1-inch water meters. As an alternative to testing 100% of meters that require testing under s. PSC 185.76, a utility may test a population sample equal to 25% of the total to be tested of each meter size. This test sample shall be a random selection of the total to be tested and each meter size test shall be conducted independently. If 10% or more of the test sample does not meet the accuracy requirements of s. PSC 185.35, the utility shall test all meters of that size in accordance with s. PSC 185.76.

~~(2) Meters testing inaccurately under sub. (1) shall be repaired prior to being returned to service. The test sample selected shall be rescheduled for testing under the intervals set forth in s. PSC 185.76 (1). The meters not selected shall be rescheduled for testing at an interval not exceeding one-half the test intervals set forth in s. PSC 185.76 (1).~~

(2) A utility shall divide meters that have been in service for at least 120 months into homogeneous lots by manufacturer, capacity and year manufactured or refurbished. The number of meters in any lot may not exceed 10,000 or be less than 2.

(3) (a) From each lot assembled under sub. (2), the utility shall draw a sample of the size specified in Table 1. The sample shall be drawn through use of a computer generated random sampling that ensures that each meter in the lot has an equal chance of being selected.

(b) Meters that cannot produce a valid test because of physical damage may not be used in the sample.

(c) If a cumulative 2% of the meters in a lot are found to not be registering, the entire lot shall be considered not acceptable for continued use. Until that 2% point is reached, any nonregistering meter in a sample may be removed for analysis purposes, and be replaced with other randomly selected meters from the lot.

(4) The utility shall test each meter in the sample using the accuracy requirements of PSC 185.76.

(5) A utility shall calculate an average accuracy for each meter, using the test results found under 185.76 Table 1.

(6) A meter shall be considered a nonconforming unit if its average accuracy is less than 98% or greater than 102%.

(7) (a) If the number of nonconforming units found in the first sample is less than or equal to the first acceptance number in Table 1, the lot is acceptable for continued use.

(b) If the number of nonconforming units found in the first sample is greater than or equal to the first rejection number in Table 1, the lot is not acceptable for continued use.

(c) If the number of nonconforming units found in the first sample is greater than the appropriate first acceptance number in Table 1 and less than the appropriate first rejection number in Table 1, then a second sample of the size specified in Table 1 shall be assembled under sub. (3) and tested under sub. (4).

(d) The number of nonconforming units found in the first sample and the number of nonconforming units found in the second sample shall be added together.

(e) If the cumulative number of nonconforming units is equal to or less than the appropriate second acceptance number shown in Table 1, the lot shall be considered acceptable for continued use.

(f) If the cumulative number of nonconforming units is equal to or greater than the appropriate second rejection number shown in Table 1, the lot shall be considered not acceptable for continued use.

<u>Table 1</u>						
<u>Lot size</u>	<u>1st sample size</u>	<u>1st sample acceptance number</u>	<u>1st sample rejection number</u>	<u>2nd sample size</u>	<u>2nd sample acceptance number</u>	<u>2nd sample rejection number</u>
<u>2-8</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>2</u>
<u>9-15</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>2</u>
<u>16-25</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>
<u>26-50</u>	<u>5</u>	<u>0</u>	<u>2</u>	<u>5</u>	<u>1</u>	<u>2</u>
<u>51-90</u>	<u>8</u>	<u>0</u>	<u>2</u>	<u>8</u>	<u>1</u>	<u>2</u>
<u>91 – 150</u>	<u>13</u>	<u>0</u>	<u>2</u>	<u>13</u>	<u>1</u>	<u>2</u>
<u>151 – 280</u>	<u>20</u>	<u>0</u>	<u>3</u>	<u>20</u>	<u>3</u>	<u>4</u>
<u>281 – 500</u>	<u>32</u>	<u>1</u>	<u>4</u>	<u>32</u>	<u>4</u>	<u>5</u>
<u>501 – 1200</u>	<u>50</u>	<u>2</u>	<u>5</u>	<u>50</u>	<u>6</u>	<u>7</u>
<u>1201 – 3200</u>	<u>80</u>	<u>3</u>	<u>7</u>	<u>80</u>	<u>8</u>	<u>9</u>
<u>3201 – 10,000</u>	<u>125</u>	<u>5</u>	<u>9</u>	<u>125</u>	<u>12</u>	<u>13</u>

Based on ANSI/ASQ Z1.4-2008, Table I, General Inspection Level II, Table III-A, Double Sampling Plan, Acceptance Quality Limit (AQL) of 2.5%.

**(8)(a)** If a lot is considered not acceptable for continued use, the utility shall test all of the meters in the lot during the 4 subsequent years, testing no less than 25% of the failed lot in each of the first 3 years and the remainder in the 4th calendar year.

**(b)** Those meters that are tested under par. (a) and are accurate may be returned into service. Those meters that are tested under par. (a) and are inaccurate shall be retired or fixed and returned into service.

**(9)** If a utility is using a statistical sample testing plan for in-use meters a report of statistical sample testing results shall be filed with the commission by April 1 of each year. The report shall reflect the previous year's testing activity. The report shall include, at a minimum, all of the following information:

**(a)** A meter lot identified for reference purposes.

(b) A description of each meter lot, including information such as year placed in use and manufacturer.

(c) The number of meters in each lot.

(d) The sample size.

(e) The s. PSC 185.815 and its Table 1 acceptance and rejection thresholds.

(f) The number of nonconforming units found in each sample.

(g) The mean meter accuracy of each sample.

(h) The average meter accuracy for each sample.

(i) The number of meters that did not register and the number of meters that were exchanged in the field without testing, that are associated with the entire lot, not just the sample.

**PSC 185.82 Request tests and meter retests. (1) REQUEST TESTS. (a) When to test. Upon a customer's request, or commission staff request, a water utility shall test the accuracy of a meter serving a customer, provided the customer does not request such a test on the same meter more frequently than one of the following:**

1. Once in 24 months, for a meter that is 4" or smaller.

2. Once in 12 months, for a meter that is larger than 4".

(b) How to test. The test shall be performed in accordance with this subchapter.

(c) Where to test. The test shall be performed, at the utility's discretion, at one of the following:

1. The utility's testing shop.

2. A customer's premises.

3. A third party testing facility that is acceptable under [subch. VII](#).

(d) Testing in customer's presence. Upon request, a utility may perform the test under [par. \(a\)](#) in the presence of the customer during normal business hours. During such a test the utility shall provide the customer with a step-by-step explanation of the test as it is performed.

(e) Fee for test. There shall be no fee for a customer-requested test, except that a utility may charge a fee equal to its cost to perform the test if it performs a second or subsequent request test for the same customer on the same meter within the time period specified in [subd. \(a\) 1.](#), and has notified the customer about the fee in advance. The fee shall be refunded to the customer by the utility if the meter is found to be inaccurate as determined under s. [PSC 185.76](#).

**(2) REFEREE TESTS.** (a) *When to test.* Upon a customer's request, a utility shall test a meter in the presence of a qualified commission representative, provided the customer does not request such a referee test on the same meter more frequently than once in 12 months.

(b) *Testing in customer's presence.* Upon request, a utility may perform the test under par. (a) in the presence of the customer during normal business hours. During such a test the utility shall provide the customer with a step-by-step explanation of the test as it is performed.

**(3) METER RETENTION.** (a) *Definitions.* For purposes of this subsection, "as found" means retained, filled with water and capped without any other adjustments being made since the last test was performed.

(b) *After a customer requested test.* When a utility performs a customer requested test on a customer's meter under sub. (1) or when the commission requests that a meter be tested, the utility shall keep the tested meter, in "as found" condition, at a designated location on the utility's premises for at least one full billing period plus four weeks after the test result report is issued so that the meter is available should another meter test be requested. If the meter tests as accurate, the utility may choose to keep the tested meter installed at the customer's premises for the designated time period rather than storing it at the utility's premises.

(c) *After a referee test.* When a utility perform a referee test on a customer's meter under sub. (2), the utility shall keep the tested meter, in "as found" condition, at a designated location on the utility's premises for at least 10 business days after the test result report is issued so that the meter is available should further testing or review be needed. If the meter tests as accurate, the utility may choose to keep the tested meter installed at the customer's premises for the designated time period rather than storing it at the utility's premises.

(d) *When a complaint or dispute occurs.* When a utility receives a complaint under s. PSC 185.53 or is notified about a dispute under s. PSC 185.54 involving a meter-related issue, the utility shall keep the meter, in "as tested" condition, at a designated location on the utility's premises for at least one full billing period plus four weeks after the complaint or dispute and any appeal of that dispute is resolved so that the meter is available should testing be requested. If the meter was tested during the complaint or dispute process, and it tested as accurate, the utility may choose to keep the tested meter installed at the customer's premises for the designated time period rather than storing it at the utility's premises.

(e) *Fee for retest.* There shall be no fee for a retest under par. (a) 1., except that a utility may charge a fee equal to its cost to perform the test if the utility performs a second or subsequent retest for the same customer on the same meter within the time period specified in sub. (1) (a) 1., for the meter size involved, and has notified the customer about the fee in advance.

(c) *Refund of fee.* The fee under par. (b) shall be refunded to the customer by his or her utility if the meter is found to be inaccurate as determined under s. PSC 185.76.



(4) TEST RESULT REPORTS AND NOTICES. (a) Provide report to customer. A utility shall provide a detailed written report giving the results of each test under sub. (1) (a) or (2) (a) to the customer. The utility shall indicate on the report how long the customer has to dispute the test results.

(b) Deadline to dispute customer requested test results. A utility shall give a customer at least 30 days after a written report for a customer requested test under sub. (1) (a) is issued to dispute test results .

(c) Deadline to dispute meter retests. A utility shall give a customer at least 10 business days after a written report for a retest under sub. (2) (a) is issued to dispute test results.

### **Subchapter IX – Water Conservation and Efficiency**

**PSC 185.90 Definitions.** In this subchapter:

**(1)** "Net cost effectiveness" means the extent to which a water conservation program or measure is cost effective, after being adjusted for all of the following:

**(a)** The amount of water savings that would have been achieved in the absence of the water conservation program or measure.

**(b)** The amount of water savings directly attributable to the influence of the water conservation program or measure but that is not specifically included in the program or measure.

**PSC 185.91 Customer Education Requirements.** ~~Upon a residential customer's request~~ At least annually, a ~~public~~ utility shall provide information to ~~the residential~~ each customer that may assist the customer in reducing outdoor water use, repairing ~~residential~~ water leaks, and implementing other water conservation measures. ~~This~~ Alternatively, this information may be generically provided on the ~~public~~-utility's web site.

### **PSC 185.92 Voluntary Water Conservation Rebate or Incentive Programs.**

**(1) DEFINITION.** In this section, "voluntary program" means a water conservation program a public utility voluntarily proposes to administer or fund that provides rebates or other direct financial incentives to customers for water-efficient products or services.

**(2) REQUEST TO ADMINISTER OR FUND A VOLUNTARY PROGRAM.** A ~~public~~-utility may not administer or fund a voluntary program without commission approval. A ~~public~~-utility may file a request with the commission for authorization to administer or fund one or more voluntary programs within its service area. A utility requesting a voluntary program shall provide all of the following information:

- (a) A description of the proposed program, including the target market, eligible measures, delivery strategy, marketing and communications strategy, incentive strategy, and potential market effects.
- (b) The proposed annual program budget, including administrative costs, and source of funding.
- (c) Annual and multi-year performance targets that are consistent with commission goals and policies.
- (d) A portfolio and program level net cost effectiveness analysis.
- (e) A description of the ~~public~~-utility's proposed tracking and reporting system.
- (f) A description of the ~~public~~-utility's proposed evaluation, measurement, and verification plan.
- (g) A description of how the ~~public~~-utility will coordinate its voluntary program with any statewide water conservation program, including any requirements contained in ch. NR 852.
- (h) Any other information the commission requests.

### (3) APPROVAL OF VOLUNTARY PROGRAM.

(a) The commission shall consider each of the following when deciding whether to approve a voluntary program:

1. Whether the program is in the public interest.
2. The likelihood the ~~public~~-utility will achieve its program goals.
3. The inclusion of appropriate water conservation measures.
4. The adequacy of the proposed budget.
5. The net cost effectiveness of the program.
6. The adequacy of the ~~public~~-utility's evaluation, measurement, and verification plan.
7. The level of coordination with any statewide water conservation program, including any requirements contained in ch. NR 852.

(b) Unless the voluntary program is included in a general rate proceeding, the commission shall issue its decision to approve, deny, or modify a proposed voluntary program in writing within ~~40~~ 60 working days after receiving the proposal. If the commission denies or modifies a proposed voluntary program it shall explain its reasons for the denial or modification. If the commission denies a voluntary program, the ~~public~~-utility may revise and resubmit a request for approval of a voluntary program at any time.

(4) MODIFYING OR DISCONTINUING A VOLUNTARY PROGRAM. A ~~public~~-utility may request that the commission authorize the modification or discontinuation of a voluntary program at any time. A ~~public~~-utility may not modify or discontinue a voluntary program without commission approval.

(5) RETURN OF FUNDS. The commission may require a public utility to return any unspent funds collected for a voluntary program approved under this section to its ratepayers.

(6) ANNUAL REPORTS. A ~~public~~-utility receiving commission approval for a voluntary program under this section shall submit an annual report to the commission no later than April 1 following the covered year. The report shall include all of the following:

- (a) A summary of program activities in the previous calendar year.
- (b) An itemized accounting of administrative and program costs.
- (c) The program balance or deficit at the end of the year.
- (d) Estimated water savings attributable to the program, by customer class.
- (e) The number of customers receiving rebates or other incentives.
- (f) Estimated non-water benefits, including energy savings.
- (g) Other performance metrics identified by the ~~public~~-utility.
- (h) Any other information requested by the commission.

(7) AUDITS AND VERIFICATION. The commission may conduct an audit, or contract with an independent third-party evaluator to conduct an audit, to verify the performance of a ~~public~~ utility's voluntary program. The ~~public~~ utility shall pay for the costs of the evaluation, as determined by the commission.

## Subchapter X – Records and Reports

**PSC 185.100 Location of records.** ~~All~~ A utility shall keep all records required or necessary for the administration of this chapter shall be kept within this state unless otherwise authorized by the commission. These records shall be available for examination by the commission or its authorized representative at all reasonable hours. (See s. 196.06 (6), Stats.) A utility may fulfill this section by being able to access electronic copies of the original records as long as the original records can be produced upon request.

**Note:** See s. 196.06 (6), Stats.

**PSC 185.101 Records and reports of unplanned ~~interruption of service interruptions.~~ (1)** A utility shall keep a record of all interruptions to water service affecting an entire distribution system of any urban area or an important division of a community. The record shall show all of the following:

- (a) The date and time of interruption.
- (b) The cause of the interruption.
- (c) The number of customers affected.

(d) The date and time that water service is restored.

(2) A utility shall report to the commission by telephone each unplanned interruption of water service that affects more than 100 customers. The report shall be made as soon as possible, but in no case more than 24 hours following the discovery of the interruption.

**PSC 185.102 Pumpage records.** A utility shall keep a record ~~shall be kept~~ of the ~~amount~~ volume of water pumped into the distribution system each day as measured by a ~~from each~~ station meter. The utility shall summarize daily pumpage ~~shall be summarized~~ by months and ~~such~~ keep the daily records and monthly summaries ~~kept on file for the time period specified in~~ s. PSC 185.104.

**PSC 185.103 Construction records.**

(1) Every utility shall prepare and maintain a record of its utility plant. The records shall be in the form of a map or descriptive table and shall include a description of the unit of property, the year of its construction, and its location. ~~They shall be in the form of a map or descriptive table.~~

(2) Class AB utilities ~~are required by the uniform system of accounts to~~ shall institute a perpetual inventory of their assets known as continuing property records. A continuing property record system shall contain all of the following criteria and detail:

(a) The system shall be arranged by plant accounts as prescribed by the Uniform System of Accounts;

(b) All property units shall be described in sufficient detail to permit their identification and shall have location information to allow verification of their physical existence;

(c) All property units shall be identified with construction costs to establish their original cost for capitalization and retirement accounting;

(d) The age and service life of property units shall be calculable for depreciation studies. The original cost, description, and age of the property unit at retirement shall be converted into mortality records and permanently retained. (See s. PSC 185.19);

(e) Source documents supporting the original cost and quantities of property units shall be preserved for a ~~the period of 6 years after the plant is retired~~ specified in s. PSC 185.104. (See s. PSC 185.19.) ~~An exception is when a utility maintains approved continuing property records and permanent mortality records, then supporting documents need only be preserved for a period of 6 years after construction is completed.~~ This provision meets commission requirements but may not satisfy other record-keeping needs;

(f) Maps may be part of the continuing property records if they contain the description of the unit, its location, and the year of its construction. For maps to become the Continuing Property Record, the units shall be referenced to their original cost.

(3) A utility may apply for a waiver from any portion of subs. (1) and (2). ~~Such~~ The application shall state the ~~paragraphs to~~ paragraph for which a waiver is requested. Also, the utility shall provide the reasons it cannot or ~~shall~~ should not have to comply with ~~subs. (1) through (2) (f) the~~ paragraph and the impacts such a waiver would have on the utility's ability to maintain usable continuing property records, if any.

**PSC 185.104 Other records.** ~~Other required records which are referred to elsewhere in this chapter include records of adjustment of customer bills (s. PSC 185.35 (8)), main flushing (s. PSC 185.86), valve and hydrant operations, pumpage and metered consumption (s. PSC 185.85 (2)), and service interruptions (s. PSC 185.88).~~

**PSC 185.104 Preservation of records. (1)** A utility shall preserve the following records in a readable format and keep them available for inspection by the commission for the period indicated. ~~The list is not to be taken as comprehending a complete list of all types of utility records.~~

<b>Description of Record</b>	<b>Period to be Retained</b>
(a) Maps showing the location and physical characteristics of the utility plant	Until maps are superseded or 6 years after plant is retired, provided mortality data are retained
(b) Engineering and original cost records in connection with construction projects	Until records are superseded or 6 years after plant is retired, provided mortality data are retained. An exception is allowed when a utility maintains approved continuing property records; then, engineering and original cost records need only be preserved for a period of 6 years after construction is completed.
(c) Operating records	
1. Station pumpage records	15 years or 3 years after the source is abandoned, whichever is shorter
<u>2. Records of water supplied to the distribution system and records of authorized consumption</u>	<u>15 years</u>
<u>3. Main flushing records</u>	<u>6 years</u>
<u>4. Interruption records</u>	6 years
<u>5. Meter test records</u>	Until the information in the meter test record is entered in the meter history record <del>and the meter is tested again</del>
<u>6. Meter history record</u>	Life of meter plus 6 years
<u>7. Annual meter accuracy summary</u>	6 years

68. Pressure records	6 years
(d) Customer records:	
1. Complaint records	3 years after complaint is resolved
2. Customer deposit	6 years after refund
3. Meter reading records used for billing	6 years
4. Billing record	6 years
5. <u>Method of delivery of run water – individual notices</u>	<u>3 years</u>
(e) Filed rates and rules	Permanently

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**Note:** See also Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities" adopted by the commission in docket 5-US-114 December 12 2006 for a more comprehensive listing of retention periods of specific record

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