



# WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Public Service Commission of Wisconsin  
RECEIVED: 11/4/2022 1:28:13 PM

Cru Stublely  
Secretary  
Public Service Commission of Wisconsin  
4822 Madison Yards Way  
Madison, WI 53705-9100

Re: Docket Numbers 9300-DR-105 and 9300-DR-106

Mr. Stublely,

As the Chairman of the Senate Committee on Utilities, Technology and Telecommunications and the acting Chairman of the Assembly Committee on Energy and Utilities we have serious concerns regarding the Public Service Commission's decision to open this proceeding. Multiple times in the past five years, the Commission has correctly rejected similar requests, deferring matters of significant public policy to the elected representatives of the people of Wisconsin, the State Legislature.

In 2017, the Commission refused a similar petition for a declaratory ruling, stating "the question presented in the petition for declaratory ruling raises significant public policy considerations that the Commission believes are better left for the Legislature's determination rather than for the Commission's determination through the declaratory ruling process." [[Final Order in PSC Docket 9300-DR-102](#)]


Additionally, in 2019, the Commission denied a petition from Sunrun Inc., acknowledging that "determinations with such broad statewide policy consequences are better addressed through the legislative process." [[Final Order in PSC Docket 9300-DR-103](#)]


This is also an issue the legislature considered as recently as this session, when Senate Bill 702 and Assembly Bill 731 were introduced in November 2021.

Even if the Commission does not agree with our assessment that this is a policy matter best left to the legislature, the policy created by the Commission would certainly fall under the definition of a rule found in Wis. Stat. § 227.01(13).

In this case, we would hope that the Commission would seek to enact these policies through the established rulemaking process found in Wis. Stat. § 227 rather than the expedited declaratory ruling proceeding currently underway.

Best Regards,

  
Senator Julian Bradley  
Chairman, Senate Committee on Utilities,  
Technology and Telecommunications

  
Representative David Steffen  
Acting Chairman, Assembly Committee  
on Energy and Utilities