



Public Service Commission of Wisconsin

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RECEIVED: 5/1/2023 3:19:17 PM

Public Service Commission of Wisconsin's Rules Report Pursuant to Wis. Stat. § 227.29

March 29, 2023

Pursuant to Wis. Stat. § 227.29, the Commission is required to submit the following report to the Joint Committee for Review of Administrative Rules (JCRAR) by March 31 of each odd-numbered year. Pursuant to Wis. Stat. 227.29(1), this report shall provide a listing of all rules that fall into the following categories:

- (a) Unauthorized rules, as defined in s. 227.26(4)(a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.
- (b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.
- (c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.
- (d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.
- (e) Rules that the agency determines are economically burdensome.

Unauthorized Rules – Pursuant to Wis. Stat. § 227.29 (1) (a)

The Commission plans to submit a petition pursuant to Wis. Stat. 227.26(4)(b)1 to request repeal of the following unauthorized rules that the Commission is no longer authorized to enforce.

2013 Wisconsin Act 274 and 2015 Wisconsin Act 176 provide that municipal utilities are not required to offer a tenant a deferred payment agreement and that a determination by a municipal utility to offer or not offer a deferred payment agreement does not require approval from the Commission and is not subject to disapproval by the Commission. As a result, the Commission is not authorized to require municipal utilities to offer tenants deferred payment agreements.

- Wisconsin Admin. Code § PSC 113.0404 (1)
- Wisconsin Admin. Code § PSC 134.063 (1)
- Wisconsin Admin. Code § PSC 185.38 (1)

The following unauthorized rules below have been resolved.

Pursuant to Wis. Stat. 227.26(4)(b)1, the Commission filed a petition to request repeal of these rules. The rule revisions were effective on November 1, 2021.

- **Wisconsin Admin. Code § PSC 136.05**
- **Wisconsin Admin. Code §§ PSC 173.02 (4), (6)-(7), (11), and (13)-15)**
- **Wisconsin Admin. Code § 173.06**
- **Wisconsin Admin. Code § 173.07**
- **Wisconsin Admin. Code § 173.08**
- **Wisconsin Admin. Code § 173.09**
- **Wisconsin Admin. Code § 173.10**
- **Wisconsin Admin. Code § 173.11**
- **Wisconsin Admin. Code § 173.12**

Restricted Rules – Pursuant to Wis. Stat. § 227.29 (1) (b)

None.

Obsolete Rules – Pursuant to Wis. Stat. § 227.29 (1) (c)

The Commission plans to initiate a rulemaking to revise the following obsolete rule provisions.

- **Wisconsin Admin. Code § PSC 111.51 (2):** This section references a detailed project plan for high voltage transmission line projects. However, 2013 Wisconsin Act 10 revised Wis. Stat. § 196.491(3)(a)3.a. to remove the requirement for applicants to submit a detailed project plan for these projects.
- **Wisconsin Admin. Code § PSC 132.02 (3):** This section references an obsolete definition of a cable operator from Wis. Stat. § 66.0419(2)(b). However, this section includes an explanatory note stating that this statute was repealed by 2007 Wisconsin Act 42. The Legislature subsequently recreated this statute (on a different topic) in 2015 Wisconsin Act 302.
- **Wisconsin Admin. Code § PSC 136.04 (5):** This section references Wis. Admin. Code §§ SPS 367.04(17) and 367.11. However, the Department of Safety and Professional Services (DSPS) repealed Wis. Admin. Code ch. SPS 367 in CR-18-056, effective December 1, 2018.

- **Wisconsin Admin. Code § 160.05 (9):** This section relates to the use of Universal Service Fund (USF) monies and references educational technology teacher training grants under Wis. Stat. § 16.996 as an appropriate use of USF funds. However, this statute was repealed by 2019 Wisconsin Act 9, the 2019-2021 Biennial Budget Act. This same budget act revised Wis. Stat. § 196.218(5)(a)12. to allow the use of Universal Service Fund monies for information technology infrastructure grants under Wis. Stat. § 16.9945 rather than educational technology teacher training grants under Wis. Stat § 16.996.
- **Wisconsin Admin. Code § PSC 161.05 (3):** This section references an obsolete grant program from the previous Wis. Stat. § 16.997(6) that sunset on December 31, 2005. Wisconsin Stat. § 16.997(6) was repealed by 2007 Wisconsin Act 20.
- **Wisconsin Admin. Code § PSC 161.08 (2):** This section references Wis. Stat. § 16.997(6). However, this section includes an explanatory note stating that this statute was repealed by 2007 Wisconsin Act 20.

The Commission has requested that LRB revise the following provisions pursuant to its authority under to Wis. Stat. §§ 227.29(4)(c)3. and 13.92(4)(b). Per LRB, these changes will be effective in the March B 2023 register.

- **Wisconsin Admin. Code § PSC 134.0622 (2) (g):** This section references Wis. Stat. § 101.865. However, this section includes an explanatory note stating that this statute was repealed by 2007 Wisconsin Act 63.
- **Wisconsin Admin. Code § PSC 134.062 (1) (g):** This section references Wis. Stat. § 101.865. However, this section includes an explanatory note stating that this statute was repealed by 2007 Wisconsin Act 63.

The following obsolete rules below have been resolved.

Pursuant to Wis. Stat. §§ 227.29(4)(c)3. and 13.92(4)(b), the Commission requested that the Legislative Reference Bureau (LRB) revise and update the cross-references in these administrative code provisions.

- **Wisconsin Admin. Code § PSC 116.02 (1) (d):** LRB completed the revision and published the revised ch. PSC 116 in the administrative register on March 29, 2021.
- **Wisconsin Admin. Code § PSC 168.09 (1):** LRB completed the revision and published the revised PSC 168.09 (1) in the administrative register on February 2, 2023.

For the rule provision below, the Commission completed the rulemaking docket 1-AC-255, which revised ch. PSC 135. As part of the rulemaking, this administrative code provision was revised. This rule (CR 21-049) was effective and promulgated on April 1, 2022.

- **Wisconsin Admin. Code § PSC 135.163 (1) (bw)**

Duplicative Rules – Pursuant to Wis. Stat. § 227.29 (1) (d)

None

Economically Burdensome Rules – Wis. Stat. § 227.29 (1) (e)

None