

(2) If the notice is of work covered by s. 182.0175 (2m) (b), Stats., and is not covered by s. 66.0831, Stats., the utility shall respond as required by s. 182.0175 (2m) (b), Stats.

(3) The utility may, in order to protect its interests, require that the owner or contractor perform certain work upon that part of the service piping or wiring on or being removed from the property upon which the excavating, building, or wrecking operations are being performed.

(4) This rule is not intended to affect the responsibility of the contractor or owner, or the liability or legal rights of any party.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00; corrections in (intro.) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register December 2002 No. 564.

PSC 113.0204 Interference with public service structures. (1) A utility having any work upon, over, along, or under any public street, highway or private property near existing utility facilities shall give reasonable notice to the other utility and shall exercise care when working in close proximity to such existing facilities. Sections 66.0831 and 182.0175, Stats., shall be observed where applicable. In all other cases such notice shall provide the other utility with a reasonable opportunity to protect or alter its facilities and such work shall not proceed without an agreement concerning the location and nature of the proposed work.

(2) Nothing in the above shall prevent a utility from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register December 2002 No. 564.

PSC 113.0205 Standard voltages and utilization equipment. (1) All utilities shall have available a tabulation showing the character and type of electric service supplied, including the secondary and, where applicable, primary voltages.

(2) Lamps used or furnished by the utility for highway or area illumination shall initially be such that the customer receives the proper illumination in lumens specified in the rate. If the street lighting rate is based on wattage, or if the utility furnishes lamps to customers free or at reduced cost, the lamp bulbs shall be of such efficiency in lumens per watt when used on the utility's circuits that customers may obtain their lighting service under the most favorable conditions practicable under the rate schedule.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

PSC 113.0209 Notice to communication firms. Each electric utility shall notify telephone utility and cable television firms in the area when it knows that customer-owned generating facility is to be interconnected with its system. This notification shall be as early as practicable to permit coordinated analysis and testing in advance of interconnection, if considered necessary by the electric or telephone utility or cable television firm.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

PSC 113.0210 Whistleblower protection. No public utility shall 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 bodies regarding the safety and reliability of the electrical system, or a portion thereof, provided that the employee reasonably believe that such information is true. No public utility may dismiss, discipline, demote, transfer, reprimand, harass, reduce the pay of, discriminate against, or otherwise, retaliate against, any employee or other person because the employee, or other person engaged in any of the described activities.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

Subchapter III — Disconnection and Reconnection of Electric Service

PSC 113.0301 Disconnections, residential. (1) Prior to disconnecting a jointly-metered property containing more than one rental dwelling unit and where service is in the property owner

or manager's name, the utility shall first make an attempt to transfer the debt to the property owner's or manager's residence or office service. If a transfer is permitted under sub. (7) (a) the utility shall pursue available collection efforts at the owner's or manager's property prior to disconnecting the jointly-metered property.

(1m) Residential utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment, as provided in s. PSC 113.0404.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with deposit or guarantee arrangements, as specified in s. PSC 113.0402.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or if the customer proposes to use a device that is not designed to reasonably minimize interference with communication and signal services.

Note: Section 101.865, Stats., was repealed by 2007 Wis. Act 63.

(h) Delinquency in payment for service received by a previous customer or occupant at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.

(i) Failure of an applicant for utility service to provide information or documentation required by s. PSC 113.0408.

(k) Refusal or failure to provide authorized utility personnel access to utility equipment.

(2) A utility is not required to furnish residential service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

(4) A public utility may disconnect residential utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(5) A public utility may disconnect residential utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(6) A public utility may disconnect residential utility service, without notice, where service has been reconnected without the utility's authorization.

(7) (a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of ss. PSC 113.0301 and 113.0304.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, by entering into a deferred payment agreement under s. PSC 113.0404 or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with ss. PSC 113.0301 and 113.0304.

(8) Residential utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

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

(c) Failure to pay for a different class of utility service, except as provided in sub. (7) (a).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(g) A utility to knowingly assist a landlord in the removal or eviction of a tenant from rental property.

(9) The residential customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after such period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(10) (a) A utility shall not disconnect residential service for reasons enumerated in sub. (1) unless written notice is sent to the customer by first class mail or personally served on a responsible adult member of the household at least 10 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 20th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) If the billing address is different from the service address, or the account is being billed in the name of "occupant," "resident" or other like term, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection for reasons enumerated in sub. (1). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. The notice shall state at a minimum:

1. The date of the notice;
2. The proposed date of disconnection;
3. That, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter.
4. That if disconnection of service will aggravate an existing medical or protective services emergency, the occupant should contact the utility immediately.

(c) Disconnection notice for reasons enumerated in sub. (1) shall be given upon a form approved by the commission and shall contain the following information:

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

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, if he or she wishes to negotiate a deferred payment agreement as an alternative to disconnection; or if there is a threat to health or safety of a resident because of the infirmities of aging, developmental or mental disabilities, the use of life support systems, or like infirmities incurred at any age, or the frailties associated with being very young.

4. A statement that residential utility service will be continued during serious illness or protective services emergency if the occupant submits a statement or notice pursuant to sub. (13).

5. A statement that the customer may appeal to the public service 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 the available remedies with the utility.

(11) (a) The utility shall make a reasonable effort to have a personal or telephone contact with the residential customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service and explain what actions must be taken to avoid disconnection.

(b) If the account is being billed in the name of "occupant," "resident" or other like term, the utility shall also contact other utilities serving the premises and attempt to obtain the name of a responsible adult member at the service address.

(c) The utility shall keep a record of these contacts and contact attempts.

(12) (a) When a residential customer, either directly or through the public service commission, disputes a disconnection notice under s. PSC 113.0407, the utility shall investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 113.0407 (1), the utility shall inform the customer of the right to appeal to the public service commission.

(13) Notwithstanding any other provision of this section, other than for reasons of safety or danger, a utility may not disconnect or refuse to reconnect service to a residential premises if disconnection or refusal of reconnection of service will aggravate an existing medical or protective services emergency for the occupant, if the occupant complies with the procedures of par. (a):

(a) A utility shall postpone the disconnection of service, or reconnect the service if disconnected, for up to 21 days to enable the occupant to arrange for payment, if the occupant produces a licensed Wisconsin physician'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 disconnection will aggravate the circumstances. During this extension of service, the utility and occupant shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. The postponement may be extended by

renewal of the statement or notice if there is evidence of reasonable communication between the utility and occupant in attempting to make arrangements for payment.

(b) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. But no action to disconnect that service shall be taken until expiration of the period of continued service. Any customers who are in this continued service category shall be admitted into appropriate and special payment plan programs the utility may offer.

(c) If there is a dispute concerning an existing medical or protective services emergency, either party may request informal review by the public service commission staff. Pending a decision after informal review, residential utility service shall be continued provided that the occupant has submitted the statement or notice described in par. (a).

(14) Residential service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility 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 113.0407 and proper service personnel are readily available to restore service 24 hours per day.

(15) Notwithstanding any other provision of this chapter, residential utility service may not be refused because of a delinquent account if the customer or applicant provides as a condition of future service a deposit or guarantee as governed by s. PSC 113.0402, or a voucher agreement. If the guarantor has agreed to be responsible for payment of all future bills, the customer shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

(16) The utility may not disconnect services in affected counties when a heat advisory, heat warning, or heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected 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 service. The utility may require that an occupant produce a licensed physician'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.

(17) If the utility becomes aware that there are extenuating circumstances, such as infirmities of aging, developmental, mental or physical disabilities, the use of life support systems, or like infirmities incurred at any age, or the frailties associated with being very young, the utility shall take these circumstances into consideration prior to disconnecting service.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00; CR 06-046: am. (10) (c) 4. Register April 2007 No. 616, eff. 5-1-07; correction in (1m) (g) made under s. 13.92 (4) (b) 7., Stats., Register April 2013 No. 688; CR 13-048: am. (1m) (i), r. (1m) (j), (3) Register July 2014 No. 703, eff. 8-1-14.

PSC 113.0302 Disconnections, commercial and farm accounts. (1) Commercial or farm accounts which involve occupied dwellings shall be subject to s. PSC 113.0304.

(2) Commercial or farm utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account.

(b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(c) Failure to comply with a deposit, guarantee arrangement, or installment payment agreement, as specified in s. PSC 113.0403.

(d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading.

(e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service.

(f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission.

(g) Failure to comply with applicable requirements of this section, or of the utility's rules, or with s. 196.16, Stats., or if the customer proposes to use a device that is not designed to reasonably minimize interference with communication and signal services.

(h) Refusal or failure to provide authorized utility personnel access to utility equipment.

(3) A utility is not required to furnish commercial or farm service under conditions requiring operation in parallel with generating equipment connected to the customer's system if such operation is hazardous or may interfere with its own operations or service to other customers or with service furnished by others. The utility may specify requirements as to connection and operation as a condition of rendering service under such circumstances.

(4) A public utility may disconnect commercial or farm utility service, without notice, where a dangerous condition exists for as long as the condition exists.

(5) A public utility may disconnect commercial or farm utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(6) A public utility may disconnect commercial or farm utility service, without notice, where service has been reconnected without the utility's authorization.

(7) (a) Account arrears incurred by an owner or property manager for rental residential dwelling units or responsibility for non-compliance with energy conservation requirements as set out in ch. PSC 136 may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears or responsibility for non-compliance with energy conservation requirements to the owner or property manager prior to making the transfer.

(c) If the account arrears remain unpaid or the structure in question continues to be in non-compliance with the energy conservation requirements, the utility may disconnect the owner's or property manager's residence or office service, provided that the utility complies with the disconnection provisions of ss. PSC 113.0301 and 113.0304.

(d) An owner or property manager whose account is subject to disconnection action may avoid disconnection of service by making payment, by making an agreement with the utility for an extension of time for a specific period, or by installing the required energy conservation measures in the property in question. Any disconnection shall be in compliance with ss. PSC 113.0301 and 113.0304.

(8) Commercial or farm utility service may not be disconnected or refused for any of the following reasons:

(a) Delinquency in payment for service by a previous occupant of the premises to be served.

(b) Failure to pay for merchandise or charges for non-utility service billed by the utility.

(c) Failure to pay for a different type or class of utility service, except as provided in s. PSC 113.0302 (7) (a).

(d) Failure to pay the account of another customer as guarantor thereof.

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates or any faulty metering.

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan.

(9) The commercial or farm customer shall have, in all instances, at least 20 days from the date of issuance of the bill to provide payment. An account may be deemed delinquent and notice of intent to disconnect issued after the 20-day period has elapsed. In the event of a discrepancy between the issue date and the postmark, the 20-day period shall be figured from whichever is later.

(10) (a) A utility shall not disconnect commercial or farm service for reasons enumerated in sub. (1) unless written notice is sent to the customer by first class mail or personally served at least 10 calendar days prior to the day of the proposed disconnection. If disconnection is not accomplished on or before the 20th day after the issuance of a notice, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to disconnection.

(b) If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection for reasons enumerated in sub. (2). If access is not possible, this notice shall be posted at a minimum, to all entrances to the building and in the lobby. Such notice shall state, at a minimum:

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

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

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

(c) Disconnection notice for reasons enumerated in sub. (2) shall be given upon a form approved by the commission and shall contain the following information:

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

2. A statement of the reasons for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account, or if other suitable arrangements are not made, or if equipment changes are not made.

3. A statement that the customer should communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if he or she disputes the notice of delinquent account, or if he or she wishes to negotiate a payment agreement as an alternative to disconnection, or when serving an occupied dwelling, if there is a threat to health or safety of a resident because of the infirmities of aging, developmental, mental or physical disabilities, the use of life support systems, or like infirmities incurred with age, or the frailties associated with being very young.

4. A statement that the customer may appeal to the public service 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 the available remedies with the utility.

(11) The utility shall make a reasonable effort to have a personal or telephone contact with the commercial or farm customer prior to disconnection. If a contact is made, the utility shall review

the reasons for the pending disconnection. The utility shall keep a record of these contacts and contact attempts.

(12) (a) When a commercial or farm customer, either directly or through the public service commission, disputes a disconnection notice, the utility shall investigate any disputed issue and attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall not be disconnected over this matter.

(b) If a disputed issue cannot be resolved pursuant to s. PSC 113.0407 (1), the utility shall inform the customer of the right to appeal to the public service commission.

(13) Commercial or farm service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility 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 113.0407 and proper service personnel are readily available to restore service 24 hours per day.

(14) The utility may not disconnect service that serves an occupied dwelling unit in affected counties when a heat advisory, heat warning, or heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected for nonpayment 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 service. The utility may require that an occupant produce a licensed physician's statement or notice from a public health, social service, 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.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

PSC 113.0302 Reconnection of service. (1) (a) By June 1 of each year, or at a date designated by order of the commission, each electric utility in Wisconsin serving more than 40,000 customers shall submit a fall reconnection plan for review and approval by commission order. The plan shall provide reasonable means, including a timetable for personal contacts, that will be used to assure that all premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment shall be contacted prior to October 25, or at a date set by commission order, to inform them of available payment options such as budget billing or deferred payment agreements. The utility shall include in its plan, procedures for negotiating for payment with households that contain persons who are elderly, infants, young children, seriously ill, or mentally or physically disabled.

(b) Prior to October 15 of each year, or at a date designated by order of the commission, a utility shall attempt by letter, telephone, or personal visit to contact all households at premises to which service was disconnected within the past 12 months and remains disconnected for nonpayment and inform them of available payment options such as budget billing or deferred payment agreement. If a letter or telephone call does not result in a response from an adult member of the household by October 15, or at a date designated by order of the commission, a subsequent personal visit shall be made no later than October 25, or at a date designated by order of the commission. For any household remaining disconnected after this date, the utility shall continue its efforts to have a personal contact with the household and determine its situation. The utility shall make a personal contact attempt after the date of disconnection and before November 1 for any household disconnected between October 15 and October 31. If, during any of the contacts made to carry out this section, the utility or its representative observes a danger to human health or life due to the discon-

nection, the utility shall immediately restore service. A record shall be made of all contacts and attempted contacts made to comply with this section.

(2) By November 15th of each year, a utility shall file a report with the commission stating the number of dwellings assumed to be occupied where service remains disconnected as of November 1 or later and the reason that service has not been reconnected. Weekly, or on other dates if designated by order of the commission, a utility shall file reports with the commission listing the number of assumed to be occupied dwellings where service remains disconnected and the reason that service has not been reconnected to each dwelling.

(3) A utility shall cooperate with law enforcement and social service agencies in instances involving protective services emergencies. The utility shall refer to the appropriate social service agency any situation it identifies in its reconnection efforts where it appears that intervention by a social service agency is appropriate. Local law enforcement and social service agencies may use the commission's dispute resolution process on behalf of a household without service because of nonpayment.

(4) **APPLICABILITY.** (a) This section applies to dwellings where service has been disconnected for nonpayment of a utility service during the last 12 months and applies to utility service which provides the primary heat source, or affects the primary heat source to dwelling units. If a utility is unsure of whether utility service to a given premises affects its heat source, the utility must comply with the requirements of this section unless and until it can document that the discontinuation of utility service to that premises would not affect its heat source.

(b) Utilities with less than 40,000 customers may be required to submit a plan as described in sub. (1) (a) for approval by commission order and to meet the requirements of sub. (1) (a).

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

PSC 113.0304 Cold weather disconnections.

(1) **DECLARATION OF POLICY.** The public service commission of Wisconsin recognizes that there are many citizens of the state who, because of incomes, infirmities of aging, developmental or mental disabilities or like infirmities incurred at any age, or the frailties associated with being very young, need protection from cold weather disconnections. This section is intended to provide that protection as enumerated below. It is the further intent of the public service commission that these rules be used as guidelines to identify those customers who are not covered by sub. (4). For households subject to disconnection under this section, any disconnection permitted by this chapter during the cold weather period defined below shall be made only as a last resort, after all other legal means of recourse have been attempted and proven unsuccessful.

(2) **APPLICABILITY.** (a) This section applies to disconnections for nonpayment of utility service which provides the primary heat source or energy source affecting the primary heat source to residential dwelling units occurring during the period November 1 to April 15 in any year for all occupied residences.

(b) This section shall not apply to disconnections of service as set forth in s. PSC 113.0301 (1m) (b), (4), or (5), or disconnections for remodeling or repairs.

(3) **CUSTOMER REQUESTED TERMINATION.** With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of disconnection and verifies that the premises are not occupied. The utility shall keep a written record of the utility determination that the premises are unoccupied.

(4) **CONDITIONS FOR DISCONNECTION.** A utility may disconnect only those households whose gross quarterly incomes are above 250% of the federal income poverty guidelines and where health

and safety would not be endangered because of the infirmities of age, developmental or mental disabilities or like infirmities incurred at any age or the frailties associated with being very young, if service were terminated or not restored.

(5) **VERIFICATION.** (a) The burden of proof that a household is eligible for disconnection as defined in sub. (3) shall be the responsibility of the utility.

(b) The utility, as part of its filing with the public service commission pursuant to sub. (12) (b), shall include how it will verify the household's income and situation.

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

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

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

(8) **CUSTOMER AND OCCUPANT SERVICE INFORMATION.** Prior to disconnection, a utility shall inform the household of the availability of deferred payment agreements, budget billing and in the case of a noncustomer occupant, the option of accepting responsibility for future bills.

(9) **NO DISCONNECTION ON CERTAIN DAYS.** A utility may not disconnect service to an occupied dwelling on a Friday, Saturday, Sunday, holiday or on a day when utility personnel are not readily available to the occupant 24 hours per day to negotiate restoration of service.

(10) **THIRD PARTY CONTACTS.** If the household has previously requested that a specific third party be notified before disconnection, the utility shall contact that third party prior to disconnection of service.

(11) **MANAGEMENT-LEVEL EMPLOYEE.** The utility shall designate by November 1 each year one or more executive employees who will be responsible for final approval of the disconnection of utility service and notify the commission, in writing, of the name, title and contact number of the person or persons so designated. The designated employee shall certify on a form approved by the commission that all appropriate code provisions have been met prior to authorizing disconnection. For investor-owned utilities with 30,000 or more customers, the designated person shall be an employee with at least the position of vice president. For investor-owned utilities with fewer than 30,000 customers, the designated employee shall be the utility president. For a municipal utility the designated employee shall be either the general manager or chairperson of the governing board. A utility may designate an employee to act in the absence of the above-listed personnel because of illness or vacation.

(12) **REPORT.** (a) The utility shall report each disconnection of service to an occupied dwelling by facsimile transmission, if available, or telephone to the consumer services bureau of the public service commission by 3:30 p.m. the same day the disconnection takes place.

(b) If a utility intends to make any disconnection of service to occupied dwellings under the provisions of this section, it shall each year, prior to making any disconnections, file procedures for review and receive approval by order of the public service commission describing how it intends to identify the occupied dwellings subject to disconnection. If within 60 days of submission the commission has not, by order, approved the procedures, the procedures shall be considered disapproved.

(13) **FOLLOW-UP VISIT.** (a) By the end of the work day following the day of disconnection, the utility shall make an in-person visit to the occupied dwelling to check on the household's wellbeing and to ensure there is no danger to human health or life. The

utility shall again inform the household of the availability of deferred payment or budget billing agreements, shelter assistance and in the case of a noncustomer occupant, the option of accepting responsibility for payment of 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 service.

(b) The utility may request that the visit required under par. (a) 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 make a written record of the visit required under par. (a).

(14) INTERNAL PROCEDURES. The utility shall submit for approval by commission order copies of its written internal procedures for implementing this section and any materials used in training its employees to carry out these rules. If within 60 days of submission the commission has not, by order, approved the internal procedures, the procedures shall be considered disapproved. The utility shall review these procedures annually and update the files procedures when appropriate. A utility which does not disconnect occupied residences for nonpayment during the winter period is not required to file such procedures.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

PSC 113.0305 Customer-requested termination of service. With regard to customer-requested termination of service at an unoccupied residence, the utility may rely on verification by the owner or the owner's agent that the residence is unoccupied, provided that the utility visits the premises at the time of termination of service and has no reason to believe that the premises are occupied. If the premises appear to be occupied, the utility shall follow the procedures set out in s. PSC 113.0301 (10) (b).

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

Subchapter IV — Electric Billing and Payment Procedures

PSC 113.0401 Schedules to be filed with commission. The schedules of rates and rules to be filed with the commission by the utility shall be classified, designated, arranged and submitted so as to conform to the requirements of current tariff or rate schedule circulars and special instructions which have been and may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation and shall include, together with such other information as may be deemed pertinent, the following:

(1) All rates for service with indication for each rate of the type and voltage of service and the class of customers to which each rate applies. There shall also be shown any limitations on loads and type of equipment which may be connected, the prices per unit of service and the number of units per billing period to which the prices apply, the period of billing, the minimum bill, method of measuring demands including method of calculating or estimating loads or minimums and any special terms and conditions applicable. The discount for prompt payment or penalty for late payment, if any and the period during which the net amount may be paid shall be specified.

(2) By municipalities, but without reference required to any particular part thereof, the voltage at which service will be supplied and the type of service (direct current or single- /or poly-phase alternating current).

(3) Forms of standard contracts required of customers for the various types of service available.

(4) If service to other utilities, to electric cooperatives, or municipalities is furnished at a standard filed rate, either a copy of each contract or the standard contract form together with a summary of the provisions of each signed contract. The summary

shall show the principal provisions of the contract and shall include the name and address of the customer, the points where energy is delivered, rate, term, minimums, load conditions, voltage of delivery and any special provisions such as rentals. Standard contracts for such sales as that of energy for resale, street lighting, municipal athletic-field lighting and for water utilities may be filed in summary form as above outlined.

(5) Copies of special contracts for the purchase, sale, or interchange of energy.

(6) List of villages, cities and unincorporated communities where urban rates are applicable and towns in which service is furnished.

(7) The list of service areas and the rates shall be filed in such form as to facilitate ready determination of the rates available in each municipality and in such unincorporated communities as have service at urban rates. If the utility has various rural rates, the areas where the same are available shall be indicated.

(8) Definitions of classes of customers.

(9) Extension rules for extending service to new customers indicating what portion of the extension or cost thereof will be furnished by the utility; and if the rule is based on cost, the items of cost included.

(10) Type of construction required if in excess of the standards required by the Wisconsin state electrical code.

(11) Specification of such portion of service as the utility furnishes, owns and maintains, such as service drop, service entrance cable or conductors, conduits, service entrance equipment, meter and socket. Indication of the portions of interior wiring such as range or water-heater connection, furnished in whole or in part by the utility and statement indicating final ownership and responsibility for maintaining equipment furnished by utility.

(12) Statement of the type of special construction commonly requested by customers which the utility allows to be connected and terms upon which such construction will be permitted, with due provision for the avoidance of unjust discrimination as between customers who request special construction and those who do not. This applies, for example, to a case where a customer desires underground service in overhead territory.

(13) Rules with which prospective customers must comply as a condition of receiving service and the terms of contracts required.

(14) Rules governing the establishment of credit by customers for payment of service bills.

(15) Rules governing the procedure followed in disconnecting and reconnecting service.

(16) Notice by customer required for having service discontinued.

(17) Rules covering temporary, emergency, auxiliary and stand-by service.

(18) Rules covering the type of equipment which may or may not be connected, including rules such as those requiring demand-limiting devices or power-factor corrective equipment.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

PSC 113.0402 Deposits residential. (1) NEW RESIDENTIAL SERVICE. (a) A utility may not require a cash deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin electric utility or cooperative which accrued within the last 6 years and for which there is not agreement or arrangement for payment being honored by the customer and at which time the request for new service remains outstanding and not in dispute, as defined in s. PSC 113.0407. To request a deposit under this section, utilities must comply with requirements in sub. (2).

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that his or her gross quarterly income is at or below 200% of federal income poverty guidelines.