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## Chapter PSC 113

### SERVICE RULES FOR ELECTRICAL UTILITIES

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Note: Corrections made under s. 13.93 (2m) (b) 5. and 7., Stats., Register, September, 1997, No. 501.

Note: Chapter PSC 113 as it existed on July 31, 2000, was repealed and a new chapter PSC 113 was created, Register, July, 2000, No. 535, eff. 8-1-00.

#### Subchapter I — General

**PSC 113.01 Application of rules.** (1) All public utilities, whether privately or municipally owned or operated, in

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respect to the supply of electric energy and provision of electric service in this state, shall comply with and conform to rules set forth in this order except insofar as exception may be made by order of the commission as hereinafter mentioned.

(2) Nothing in this chapter of the Wisconsin Administrative Code shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in said rules.

(3) 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 incident or occurrence.

(4) The manner of enforcing the rules in ch. PSC 113 is prescribed in s. 196.66, Stats. and such other means as provided in statutory sections administered by the public service commission.

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

**PSC 113.012 Definitions.** In this chapter:

(1) "Ability to pay" means a customer's financial capacity to meet his or her utility service obligation, considering all of the following factors:

- (a) Size of the delinquent account.
- (b) Customer's payment history.
- (c) Period of time the debt has been outstanding.
- (d) Reasons why the debt has been outstanding.
- (e) Any other relevant factors concerning the customer's circumstances, as household size, income and expenses.

(2) "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, or failure of a utility to meet a utility obligation.

(3) "Customer" means the party billed for payment of bills issued for use of utility service at a given premises.

(4) "Customer-requested termination" means that the customer or occupant has asked the utility to cease providing utility service to a premises.

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

(6) "Disconnection" means preventing a specific customer from receiving electrical power through a specific action taken by the utility or its agents. This does not include temporary outages for maintenance purposes, storms, or other unplanned outages, or a customer-requested termination of service. "Disconnection" includes but is not limited to: the removal or sealing of an electric meter, severance of the connection between the distribution system and the service facilities or the customer's internal wiring, or the transmission of an electronic signal to the metering equipment which would deactivate the meter and prevent the flow of electrical current.

(6m) "Potential power line natural hazards" means trees or tree parts located in or reasonably proximate to a utility distribution or transmission line easement that are likely to interfere with the utility's operations, including distribution or transmission lines, within the utility's next maintenance cycle.

(7) "Installment payment agreement" means an arrangement between a utility and a commercial or farm customer for payment of a deposit in installments.

(7m) "Jointly-metered property" means a premises where electric service is measured jointly for 2 or more rental dwelling units, pursuant to s. 196.643 (2), Stats.

(7n) "Low-income customer" means a customer whose household income is at or below the federal poverty income guidelines for eligibility for federal energy assistance.

(8) "New residential customer" 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.

(9) "Occupant" means the resident or residents of a premises to which utility service is provided.

(10) "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.

(11) "Protective service 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 the frailties associated with being very young.

(12) "Voucher agreement" means a payment agreement guaranteed by a third party who has access to or control over the benefits and/or finances of a public assistance recipient. Included without limitation are:

- (a) Wisconsin Works (W-2) or Temporary Assistance to Needy Families (TANF) restrictive payment arrangements.
- (b) Social Security Representative Payee.
- (c) General Relief voucher payment systems.
- (d) Legal guardian.

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

**Subchapter II — Miscellaneous Service Requirements**

**PSC 113.0201 General requirement.** Every utility shall furnish reasonably adequate service and facilities at the rates filed with the commission and subject to these rules and the rules of the utility applicable thereto and not otherwise. The energy shall be generated, transmitted, converted and distributed by the utility and utilized, whether by the utility or the customer, in such manner as to obviate so far as reasonably practicable undesirable effects upon the operation of standard services or equipment of the utility, its customers, or other utilities or agencies.

Note: As used in these rules the terms "rules of the utility" or "utility's rules" means the rules of the utility on file with the commission.

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

**PSC 113.0202 Relocation of poles.** (1) When a utility is required by governmental authority or requested by customers to move poles, as, for example, from streets to alleys, the utility is not required to furnish new service entrance conductors, cable, conduit, or service equipment unless it makes a practice of supplying this equipment. It shall, however, run a service drop to the nearest point on each building served from the new location and remove the old service drop without expense to the customer.

(2) If the utility moves its poles of its own volition the utility shall supply new service entrance conductors, cable, conduit, interior wiring connection and service equipment and remove the old; or shall attach its system to the existing service entrance conductors without expense to the customer.

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

**PSC 113.0203 Protection of utility facilities.** A public utility upon receiving notice as provided in s. 66.0831 or 182.0175 (2m) (b), Stats., of work which may affect its facilities used for serving the public shall:

(1) If the notice is of work covered by s. 66.0831, Stats., investigate and decide what action, if any, must reasonably be taken to protect or alter utility facilities in order to protect service to the public and to avoid unnecessary damage. The utility shall take such action as is reasonably necessary to protect, remove, alter, or reconstruct its facilities and shall perform such work with reasonable dispatch taking into account the conditions to be met. Nothing in this rule 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 thereof to the utility by the property owner or contractor.

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(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 with s. 101.865, Stats., 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 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 adequate verification of identity and residency, as provided in sub. (3).

(j) Failure of an applicant for utility service to provide the credit information set out in s. PSC 113.0406 (7) (a).

(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.

(3) (a) A utility may request a signed application for residential service and verification of the identity and residency of an applicant for residential service at a premises where a bill remains unpaid for service provided within the previous 24 months.

(b) Any one of the items under subd. 1. or any 2 of the items under subd. 2. shall constitute adequate verification of identity, although a utility may accept other forms of verification:

1. Photo identification card, driver's license, or U.S. military card.

2. Current utility bills, bank statements, rental agreements, or letter of identification from a social service agency or employer.

(c) Any one of the items under subd. 1. or any 2 of the items under subd. 2. shall constitute adequate verification of residency, although a utility may accept other forms of verification:

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1. Photo identification card, driver's license, or U.S. military card.

2. Current utility bills, bank statements, rental agreements, or letter of identification from a social service agency or employer.

(d) An applicant denied or refused service because of this subsection shall be informed in writing of his or her ability to dispute the matter through the public service commission and shall be provided with the address and telephone number of the commission.

(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

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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 util-

ity 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.

**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.

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(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 113.0303 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

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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 disconnection, 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-

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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.

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(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.

(c) A utility shall inform the customer of his or her right to enter into a deferred payment agreement for payment of the deposit amount and of his or her right to appeal any deposit request or amount required under this section to the public service commission.

(2) DEFERRED PAYMENT. The utility shall inform the customer that in lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account balance accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement, as defined in s. PSC 113.0404, for the outstanding account. A customer who defaults on the deferred payment agreement may be required by the utility to furnish a deposit.

(3) GUARANTEE TERMS AND CONDITIONS. (a) 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 whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or whereby 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 his or her account with the utility, or on the guarantor's request upon 30 days' written notice to the utility.

(b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon 10 days' written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account has been guaranteed, unless the guarantor waives such notice in writing.

(4) EXISTING RESIDENTIAL SERVICE. (a) A utility may require a cash deposit or other guarantee as a condition of residential service if any of the following circumstances apply.

1. The utility has disconnected the customer's service within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute.

2. Subsequent credit information indicates that the initial application for service was falsified.

3. The customer has the ability to pay for the utility service but, during the cold weather disconnections rules period, had an arrears amount incurred during that period that was 80 days or more past due. The utility may request a deposit under this section even if the customer's service has not been disconnected.

4. A new residential customer accrues charges for electric service that become 60 days or more past due within the first 8 months of service.

(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 the federal income poverty guidelines.

(c) When the utility requests a deposit of an existing residential customer, the customer shall be informed of his or her right to provide the deposit, guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for the deposit amount.

(5) WRITTEN EXPLANATION. A utility shall provide a written explanation of why a deposit or guarantee is being required for a residential account. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(6) REASONABLENESS OF DEPOSIT. When requesting a deposit from a residential customer, the utility shall consider the customer's ability to pay in determining the reasonableness of its request, including the following factors:

(a) Size of the delinquent account.

(b) Customer's payment history.

(c) Time that the debt has been outstanding.

(d) Reasons why the debt has been outstanding.

(e) Any other relevant factors concerning the circumstances of the customer, as household size, income and expenses.

(7) AMOUNT OF DEPOSIT. (a) The maximum deposit for a new residential account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility.

(b) Except as provided in par. (c), the maximum deposit for an existing residential account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 month review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bills for any 4 consecutive months within the preceding 12 months review period, as determined by the utility.

(8) REFUSAL OR DISCONNECTION OF SERVICE. Residential service may be refused or disconnected for failure to pay a deposit request subject to the rules pertaining to disconnection and refusal of service, as provided in s. PSC 113.0301.

(9) INTEREST. (a) Deposits for residential accounts shall bear interest payable from the date a deposit is made 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 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) The rate of interest set by the commission shall be payable on all deposits. Utilities shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year.

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The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

(10) **REFUND.** The utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment.

(11) **REVIEW.** The utility shall not continue to require a cash deposit for a residential account unless a deposit is permitted under the provisions of sub. (4) or (10).

(12) **METHOD OF REFUND.** Any deposit or portion thereof refunded to a residential customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (14) applies.

(13) **REFUND AT TERMINATION OF SERVICE.** On termination of residential service, the utility shall credit the deposit, with accrued interest, to the customer's final bill and return the balance within 30 days of issuing the final bill.

(14) **ARREARAGES.** An arrearage owed by a residential customer may be deducted from the customer's deposit under any of the following conditions:

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

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(15) **APPLICABILITY.** The provisions in subs. (2) and (3) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

**History:** Cr. Register, July, 2000, No. 535, eff. 8-1-00; CR 02-027: am. (3) (b), Register December 2002 No. 564, eff. 1-1-03.

**PSC 113.0403 Deposits for commercial and farm service.** (1) **DEPOSIT REQUEST.** If the credit of an applicant for commercial and farm service has not been established satisfactorily to the utility, the utility may require the applicant to post deposit. The utility shall notify the applicant within 30 days of the request for service as to whether a deposit will be required. The 30-day period shall begin from the date the applicant provides all requested relevant information to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of the sub. (5). If a request for a deposit is made, the applicant must be given at least 30 days to provide payment, or guarantee, or to establish an installment payment agreement.

(2) **CONSIDERATIONS FOR DEPOSIT.** In determining whether an applicant for commercial or farm service has satisfactorily established its credit, the utility shall inform the customer that it will consider any or all of the following factors, if provided by the customer, before requiring a security deposit.

(a) Credit information from credit reporting services.

(b) Letter of credit from a financial institution or another utility.

(c) 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;

(d) Assets of the business.

(e) The financial condition of the business, as indicated in a financial statement.

(3) **INSTALLMENT PAYMENT AGREEMENT.** A commercial or farm customer or applicant for commercial or farm service of which a deposit is requested shall have the right to receive service under an installment payment agreement.

(4) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit for new or existing commercial or farm service, a contract signed by a guarantor satisfactory to the utility whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but it shall automatically terminate after the commercial or farm customer has closed its account with the utility, or at the guarantor's request on 30 days' written notice to the utility.

(b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on 10 days written notice, subject to the establishment of an installment payment agreement.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he or she has guaranteed, unless the guarantor waives such notice in writing.

(5) **EXISTING COMMERCIAL OR FARM SERVICE.** (a) The utility may require an existing commercial or farm customer to furnish a deposit if the customer has not made prompt payment of all bills within the last 24 months, or if the customer has the ability to pay for the utility service but, during the cold weather disconnection rules period, had an arrears amount incurred during that period that was 80 days or more past due.

(b) When the utility requests a deposit of an existing commercial or farm customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish an installment payment agreement.

(6) **WRITTEN EXPLANATION.** (a) A utility shall provide a written explanation of why a deposit or guarantee is being required for commercial or farm service. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the public service commission.

(b) The utility shall inform the customer at the time a deposit is provided that if, after 12 months of utility service, the deposit amount is greater than necessary based on actual consumption, the customer may request refund of the difference between the 2 amounts.

(7) **REFUSAL OR INTERRUPTION OF SERVICE.** Commercial or farm service may be refused or disconnected for failure to pay a deposit request, subject to the rules pertaining to disconnection and refusal of service.

**Note:** See s. PSC 113.0302.

(8) **AMOUNT OF DEPOSIT.** (a) The maximum deposit for a new commercial or farm account shall not exceed the highest estimated gross bill for any 2 consecutive billing periods selected by the utility. 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.

(b) Except as provided in par. (c), the maximum deposit for an existing commercial or farm account shall not exceed the highest actual gross bill for any 2 consecutive months within the preceding 12 months review period, as determined by the utility.

(c) If, during the cold weather disconnection rules period, a customer had an arrears amount incurred during this period that was 80 days or more past due and had the ability to pay for utility service, the deposit may not exceed the highest actual gross bill for any 4 consecutive months within the preceding 12-month review period, as determined by the utility.

(9) **INTEREST.** (a) Deposits for commercial or farm service shall bear interest from the date a deposit is made to the date it is applied to an account balance or 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 calen-

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dar year and notify the utilities of the 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. Utilities shall calculate the interest earned on each deposit at the time of the refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year(s), for the fraction of the calendar year that the deposit was held by the utility.

(10) TIME OF REFUND. The deposit of a commercial or farm customer shall be refunded after 24 consecutive months of prompt payment.

(11) METHOD OF REFUND. Any deposit or portion thereof refunded to a commercial or farm customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (13) applies.

(12) REFUND AT TERMINATION OF SERVICE. Upon termination of commercial or farm service, the deposit, with accrued interest, shall be credited to the final bill and the balance shall be returned within 30 days of issuing the final bill.

(13) ARREARAGES. An arrearage owed by a commercial or farm 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 occurring after the deposit was made.

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection.

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

(14) APPLICABILITY. The provisions of subs. (3) and (4) are not applicable to deposits or guarantees made in connection with the financing of extensions or other equipment.

**History:** Cr. Register, July, 2000, No. 535, eff. 8-1-00; CR 02-027: am. (4) (b), Register December 2002 No. 564, eff. 1-1-03.

**PSC 113.0404 Deferred payment agreement.**

(1) The utility is required to offer deferred payment agreements only to residential accounts and may offer such agreements to other customers.

(2) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a remaining outstanding balance in installments.

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

(a) Size of the delinquent account.

(b) Customer's payment history.

(c) Time that the debt has been outstanding.

(d) Reasons why debt has been outstanding.

(e) Any other relevant factors concerning the circumstances of the customer, such as household size, income and expenses.

(4) A utility may require a written deferred payment agreement with the customer's signature. A written agreement offered by a utility shall state immediately preceding the space provided for the customer's signature in at least 12-point boldface print,

**"RIGHT OF APPEAL**

- If you are not satisfied with this agreement, DO NOT SIGN IT.
- You have the right to suggest a different payment agreement.
- If you and the utility can not agree on terms, you can ask the public service commission to review the disputed issues.
- If you sign this agreement, you agree that you owe the amount due under the agreement.
- Signing this agreement does not affect your responsibility to pay for your current service."

A utility that does not require a written deferred payment agreement shall communicate to the customer all points listed above except for the signature when making the arrangement with the customer. A utility must send written confirmation of a deferred payment agreement upon customer request. The commission may require a utility to use written deferred payment agreements.

(5) A delinquent amount covered by a deferred payment agreement shall not be subject to a late payment charge if the customer meets the payment schedule required by the agreement.

(6) A special payment agreement entered into by the customer and the utility through the utility's early identification program shall be given the force and effect of a deferred payment agreement for purposes of late payment charges.

(7) 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 ability to pay since the agreement was negotiated, the utility may disconnect utility service pursuant to disconnection of service rules, ss. PSC 113.0301 and 113.0304 and shall not be required to negotiate a subsequent deferred payment agreement prior to disconnection.

(8) Payments made by a customer in compliance with a deferred payment agreement shall first be considered made in payment of the previous account balance with any remainder credited to the current bill.

(9) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the utility, the utility shall inform the customer in writing why the customer's offer was not acceptable.

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

**PSC 113.0405 Meter readings and billing periods.**

Readings of all meters used for determining charges to customers shall be scheduled no less frequently than once every two months. Utilities may offer quarterly or semiannual meter-reading plans to customers who elect such an option. An effort shall be made to read meters on corresponding days of each meter-reading period cycle. The meter-reading date may be advanced or postponed not more than 5 days without adjustment of the billing for the period. Bills for service shall be rendered within 40 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings on a form supplied by the utility, or by telephone or electronic mail, provided a utility representative reads the meter at least once each 6 months and when there is a change of customer. The utility shall make reasonable efforts to read the meters of customers whose meters require access to a residence and who cannot be available during normal business hours.

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

**PSC 113.0406 Billing.**

(1) (a) Each bill, including the customer's receipt, provided by Madison Gas and Electric Company, Northern States Power Company, Superior Water, Light and Power Company, Wisconsin Electric Power Company, Wisconsin Power and Light Company, Wisconsin Public Service Corporation, or their successors, shall show for each meter the following information:

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

2. For residential customers in multi-unit buildings, current meter identification information or number and account number.

3. The present and last preceding meter readings.

4. The present and last preceding meter reading dates.

5. The next scheduled meter reading date.

6. The number of days in the billing period.

7. The number of units consumed.

8. The class of service with clear explanation of codes and abbreviations.

9. The rate schedule under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, energy blocks, demand charges, minimum bills and all other billing factors necessary for the customer to check the calculation of the bill.

10. Clear itemized adjustment clause bill calculation.

11. Amount subject to tax, tax rate and tax billed.

12. Clear itemization of the amount of the bill for the present billing period, any unpaid balance from previous billing periods and any late payment charges.

13. Clear itemization of other utility charges and credits.

14. Degree day information.

15. A statement that the utility will, upon customer request, provide the information and assistance necessary for the customer to evaluate fuel consumption and conservation.

(b) Upon receiving such request in par. (a) 15., the utility shall provide consumption and degree day information by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons and evaluate his or her conservation efforts.

(c) Bills rendered without an actual meter reading shall be specifically marked as estimated.

(d) Each bill, including the customer's receipt rendered by electric utilities not included in par. (a), shall show the present and last preceding meter readings, the date of the present reading, the number of units consumed, the class of service if other than residential and the rate schedule under which the bill is calculated. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective or at least once a year, supply each customer with the schedule of rates at which the bills are calculated and any other rates that might be applicable. Such a schedule shall be written in clear and direct language in no smaller type than 10-point type. Bills rendered at rates requiring the measurement of a number of different factors shall show all data necessary for the customer to check the calculation of a bill. All monthly adjustment clause factors necessary for a customer to check the calculation of the bill shall be included on the monthly bill. Minimum and estimated bills shall be distinctly marked as such. Estimated bills are bills rendered without actual meter readings.

(e) The utility may include on the utility service bill charges to the customer resulting from other services, materials, or work provided by the utility as a result of commission-approved conservation and alternative energy programs and, with the consent of both the customer and the utility, merchandise and service repair work charges. The charges shall be listed individually on the bill and the customer shall be permitted to include such payment in his or her payment for electric utility service. Any partial payments shall be applied first to the amount due for utility service and the remainder to the other charges.

(f) Costs or fees incurred by and awarded to the utility by a court of law, for pursuing bill collection through other agencies, such as small claims courts, or extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission, may be included on the utility's service bill.

Such tariffs shall be established on the basis of rate case proceedings or generic proceedings to establish the reasonableness of such charges.

(g) The commission may authorize the utility to make late payment charges to a customer's utility service bill that is not paid in full within 20 days following issuance of the bill and for utility service that has been obtained by diversion around or tampering with the metering of the account. The late payment charge may be either a one-time charge as provided in par. (h) or a monthly charge as provided in par. (i). The utility shall receive approval from the commission of the method it desires to use and shall not change methods without commission approval.

(h) If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:

1. The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied.

2. Except as provided in par. (i) 8., late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill.

3. The amount of the late payment charge shall be 3% of the bill, except a minimum charge of \$.50 shall apply. The charge shall not exceed 1% per month (12% per annum) for forbearances occurring primarily, for personal, family or household purposes where the only charge is a late charge.

4. Late payment charges shall be applied to all customer classes and rate classifications.

Note: See s. PSC 113.0404 (5) and (6).

5. A late payment charge shall be applied only once to any given amount outstanding.

6. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, 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.

7. Bills issued for utility service previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued.

(i) If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements.

1. The amount of the charge shall be no more than 1% per month and shall be filed with and approved by the commission before it can be applied. The charge shall not exceed 1% per month (12% per annum) for forbearances occurring primarily, for personal, family or household purposes where the only charge is a late charge.

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

3. Except as provided in subd. 9., the late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill.

4. The late payment charge shall be applied to all customer classes and rate classifications.

5. If a customer disputes a bill for utility service or portion thereof and does not pay the disputed bill in full within 20 days following issuance of the bill, 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. The utility may not waive any properly applied late payment charge, except when the utility fails to obtain scheduled meter readings, the utility shall waive the late payment charge upon dispute of the estimate by the customer.

Note: See s. PSC 113.0404 (5) and (6).

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

8. If a utility changes the type of late payment charge or initiates a late payment charge, the new charge shall apply only to utility service provided after the effective date of the change or initiation.

9. Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued. The late payment charge may be applied from the estimated date that the diversion or tampering began.

(j) A customer who receives a lump sum payment from an outside source to be used to pay his or her utility service bill may, at the utility's option, apply the payment to the customer's account in equal monthly installments.

(2) (a) If the billing period is longer or shorter than allowed in s. PSC 113.0405, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) If the utility is unable to gain access to read a standard residential meter at the end of each billing period, the utility shall, upon customer request, provide meter reading forms which allow the customer to send a card reading in time for billing. If actual readings cannot be obtained, the utility shall also leave a meter reading form at the premises for the customer to complete and return to the utility in time for bill preparation or leave a form at the premises explaining the estimation and how to avoid future estimations. This form shall be used when billing systems do not have sufficient time to allow the customer to return the card reading prior to billing.

(c) If no form is left on the premises, or if the form is not returned in time to be processed in the billing cycle, a minimum or estimated bill may be rendered. In cases of emergency the utility may render minimum or estimated bills without reading meters or supplying meter reading forms to customers. Only in unusual cases or when approval is obtained from the customer may more than three consecutive estimated bills be rendered.

(d) If meter reading is not scheduled on a monthly basis, the utility shall supply customers with meter reading forms for the periods when the meter is not scheduled to be read by the utility. Customers may not be required to provide these meter readings. If the customer informs the utility he or she does not desire to supply a reading, or if the form is not returned in time for the billing operation, a minimum or estimated bill may be rendered.

(e) When an actual meter reading indicates that a previous estimated bill was abnormally high or low, the utility shall calculate the bill for the entire period as if use of service was uniformly distributed throughout the period. The previous estimated charge shall be deducted from the recomputed total. If there is evidence to indicate that actual use was not uniform throughout the period, the billing shall be adjusted according to available information.

(3) (a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) The original billing rendered because of meter inaccuracy, or errors in billing, or misapplication of rates, shall be separated from the regular bill and the charges explained in detail.

(4) (a) Each bill for service shall be computed at the proper filed rate, which shall be the rate selected by the utility unless the customer selects a rate under par. (e).

(b) When it is difficult to determine what rate should be applied until there has been actual usage, the rate classification shall be reviewed when there has been adequate usage to determine the lowest applicable rate but no later than the end of the first 12 months of usage. The customer shall be notified as soon as the lowest firm service rate option has been determined and be given the option to select a different applicable rate as set forth in par.

(e). The rate determined by the utility to be the lowest firm rate option shall be effective with the billing following the date of notification by the utility unless the customer selects a rate. If the customer selects a rate, the rate shall be effective with the current billing period if required billing information is available but not later than the beginning of the second billing period following the customer's request.

(c) A utility may enter into contracts with customers having terms longer than one year, but the rates paid under such contracts shall be the utility's lowest applicable firm service rate option, for which meter usage information is known, on file with the commission at the time of the contract, unless the customer selects another applicable rate at the time of the contract.

(d) If the utility has information that the customer could qualify for a lower rate by changing voltage delivery, or combining or separating services as allowed under the utility's rules and regulations, he or she shall be notified; but no change in rates shall be made until the customer makes the necessary modifications. If such modifications are made, the utility shall change the customer's rate classification effective for the beginning of the current billing period if required billing information is available, but the change shall be effective no later than the beginning of the second billing period following the customer's request and notification has been made.

(e) When a customer is eligible to take service under more than one rate schedule, the utility shall inform the customer at the times specified in par. (f) of the option to select a rate, of the options and service classifications for which the customer may be eligible and the conditions necessary to qualify and of the firm service rate option that would have resulted in the lowest rate based on the previous 12 months' service and on the metered customer usage information known to the utility. The information provided shall include a general explanation of electric service usage characteristics to assist the customer in selecting the lowest rate consistent with the customer's anticipated usage and needs. If the customer requests a change in rate classification, it shall be effective at the beginning of the current billing period if required billing information is available, but such change shall be effective no later than the beginning of the second billing period following the customer's request.

(f) At least once in each calendar year customers with more than one rate option shall be informed of the option to select a rate set forth in par. (e). The notification requirement may be satisfied through the use of a bill insert. The customer shall also be informed of the option to select a rate whenever there is a change in rates that would affect the customer and at any other time the customer so requests. If the utility notifies the customer of the option to select a rate as the result of a rate change or a customer request, such notification shall satisfy the requirement to notify the customer at least once in each calendar year.

(g) Nothing in this section shall be construed as permitting a customer to select a service classification inconsistent with the utility's applicable tariff provisions or with contractual agreements between the utility and the customer.

(5) Each utility shall offer a budget payment plan to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living, subject to the following minimum requirements:

(a) A budget payment plan tariff shall be on file with the public service commission, applicable only to charges for utility services under public service commission jurisdiction.

(b) A budget payment plan may be established at any time of the year. The budget amount shall be calculated on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. If the budget year is a fixed year, then prospective and existing customers requesting a budget payment plan after the start of the fixed year shall have their initial monthly bud-

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get amount determined on the basis of the number of months remaining in the current budget year.

(c) An applicant for a budget plan shall be informed at the time of application that budget amounts shall be reviewed and changed every 6 months, if necessary, in order to reflect current circumstances. 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 month's budget amount.

(d) Customers on the budget payment plan shall be notified of adjustments by means of a bill insert, a message printed on the bill itself, or both. The customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for arrears, according to the provisions of s. PSC 113.0404.

(f) Budget payment plans shall be subject to the late payment charge provisions. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.

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

1. A customer's debit balance shall be paid in full or, at the customer's option, on a deferred basis.

2. A customer's credit balance shall be applied, at the customer's option, against the customer's account, credited in monthly installments to the customer's account over the course of the next budget year, or refunded to the customer.

(6) An occupant shall apply for utility service. An occupant who uses utility service but does not apply for it may be billed an estimated or actual amount at a later date for service used prior to the time of application. The utility must have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The utility shall inform the occupant of the right to dispute the billing through the dispute procedures set forth in s. PSC 113.0407.

(7) (a) The utility may request all new customers to make an application for service. The utility may require that a verbal or written application be made by telephone, letter or in person. The utility shall establish a written policy for requesting the information. The utility may require the customer to provide:

1. Name or names of party responsible for bill payment.
2. Address where service is to be provided.
3. Mailing address if different from service address.
4. Address of residence immediately prior to application.

(b) The utility may request additional credit information from applicants as part of its application for service. Except as provided in s. PSC 113.0301 (3), utility service shall not be disconnected or refused for refusal to provide any information other than that specified in par. (a).

(c) The utility may accept third party applications for service. The utility shall send written confirmation of receipt of the service application to the party responsible for bill payment.

(8) (a) A utility shall pay interest on customer overpayments not refunded to the customer within 60 days of receipt by the utility if the net amount refunded exceeds \$20 per refund and the overpayment was made to the utility due to:

1. Meters registering fast as defined in s. PSC 113.0924.
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,

or the customer did not choose the rate as provided in s. PSC 113.0406 (4).

4. Billing based on a switched meter condition, where the customer was on the incorrect meter.

5. Misapplication of rates.

(b) A utility is not required to pay interest to customer for overpayments made for:

1. Financing of service extensions or other equipment.
2. Budget payment plans.
3. Estimated bills, if the utility made a reasonable effort to obtain access. Reasonable efforts to gain access means that the utility has notified the customer after 3 consecutive estimated readings that the utility will read the meter at other than standard business hours at the customer's request.

4. Receipt of lump sum payments made from an outside source as the Low Income Home Energy Assistance Program or other like programs.

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in s. PSC 113.0402 (9) (b). Interest shall be paid from the date when the customer overpayment occurred until the date when the overpayment is refunded. Interest will be calculated on the net amount overpaid in each calendar 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.

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

**PSC 113.0407 Dispute procedures.** (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely.
- (b) Advise the customer of the results of the investigation.
- (c) Attempt to resolve the dispute.

(d) Provide the opportunity for the residential customer to enter into a deferred payment agreement under s. PSC 113.0404 when applicable in order to resolve the dispute.

(e) When a utility designates an agent to handle disputes and inquiries and when the agent refuses or fails to adequately address the disputes and inquiries, upon complaint or other indicator of such refusal or failure, the dispute resolution responsibility required under this section reverts to the utility.

(f) When utility payments are made electronically or through vendors, credit cards, or other third party and when these third parties have a contractual relationship with the utility, the dispute/inquiry resolution responsibility remains with the utility.

(2) After the customer has pursued the available remedies with the utility, he or she may request that the public service commission staff informally review the disputed issue and recommend terms of settlement.

(3) (a) A customer's request for informal review may be made in any reasonable manner such as by written request or telephoned request directed to the public service commission. By telephone or written request the public service commission staff may request the utility to investigate the dispute.

(b) The utility shall designate employees for responding to commission complaints who are readily available and have an appropriate and sufficient authority level for investigating concerns raised by the commission and its staff. Utilities shall promptly inform the commission of any changes in these designations. A utility shall respond to public service commission staff's request for an investigation by contacting the complainant within 48 hours for most circumstances, or 4 hours in an emergency situ-