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may be in cash or as credit on a bill. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility shall, upon request made within 6 months, refund the amount due.

(6) Subject to the utility's written rules setting forth the method of determining a reduced rate, if a leak unknown to the customer is found in an appliance or the plumbing, the utility is encouraged to estimate the water wasted and bill for it at a reduced rate not less than the utility's cost. No such adjustment shall be made for water supplied after the customer has been notified and has had an opportunity to correct the condition.

(7) Where, because of some deficiency in the utility's portion of the facilities and at the request of the utility, a customer permits a stream of water to flow to prevent freezing of the service or main, the utility shall adjust the bill for the excess consumption which results.

(8) A record shall be kept of the number of refunds and charges made because of inaccurate meters, misapplication of rates, and erroneous billing. A summary of the record for the previous calendar year shall, upon request, be submitted to the commission.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

PSC 185.36 Deposits for residential service.

(1) **NEW RESIDENTIAL SERVICE.** (a) A utility shall not require a deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin gas, electric, water, or sewer utility which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by the customer, and which at the time of the request for new service remains outstanding and not in dispute. (See s. PSC 185.39.)

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

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

(2) **EXISTING RESIDENTIAL SERVICE.** A utility may require a deposit as a condition of residential service. When the utility requests a deposit of an existing residential customer, the customer shall be informed of the customer's right to provide a cash deposit, a 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. A deposit under this section shall not be required if the customer provides the utility with information showing that the customer's gross quarterly income is at or below 200% of the federal income poverty guidelines. The utility may require a deposit if any of the following circumstances apply:

(a) 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;

(b) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

(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 where payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or where 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 con-

tract shall be for no longer than one year, but it shall automatically terminate after the residential customer has closed the account with the utility, or on the guarantor's request upon a 30-day written notice to the utility.

(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 a 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon an 8-day 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) **DEFERRED PAYMENT.** 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 185.38 for the outstanding account. A customer who defaults on this deferred payment agreement may be required by the utility to furnish a deposit for the remaining balance.

(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 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, such as household size, income, and reasonable expenses.

(7) **AMOUNT OF DEPOSIT.** The maximum deposit for a new or existing residential account shall not exceed the highest estimated gross bill for any consecutive billing period (not to exceed 4 months) selected by the utility.

(8) **REFUSAL OR DISCONNECTION OF SERVICE.** Residential service may be refused or disconnected for failure to pay a deposit request under the procedures in s. PSC 185.37.

(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 the utility 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. The utility shall calculate the interest earned on each deposit at the time of 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, 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.

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(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 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. (13) or (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.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

PSC 185.361 Deposits for nonresidential service.

(1) **NEW NONRESIDENTIAL SERVICE.** If the credit of an applicant for nonresidential 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 10 days of the request for service as to whether a deposit shall be required. The 10-day period shall begin from the date the applicant provides all information requested under s. PSC 185.33 (18) (a) to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (2). If a request for a deposit is made, the applicant shall be given at least 30 days to provide payment, or guarantee, or to establish a deferred payment agreement.

(2) **EXISTING NONRESIDENTIAL SERVICE.** The utility may require an existing nonresidential customer to furnish a deposit if any of the following apply:

(a) The customer has not made prompt payment of all bills within the last 24 months;

(b) 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;

(c) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section;

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

(3) **CONSIDERATIONS FOR DEPOSIT.** In determining whether an applicant for nonresidential service has satisfactorily established credit, the utility shall inform the applicant that it shall consider any or all of the following factors, provided by the applicant, before requiring a security deposit:

(a) Credit information from a credit reporting service;

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

(c) Applicant's business characteristics, including type of business, estimated size of the utility bills, previous bill payment history, and applicant's business experience;

(d) Assets of the business;

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

(4) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit for new or existing nonresidential service, a contract signed by a guarantor satisfactory to the utility where 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 customer has closed its account with the utility, or at the guarantor's request, on a 30-day 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 a 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on a 10-day written notice, subject to the establishment of a deferred payment agreement for the deposit.

(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.

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

(b) The written explanation shall also inform the customer 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.

(6) **REFUSAL OR INTERRUPTION OF SERVICE.** Nonresidential service may be refused or disconnected for failure to pay a deposit request, subject to the s. PSC 185.37 pertaining to disconnection and refusal of service.

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

(8) **INTEREST.** (a) Deposits for nonresidential 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 calendar year and notify the utility 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. The utility 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, for the fraction of the calendar year that the deposit was held by the utility.

(9) **TIME OF REFUND.** The deposit of a customer shall be refunded after 24 consecutive months of prompt payment.

(10) **METHOD OF REFUND.** Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (11) or (12) applies.

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(11) REFUND AT TERMINATION OF SERVICE. Upon termination of 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.

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

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

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (4) (b), Register October 2001 No. 550, eff. 11-1-01.

PSC 185.37 Disconnection and refusal of service.

(1) (a) In no circumstances shall the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill. An account may be deemed delinquent for the purpose of disconnection after such period has elapsed.

(b) At least 10 calendar days prior to disconnection, the utility shall give a written notice of disconnection upon a form approved by the commission and which conforms to the requirements of sub. (11) unless excepted elsewhere.

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

(d) If a disputed issue cannot be resolved pursuant to s. PSC 185.39 (1), the utility shall inform the customer of the right to contact the commission.

(1m) Prior to disconnecting a jointly-metered property containing more than one rental dwelling unit and where service is in the property owner's 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.

(2) 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 agreement (see s. PSC 185.38);

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

(b) Failure to pay for an outstanding account balance with the utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;

(c) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 185.36 or 185.361;

(d) Diversion of service around the meter;

(e) Refusal or failure to permit authorized utility personnel to read the meter at least once every 4 months where the utility bills monthly or bimonthly, or at least once every 9 months where the utility bills quarterly or less frequently than quarterly. The 4- or 9-month period begins with the date of the last meter reading;

(f) Refusal or failure to permit authorized utility personnel access to the base meter;

(g) 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 nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;

(h) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to utility service;

(i) 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 commission;

(j) Failure to comply with the utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;

(k) Failure of an applicant for utility service to provide adequate verification of identity and residency, as provided in sub. (5) (a);

(L) Failure of an applicant for utility service to provide the information set forth in ss. PSC 185.33 (18) (a), (b) and (c).

(3) A utility may disconnect utility service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the utility shall provide a written explanation of the dangerous condition.

(4) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water.

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

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

2. Social security card, birth or baptismal certificate, or letter of identification from a social service agency or employer.

(b) An applicant denied or refused service because of this subsection shall be informed in writing of the opportunity to dispute the matter through the commission, and shall be provided with the address and telephone number of the commission.

(6) 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.

(7) (a) Account arrears incurred by an owner or property manager for rental residential dwelling units 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 to the owner or property manager prior to making the transfer.

(c) If the transferred account arrears remain unpaid, 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 s. PSC 185.37.

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

(a) Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the passage of additional time results from other provisions of this chapter or from good faith negotiations or arrangements made with the customer;

(b) Failure to pay for merchandise or charges for nonutility service billed by the utility, except where authorized by law as in s. PSC 185.33 (1) (h);

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

(d) Failure to pay the account of another customer as guarantor of that account;

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing;

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved billing tariff or the customer upon request refuses to permit the reading of the meter during normal business hours;

(g) For the intentional removal or eviction of a tenant from rental property;

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

(8m) If the utility is provided notice 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 and ensure compliance with s. PSC 185.37 (10) prior to disconnecting service.

(9) Residential water utility service to an occupied dwelling may not be disconnected during the period November 1 to April 15 if the water service is a necessary part of a dwelling's heating system.

(10) (a) Notwithstanding any other provision of this section, a utility may not disconnect service or refuse to reconnect service to a residential customer if disconnection shall aggravate an existing medical or protective services emergency of the occupant, a member of the customer's family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (b).

(b) A utility shall postpone the disconnection of service, or reconnect the service if disconnected, for 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 shall aggravate the circumstances. The postponement may be extended by renewal of the statement or notice. During this 21 days 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. Further postponements may be granted if there is evidence of reasonable communication between the utility and occupant in attempting to make arrangements for payment.

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

(d) If there is a dispute concerning an alleged existent medical emergency, either party shall have the right to an informal review

by the commission staff. Pending a decision after informal review, residential utility service shall be continued, provided that the occupant has submitted a statement or notice as set forth in par. (b).

(11) (a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served upon a responsible party at least 10 calendar days prior to the first date of the proposed disconnection except as provided in subs. (3), (4), and (7). 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. 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 contain: 1) the date of the notice; 2) the proposed date of disconnection; and 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. If disconnection is not accomplished on or before the 20th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the customer and the utility agree to extend the 20-day time period.

(b) 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 shall be taken to avoid disconnection.

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

(d) When a residential customer, either directly or through the commission, disputes a disconnection notice under s. PSC 185.37, the utility shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, utility service shall not be disconnected over this matter.

(e) If a disputed issue cannot be resolved, the utility shall inform the customer of the right to appeal to the commission.

(f) Disconnection notice shall be given on 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 reason for the proposed disconnection of service and that disconnection shall 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 shall communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if the customer disputes the notice of delinquent account, if the customer wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances, as the presence of infants or young children in the household, the presence of aged, or persons with disabilities in the household, the presence of residents who use life support systems or equipment or residents who have mental retardation or other developmental or mental disabilities;

4. A statement that residential utility service shall be continued for up to 21 days during serious illness if the account holder submits a statement or notice pursuant to sub. (10);

5. A statement that the customer may appeal to the commission staff in the event that the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the customer has pursued the available remedies with the utility.

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(12) 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 which are readily available to the customer 24 hours per day to evaluate, negotiate, or otherwise consider the customer's objection to the disconnection as provided under s. PSC 185.39, and proper service personnel are readily available to restore service 24 hours per day.

(13) Notwithstanding any other provision of this chapter, 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 185.36, 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.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (1) (b), (2) (e) and (L), (8) (h), (9) and (11) (a), cr. (1m), (2) (am) and (8m), Register October 2001 No. 550, eff. 11-1-01.

PSC 185.38 Deferred payment agreement. (1) A utility is required to offer deferred payment agreements to residential accounts and encouraged to 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 shall not be discontinued if the customer pays a reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments, and agrees to pay the current bill by the due date.

(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 the debt has been outstanding;
- (e) Any other relevant factors concerning the circumstances of the customer such as household size, income, and necessary expenses.

(4) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 sizes larger than any other print used, that:

- (a) You have the right to suggest a different payment agreement;
- (b) If you believe the terms of this agreement are unreasonable, DO NOT SIGN IT;
- (c) If you and the utility cannot agree on terms, you may ask the commission to review the disputed issues;
- (d) If you sign this agreement, you agree that you owe the amount due under the agreement;
- (e) Signing this agreement does not affect your responsibility to pay for your current service. Allowing any bill for current service to become delinquent places you in default of this agreement.

(4m) A utility that does not require a written deferred payment agreement shall communicate to the customer all points listed in sub. (4) except those pertaining to a signature when making the arrangement with the customer. A utility shall send written confirmation of a deferred payment agreement upon customer request. The commission may require a utility to use written deferred payment agreements if it has evidence that the terms of the agreements are not being effectively communicated to customers.

(5) A delinquent amount, including late payment charges covered by a deferred payment agreement, shall not be subject

to an additional late payment charge if the customer meets the payment schedule, including the current bill required by the agreement. A deferred payment agreement shall not include a finance charge.

(6) If an applicant for utility service or current customer has not fulfilled 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 shall have the right to disconnect pursuant to disconnection of service rules (s. PSC 185.37) and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(7) Any payments made by a customer solely in compliance with a deferred payment agreement, and not as part of a payment for other utility services, shall first be considered as payment toward the deferred payment agreement with any remainder credited to the current bill. Payments made to satisfy a current bill for utility service, which may include a portion for a deferred payment agreement, shall be credited as set forth in s. PSC 185.33 (4).

(8) 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, January, 1997, No. 493, eff. 2-1-97; CR 01-033: cr. (4m), Register October 2001 No. 550, eff. 11-1-01.

PSC 185.39 Dispute procedures. (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office prior to the disconnection of service 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 residential customers, nonresidential customers at utility discretion, per s. PSC 185.38 (1) to enter into a deferred payment agreement when reasonable in order to resolve the dispute.

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

(b) A request for informal review may be made in any reasonable manner such as by written or telephone request directed to the commission. Either by telephone or written request, the commission staff may request the utility to investigate the dispute.

(c) The utility shall designate employees for responding to commission complaints who are readily available and have an appropriate and sufficient authority level for investigating and resolving concerns raised by the commission and its staff. Utilities shall provide the names of the designated employees to the commission and shall promptly inform the commission of any changes in these designations. A utility shall respond to the public service commission staff's request for an investigation by attempting to contact the complainant within 48 hours for most circumstances, or 4 hours in an emergency situation, and by providing a response to the commission within 10 business days. Staff may extend this time period if the utility requests more time to complete its investigation. Based on information provided by the utility and the customer, the commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing. Commission staff shall inform any customer disputing an informal determination of the right to pursue a formal review.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

(d) There shall be at least 7 calendar days between the date the commission staff telephones or mails written notice of terms of settlement after informal review and any subsequent disconnection.

(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the commission. To avoid disconnection pending a formal review, the customer shall request a formal review by the commission, in writing, within 7 calendar days of the issue of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the commission staff telephones or provides written notice of terms of the settlement after informal review. If written confirmation is requested, the 30-day period begins from the date of that mailing.

(b) Within 7 calendar days of receiving a request for formal review in a dispute involving a pending disconnection of service, the commission shall make a determination whether to grant the request for formal review. The commission shall base its determination on the request for formal review and commission staff's informal complaint file. Within 35 calendar days from the time that all other requests for formal review are made, commission staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 calendar days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments shall be filed with the commission 2 working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.

(4) Either party to the complaint may request that the commission reconsider its formal determination under this section. Such requests shall comply with s. 227.49, Stats., and shall be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original complaint. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold hearing on the matter for the gathering of additional information.

(5) (a) If the commission decides to conduct a formal hearing under sub. (4) on the dispute, the commission may condition the terms of its granting a formal hearing. Failure to meet these conditions before hearing shall constitute waiver of the dispute by the customer.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) Any such hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(6) Utility service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The utility shall inform the customer that pursuing a disputed matter does not relieve the customer of the obligation of paying charges which are not in dispute, prevent disconnection of service for nonpayment of undisputed charges, or prevent the application of the late payment charge to amounts in dispute and later determined to be correct.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (2) (c), Register October 2001 No. 550, eff. 11-1-01.

Subchapter IV — Records

PSC 185.41 Employees authorized to enter a customer's premises. The utility shall keep a record of its employees authorized pursuant to s. 196.171, Stats., to enter a customer's premises.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

PSC 185.42 Customer complaints. Each utility shall investigate and keep a record of complaints from its customers in regard to safety, service, or rates, and the operation of its system. The record shall show complainant's name and address, the date the complaint is filed, the nature of the complaint, its resolution, and the date resolved.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

PSC 185.43 Construction records. (1) Every utility shall prepare and maintain a record of its utility plant. The records shall include a description of the unit of property, the year of its construction, and its location. They shall be in the form of a map or descriptive table.

(2) Class AB utilities are required by the uniform system of accounts to institute a perpetual inventory of their assets known as continuing property records. A continuing property record system shall contain the following criteria and detail:

(a) The system shall be arranged by plant accounts as prescribed by the Uniform System of Accounts;

(b) All property units shall be described in sufficient detail to permit their identification and shall have location information to allow verification of their physical existence;

(c) All property units shall be identified with construction costs to establish their original cost for capitalization and retirement accounting;

(d) The age and service life of property units shall be calculable for depreciation studies. The original cost, description, and age of the property unit at retirement shall be converted into mortality records and permanently retained. (See s. PSC 185.19);

(e) Source documents supporting the original cost and quantities of property units shall be preserved for a period of 6 years after the plant is retired. (See s. PSC 185.19.) An exception is when a utility maintains approved continuing property records and permanent mortality records, then supporting documents need only be preserved for a period of 6 years after construction is completed. This provision meets commission requirements but may not satisfy other record-keeping needs;

(f) Maps may be part of the continuing property records if they contain the description of the unit, its location, and the year of its construction. For maps to become the Continuing Property Record, the units shall be referenced to their original cost.

(3) A utility may apply for a waiver from any portion of subs. (1) and (2). Such application shall state the paragraphs to which a waiver is requested. Also, the utility shall provide the reasons it cannot or shall not have to comply with subs. (1) through (2) (f) and the impacts such a waiver would have on the utility's ability to maintain usable continuing property records, if any.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

PSC 185.44 Records and reports of service interruptions. (1) Each utility shall notify the commission as soon as possible of any unusual occurrence which has caused or is expected to cause an interruption of service for one hour or longer to all of the customers or 500 (or more) customers, whichever number is the smaller. (This supplement does not preempt the requirements of ch. PSC 104.)

Note: See also s. PSC 185.88, Interruptions of service.

(2) Each utility shall maintain a record of each interruption (as defined in sub. (1)) showing the date and time it began, the duration, the cause, and the approximate number of customers affected.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

PSC 185.45 Pumpage records. A record shall be kept of the amount of water pumped into the distribution system each day from each station. The daily pumpage shall be summarized by months and such daily records and monthly summaries kept on file.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.