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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-

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ation 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, public service commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both by telephone or mail. Either party to the dispute may request and receive the public service 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. Staff shall include any information or arguments that the customer believes the commission should consider.

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

(4) (a) After informal review, any party to the dispute may make a written request for a formal review by the commission itself. To avoid disconnection pending a formal review, the customer must request a formal review by the commission, in writing, within 7 days of the issue of the informal determination. All other requests for formal review shall be made within 30 days of the date the commission staff telephones or mails written confirmation if the staff telephone notice is requested and mailed, the 30 day period begins from the date of that mailing.

(b) Within 7 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 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 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.

(5) 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 must 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.

(6) (a) If the commission decides to conduct formal hearing under sub. (5) on the dispute, the commission may condition the terms of its granting a formal hearing. Failure to met 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.

(7) 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 or the obligation of paying charges which

are not in dispute, or prevent disconnection of service for nonpayment of undisputed charges.

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

PSC 113.0410 Billing statement inserts. No offer, advertisement, solicitation, announcement, statement, representation or other material shall be placed on a customer's billing statement unless it meets the criteria of s. 196.595 (2), Stats., or ch. PSC 113.

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

PSC 113.0412 Limiting connected load. If the utility maintains a rate based on connected load, provision shall be made in its rules whereby the customer may arrange his or her load or wiring in such manner as is reasonably acceptable to the utility, whether by the use of double-throw switches or such other devices as may be approved by the utility, so that only a portion of the load may be served at one time and whereby, in such cases, the connected load to be used for the computation of charges shall be the largest load which can be served at any one time.

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

Subchapter V — Customer Service and Protection

PSC 113.0501 Information available to customers.

(1) Each utility shall have available in its offices where payments are received and at area libraries, copies of its rates and rules applicable to the locality. The rates and rules shall be available for customer inspection by electronic, written or telephonic means and reasonable notice as to their availability shall be provided to customers.

(2) Each electric utility, for every municipality in which it serves shall provide in the respective telephone directories a telephone listing by which the utility can be notified during a 24-hour day of any utility service deficiency or emergency which may exist.

(3) Where a second language is common in a particular area served by the utility and so identified by the commission, all rules pertaining to billing and credit shall be available upon customer request, for distribution in English and that second language in every business office of the utility in that area accessible to the public and where customer payments are received.

(4) Each utility shall provide written notice to its residential customers annually and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options including deferred payment agreements and budget billing, disconnection and dispute procedures; of the availability of information on energy conservation practices, of the availability of a clear, concise record of the customer's actual electric consumption (or actual degree-day adjusted electric consumption) for each billing period during the prior 12 months or the actual number of months that the customer has lived at that location if less than 12 months and of the availability of agencies or programs which may provide financial aid assistance or counseling; and contain a reply procedure to allow customers an opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment and to advise the utility to contact a specific third party agency or individual prior to any disconnection action being taken.

(5) A utility shall provide on request to current or prospective customers, tenants or property owners residential energy consumption information. This information shall include either the average consumption for the prior 12-month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months. Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for the premises in ques-