Tony Evers
Office of the Governor | State of Wisconsin

EMERGENCY ORDER #11

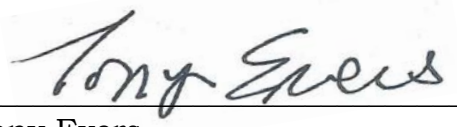
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES SUSPENSIONS

Under the authority of Wis. Stat. § 323.12(4) and the public health emergency declared in Executive Order #72, I, Governor Tony Evers, order the suspension of certain Public Service Commission (PSC) administrative rules and order companion directives as follows:

1. On March 20, 2020, Chairperson Rebecca Valcq requested the suspension of certain PSC administrative rules in order to assist with protecting public health and welfare during the public health emergency. The March 20, 2020 request is granted in its entirety and is incorporated by reference into this order.

2. PSC may use its authority under Wis. Stat. §§ 196.02(1), 196.70, Wis. Admin. § PSC 113.01(2), Wis. Admin. § PSC 134.01(2), and Wis. Admin. § PSC 185.11(4), to issue orders, give special or individual consideration to exceptional or unusual situations, or adopting requirements as to individual utilities or services necessary to respond to the public health emergency.

3. This order shall remain in effect for the duration of the public health emergency declared in Executive Order #72, or until subsequent superseding emergency orders are issued.



3/22/2020

Tony Evers
Governor
State of Wisconsin

Date

Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson
Ellen Nowak, Commissioner
Tyler Huebner, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

March 20, 2020

Sent via email

Governor Tony Evers
State Capitol
Madison, Wisconsin 53701

Dear Governor Evers,

To assist in the State's ongoing response to the public health emergency declared in response to the COVID-19 Coronavirus, the Public Service Commission of Wisconsin (the Commission) has reviewed its administrative rules to identify provisions which, if strictly complied with during the emergency, would prevent, hinder, or delay necessary action by public utilities and customers to protect the public health and welfare.

The Commission respectfully requests that you exercise your authority under Wis. Stat. § 323.12 (4) (d) to temporarily suspend these provisions during the emergency. Suspending these provisions will protect public health and will facilitate the Commission's efforts to work with public utilities and customers, ensure the continued availability of and access to vital services, and authorize emergency action pursuant to its authority under Wis. Stat. § 196.70.

As set forth in the attachment to this letter, the Commission requests that certain provisions of Wis. Adm. Code chs. PSC 113, 134, and 185, relating to service rules for electrical, gas, and water public utilities, be suspended in order to:

- Authorize public utilities to waive late fees.
- Temporarily suspend disconnections, other than those needed for safety reasons.
- Enable customers who are unable to make a cash deposit to obtain residential service.
- Ensure that deferred payment agreements are available not only to residential customers but also commercial, farm, and industrial customers.
- Streamline the process for customers to apply for utility service.

Thank you for your efforts to protect the health and economy of the State.

Sincerely,

Rebecca Cameron Valcq
Chairperson

RCV:ZR:jac

Attachment

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Proposed Provisions of the Public Service Commission's Administrative Rules to be Suspended During the Public Health Emergency

Provisions Relating to Service Rules for Electrical Utilities

The Commission respectfully requests that the following provisions of Wis. Adm. Code §§ PSC 113.0301(1m), 113.0302(2), 113.0402(1)(a), 113.0404(1), 113.0406(1)(i)(6), and 113.0408(3)(a), be suspended as set forth below:

PSC 113.0301(1m)

- **Description of Rule:** This rule authorizes electrical utilities to disconnect or refuse residential connections for certain specified reasons. Separate provisions of the administrative rules, PSC 113.0301(4) and (5), which will not be suspended, authorize an electrical utility to disconnect residential utility service where a dangerous condition exists.
- **Stakeholders Impacted:** Electric utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter electrical utility tariffs, including by suspending disconnections for reasons that are not associated with safety during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. If service is disconnected, such disconnection would hinder customers' efforts to abide by social distancing requirements by staying in their homes.
- **Provision to Suspend:** PSC 113.0301(1m): (1m) ~~Residential utility service may be disconnected or refused for any of the following reasons: (a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment, as provided in s. PSC 113.0404. (b) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of non-standard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation. (c) Failure to comply with deposit or guarantee arrangements, as specified in s. PSC 113.0402. (d) Refusal or failure to permit authorized utility personnel to read the meter at least once every 6 months in order to determine actual usage. The 6-month period begins with the date of the last meter reading. (e) Failure to comply with Wisconsin statute, commission rule or commission order pertaining to conservation or availability of service. (f) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the public service commission. (g) Failure to comply with applicable requirements of this section, or of the utility's rules, or if the customer proposes to use a device that is not designed to reasonably minimize interference with communication and signal services. (h) Delinquency in payment for service received by a previous customer or occupant at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served. (i) Failure of an applicant for utility service to provide information or documentation required by s. PSC 113.0408. (k) Refusal or failure to provide authorized utility personnel access to utility equipment~~.

PSC 113.0302 (2)

- **Description of Rule:** This rule authorizes electrical utilities to disconnect or refuse commercial and farm connections for certain specified reasons. Separate provisions of the administrative rules, PSC 113.0302(4) and (5), which will not be suspended, authorize an electrical utility to disconnect commercial and farm utility service where a dangerous condition exists.
- **Stakeholders Impacted:** Electric utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter electrical utility tariffs, including by suspending disconnections for reasons that are not associated with safety during a public health emergency. However, such modification is not possible unless this provision of the administrative code is first suspended. Given the economic impacts of social distancing, commercial and farm customers may be at an increased risk of disconnection. Suspending disconnection is a necessary action to ensure that, during the emergency, products and services remain available.
- **Provision to Suspend:** PSC 113.0302(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."~~

PSC 113.0402(1)(a)

- **Description of Rule:** This rule authorizes an electrical utility to require certain customers with certain unpaid balances to provide a cash deposit or other guarantee before providing new residential service to those customers.
- **Stakeholders Impacted:** Electrical utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter electrical utility tariffs, including by suspending a utility's authority to require cash deposits before providing service. However, such modification is not possible unless this provision of the administrative code is first suspended. Requiring customers who have unpaid balances to provide a deposit could prevent certain customers who are adversely economically affected by the public health emergency from receiving

electrical service that is needed in order for the customer to abide by social distancing guidelines by staying in the home.

- **Provision to Suspend:** PSC 113.0402(1)(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)~~."

PSC 113.0404(1)

- **Description of Rule:** This rule requires electrical utilities to offer deferred payment agreements to residential customers, and it specifies that an electrical utility can only be required to offer deferred payment agreements to residential accounts.
- **Stakeholders Impacted:** Electrical utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter electrical utility tariffs, including by requiring utilities to temporarily provide deferred payment agreements to nonresidential customers during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Given the economic impacts of social distancing on businesses, if nonresidential customers are unable to obtain deferred payment agreements, they may be unable to afford the services needed for their continued operation, which would pose a risk to public health by impeding the availability of products and services.
- **Provision to Suspend:** PSC 113.0404(1) **"**The utility is required to offer deferred payment agreements ~~only~~ to residential accounts and may offer such agreements to other customers."

PSC 113.0406(1)(i)

- **Description of Rule:** This rule prohibits an electrical public utility from waiving late fees.
- **Stakeholders Impacted:** Electrical utilities and their stakeholders.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter electrical utility tariffs, including by authorizing electrical utilities to waive late fees during a public health emergency. However, such modification is not possible unless this provision of the administrative code is first suspended. Allowing electrical utilities to waive late fees is necessary in order to ensure that customers are able to use the service needed to abide by social distancing guidelines by remaining in the home.
- **Provision to Suspend:** PSC 113.0406(1)(i) "If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements…**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."~~

PSC 113.0408(3)(a)

- **Description of Rule:** This rule authorizes an electrical utility to require an applicant for utility service to provide certain documents to prove identity and residency.
- **Stakeholders Impacted:** Electrical utilities and their stakeholders.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter electrical utility tariffs, including by temporarily suspending utilities' documentation requirements for applying for service, during a public health emergency. However, such modification is not possible unless this provision of the administrative code is first suspended. Temporarily suspending these provisions is necessary to ensure that all customers may obtain the service needed to abide by social distancing guidelines and remain at home.
- **Provision to Suspend:** PSC 113.0408(3)(a) "~~A utility may require verification of the initial identification data or the residency, or both, of the person responsible for bill payment under any of the following circumstances: 1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months. 2. The person responsible for bill payment has an outstanding bill with the utility but claims that the bill was accrued in the person's name as a result of identity theft. 3. The applicant fails to provide the initial identification data under sub. (2) (c) 1. g. or the utility finds, with reasonable certainty, that the initial identification information is inaccurate.~~"

Provisions Relating to the Standards for Gas Service

The Commission respectfully requests that the following provisions of Wis. Adm. Code §§ PSC 134.052(3)(a), 134.061(1)(a), 134.062(1), 134.0622(2), 134.063(1), and 134.13(1)(i)5., be suspended as set forth below:

PSC 134.051(3)(a)

- **Description of Rule:** This rule authorizes a gas utility to require an applicant for utility service to provide certain documents to prove identity and residency.
- **Stakeholders Impacted:** Gas utilities and their stakeholders.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter gas utility tariffs, including by temporarily suspending utilities' documentation requirements for applying for service, during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Temporarily suspending these provisions is necessary to ensure that all customers may obtain the service needed to abide by social distancing guidelines and remain at home.
- **Provision to Suspend:** PSC 134.051(3)(a) "~~A utility may require verification of the initial identification data or the residency, or both, of the person responsible for bill payment under any of the following circumstances: 1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months. 2. The person responsible for bill payment has an outstanding bill with the utility but claims that the bill was accrued in the person's name as a result of identity theft. 3. The applicant fails to provide~~

~~the initial identification data under sub. (2) (c) 1. g. or the utility finds, with reasonable certainty, that the initial identification information is inaccurate."~~

PSC 134.061(1)(a)

- **Description of Rule:** This rule authorizes a gas utility to require certain customers with certain unpaid balances to provide a cash deposit or other guarantee before providing new residential service to those customers.
- **Stakeholders Impacted:** Gas utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter gas utility tariffs, including by temporarily suspending utilities' authority to require deposits before providing service, during a public health emergency. Requiring customers who have unpaid balances to provide a deposit could prevent certain customers who are adversely economically affected by the public health emergency from receiving gas service that is needed in order for the customer to abide by social distancing guidelines by staying in the home.
- **Provision to Suspend:** PSC 134.061(1)(a) "A utility shall 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 gas 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, as defined in s. PSC 134.064.~~"

PSC 134.062(1)

- **Description of Rule:** This rule authorizes gas utilities to disconnect or refuse residential connection for certain specified reasons. Separate provisions of the administrative rules, PSC 134.062 (3) and (4), which will not be suspended, authorize a gas utility to disconnect residential utility service where a dangerous condition exists.
- **Stakeholders Impacted:** Gas utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter gas utility tariffs, including by suspending disconnections for reasons that are not associated with safety during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Suspending disconnections is a necessary action because disconnection would hinder customers' efforts to abide by social distancing requirements by staying in the home.
- **Provision to Suspend:** PSC 134.062(1) "~~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 agreement, as provided in s. PSC 134.063. (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 nonstandard 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 134.061. (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. (h) Delinquency in payment for service received by a previous customer or occupant at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served. (i) Connecting or causing to be connected a device or use of gas considered to be a nonessential use of natural gas which is prohibited under s. PSC 136.05. (j) Connecting or having connected a natural gas outdoor lighting fixture as specified in s. PSC 136.02. (k) Failure of an applicant for utility service to provide information or documentation required by s. PSC 134.051.~~

PSC 134.0622(2)

- **Description of Rule:** This rule authorizes gas utilities to disconnect or refuse commercial and farm connections for certain specified reasons. Separate provisions of the administrative rules, PSC 134.0622 (3) and (4), authorize a gas utility to disconnect commercial and farm utility service where a dangerous condition exists.
- **Stakeholders Impacted:** Gas utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter gas utility tariffs, including by suspending disconnections for reasons that are not associated with safety during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Given the economic impacts of social distancing, commercial and farm customers may be at an increased risk of disconnection. Suspending disconnection is a necessary action to ensure that, during the emergency, products and services remain available.
- **Provision to Suspend:** PSC 134.0622(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 the deposit, guarantee arrangement, or installment payment agreement, as specified in s. PSC 134.0615. (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. (h) Connecting or causing to be connected a device or use of gas considered to be nonessential use of natural gas, which is~~

~~prohibited under s. PSC 136.05. (i) Connecting or having connected a natural gas outdoor lighting fixture as specified in s. PSC 136.02.~~

PSC 134.063(1)

- **Description of Rule:** This rule requires gas utilities to offer deferred payment agreements to residential customers, and it specifies that a gas utility can only be required to offer deferred payment agreements to residential accounts.
- **Stakeholders Impacted:** Gas utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter gas utility tariffs, including by requiring utilities to temporarily provide deferred payment agreements to nonresidential customers during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Given the economic impacts of social distancing on businesses, if nonresidential customers are unable to obtain deferred payment agreements, they may be unable to afford the services needed for their continued operation, which would pose a risk to public health by impeding the availability of products and services.
- **Provision to Suspend:** PSC 134.063(1) **"**A utility is required to offer deferred payment agreements ~~only~~ to residential accounts and may offer such agreements to other customers."

PSC 134.13(1)(i)

- **Description of Rule:** This rule prohibits a gas public utility from waiving late fees.
- **Stakeholders Impacted:** Gas utilities and their stakeholders.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter gas utility tariffs, including by authorizing electrical utilities to waive late fees during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Allowing electrical utilities to waive late fees is necessary to ensure that customers are able to use the service needed to abide by social distancing guidelines by remaining in the home.
- **Provision to Suspend:** PSC 134.13(1)(i) **"**If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:… **5.** ~~The utility shall not waive any properly applied late payment charges."~~

Provisions Relating to the Standards for Water Public Utility Service

The Commission respectfully requests that the following provisions of Wis. Adm. Code §§ PSC 185.30(3)(a), 185.33(16), 185.36(1)(a), 185.37(2), and 185.38(1), be suspended as set forth below:

PSC 185.30(3)(a)

- **Description of Rule:** This rule authorizes a water utility to require an applicant for utility service to provide certain documents to prove identity and residency.
- **Stakeholders Impacted:** Water utilities and their stakeholders.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter water utility tariffs, including by temporarily suspending utilities' documentation requirements for applying for service, during a public health

emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Temporarily suspending these provisions is necessary to ensure that all customers are able to obtain the service needed to abide by social distancing guidelines.

- **Provision to Suspend:** PSC 185.30(3)(a) ~~"A utility may require verification of the initial identification data or the residency, or both, of the person responsible for bill payment under any of the following circumstances: 1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months. 2. The person responsible for bill payment has an outstanding bill with the utility but claims that the bill was accrued in the person's name as a result of identity theft. 3. The applicant fails to provide the initial identification data under sub. (2) (c) 1. g. or the utility finds, with reasonable certainty, that the initial identification information is inaccurate."~~

PSC 185.33(16)

- **Description of Rule:** The rule authorizes a water utility to offer a budget payment plan to its residential customers.
- **Stakeholders Impacted:** Water utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter water utility tariffs, including by requiring utilities to temporarily provide budget payment plans to residential and nonresidential customers during a public health emergency. However, such a modification is not possible unless administrative rules that could be interpreted as running contrary to such action are suspended. Given the economic impacts of social distancing on businesses, if nonresidential customers are unable to obtain budget payment plans, they may be unable to afford the services needed for their continued operation, which would pose a risk to public health by impeding the availability of products and services.
- **Provision to Suspend:** PSC 185.33(16) "A utility may offer a budget payment plan to ~~residential~~ customers. Any such plan shall conform to the guidelines set forth in pars. (a) through (g).

PSC 185.36(1)(a)

- **Description of Rule:** This rule authorizes a water utility to require certain customers with certain unpaid balances to provide a cash deposit or other guarantee before providing new residential service to those customers.
- **Stakeholders Impacted:** Water utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter water utility tariffs, including by suspending a utility's authority to require cash deposits before providing service. However, such modification is not possible unless this provision of the administrative code is first suspended. Requiring customers who have unpaid balances to provide a deposit could prevent certain customers who are adversely economically affected by the public health emergency from receiving

water service that is needed in order for the customer to abide by social distancing guidelines by staying in the home.

- **Provision to Suspend:** PSC 185.36(1)(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.)"~~

PSC 185.37(2)

- **Description of Rule:** This rule authorizes water utilities to disconnect or refuse connection for certain specified reasons. A separate provision of the administrative rules, PSC 185.37(3), which will not be suspended, authorizes a water utility to disconnect service where a dangerous condition exists.
- **Stakeholders Impacted:** Water utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter water utility tariffs, including by suspending disconnections for reasons that are not associated with safety during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Given the economic impacts of social distancing, customers may be at an increased risk of disconnection. Suspending disconnection is a necessary action to ensure that, during the emergency, residential customers are able to abide by social distancing by staying at home and to ensure that products and services remain available.
- **Provision to Suspend:** PSC 185.37(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 the information or documentation required by ss. PSC 185.30 or 185.305.”~~

PSC 185.38(1)

- **Description of Rule:** This rule requires a water utility to offer deferred payment agreements to residential accounts, and it provides that water utilities are encouraged but retain discretion to provide such agreements for nonresidential accounts.
- **Stakeholders Impacted:** Water utilities and their customers.
- **Explanation of Effect on Necessary Actions:** Wis. Stat. § 196.70 authorizes the Commission to temporarily alter water utility tariffs, including by requiring utilities to temporarily provide deferred payment agreements to nonresidential customers during a public health emergency. However, such a modification is not possible unless this provision of the administrative code is first suspended. Given the economic impacts of social distancing on businesses, if nonresidential customers are unable to obtain deferred payment agreements, they may be unable to afford the services needed for their continued operation, which would pose a risk to public health by impeding the availability of products and services.
- **Provision to Suspend:** PSC 185.38(1) “A utility is required to offer deferred payment agreements to residential accounts~~ and encouraged to offer such agreements to other customers.~~”