

July 15, 2013
VIA the Commission's ERF System
Mr. Mohammed Monawer
Docket Coordinator
Public Service Commission of Wisconsin
610 North Whitney Way
Madison, WI 53707

Comment on Proposed revisions to Wisconsin Administrative Code Chapter PSC 114
Docket: 1-AC-238
PSC Ref#: 181745

Dear Mr. Monawer:

After reviewing the proposed revision to Wisconsin Administrative Code § PSC 114.003, Wisconsin Utilities Association (WUA) identified the need for certain clarifications in the proposed text. In particular, WUA has identified several ambiguous words in the proposed rule, highlighted in red in the PSC proposed revision copied below:

COPY OF PROPOSED REVISION AS POSTED BY PSC

Subchapter I – Administration and Enforcement

PSCE 114.003 Authority and statutory references

(2) COMPLIANCE WITH ELECTRIC CODE. (a) A utility **may** not provide electric service unless **it** is in compliance with the requirements of Volume 1, Wisconsin State Electrical Code, though some portions of the code may not be directly enforceable by state agencies.

Note: The authority for the enforcement of Volume 1, Wisconsin State Electrical Code, is vested in the commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

(b) A utility must obtain proof of compliance with the Wisconsin state electric code before **extending** service to **a premise**. Proof of such compliance shall consist of a certificate furnished by a municipal or other recognized inspection department or officer, or if there is no such inspection department or officer it shall consist of a written statement furnished by the contractor or other person doing the wiring, indicating that there has been such compliance.

SPECIFIC ITEMS TO NOTE

1. By using the word “may”, does the Commission intend for this requirement to be optional? WUA would recommend replacing “may” with “shall” or “must” to indicate that the Commission intends for this requirement to be mandatory.
2. What is the meaning of “it” in the first sentence? This provision is unclear as to whether the “it” refers to the utility or to the provision of electric service.

3. As relates to (2)(b), WUA confirms that often a service is physically “extended” before receiving the proof of compliance and “energized” later after the proof of compliance has been received.
4. Is “premise” a defined term for the purposes of this subchapter?

WUA PROPOSED WORDING

WUA offers the following revision of this rule for consideration.

PSC 114.003 Authority and statutory references.

(2) COMPLIANCE WITH ELECTRIC CODE. (a) Before energizing service to an end-use customer, a utility must obtain proof of compliance with Volume 1 and 2, Wisconsin state electric code. Proof of such compliance shall consist of a certificate furnished by a municipal or other recognized inspection department or officer, or if there is no such inspection department or officer it shall consist of a written statement furnished by the contractor or other person doing the wiring, indicating that there has been such compliance.

(b) The Commission intends for non-utility owned structures to be constructed in a manner that complies with Volume 1, Wisconsin State Electrical Code. In this regard, the Commission may order the utility not to provide electric service to an end-use customer until the non-compliant installation has been brought into compliance with the requirements of Volume 1, Wisconsin State Electrical Code, though some portions of the code may not be directly enforceable by state agencies.

Note: The authority for the enforcement of Volume 1, Wisconsin State Electrical Code, is vested in the commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

SUPPORTING COMMENTS

WUA reversed the sequence placing the more frequently occurring event first—that is connection of a customer service. The PSC intent for non-utility construction was placed second.

This proposed change recognizes

1. The Wisconsin State Electrical Code consists of two volumes. For example, a customer’s service mast height might affect a utility’s ability to provide clearance for the electric service as stipulated in Volume 1.
2. “End-use customer” better describes the various ownerships associated with service requests.

This change also clearly states the Commission’s intent for non-utility owned structures to be constructed in a manner (location) that complies with Volume 1, whether the Commission has the direct authority or not over the public. Furthermore, it gives the Public Service Commission the authority to force resolution of any discovered noncompliance.

WUA also intends to suggest the following revisions in the ongoing SPS 316.950 rulemaking proceeding:

SPS 316.950 Connection of electric service. Before electric service may be energized, either a certificate or statement shall be completed and filed with the company or utility providing such service as follows:

(1) Certificate required. For electrical wiring required to be inspected under s. SPS 316.940 (2) (a), the certified inspector authorized to perform the inspection shall complete and file the certificate that electrical wiring complies with this chapter.

(2) Statement required. For electrical wiring not requiring a certificate under sub. (1), the electrical contractor or other person doing the wiring shall complete and file the written statement that electrical wiring complies with this chapter.

Note: See ch. PSC 114 regarding clearance of structures (including buildings, dwelling units, stored materials, fuel storage, wells, antennas, swimming pools, grain bins) to conductors over 600 volts. It is the intent of PSC 114 that location of the constructed facilities relative to utility conductors complies with the clearance requirements of Wisconsin State Electric Code, PSC 114.006 reference to NESC Rule 234 and PSC 114.234. In this regard, the PSC may order the utility not to provide electric service unless clearance to utility conductors has been brought into compliance with the requirements of Volume 1, Wisconsin State Electrical Code, though some portions of the code may not be directly enforceable by state agencies.