

SERVICE DATE May 13, 2015
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Public Service Commission of Wisconsin
RECEIVED: 05/13/15, 2:08:01 PM**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Muscoda Light and Water Utility, Iowa and Grant Counties, 4000-TW-100
Wisconsin, as a Water Public Utility, for Tariff Changes Related to
Deferred Payment Agreements

FINAL DECISION

This is the Final Decision in the proceeding conducted by the Public Service Commission (Commission) on the application of Muscoda Light and Water Utility (Applicant) for approval to amend its tariff related to deferred payment agreements. This application is APPROVED, subject to the conditions in this Final Decision.

Introduction

The Applicant applied to the Commission on February 2, 2015, for approval to amend its tariff related to deferred payment agreements. Pursuant to due notice, the Commission held a telephonic hearing at Madison, Wisconsin and Muscoda, Wisconsin on April 29, 2015, before Administrative Law Judge Michael E. Newmark. The Applicant is the only party to this proceeding.

Findings of Fact

1. Wisconsin Admin. Code § PSC 185.38(1) requires all utilities providing water service to offer deferred payment agreements to residential customers, regardless of whether the customer is a tenant or owner of the property being provided with service.
2. The Applicant's tariff on file with the Commission includes provisions indicating it will follow existing regulations in offering deferred payment agreements to customers, without

any differentiation of whether the customer owns the property or is a tenant at a rental dwelling unit.

3. On April 18, 2014, 2013 Wisconsin Act 274 (Act 274) created Wis. Stat. § 66.0809(9) which states that “[a] municipal utility is not required to offer a customer who is a tenant at a rental dwelling unit a deferred payment agreement.”

4. On September 3, 2014, the Commission issued a Final Decision pre-approving four conditions a municipal utility may adopt in its tariff to determine whether a customer who is a residential tenant will be offered or denied a deferred payment agreement. ([PSC REF#: 215095.](#))

5. The Applicant has requested approval to amend its tariff related to deferred payment agreements to adopt all four of the conditions pre-approved by the Commission.

Conclusions of Law

1. The Applicant is a municipal public utility as defined in Wis. Stat. §§ 66.0801(1)(a) and 196.01(5)(a).

2. The Commission has authority under Wis. Stat. §§ 196.02, 196.03, 196.19, 196.20, 196.22, 196.37 and 196.395 to authorize the Applicant to revise its tariff provisions.

3. The Commission has authority under Wis. Stat. § 15.02(4) to delegate the ability to issue a Final Decision in this matter, and has delegated this authority to the Administrator of the Division of Water, Compliance and Consumer Affairs.

Opinion

Effective April 18, 2014, Act 274 created differing standards for municipal utilities in providing service, depending on whether the utility service is provided to a customer at an

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owner-occupied property or a rental dwelling unit. Among other provisions, Act 274 created Wis. Stat. § 66.0809(9) which states that “[a] municipal utility is not required to offer a customer who is a tenant at a rental dwelling unit a deferred payment agreement.”

Current Commission rules require all utilities to offer deferred payment agreements to residential customers, regardless of whether the customer is a tenant or owner of the property being provided with service. As authorized by Wis. Stat. § 66.0809(9) and in compliance with Wis. Stat. § 196.20(1), on February 2, 2015, the Applicant submitted an application to the Commission requesting approval to amend its tariff related to deferred payment agreements. ([PSC REF#: 231346](#)) The Commission held a telephonic hearing at Madison and Muscoda on April 29, 2015, before Administrative Law Judge Michael E. Newmark.

Under the requested tariff provisions, the Applicant would not offer a deferred payment agreement to a residential customer who is a tenant in any of the following situations:

1. The residential tenant has greater than \$100 of account arrearages that are more than 90 days past due for utilities that bill monthly; or for utilities that do not bill monthly, has greater than \$100 of account arrearages that are past due for more than two billing cycles.
2. The tenant has defaulted on a deferred payment agreement in the past 12 months. This criterion only applies to deferred payment agreements and not to other types of payment extensions or agreements.
3. The residential tenant is responsible for account arrearages that were placed on any property owner’s tax bill in the utility’s service territory in the past 24 months.
4. The residential tenant has a balance that accrued during the winter moratorium that is more than 80 days past due.

These conditions are consistent with the conditions pre-approved in the Commission Final Decision issued on September 3, 2014. ([PSC REF#: 215095.](#)) As a result, the Applicant's request to amend its tariff is approved.

Order

1. This Final Decision takes effect one day after the date of service.
2. The authorized tariff provisions shall take effect no sooner than one day after the date the utility has: (a) filed these tariff provisions with the Commission; and (b) made them available to the public at locations where customer payments are accepted, on the applicant's Internet site, or in a form and place that is otherwise readily accessible to the public, pursuant to Wis. Stat. § 196.19. If a copy of the new tariff provisions is not made available to the public when they are filed with the Commission, the new tariff provisions shall take effect one day after the date they are made available to the public.
3. Pursuant to Wis. Stat. § 196.19, the applicant shall be deemed to have filed with the Commission the tariff provisions authorized in this Final Decision when it receives completed tariff sheets reflecting this Final Decision from the Commission.
4. Deferred payment agreements established by the Applicant prior to the date the new tariff provisions take effect shall continue to be honored by the Applicant.
5. Jurisdiction is retained.

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Dated at Madison, Wisconsin, May 13, 2015

A handwritten signature in black ink, appearing to read "Jeff Stone". The signature is written in a cursive, flowing style.

Jeff Stone
Administrator
Division of Water, Compliance, and Consumer Affairs

JAS:CNC DL:00973108

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.¹ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

¹ See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

APPENDIX A

In order to comply with Wis. Stat. § 227.47, the following parties who appeared before the agency are considered parties for purposes of review under Wis. Stat. § 227.53.

Public Service Commission of Wisconsin
(Not a party but must be served)
610 N. Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Carrie Templeton, Assistant Administrator

MUSCODA LIGHT AND WATER UTILITY, Applicant
by

Troy Wardell, Superintendent
Reg Nankee, Utility Clerk
Patricia Goplin, Village Trustee
Cinda Johnson, Administrator Clerk
Dorothy Hackl, Village President
Malloy Kleven, Rate Analyst

206 North Wisconsin Avenue
Muscodia, Wisconsin 53573

APPENDIX B

Authorized Rules

RATE FILE

Sheet No. 1 of 1

Schedule No. X-4

Public Service Commission of Wisconsin

Amendment No. _____

Muscoda Light and Water Utility

WATER CUSTOMER SUPPLEMENTAL RULES

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Charges for Water Wasted Due to Leaks

See Wis. Admin. Code § PSC 185.35.

Thawing Frozen Service Laterals

See Wis. Admin. Code § PSC 185.88.

Deferred Payment Agreement

See Wis. Admin. Code § PSC 185.38.

Muscoda Light and Water Utility shall offer deferred payment agreements to residential accounts and may offer such agreements to other customers. However, Muscoda Light and Water Utility will not offer a deferred payment agreement to a residential customer who is a tenant if any of the following criteria applies:

1. The residential tenant has greater than \$100 of account arrearages that are more than 90 days past due for utilities that bill monthly; or for utilities that do not bill monthly, has greater than \$100 of account arrearages that are past due for more than two billing cycles.
2. The tenant has defaulted on a deferred payment agreement in the past 12 months. This criterion only applies to deferred payment agreements and not to other types of payment extensions or agreements.
3. The residential tenant is responsible for account arrearages that were placed on any property owner's tax bill in the utility's service territory in the past 24 months.
4. The residential tenant has a balance that accrued during the winter moratorium that is more than 80 days past due.

EFFECTIVE:

PSCW AUTHORIZATION: