

**ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

A. Statutory Authority and Explanation of Authority

This rule is authorized under ss. 196.02 (1) and (3), 196.50 (1) (am), and 227.11, Stats. Section 227.11 authorizes an agency to promulgate administrative rules. Section 196.02 (1) authorizes the Commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3) grants the Commission specific authority to promulgate rules. Section 196.50 (1) (am), as created by Act 300, specifically requires the Commission to develop rules in this matter.

B. Statute Interpreted

This rule implements s. 196.50 (1), Stats.

C. Related Statutes or Rules

None.

D. Brief Summary of Rule

This rulemaking is being done to bring the commission's administrative rules relating to natural gas public utility territorial agreements into conformity with 2013 Wisconsin Act 300 (Act 300). Before Act 300, a natural gas utility could not provide service in a municipality already served by a different gas utility unless it received a certificate from the commission. Act 300 allows a gas utility to provide service in a municipality served by another gas utility without commission action, if: (1) the utilities have entered into a territorial agreement about which customers will be served by which utility, (2) the additional utility's service territory is adjacent to the municipality it now wants to serve, and (3) the additional utility will only serve a limited number of customers in the municipality it now wants to serve.

E. Comparison with Existing or Proposed Federal Legislation

The commission is not aware of any existing or proposed federal legislation on this matter.

F. Comparison with Similar Rules in Surrounding States

The commission is not aware of any similar rules in surrounding states.

G. Effect on Small Business

This rule will not affect small businesses. The s. 227.114 (12), Stats., definition of "small business" states that to be considered a small business, the business must not be dominant in its

field. Since electric, gas, and water utilities are monopolies in their service territories, they are dominant in their fields and, so, are not small businesses.

H. Comments

Comments on this rule may be submitted as outlined in the Notice of Hearing.

I. Accommodation

The commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed below.

J. Agency Contact People

Questions regarding this rule should be directed to docket coordinator Daniel Sage, at (608) 267-9486 or Daniel.Sage@wisconsin.gov. Media questions should be directed to the Communications Director, at (608) 266-9600. Hearing or speech-impaired individuals may also use the commission's TTY number; if calling from Wisconsin, (800) 251-8345; if calling from outside Wisconsin (608) 267-1479.