



To: Members, Assembly Committee on Energy and Utilities
From: League of Wisconsin Municipalities
Municipal Environmental Group – Water Division
Wisconsin Rural Water Association
Date: May 25, 2021
Re: Support for AB 300 to Establish a Process and Timeline for PSC to Determine a Water Utility’s Application for Approval of a Construction Project or Lead Service Line Financial Assistance Program is Complete

Our organizations submit these comments in support of Assembly Bill 300 (as amended by Assembly Substitute Amendment 1). AB 300 would establish a process and timeline for the PSC to determine whether a water utility’s application for approval of a construction project or a lead service line financial assistance program is complete and ready for PSC consideration. This bill would provide applicants with 1) clear direction on what additional information is needed for the PSC to determine an application is complete, and 2) more certainty regarding when a decision on an application will be issued.

Public utilities are required to obtain a certificate of authority from the PSC before engaging in certain construction projects. Water public utilities must also obtain PSC approval to provide financial assistance to a property owner seeking to replace customer-side lead service lines. Current law requires the PSC to take final action on either type of application within 90 days after the PSC issues a notice opening a docket on the application or, if a hearing is held on the application, within 180 days after the PSC issues a notice of hearing. Current law, however, does not establish when a notice opening a docket, or a notice of hearing must be issued.

While PSC practice is to issue a notice after the PSC determines an application to be “complete,” the PSC has substantial discretion in determining when an application is complete. As part of the application process, the PSC is authorized to require that an applicant submit “any other information relevant to the project requested by the commission.” As a result, an applicant may not know ahead of time what additional information will be requested before the PSC will consider an application to be “complete.”

This bill would require the PSC to review an application within 45 days after filing and notify the applicant of all the additional information required, if any, to make the application complete. An applicant would then be entitled to submit the additional information and after a refiling, the PSC would have 30 days to review for completeness. The PSC must take final action on a application within 180 days after the application is determined to be complete if a hearing is held, or 90 days after completeness determination if a hearing is not held. Note: This provision was changed in the substitute amendment.

This additional detail will provide water utilities more certainty regarding the PSC process, expectations, and the timeframe that it will take to obtain the necessary regulatory approval. As a result, water utilities will be better able to cost-effectively coordinate planning, financing, and construction of utility infrastructure projects and private lead service line replacement. On behalf of our organizations, we ask for your support for this legislation.