

## Updating Ch.185 Brainstorming Meeting

1. Uniformity, consistency, and flexibility throughout PSC 185 and with the gas rules.
  - a. Presumption that PSC 185 should be organized the same as the gas rules
    - i. Down the road Electric will be organized to match as well.
    - ii. There is a hope to make them as consistent as possible.
  - b. Positive feedback to the restructuring to be similar
    - i. General consensus that the organization of the code “as is” is fine
  - c. Possible Additions
    - i. Whistleblowers
    - ii. Applications for residential services
    - iii. Conservation changes
2. Use of customer throughout the code
  - a. Who is the utility’s customer?
    - i. Person or Property?
    - ii. Water bill stays with the property (Case Law)
  - b. Gas rules language is not applicable to water rules
    - i. There needs to be an either/or option for the owner/occupant being billed for usage
  - c. Currently two collection systems which require more flexible language (tax roll vs. collection)
    - i. Transfer to the tax roll
      1. Revenue stream
      2. no disconnect/reconnect costs
    - ii. Holding person who uses the water accountable
    - iii. We need to broaden the language definition due to differences and type of utilities.
      1. We can discriminate by class but we cannot discriminate within the class by utility. We need to find consistency between the statute and the rules.
  - d. Definition of “customer” throughout the code
    - i. We have a generic definition of customer in some subsections. We may need separate definition of customer or change the wording so we don’t use the word customer.
    - ii. When dealing with disconnection it would be helpful to differentiate between the property, occupant, and landlord. (MWW)
      1. Do we need to add a definition for property owner? Or not, in order to maintain flexibility.
  - e. Delinquent Bills
    - i. Do not consider customer
    - ii. No application
    - iii. Statute § 66.0809, tax roll, doesn’t say “person”
3. Clarify duration and terms for DPAs
  - a. PSC §185.38 (2) states the current bill must be paid by the due date throughout the duration of the DPA

- b. Complying with (3)(e) is messy, time consuming, and only as reliable as the information provided by the customer
  - i. Exactly the same for the CA reps at the PSC, but since the CA reps are not their neighbors the consumers are more likely to give personal and accurate information.
    - 1. The PSC is also not billing them.
- c. Specific language to decrease creative interpretations
  - i. Remove DPA definition from General definitions and keep in the DPA section
  - ii. Remove “Ability to pay” from the definitions as it confuses customers as to their options to payments
    - 1. It has been deleted and reworded in the gas rules
    - 2. Using “May” rather than “Shall” when considering financial ability to pay.
    - 3. More specificity when dealing with PSC § 185.28 (2)(3)(e)
  - iii. Reasonableness is not defined
    - 1. Wherever the PSC can, specificity is appreciated
      - a. Limits creative interpretation by utilities and customers
- d. Prompt payment
  - i. Code needs to speak of the due date of the bill
    - 1. Gas rules are clearer in their wording in regards to this.
- e. PSC templates would be appreciated
  - i. MWW wants a timeline of reasonable DPAs. Concerned about superseding the tax roll statute
- f. Voucher Agreement
  - i. We need to look at voucher agreement in PSC § 185.39
  - ii. Utility cannot refuse service if a voucher agreement is in place
- 4. Clarify the calculation of back billing
  - a. Standard between utilities
  - b. Dollars or units
- 5. Application for Service
  - a. Flexibility is key due to the various sizes and limitations of utilities
  - b. Require some uniformity in the information collected
    - i. Fair and Accurate Credit Report Act: If you can’t identify the person you cannot do business with them.
    - ii. Suggestion that ordinances be written that when property changes hands information is sent to the utilities.
  - c. A written application will not work for all utilities
    - 1. MWW will “never” institute an application for service policy.
- 6. Disconnection/Reconnection
  - a. Specific time frame for the reconnection of service
    - i. Should it be next business day?
  - b. Additional cost for after hours reconnect
    - i. Is it unreasonable to ask the consumer to pay for this fee before reconnection?

- c. Addition of a disconnection without notice
    - i. Section to be added potentially
  - d. Disconnection for exchange of meter
    - i. Are utilities required to schedule within the 24 hours of disconnecting?
    - ii. As long as you follow disconnect procedures you can leave it off until customer gives you access during normal utility business hours.
  - e. Clarification of the caveats of when you cannot disconnect (heat affecting during the winter moratorium)
    - i. Clarity on the burden of proof
    - ii. Who does it fall on to keep track/notify the utility of an existing caveat?
      - 1. Currently it is the customers responsibility
        - a. The disconnection must contain the caveat statement
      - 2. What is the definition of very young?
7. Commission instructed staff to add billing units in gallons or showing gallon conversion on customer bills.
  - a. This could be costly for the utilities
    - i. Increased calls
    - ii. Meter testing
8. Requirement to protect the facilities
  - a. Is there a provision in the gas rules to protect the facilities?
    - i. Similar to PSC § 186.16
  - b. Is there a reasonable expectation to be able to maintain the utility without harm or danger?
    - i. If a gas main or other utility is installed close to but not damaging a water system can you do something about it?
    - ii. Can this be regulated through a local ordinance?
    - iii. Would utilities rather have it regulated at the PSC level? (BS)
      - 1. Most players are PSC regulated utilities
  - c. Safety issue when another utility has laid wire or pipe too close to a water main or lateral.
  - d. Clearances are set in the electric code; can the same be done for water?
9. Meter testing
  - a. Meter testing based on AWWA standards or manufacturer recommendations
    - i. Water quality affects the life of the meter more than the mechanical aspects of the meter (DL)
      - 1. Gather data about water quality in order to come up with an understanding about how water quality affects meter accuracy (BS)
    - ii. We need to address the testing of mag meters if you take out the PSC permission for installation of Mag and Ultrasonic meters
      - 1. Until AWWA creates testing standards for these specific testing standards the PSC will have to hold these meters to the same standards as older meter types. (BS)
  - b. 20 year testing cycle or 10 year testing?
    - i. Mag meters make it much easier to make it 20 years
      - 1. Incorporate 20 years into the code so there aren't issues with variances all the time

- 2. Mag meter accuracy testing is an issue that needs to be brought up with the manufacturer
    - ii. Procedures for variances are spelled out in the rules
      - 1. This provides consistency in the data provided and ensures each utility is treated equally
    - iii. It would be beneficial to include a variance and formalizing a 20 year replacement program (Dean)
  - c. Sample testing
    - i. Get rid of sample testing?
      - 1. No. Utilities still use sample testing.
      - 2. We can look at the gas rules to look at what they have done with sampling and variances (JD/BS)
      - 3. DNR regulations will provide testing even if you go past 20 years
  - d. Test/Exchange cycles for larger meters
    - i. Variances need to be written that apply to both large and small meters (JN)
    - ii. This needs to be done in steps (BS)
    - iii. PSC § 185.76(3) & (4) missed a size.
      - 1. Open up the waiver process for different sizes (JN)
      - 2. Keep the variance options flexible (JN)
  - e. “Proper Plumbing”
    - i. Clarification of the Proper Plumbing rule so it says that the valve needs to exercise. (Dean)
    - ii. Clarification that maintenance on the customer side of the plumbing is necessary.
    - iii. Safety section PSC § 185.795 puts the burden on the utility for the jumper
      - 1. Can we put the burden on the customer to have the jumper on the meter so the utility doesn’t get zapped? (DL)
      - 2. Electricians should be the ones installing the grounds
      - 3. Consistency with electrical codes and electrical safety considerations that think about technicians and their knowledge and abilities.
      - 4. *Utility may require a jumper...*
  - f. Multiple Dwelling Units
    - i. Easier if meter and shut off is not inside the dwelling unit (LK)
    - ii. Should be a common accessible room and no individual apartment access
      - 1. Schedule X-1 (DP)
10. Lateral Issues
- a. Is “one free” thaw per property or per customer?
    - i. Utility is responsible for thawing the first frozen lateral
      - 1. Have an investigation and tell the customer they must trickle water at their expense
      - 2. The utility needs to tell the customer to put more cover over the lateral or insulate the lateral.
    - ii. If the customer has been put on notice, the next year it should be the customer’s responsibility if the water lateral freezes.

1. The customers at this time expect to run the water in order not to freeze the lateral at the expense of the utility.
  - b. Clarify definition of customer based on situation.
    - i. Known defect on the property.
    - ii. PSC § 185.88(2)(D) Freeze Up Disconnect – clarification that this is not a disconnect for non-payment (DS)
  - c. If it is the customers' fault should they be responsible even on the first thaw.
    - i. Do we need to differentiate between chronic homes and the times when there are extremely cold circumstances?
11. DNR Rules
- a. PSC rules should cross reference and compliment DNR 800 series code.
    - i. Security concerns regarding utility information → should Homeland Security Policy be followed? DNR 810?
    - ii. If the PSC doesn't need the records, please don't require it because it will become public record. (DL)
      1. Most information that would be considered confidential is asked for in a construction review. (JR)
  - b. At this point GIS maps are not required by the PSC and should not be, but some smaller utilities would like us to encourage GIS to spur advances in technology.
    - i. It would be nice to have something in the language to encourage mapping for those who do not have the capability. (DS)
    - ii. Reliability – work the mapping thing in through the reliability component. (BS)