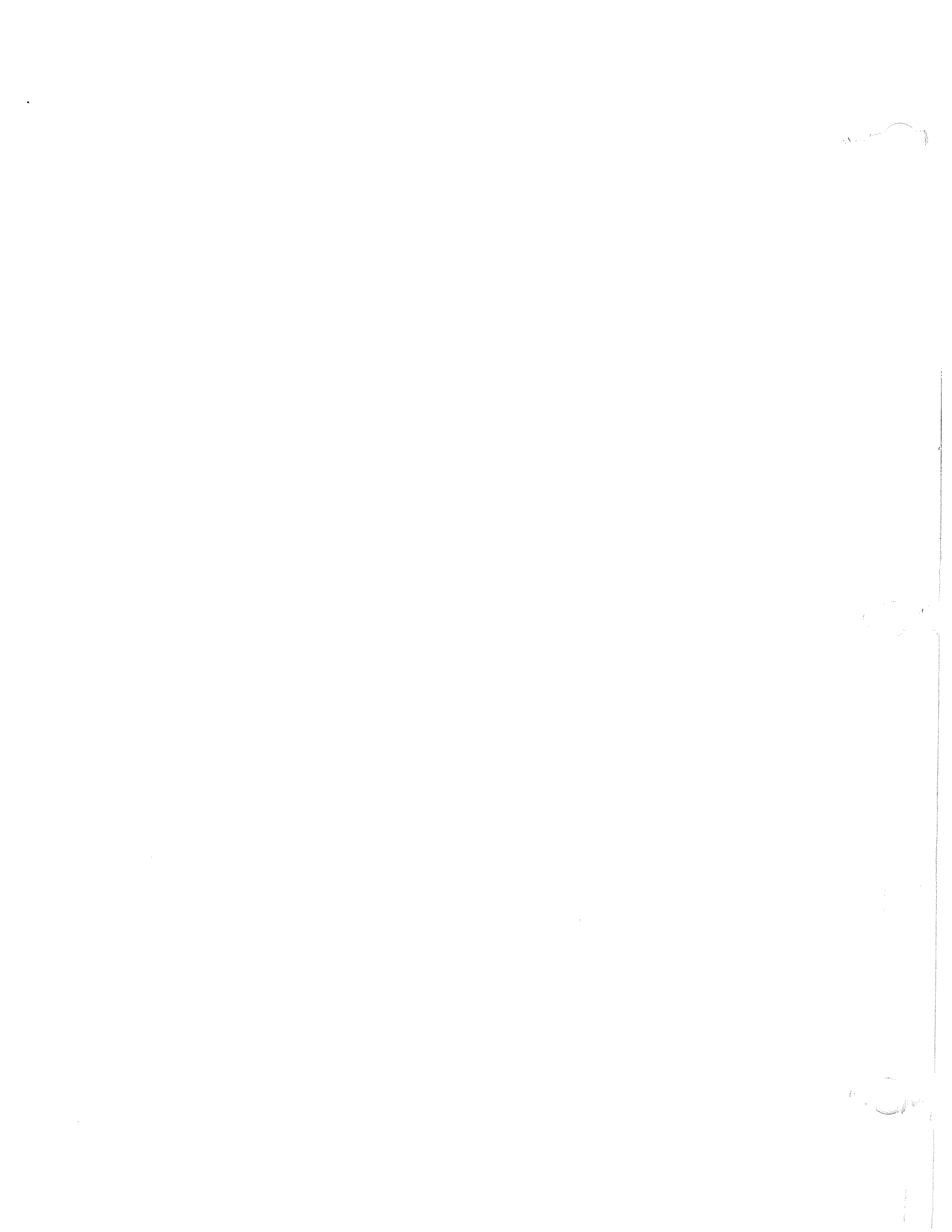


# TITLE 9

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## **Public Utilities**

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| <b>Chapter 2</b> | Sewer Utility Regulations and Rates    |
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# Water Utility Regulations and Rates

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Article A: Rates

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**Sec. 9-1-1 Public Fire Protection Service—F-1.**

- (a) For public fire protection service to the Village of Cadott, the annual charge shall be Seventy-two Thousand Five Hundred Twenty-two Dollars (\$72,522.00).
- (b) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the municipal boundary only. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

**Sec. 9-1-2 General Water Service—Metered—Mg-1.**

(a) **Monthly Service Charge:**

5/8-inch meter -	\$ 4.75
3/4-inch meter -	\$ 4.75
1-inch meter -	\$ 8.00
1-1/4-inch meter -	\$ 12.00
1-1/2-inch meter -	\$ 18.00
2-inch meter -	\$ 30.00
2-1/2-inch meter -	\$ 45.00
3-inch meter -	\$ 75.00
4-inch meter -	\$126.00
6-inch meter -	\$168.00
8-inch meter -	\$246.00
10-inch meter -	\$300.00
12-inch meter -	\$387.00

(b) **Plus Volume Charge:**

First	10,000	gallons used each month -	\$ 3.30 per 1,000 gallons.
Next	60,000	gallons used each month -	\$ 3.04 per 1,000 gallons.
Next	60,000	gallons used each month -	\$ 2.83 per 1,000 gallons.
Over	130,000	gallons used each month -	\$ 1.58 per 1,000 gallons.

- (c) **Billing.** Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of three percent (3%) but not less than fifty cents (50¢) will be added to bills not paid within twenty

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(20) days of issuance. This one-time 3% late payment charge shall be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The Utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code.

- (d) **Combined Metering.** Volumetric meter readings will be combined for billing if the Utility *for its own convenience* places more than one (1) meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for Utility convenience and shall not be combined for billing. This requirement does not preclude the Utility from combining readings where metering configurations support such an approach. Meter readings from individually metered separate service laterals shall *not* be combined for billing purposes.

**Sec. 9-1-3 General Service—Suburban—Mg-2.**

Water customers residing outside the corporate limits of the Village of Cadott shall be billed at the regular rates for service (Schedule Mg-1) plus a twenty-five percent (25%) surcharge. Billing shall be the same as for Schedule Mg-1.

**Sec. 9-1-4 General Water Service—Unmetered—Ug-1.**

- (a) **Rate.** Where the Utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of Sixteen and 24/100 Dollars (\$16.24) per month. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of three thousand two hundred (3,200) gallons per billing period under Mg-1. If it is determined by the Utility that usage is in excess of three thousand two hundred (3,200) gallons per billing period, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Billing shall be the same as for Schedule Mg-1.

**Sec. 9-1-5 Public Service—Mpa-1.**

- (a) Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates (Schedule Mg-1) applied.
- (b) Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume

of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of Three and 4/100 Dollar (\$3.04) per one thousand (1,000) gallons.

- (c) Billing shall be the same as for Schedule Mg-1.

### **Sec. 9-1-6 Reconnection Charges—R-1.**

	<b>During Normal Business Hours</b>	<b>After Normal Business Hours</b>
Reinstallation of meter, including valving at curb stop	\$ 35.00	\$ 50.00
Valve turned on at curb stop	\$ 25.00	\$ 35.00

**Note:** No charge for disconnection.

### **Sec. 9-1-7 Building and Construction Water Service—Mz-1.**

- (a) For single-family and small commercial buildings, apply the unmetered rate (Schedule Ug-1).
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Schedule Mg-1) applied.
- (c) Billing shall be the same as for Schedule Mg-1.

### **Sec. 9-1-8 Seasonal, Emergency or Temporary Service—Mgt-1.**

- (a) Seasonal customers\* shall pay an annual seasonal service charge equal to twelve (12) times the applicable service charge in Schedule Mg-1. Water use in any billing period shall be billed at the applicable volume rates in Schedule Mg-1 and the charge added to the annual seasonal service charge.
- (b) In addition, customers who have an additional meter pursuant to Schedule Am-1 shall also pay an annual seasonal rental charge equal to twelve (12) times the applicable additional meter rental charge in Schedule Am-1.
- (c) For disconnections of service not previously considered as seasonal, emergency, or temporary, if service is resumed at the same premises by the same customer within a twelve (12) month period, and if there has been no service to another customer during the intervening period, the customer shall be billed for the pro rata share of the applicable service charge for the period of disconnection.

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- (d) Further, if service has been disconnected or a meter removed, a charge under Schedule R-1 shall be applied at the time of reconnection or meter reinstallation.
- (e) Billing shall be the same as for Schedule Mg-1.

\*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year. This includes service under Schedule Mg-1 and/or Schedule Am-1.

**Sec. 9-1-9 Bulk Water—Bw-1.**

- (a) All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the Utility, estimated. Utility personnel or Utility-approved party shall supervise the delivery of water.
- (b) Bulk water sales are:
  - (1) Water supplied to tank truck or from hydrants for the purpose of extinguishing fires outside the Utility's immediate service area;
  - (2) Water supplied by tank truck or from hydrant for purposes other than extinguishing fires such as irrigation or the filling of swimming pools; or,
  - (3) Water supplied from hydrants or other temporary connections for general service type applications. (Water supplied for construction purposes - see Schedule Mz-1).
- (c) A charge for the volume of water used will be billed to the party using the water at Three and 59/100 Dollar (\$3.59) per one thousand (1,000) gallons. A service charge, in addition to the volumetric charge, will be Thirty-five Dollars (\$35.00). In addition, for meters that are assigned to bulk water customers for more than thirty (30) days, the applicable service charge in Schedule Mg-1 will apply after the first thirty (30) days.
- (d) The Water Utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return of the Utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.
- (e) Billing shall be the same as for general service (Schedule Mg-1).

**Sec. 9-1-10 Private Fire-Protection Service—Unmetered—Upf-1.**

- (a) **Use.** This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.



- (b) **Charges.** Monthly demand charges for private fire-protection service:

Size of Connection	Charge
2-inch	\$ 10.00
3-inch	\$ 18.00
4-inch	\$ 30.00
6-inch	\$ 60.00
8-inch	\$ 96.00
10-inch	\$144.00
12-inch	\$197.00

- (c) **Billing.** Billing shall be the same as for Schedule Mg-1.

### **Sec. 9-1-11 Water Lateral Installation Charge—Cz-1.**

- (a) Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.
- (b) When the cost of a Utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.
- (c) The initial water service lateral(s), not installed as part of a subdivision development or an assessable Utility extension, will be installed from the main through the curb stop and box by the Utility, for which the actual cost will be charged.
- (d) Billing shall be the same as for Schedule Mg-1.

### **Sec. 9-1-12 Remote Reading Register Meter Attachment—Mr-1.**

- (a) Remote register water meter attachments will be installed by the Village of Cadott Light and Water Utility, the cost to be borne by the Utility.
- (b) The Village of Cadott Light and Water Utility shall determine the priority of said installation, for the purpose of efficiency, as follows:
- (1) All new construction.
  - (2) Presently difficult places to read.
  - (3) Residences where occupants habitually or necessarily are absent.
  - (4) All other installations desirable for the benefit of the Utility.
- (c) Customers who request a remote register meter attachment ahead of the Utility planned schedule as shown in Subsection (b) above will pay Thirty-five Dollars (\$35.00) in advance for immediate installation.

- (d) The location of the remote register meter is to be determined by the Utility.

**Sec. 9-1-13 Non-Sufficient Funds Charge—NSF-1.**

- (a) A Fifteen Dollar (\$15.00) charge shall apply to the customer's account when a check rendered for Utility service is returned for non-sufficient funds. This charge may not be in addition to, but may be inclusive of, other non-sufficient funds charges when the check was for payment of multiple services.
- (b) Billing shall be the same as for Schedule Mg-1.

**Sec. 9-1-14 through Sec. 9-1-19 Reserved for Future Use.**

## Article B: Rules and Regulations

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### **Sec. 9-1-20 Compliance with Rules.**

All persons now receiving a water supply from the Village of Cadott Light and 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. Future amendments to such rules and regulations are automatically incorporated into this Chapter by reference; this provision shall apply to all PSC-regulated utilities in this Title.

### **Sec. 9-1-21 Establishment of Service.**

- (a) Application for water service shall be made in writing on a form furnished by the Light and Water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, and/or water-consuming air-conditioning appliances.
- (b) Service will be furnished only if:
  - (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the Utility's filed main extension rule.
  - (2) Property owner has installed or agrees to install a service pipe from the curb stop to the point of use that is not less than six (6) feet below the surface of an established or proposed grade, and meets the Utility's specifications, and
  - (3) The premises have adequate piping beyond the metering point.
- (c) The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate Water Utility customer for the purpose of the filed rules and regulations.
- (d) No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties. Duplexes may be served by one lateral provided:
  - a. Individual metered service and disconnection is provided,
  - and b. It is permitted by local ordinance.

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- (e) Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.
- (f) The Utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

**Sec. 9-1-22 Reconnection of Service.**

- (a) Where the Utility disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.)
- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due. (See Schedule R-1 for applicable rate.)
- (c) If the reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner or employee of the same business, it shall be considered as the same customer.

**Sec. 9-1-23 Temporary Metered Service, Meter and Deposits.**

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule Bw-1 for applicable rate.

**Sec. 9-1-24 Water for Construction.**

- (a) When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the Utility.
- (b) In no case will any employee of the Utility turn on water for construction work unless the contractor has obtained permission from the Utility.
- (c) Customers shall not allow contractors, masons or other persons to take unmetered water from their premises without permission from the Utility. Any customer failing to comply

with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

### **Sec. 9-1-25 Use of Hydrants.**

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by a member of the Utility.
- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule Bw-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.

### **Sec. 9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty.**

Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

### **Sec. 9-1-27 Refunds of Monetary Deposits.**

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the Utility's equipment.

### **Sec. 9-1-28 Service Laterals).**

- (a) No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe

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- casing, not less than twice the diameter of the service connection. The space between the service lateral and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- (b) In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least six (6) inches of ground filling over the pipe, and it should be free of hard lumps, rocks, stones or other injurious material.
  - (c) All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

**Sec. 9-1-29 Service Piping for Meter Settings.**

- (a) Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the Water Utility's standards. The Water Utility should be consulted as to the type and size of meter setting.

**Sec. 9-1-30 Turning on Water.**

The water may only be turned on for a customer by an authorized employee of the Utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

**Sec. 9-1-31 Failure to Read Meters.**

- (a) Where the Utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three (3) consecutive estimated or minimum bills be rendered.
- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use

is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method. (See PSC 185.33, Wis. Adm. Code.)

### **Sec. 9-1-32 Complaint Meter Tests.**

See Ch. PSC 185.77, Wis. Adm. Code..

### **Sec. 9-1-33 Thawing Frozen Services.**

See Ch. PSC 185.88, Wis. Adm. Code..

### **Sec. 9-1-34 Curb Stop Boxes.**

The curb stop box is the property of the Water Utility. The Water Utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The Water Utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

### **Sec. 9-1-35 Installation of Meters.**

Meters will be owned, furnished and installed by the Utility and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rate.

### **Sec. 9-1-36 Repairs to Meters.**

- (a) Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his/her agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter

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to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

**Sec. 9-1-37 Replacement and Repair of Service Laterals.**

- (a) The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the Water Utility. The property owner shall maintain the service lateral from the curb stop to the point of use.
- (b) The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (c) If an owner fails to repair a leaking or broken service lateral from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the owner by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

**Sec. 9-1-38 Abandonment of Service.**

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the Water Utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the Utility portion of the water service lateral.

**Sec. 9-1-39 Charges for Water Wasted Due to Leaks.**

See Ch. PSC 185.33, Wis. Adm. Code.

**Sec. 9-1-40 Inspection of Premises.**

During reasonable hours any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. Whenever appropriate, the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

*State Law Reference:* Sec. 196.71, Wis. Stats.



**Sec. 9-1-41 Deposits for Residential Service.**

See Ch. PSC 185.36, Wis. Amd. Code..

**Sec. 9-1-42 Deposits for Nonresidential Service.**

See Ch. PSC 185.361, Wis. Adm. Code.

**Sec. 9-1-43 Deferred Payment Agreement.**

See Ch. 185.38, Wis. Adm. Code.

**Sec. 9-1-44 Dispute Procedures.**

See Ch. PSC 185.39, Wis. Adm. Code.

**Sec. 9-1-45 Disconnection and Refusal of Service.**

- (a) **Disconnection.** See Ch. PSC 185.37, Wis. Adm. Code..
- (b) **Disconnection Notice.** The following is an example of a disconnection notice that the Utility may use to provide the necessary notice to customers:

**DISCONNECTION NOTICE**

Dear Customer:

The bill enclosed with this notice includes your current charge for Water Utility service and your previous unpaid balance.

**You have 10 days to pay the Water Utility service arrears or your service is subject to disconnection.**

If you fail to pay the service arrears, or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, **we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.**

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payment you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

**PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), IMMEDIATELY IF:**

1. You dispute the notice of delinquent account.
2. You have a question about your Water Utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

### **Illness Provision**

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

### **Deferred Payment Agreements**

If you are a residential customer, and for some reason, you are unable to pay the full amount of the Water Utility service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future Water Utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our Water Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin, by calling (800) 225-7729.

(UTILITY NAME)

**Sec. 9-1-46 Collection of Overdue Bills.**

An amount owed by the customer may be levied as a tax as provided in Sec. 66.0809, Wis. Stats.

**Sec. 9-1-47 Surreptitious Use of Waters.**

- (a) When the Utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered, the Utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. If the Utility disconnects the service for any such reason, the Utility will reconnect the customer upon the following conditions:
- (1) The customer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for Water Utility service.
  - (2) The customer will be required to pay the Water Utility for any and all damages to Utility equipment resulting from such interference with its metering.
  - (3) The customer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- (b) Sections 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

**Sec. 9-1-48 Vacation of Premises.**

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the Utility's property. (See also "Abandonment of Service".)

**Sec. 9-1-49 Repairs to Mains.**

The Utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

### **Sec. 9-1-50 Duty of Water Utility with Respect to Safety of the Public.**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed proper signal lighting to ensure the safety of the public.

### **Sec. 9-1-51 Handling Water Mains and Service Laterals in Excavation Trenches.**

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Sec. 182.0175, Wis. Stats. Where water mains and service laterals have been removed, cut or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding six (6) hours.

### **Sec. 9-1-52 Protective Devices.**

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable Village plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and replenishment of air.

**Sec. 9-1-53 Cross Connection Control.**

- (a) **Purpose.** The Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems. Chapters NR 810 and SPS 382, Wis. Adm. Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection.
- (b) **Definition.** A "cross connection" is defined as any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the Village of Cadott's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two (2) systems.
- (c) **Unprotected Cross Connections Prohibited.** No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in SPS 382, Wis. Adm. Code.
- (d) **Inspection.** The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the Water Utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the Water Utility in accordance with the Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g).
- (e) **Right of Entry.** Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such Water Utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below. If entry is refused, a special inspection warrant under Sec. 66.0119, Wis. Stats., may be obtained.
- (f) **Provision of Requested Information.** The Water Utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under Subsection (g) below.
- (g) **Authority to Discontinue Service.** The Water Utility is hereby authorized and directed to discontinue water service to any property owner wherein any connection in violation of this Section exists and to take such other precautionary measures deemed necessary to

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eliminate any damage of contamination of the potable water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained and/or repaired in compliance with this Section, SPS 382-384, Wis. Adm. Code, and the Utility's "Cross Connection Manual", or if it is found that the means of backflow prevention required by this Section has been removed or bypassed.

- (h) **Emergency Discontinuance.** If it is determined by the Water Utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Clerk-Treasurer and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for a hearing under Ch. 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

*State Law Reference:* NR 810 and SPS 382, Wis. Adm. Code; Sec. 66.0119, Wis. Stats.

## **Sec. 9-1-54 Private Well Abandonment.**

- (a) **Purpose.** The purpose of this Section is to protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater, or wells which may be illegally cross connected to the municipal water system, are properly maintained or abandoned.
- (b) **Applicability.** This Section applies to all wells located on premises served by the Village of Cadott municipal water system. Water Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or Water Utility rule to adopt and enforce equivalent ordinances within their jurisdictions for the purposes stated in Subsection (a) above.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Municipal Water System(s).** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately-owned water utility serving the foregoing.
  - (2) **Noncomplying.** A well or pump installation which does not comply with NR 812.42, Wis. Adm. Code, "Standards for Existing Installations", and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
  - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit-less adapters, pressure tanks, pits, sampling faucets and well seals or caps.

- (4) **Unsafe Well or Pump Installation.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances that exceed the drinking water standards of NR 140 or NR 809, Wis. Adm. Code, or for which a health advisory has been issued by the Wisconsin Department of Natural Resources.
  - (5) **Unused Well or Pump Installation.** One which is not used or does not have a functional pumping system.
  - (6) **Well.** A drill hole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
  - (7) **Well Abandonment.** The proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Adm. Code.
- (d) **Abandonment Required.** All wells on premises served by the municipal water system shall be properly abandoned in accordance with Subsection (f) below by one (1) year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village under the terms of Subsection (e) below.
- (e) **Well Operation Permit.**
- (1) **Permit Requirements.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than one (1) year after connection to the municipal water system. The Village shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years provided all conditions of this Section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this Section are met. The Village or its agent will require inspections and water quality tests to be conducted, at the applicant's expense, to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk-Treasurer. There will be a Five Hundred Dollar (\$500.00) fee for new well applications and renewal applications for existing wells will be accompanied by a fee of One Hundred Dollars (\$100.00).
  - (2) **Issuance and Renewal Conditions.** The following conditions shall be met for issuance or renewal of a well operation permit:
    - a. The well and pump installation shall meet the "Standards for Existing Installations" described in NR 812.42, Wis. Adm. Code.
    - b. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified to comply with NR 812, Subch. IV, Wis. Adm. Code, prior to issuance of the initial permit and no less than every ten (10) years afterwards.
    - c. The well and pump shall have a history of producing safe water evidenced by at least two (2) coliform bacteria samples. In areas where the Wisconsin Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

- d. There shall be no cross connections between the well's pump installation or distribution piping and the municipal water system.
  - e. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the Sewer Utility.
  - f. The private well shall have a functional pumping system.
  - g. The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures.**
- (1) **Removal of Noncomplying Equipment.** All wells abandoned under the jurisdiction of this Section shall be done according to the procedures and methods of NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
  - (2) **Abandonment Notice; Inspections.** The owner of the well, or the owner's agent, shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Clerk-Treasurer at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal water system.
  - (3) **Reporting.** An abandonment report form, supplied by the Wisconsin Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall upon conviction be punished by forfeiture of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Section for more than thirty (30) days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special charge against the property.

## **Sec. 9-1-55 Water Main Extension Rule.**

Water mains will be extended for new customers on the following basis:

- (a) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Sec. 66.0703, Wis. Stats., will apply, and no additional customer contribution to the Utility will be required.
- (b) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:



- (1) The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under Subsection (a).
- (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (a) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection (a) nor will it exceed the total assessable cost of the original extension.
- (c) When a customer connects to a transmission main or connecting loop installed at Utility expense within twenty (20) years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection (a).

### **Sec. 9-1-56 Water Main Installations in Platted Subdivisions.**

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Village Clerk-Treasurer and shall set forth the following information:
  - (1) Name of subdivision.
  - (2) Legal description.
  - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
  - (4) Date of approval of subdivision plan by state Department of Development.
  - (5) Date of approval of proposed mains by state Department of Natural Resources.
  - (6) Number of houses presently under construction.
- (b) Upon receipt of the application, the Water Utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the Village Board for approval of the extension as it pertains to public fire protection service requirements.
- (c) The applicant for water service to be supplied to a subdivision shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within thirty (30) days. If final costs are less than estimated, a refund of overpayment will be made by the Water Utility.
- (d) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Utility), the developer shall be responsible for the total cost of construction.

### **Sec. 9-1-57 Compulsory Connection to Village Water.**

- (a) **When Required.** Whenever a water main becomes available to any building used for human habitation, the owner of the property upon which the building is located shall connect the building to such water main or mains in the manner prescribed by law.
- (b) **Notice.** Whenever a water main becomes available to any building used for human habitation, the Building Inspector shall notify the owner or his/her agent in writing by registered mail addressed to the last known address of the owner or his/her agent.
- (c) **Building Inspector May Cause Connection at Expense of Owner.** If the owner or his/her agent fails to comply with the notice of the Building Inspector within ten (10) days of service or mailing thereof, the Building Inspector may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.

### **Sec. 9-1-58 Lead Water Service Line Replacement.**

- (a) **Intent and Purpose.** The Village Board of the Village of Cadott finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and galvanized water service laterals in use within both the Cadott Utilities Water System ("Utility") and in private systems, and to that end, declares the purpose of this Section to be as follows:
  - (1) To ensure that the water quality at every tap of Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;
  - (2) To reduce the lead in Village drinking water to meet Environmental Protection Agency (EPA) standards and ideally to reduce the lead contaminant level to zero in Village drinking water for the health of Village residents; and
  - (3) To eliminate the constriction of water flow caused by mineral-rich surface water flowing through lead and galvanized water service pipes and the resulting buildup of mineral deposits inside lead and galvanized pipes; and
  - (4) To meet the Wisconsin Department of Natural Resources (WisDNR) requirements for local compliance with the Lead and Copper Rule [56 CFR 6460; Title 40 CFR parts 141.80–141.91 and Ch. NR 809.54–809.55, Wis. Adm. Code, updated 10/25/2018).
- (b) **Owner to Replace Lead and Galvanized Service.**
  - (1) **Replacement Requirement.** Existing lead and galvanized water service laterals connected to the Utility shall be replaced with water service laterals made of suitable material and at the owner's expense. Replacement shall be completed either before or in conjunction with the next Utility project in the area of the affected property, except any property tested by the Utility in accordance with Wisconsin Department of Natural Resources lead and copper monitoring that exceeds the lead level established by the Environmental Protection Agency's Lead and Copper Rule will be required to replace the lateral in one hundred and twenty (120) days.

- (2) **Affected Property Owners May Contract With A Licensed Contractor To Complete The Replacement.** If the property owner selects this option, the lead or galvanized water service lateral shall be replaced before the start of or during construction of the Utility project; or, as in Subsection (b)(3) below:
  - (3) **If Available, Affected Property Owners May Have The Utility Contractors Complete The Replacement.**
    - a. The Utility may, as part of any water project, add an alternative to the Utility's contract requesting unit bid prices for the calculation of the cost for private lead or galvanized water service lateral replacement. This will include removing the entire lateral from the main to the inside of the house and replacing all lead and/or galvanized piping with suitable material.
    - b. If available, and should the property owner select this option, the property owner will be charged the entire cost of the removal and replacement. In addition, all restoration will be the responsibility of the property owner (for example, topsoil, concrete, steps, asphalt, bushes, and porches).
- (c) **Utility Water System Construction Requirements.**
- (1) **Notification To Property Owners.** Property owners in the project area will be notified, in writing, of capital improvement projects involving public water mains or replacement of lead services on the Utility side. The notification shall be a minimum of thirty (30) days prior to commencement of the construction.
  - (2) **Inspection Required.**
    - a. The Water Utility Manager or his/her designee shall inspect all private connections to the public water mains for the presence of lead or galvanized pipe prior to, if possible, or at the time that the Utility System is to be reconstructed and, if unable to gain access for inspection, may pursue an inspection warrant.
    - b. In the event that a private water service lateral is found to contain lead or galvanized pipe, the Water Utility Manager or his/her designee shall immediately notify the owner, in writing, of that fact along with information about the Utility's Lead or Galvanized Water Service Lateral Replacement Program.
    - c. The affected property owner shall provide proof of arrangements for replacement of the lead or galvanized water service lateral to the Water Utility Manager or his/her designee within thirty (30) days of the date of the notification letter.



## Title 9 ► Chapter 2

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# Sewer Utility Regulations and Rates

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### **Sec. 9-2-1 Definition.**

- (a) **Definitions.** The meaning of terms used in this Chapter shall be as follows:
- (1) **Act.** The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L.92-500), Pub. L.93-243 and Pub. L.92-217, or modified by Chapter 147, Wis. Stats., or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter 147, Wis. Stats.
  - (2) **Approving Authority.** The Village Board of the Village of Cadott.
  - (3) **BOD.** The quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20° degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."
  - (4) **Village Engineer.** The Village Engineer of the Village of Cadott, as designated by the Approving Authority.

- (5) **Collection System.** The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.
- (6) **Debt Retirement.** The annual cost of principal and interest incurred by the Wastewater Department for the wastewater treatment plant and other core sanitary sewer collection system facilities such as forcemains and pumping stations.
- (7) **Depreciation.** Replacement, as defined under Subsection (a)(15), including:
  - a. Plant equipment and facilities which require such expenditures because of wear and obsolescence;
  - b. Purchase and installation of new equipment, or modifications to existing facilities which will improve the operation and performance of the wastewater treatment facilities, or wastewater pumping stations;
  - c. Purchase of trucks and heavy equipment needed for operation and maintenance;
  - d. Purchase of office and accounting equipment.
- (8) **Domestic Wastewater.** Water-borne waste normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free from industrial wastes and in which the average concentration of suspended solids is established at or below 250 mg/l and the BOD is established at or below 250 mg/l.
- (9) **Industrial User.** Any non-governmental, non-residential user of municipally-owned wastewater works which discharges more than the equivalent of 25,000 gallons per day (GPD) of sanitary wastewater which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:
  - a. Division A – Agriculture, Forestry and Fishing.
  - b. Division B – Mining.
  - c. Division C – Manufacturing.
  - d. Division E – Transportation, Communications, Gas and Sanitary Services.
  - e. Division I – Services.

**Note:** A user in the Division listed may be excluded if it discharges only domestic wastewater.
- (10) **Industrial Waste.** Any water-borne solids, liquids, or gaseous wastes other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resources, or any mixture of these with water or domestic wastewater.
- (11) **Major Contributing Industry.** An industrial or commercial facility that is a user of a publicly-owned treatment works and:
  - a. Has a waste discharge flow of 50,000 gallons or more per average work day;
  - b. Has a waste discharge flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;

- c. Has in its waste a toxic pollutant in toxic amounts as defined in NR 215, Wis. Adm. Code; or
  - d. Has a waste which the superintendent determines has, or in the case of a new source will have, a significant impact either singly or in combination with other wastes, on the publicly-owned treatment works or on the quality of effluent from such works.
- (12) **Operation and Maintenance Cost.** Expenditures made by the Wastewater Department in the operation and maintenance of its wastewater treatment facilities and wastewater pumping stations consisting of and limited to the actual sums spent for each and all of the following:
- a. Wages and salaries of operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State of Wisconsin Worker's Compensation coverage and Public Employee's Retirement Act benefits.
  - b. Electrical power.
  - c. Chemicals, fuel and other operating supplies.
  - d. Repairs to and maintenance of the equipment associated therewith.
  - e. Premiums for hazard insurance.
  - f. Premiums for insurance providing coverage against liability for the injury to persons and/or property.
  - g. Rents and leasing costs.
  - h. Operation, licensing and maintenance costs for trucks and heavy equipment.
  - i. Consultant and legal fees.
  - j. Depreciation or replacement costs as defined in Subsections (a)(7) and (15).
- (13) **Persons.** Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency, or other entity and agents, servants or employees.
- (14) **pH.** The logarithm (Base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the "Standard Methods."
- (15) **Replacement.** Expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (16) **Sanitary Sewer.** A sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally passed.
- (17) **Slug.** A sudden increase in sewage discharge that may tend to overload the receiving sewer.
- (18) **Standard Methods.** The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as

- prepared, approved, and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation.
- (19) **Storm Sewer.** A sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
  - (20) **Superintendent.** The supervisor of the Wastewater Treatment Department and shall be in charge of and supervise the operations and functions of the wastewater treatment plant.
  - (21) **Surcharge.** An additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids, or other pollutants.
  - (22) **Suspended Solids.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by a laboratory filtration device. Quantative determination of suspended solids shall be made in accordance with the procedures set forth in "Standard Methods" and is designated by the abbreviation (SS).
  - (23) **Unpolluted Water or Wastewater.** Water or waste containing none of the substances or characteristics defined under Sec. 9-2-2 "Prohibited Discharges" and shall contain not more than 10 mg/l each of suspended solids and BOD.
  - (24) **User.** Any person discharging domestic wastewater or industrial wastes into the collection system.
  - (25) **User Charge.** A charge levied on users of a wastewater works for the cost of operation and maintenance including replacement of the wastewater treatment facilities and wastewater pumping stations, depreciation or replacement cost, previous year operating debt, and that portion of local capital costs as may be determined by the Approving Authority.
  - (26) **User Class.** A group of users having similar wastewater flows and characteristics; levels of BOD, suspended solids, etc.
  - (27) **Village.** The Village of Cadott, Wisconsin, as designated by the Approving Authority.
  - (28) **Waste.** Any solids, liquid, or gaseous material or combination thereof discharged from any residences, business buildings, institutions, and industrial establishments into the collection system or storm sewer.
  - (29) **Wastewater.** A combination of the water-carried waste discharged into the collection system from residences, business buildings, institutions, and industrial establishments together with such ground, surface and storm water as may be present.
  - (30) **Wastewater Pumping Station.** A pumping facility utilized to pump wastewater within the collection system.
  - (31) **Wastewater Treatment Facilities.** Any Village-owned facility, device and structure used for receiving and treating wastewater from the Village collection system.
  - (32) **Wastewater Works.** All facilities for collecting, pumping, treating, and disposing of domestic wastewater and industrial wastes.



- (33) **WPDES Permit.** A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 147, Wis. Stats.

## **Sec. 9-2-2 Prohibited Discharges.**

- (a) No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, yard drainage, yard fountain or pond overflow into the collection system. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet. Unpolluted water or wastewater may be discharged upon prior written approval of the superintendent to the collection system if the rate is not in excess of three (3) gallons per minute.
- (b) No person shall discharge or cause to be discharged to the wastewater works either directly or indirectly any of the following described wastes or wastewater:
- (1) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade).
  - (2) Any wax, grease, or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit (0 degrees to 65 degrees centigrade).
  - (3) Any solids, liquids, or gases which by themselves or by interaction with other substances may cause fire, explosion, hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the wastewater works.
  - (4) Any solids, slurries, or viscous substances of such character as to be capable of causing obstruction to the flow in the collection system or storm sewers, or interfere with the proper operation of the wastewater works.
  - (5) Any garbage that has not been properly comminuted or shredded.
  - (6) Any noxious or malodorous substances, which either singly or by interaction with other substances, are capable of causing odors objectionable to persons of ordinary sensitivity.
  - (7) Any wastes or wastewater having a pH lower than 5.5 or higher than 10.5 or having any corrosive property capable of causing damage or hazards to the wastewater works or personnel.
  - (8) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the wastewater works.
  - (9) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat-treating wastes in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the wastewater works, including agricultural application of wastewater sludge, or

which would cause the Village wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code:

- a. Arsenic;
  - b. Cadmium;
  - c. Cyanide;
  - d. Chromium;
  - e. Lead;
  - f. Mercury;
  - g. Manganese;
  - h. Nickel;
  - i. Phenols;
  - j. Selenium;
  - k. Silver;
  - l. Sulfates;
  - m. Tin; or
  - n. Zinc.
- (10) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards' Handbooks dealing with the handling and releasing of radioactivity.
- (11) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either or both combinations of free or emulsified oil and grease, if, in the opinion of the superintendent, it appears probable that such waste or wastewater:
- a. Can deposit grease or oil in the collection system in such manner to cause it to clog.
  - b. Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes.
  - c. Can have deleterious effects on the wastewater treatment process due to the excessive quantities.
- (12) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of one-half (0.5) mg/l by weight as cyanide in the wastes.
- (13) Wastes or wastewater which:
- a. Cause unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate).
  - b. Cause excessive discoloration in the wastewater treatment facilities discharge.
  - c. Has BOD in excess of 900 mg/l based upon a twenty-four (24) hour composite sample.
  - d. Has flow characteristics or pollutant loadings in excess of the limits established in the discharge permit for a user.

- e. Is discharged without application for a wastewater discharge permit as required under Sec. 9-2-9.
  - f. Cause damage to the collection system or impair the treatment process.
- (c) No person shall allow the discharge of slugs of water or wastes to the collection system which may be harmful to the operation of the wastewater works. Where, in the opinion of the Superintendent, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain, at his/her own expense, a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a twenty-four (24) hour period.
- (d) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of their WPDES Permit.
- (e) No person shall connect to and discharge to the collection system, unless there is capacity available to all downstream components of the wastewater works as determined by the Village Engineer.
- (f) No person shall discharge or cause to be discharged to the wastewater works either, directly or indirectly, any waste or wastewater violation of the Act or the Wisconsin Administrative Code. To the extent that the provisions of this Chapter are more restrictive than the Act or the Wisconsin Administrative Code, the provisions of this Chapter shall be controlling.

### **Sec. 9-2-3 Accidental Discharges.**

Any person who accidentally discharges wastes or wastewater prohibited under Sec. 9-2-2 into the wastewater works or storm sewer shall immediately report such discharge to the Superintendent.

### **Sec. 9-2-4 Pretreatment Facilities.**

- (a) The Approving Authority may require pretreatment facilities of any person discharging or planning to discharge industrial waste, if the waste or wastewater:
- (1) Could cause damage to the collection system.
  - (2) Impair the treatment process.
  - (3) Cause the Village to incur treatment costs exceeding those of domestic wastewater.
  - (4) Have any of the characteristics of the "Prohibited Discharges" described in Sec. 9-2-2.
  - (5) Cause the wastewater treatment facilities to violate its WPDES Permit.
  - (6) Cause a particular industry to exceed its allocation of volume, BOD, suspended solids or any other pollutant set forth in the discharge permit.
  - (7) Has any characteristics which require pretreatment under NR 211, Wis. Adm. Code, "Pretreatment Standards for Discharges to Publicly-Owned Treatment Works."

- (b) Construction, operation, and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.
- (c) Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be filed with the Superintendent prior to the start of construction.
- (d) In accordance with NR 114, Wis. Adm. Code, all pretreatment facilities shall be operated by qualified personnel holding the appropriate operator's certificate issued by the Wisconsin Department of Natural Resources.

### **Sec. 9-2-5 Sand and Grease Trap Installations.**

Grease, oil, and sand interceptors shall be provided at repair garages, gasoline stations, car washes, and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand, and other harmful ingredients. All interceptors shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All grease, oil, and sand interceptors shall be maintained by the owner, at his/her expense, in continuous efficient operation at all times. All records of maintenance and pumping shall be available for inspection by Village officials.

### **Sec. 9-2-6 Wastewater Measurement and Sampling.**

- (a) The waste consumption, as determined from the meter records of the Village Water Department, shall be the basis for computing the wastewater flows, unless:
  - (1) The water is contained in a product or is evaporated or is discharged as unpolluted water or waste to surface drainage. In such cases, an application may be made for a reduction in the volume of wastewater discharged to the collection system, providing supporting data, satisfactory to the Supervisor, is furnished and the total monthly wastewater exceeds 5,000 gallons. This data shall include a flow diagram, destination of water and/or wastewater, supported by submetering data installed on such process at the expense of the user.
  - (2) The water is condensed from a product, so that the quantity of wastewater is increased over the amount of water being metered. In such cases, the increased flow shall be measured in a manner which is acceptable to the Superintendent and added to the flow obtained from the water meter readings.
  - (3) If a discharger uses water in excess of 5,000 gallons per month and it can be shown to the satisfaction of the Village that a portion of the water does not enter the collection system, the user may request and the Village may determine the first, second, and third quarter sewage flow be based upon the fourth quarter sewage flow. The fourth billing quarter shall be defined as the months of October, November, and

December. The Superintendent shall have the authority to make an adjustment to the fourth quarter water use to account for irregularities such as non-occupancy, incorrect meter readings, broken water fixtures, etc.

- (4) When water for sprinkling lawns is metered separately, no user charge will be made.
  - (5) If any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system is supplied in whole or in part with water not obtained from the Village, the Superintendent shall furnish a water meter with outside reading device. The property owner shall, at his/her expense, install and thereafter maintain the equipment to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so measured. Whenever the person does not permit the installation of such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Superintendent shall determine the estimated volume of water discharged into the wastewater works.
- (b) The Superintendent may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined for metered water consumption records or if the user discharges over 10,000 gallons in any day. The metering devices shall be owned and maintained by the person and may not be removed without consent of the Superintendent.
  - (c) All persons discharging industrial wastes into the wastewater works shall construct and maintain control manholes in suitable and accessible positions on public property or easements to facilitate the observation, measurement, and sampling of all his/her wastes or wastewater. Control manholes shall be located and constructed in a manner approved by the Superintendent. Plans shall be submitted to the Superintendent prior to construction.

### **Sec. 9-2-7      New Sanitary Sewer and Lateral Connections and Reconstructed Sanitary Sewer and Lateral Connections.**

- (a) **Administrative Code Compliance for New and Reconstructed Sanitary Sewers.** New and reconstructed sanitary sewers shall be designed and constructed in accordance with the requirements of NR 110, Wis. Adm. Code.
- (b) **New Sanitary Sewer Laterals and Connections; Reconstructed Sanitary Sewer Laterals and Connections.** New sanitary sewer laterals and connections and reconstructed sanitary sewer laterals and connections shall comply with the requirements of NR 110 and H81.01, Wis. Adm. Code. In addition, the following shall apply:
  - (1) A "lateral" is defined as a pipe which is less than eight (8) inches in diameter and provides a connection between the sanitary sewer main and a building.

- (2) A "lateral connection" is defined as the location where the lateral pipe connects to the sanitary sewer main.
- (3) A new "lateral connection" is defined as a connection for a building to the sanitary sewer main which did not exist before.
- (4) A "reconstructed lateral connection" is defined as a connection of a lateral to the main which currently exists, but which is being replaced or relocated.
- (5) If an existing sanitary sewer lateral is proposed to be replaced, in part or in whole, within the street right-of-way or easement of the Village of Cadott, then it shall be replaced all the way to the sanitary sewer main including the lateral connection to the main.
- (6) All new lateral connections and reconstructed lateral connections shall be connected to the sanitary sewer main with an inline wye fitting connection. A saddle-type wye or approved equivalent product shall be used for connecting to existing sanitary sewer mains. Connection of a sanitary sewer lateral to a manhole will not be allowed.
- (7) Materials to be used, and the location of the proposed lateral connection to the main, shall be approved by the Director of Public Works prior to any work beginning. A list of proposed materials, and a drawing of the location of the proposed connection in relation to the property and the nearest upstream and downstream manholes shall be submitted at least five (5) business days in advance of the work beginning in order to allow sufficient time for review and approval.
- (8) During installation, and prior to any backfilling over the pipe or lateral connection, the Director of Public Works shall inspect and approve the installation for compliance with this Code of Ordinances.

### **Sec. 9-2-8 Industrial Waste Analysis.**

- (a) The Village will collect samples and perform laboratory tests on industrial waste discharged as necessary to verify the quantity of flow and character and concentration of an industrial waste. The Village's test results shall be used to determine the applicable surcharge.
- (b) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative twenty-four (24) hour composite sample. Samples shall be taken at intervals to be established in the discharge permit.
- (c) When NR 101 and NR 102, Wis. Adm. Code, require the submittal of the character and concentration of wastes, waste volume, and production information to the Village or the Wisconsin Department of Natural Resources (DNR), the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the test results and DNR reports shall be submitted to the Superintendent.
- (d) All measurements, test analysis of the characteristics of industrial wastes shall be determined in accordance with "Standard Methods" or 40 CFR 136. Alternate methods of analysis may be used, subject to prior written approval of the Superintendent.

- (e) The Superintendent may require the installation of permanent twenty-four (24) hour composite sampling or monitoring equipment if the user discharges over 10,000 gallons on any day or discharges a waste containing incompatible pollutants as defined in NR 211, Wis. Adm. Code. The sampling device shall be owned and maintained by the person and may not be removed without the consent of the Superintendent.

## Sec. 9-2-9 Wastewater Discharge Permit System.

- (a) **Wastewater Discharge Permit.** A wastewater discharge permit is required under this Section if a person's discharge into the Village wastewater works has any of the following characteristics:
- (1) A BOD greater than 250 mg/l.
  - (2) A suspended solids concentration greater than 250 mg/l.
  - (3) A volume of 10,000 gallons or greater is discharged by any users at one or more points of discharge.
  - (4) Any of the characteristics listed under Sec. 9-2-2 "Prohibited Discharges."
  - (5) Is an incompatible pollutant as defined in NR 211, Wis. Adm. Code.
- (b) **Application.** Any such persons planning to discharge, changing the characteristics of their discharge or whose discharge permit has expired shall make application to the Superintendent within sixty (60) days prior to the discharge. All persons currently discharging shall make application to the Superintendent within sixty (60) days after the original passage of this Chapter and must have an executed permit within sixty (60) days of application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the Village wastewater works. No person shall discharge waste or wastewater into the Village wastewater works without a wastewater discharge permit, if required by this Section.
- (c) **Application Information.** Users seeking a wastewater discharge permit shall complete and file with the Superintendent an application on the form prescribed by the Superintendent. In support of this application, the user shall submit the following information:
- (1) Name, address, and standard industrial classification number of the applicant.
  - (2) Average daily volume of wastewater to be discharged.
  - (3) Wastewater constituents and characteristics as determined by a method approved by the Superintendent.
  - (4) Time and duration of discharge.
  - (5) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
  - (6) Site plans and details to show all sewers and appurtenances by size and location.
  - (7) Description of activities, facilities, and plant processes on the premises, including all materials, any type of materials which are, or could be, discharged.

- (8) Each product produced by type, amount, and rate of production.
  - (9) Number and type of employees and hours of work.
  - (10) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.
- (d) **Evaluation; Permit Issuance.** The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein.
- (e) **Permit Conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges, and fees established by the Approving Authority. The conditions of wastewater discharge permits shall be uniformly enforced by the Superintendent in accordance with this Chapter and applicable State and Federal regulations. Permit conditions will include the following:
- (1) The average and maximum wastewater constituents and characteristics.
  - (2) Limits on rate and time of discharge or requirements for flow regulations and equalization.
  - (3) Requirements for installation of control manholes, flow measurement devices, and composite sampling equipment.
  - (4) Pretreatment facilities pursuant to Sec. 9-2-4 as deemed necessary by the Superintendent.
  - (5) Requirements for maintaining plant records relating to wastewater discharges as specified by the Superintendent and affording the Village access thereto.
  - (6) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.
  - (7) Other conditions as deemed appropriate by the Superintendent to insure compliance with this Chapter.
- (f) **Appeal of Decisions.** Any person aggrieved by a decision of the Superintendent may appeal such decision to the Approving Authority within thirty (30) days after the decision is made by the Superintendent, by filing with the Clerk-Treasurer a Notice of Appeal specifying the ground thereof. The Superintendent shall forthwith transmit to the Approving Authority all of the papers constituting the records upon which the action appealed from was taken.
- (g) **Appeal Hearing.** The Approving Authority shall hold a hearing on the appeal within twenty (20) days from the time of Notice of Appeal is taken. The Village President shall act as chairperson of the meeting of the Approving Authority. The meeting of the Approving Authority shall be open to the public, minutes shall be kept of its proceedings, witnesses may be compelled to attend, all testimony shall be under oath and any party may appear in person or by agent or by attorney and all witnesses shall be subject to cross-examination. The Approving Authority shall have the following powers. To hear and



decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Superintendent and in exercising said powers, the Approving Authority may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the Superintendent from whom the appeal is taken and may issue or direct the issuance of a discharge permit. The concurring vote of a majority of the member of the Approving Authority shall be necessary to reverse any order, requirement, decision or determination of the Superintendent. The basis of every such determination shall be stated. The Approving Authority may permit members of the public to testify.

- (h) **Duration of Permits.** A permit shall be issued for two (2) years and shall be automatically renewed on a year to year basis, thereafter, unless the person is notified by the Superintendent within sixty (60) days prior to the expiration of the permit or any renewal thereof. After such modification by the Superintendent, the permit shall expire at the end of that year. The terms and conditions of the permit shall be subject to modification and change by the Superintendent during the life of the permit, if so required because of any ordinances, statutes, or rules and regulations of the Approving Authority or any applicable state or federal body. The person shall be informed of any proposed changes in his/her permit at least sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (i) **Transfer of a Permit.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (j) **Revocation of Permit.** Any user who violates any of the conditions of his/her permit or this Chapter, or of applicable State or Federal regulations, is subject to having his/her permit revoked.

### **Sec. 9-2-10 Admission to Property.**

The Village shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter.

### **Sec. 9-2-11 Confidentiality of Critical Information.**

When requested by the user furnishing a report or permit application or questionnaire, the portions of the report or other document which might disclose trade secrets or secret processes

**9-2-11**

shall not be made available for use by the Village or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

**Sec. 9-2-12 Damage to Utility Property.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure appurtenance or equipment which is part of the wastewater works.

**Sec. 9-2-13 User Charges.**

- (a) The Approving Authority shall establish the following user charges to generate sufficient revenue to offset the total cost of operation and maintenance, all or a portion of debt retirement and the total cost of previous years' operating debt of its wastewater treatment facility; and the total cost of operation and maintenance all or a portion of debt retirement of the wastewater pumping stations. The Approving Authority shall determine that portion of debt service to be paid by user charges. The user charges shall be established in accordance with the subsequent definitions and formulas, and shall distribute the costs proportionately among users and user classes. All wastewater customers shall be notified annually of the wastewater rates. The notification shall indicate that portion of the rate which is applicable to operation and maintenance expenses. If excess revenues are collected from a particular user class, the excess revenues shall be applied to reduce the user charge for the same user class the following year.
- (b) The cost shall be reviewed and the rates adjusted by the Approving Authority on a bi-annual basis. The subsequent rates shall be adjusted bi-annually thereafter, except, if necessary, the rates may be adjusted more frequently.
- (c) The following definitions are applicable in this Section:

C = A user's total charge per unit of time.

A = A user's charge for accounting and collection per unit of time.

U = A user's total charge for accounting and collecting per unit of time.

S = A user's surcharge for wastewater having pollutant concentrations in excess of domestic wastewater per unit of time.

C<sub>a</sub> = Total cost for accounting and collecting per unit of time.

C<sub>v</sub> = Total cost for pumping and treating domestic wastewater volume per unit of time.

- $C_b$  = Total cost for treatment of a quantity of BOD above a concentration of 250 mg/l per unit of time.
- $C_s$  = Total cost for treatment of quantity of suspended solids above a concentration of 250 mg/l per unit of time.
- $C_p$  = Total cost for treatment of a quantity of any pollutant above base concentration per unit of time.
- $A_t$  = Total number of billings per unit of time.
- $V_t$  = Total volume contribution from all users per unit of time.
- $B_t$  = Total quantity BOD having a concentration above 250 mg/l for all users per unit of time.
- $S_t$  = Total quantity suspended solids having a concentration above 250 mg/l from all users per unit of time.
- $P_t$  = Total quantity of any pollutant contribution above base concentration from all users per unit of time.
- $V_u$  = Volume contribution from a user per unit of time.
- $B_u$  = Quantity of BOD having a concentration of above 250 mg/l from a user per unit of time.
- $S_u$  = Quantity of suspended solids having a concentration of above base concentration from all users per unit of time.
- $P_u$  = Quantity of any pollutant contribution above base concentration from a user per unit of time.

(d) The following user charge formulas shall be applicable:

$$C = A + U + S$$

$$A = \frac{C_a}{A_t}$$

$$U = \frac{C_r}{V_t} V_u$$

$$S = \frac{C_b}{B_t} B_u + \frac{C_s}{S_t} S_u + \frac{C_p}{P_t} P_u$$

(e) Wastes discharged at strengths or pollutant levels equal to or less than domestic sewage shall pay the user charge for pumping and treating domestic wastewater. Persons

discharging wastes with strengths or pollutant levels above domestic wastewater shall pay the surcharge in addition to the user charge based on volume.

- (f) Any person discharging an industrial waste of such character that it causes the Village to incur additional expenses for treatment, to the extent that the expenses are not covered by existing Village user charges or surcharges, the person making the discharge shall pay the added cost of handling and treating the wastewater.
- (g) All liquid wastes from septic tanks and holding tanks to be disposed of within the Village, by either public or private means, shall be disposed of at approved locations within the collection system of the Village. The charges for such disposal of liquid wastes from septic tanks and holding tanks shall be established by the Approving Authority.
- (h) This user charge system takes precedence over any pre-existing agreements which are inconsistent with Section 204(b)(1)(a) of the Act and 40 CFR 35, Subpart E.

### **Sec. 9-2-14 Wastewater Service; Billing and Collection.**

(a) **Quarterly Statements.**

- (1) Wastewater user charges provided for in this Chapter shall be payable on the first of the month in which service is rendered. A three percent (3%) delinquency charge (\$0.30 minimum) will be made on any bill not paid within twenty (20) days of issuance. This late payment charge is applicable to all customers. Failure to receive a bill shall not exempt or excuse the customer from the obligation to pay for the service rendered. If a meter ceases to register, the amount of the bill shall be computed on the basis of the average consumption for the previous three (3) months.
  - (2) The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to PSC 185, Wis. Adm. Code.
  - (3) When a customer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the customer, they can be metered in one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.
- (b) **Collection of Delinquent Charges.** All charges shall be collected and taxes and shall be a lien upon the property served pursuant to Sec. 66.076(7), Wis. Stats., as amended.
- (c) **Recovery of Delinquent Charges in Civil Action.** In addition, any charges levied by and pursuant to this Section, not paid and becoming delinquent, may be recovered from the occupant of the premises served in a civil action by the Village in a court of competent jurisdiction, if the Village elects to do so.

## Sec. 9-2-15 Enforcement of Penalties.

- (a) **Notification of Violation.** Any person found by the Superintendent to be in violation of this Chapter, their discharge permit, or a requirement contained herein, will be served by the Superintendent with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The Superintendent will endeavor to the full extent possible to eliminate or remedy such violation without resorting to further administrative proceedings.
- (b) **Show Cause Hearing.**
- (1) If those effects have been unsuccessful, the Superintendent may order any person who causes or allows unauthorized discharges or who violates any provision of this Chapter to show cause before the Approving Authority why such discharge should not be discontinued or corrected. Notice shall be served on the offending party specifying the time and place of hearing to be held and directing the offending party to show cause before the Approving Authority why an order should not be made directing the discontinuance of such discharge or why some other appropriate order should not be made.
  - (2) The notice of hearing shall be served personally or by registered or certified mail addressed to the billing address of the user at least ten (10) days before the hearing. Service may be made upon any officer, director, or registered agent of a corporation or the person apparently in charge of the local office of the corporation. The notice shall be signed by the Village President and delivered to the Village Clerk-Treasurer who shall cause the notice to be served on the offending party. The date for hearing shall be set by the Village President, or in his/her absence, by the president pro tem. The hearing shall be conducted by the Approving Authority and shall be public.
  - (3) All testimony taken before the Approving Authority shall be under oath and recorded stenographically and all witnesses shall be subject to cross-examination. At the hearing, the Superintendent and the offending party may be represented by an attorney and may compel the attendance of witnesses by subpoena and may compel the production of books, papers, documents, or tangible things described in the subpoena in accordance with Section 805.07, Wis. Stats., and subpoenas shall be issued by the Village President and be served as are subpoenas under Chapter 885, Wis. Stats. The Approving Authority may permit members of the public to testify.
- (c) **Order.** After the Approving Authority has reviewed the evidence, it may issue an order to the party responsible for the discharge:
- (1) Revoking the discharge permit;
  - (2) Ordering that within a specified time period, any or all of the following:
    - a. Require that the discharge be discontinued.
    - b. Require control of the quantities and rates of discharge.
    - c. Require pretreatment.

- d. Require proper operation and maintenance of existing pretreatment equipment.
  - e. Require extra payment over and above the user charges for the extra costs incurred by the Village caused by a user's discharge.
  - f. Terminate the water and sanitary sewer service until the ordered corrective action is completed.
- (3) **Violations as Nuisances.** A violation of an order of the Approving Authority shall be considered a public nuisance. If any person discharges waste or wastewater into the wastewater treatment works contrary to any order of the Approving Authority, the Approving Authority may order that an action be commenced on behalf of the Village in Chippewa County circuit court for the purpose of having a discharge stopped by injunction.
- (d) **Violations.**
- (1) In addition, any person who is in violation of their permit or who fails to comply with any of the provisions of this Chapter or with an order of the Approving Authority issued under this Chapter, or shall be liable to the Village for any expense, loss, or damage occasioned by such violation including reasonable attorney's fees and other expenses of litigation and upon conviction of any violation of this Chapter, shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or part of a person's discharge permit or of this Chapter shall constitute a new violation. The forfeiture herein stated in this Section shall supercede any penalty provision of the Village Code of Ordinances. Change of ownership or occupancy of the premises delinquent under the provisions of this Chapter shall not be cause for reducing or eliminating charges due and penalties for violations.
  - (2) In addition, if any user shall discharge a waste or wastewater with BOD concentration of 900 mg/l or greater, as defined in Sec. 9-2-1, said user shall pay a penalty of \$200.00 per violation. Each day a violation occurs shall constitute a separate violation. Said violation shall be added to the monthly or quarterly billing statement.
  - (3) In addition to the court proceedings and penalties described in the foregoing sections of this Chapter, whenever a person violates any provision of this Chapter or fails to comply with any order of the Approving Authority, the Approving Authority may order that an action be commenced on behalf of the Village in Chippewa County circuit court for the purpose of obtaining an injunction restraining the person violating the Chapter or failing to comply with the order from making any further discharges into the wastewater treatment works of the Village of Cadott.

## **Sec. 9-2-16 Compulsory Connection to Village Sewer.**

- (a) **When Required.** Whenever a sewer main becomes available to any building used for human habitation, the owner of the property upon which the building is located shall

connect the building to such sewer main or mains in the manner prescribed by law, except the Village Board may defer connection to such sewer main or mains for those properties which have existing septic systems whose construction was permitted by the Village of Cadott, but such deferment shall not exceed five (5) years from the date of installation of such main or mains.

- (b) **Notice.** Whenever a sewer main becomes available to any building used for human habitation, the Building Inspector shall notify the owner or his/her agent in writing by registered mail addressed to the last known address of the owner or his/her agent.
- (c) **Building Inspector May Cause Connection at Expense of Owner.** If the owner or his/her agent fails to comply with the notice of the Building Inspector within ten (10) days of service or mailing thereof, the Building Inspector may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.
- (d) **Privies, Cesspools, Etc., Prohibited After Connection With Sewer.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.





## Title 9 ▶ Chapter 3

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# Electric Utility Regulations and Rates

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## Article A: General Rules

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### **Sec. 9-3-1 Term of Contract.**

- (a) All agreements for service shall be for a period of one (1) year unless otherwise specified in the contract. Contracts are automatically renewed at the end of their term under conditions stated in the various contracts.
- (b) No agent or employee of the utility shall have the power to, or shall, amend, modify, alter or waive any of the rates or rules of the utility or bind the utility by making any representation not incorporated in the contract.
- (c) Contracts shall not be transferred unless authorized by the utility; new occupants of premises previously receiving service must make official application to the utility before commencing the use of service.
- (d) Customers who have been receiving service must notify the utility when discontinuing service; otherwise, they will be liable for the use of the service by their successors should said successors refuse to pay.

### **Sec. 9-3-2 Definition and Classification of Customers.**

#### (a) **Classification of Customers.**

- (1) An electric consumer or unit of service shall consist of any aggregation of space or area occupied for a distinct purpose such as a residence, an apartment, flat, store, office, factory, etc., which is equipped with one (1) or more fixtures for rendering service separate and distinct from other users. The public portions of buildings, such as hallways, toilets, etc., may be treated separately depending on the requirements.
  - (2) Unless otherwise defined, the ultimate use of energy purchased by a customer determines the rate applicable to his installation.
  - (3) Electric customers in general may be classified as follows:
    - a. Residential customers.
    - b. Commercial customers.
    - c. Power customers — standard or large.
    - d. Rural customers.
    - e. Public street and highway lighting customers.
    - f. Interdepartmental sales.
    - g. Miscellaneous customers.
- (b) **Residential Customers.** A "residential customer" is defined to include *each* separate house, apartment, flat or other living quarters occupied by a person or persons constituting a distinct household and using energy for general illumination and for operating household appliances. Residence lighting use may be extended to include the use of energy for

lighting the land and buildings which are adjacent to, connected with and used exclusively by the residence being served.

- (c) **Commercial Customers.** A "commercial customer" is defined to include *each* separate business enterprise, occupation or institution, taking service through a single meter, occupying for its exclusive use any unit or units of space as an entire building, entire floor, suite of rooms or a single room and using energy for the illumination of such space and for such incidental use as the schedule of rates applicable to the particular installation may permit.
- (d) **Power Customer — Standard or Large.** A "power customer" is defined to include each residence, separate business enterprise or institution occupying, for its exclusive use, any unit or units of space, as an entire building, entire floor, suite of rooms or a single room, and using energy for driving motors or other electrical loads larger than permitted on the utility's other rate schedules.
- (e) **Public Street and Highway Lighting Customers.** A public street or highway lighting customer is defined to include governmental agencies which take service for the purpose of lighting public streets, highways or traffic signs.
- (f) **Interdepartmental Customer.** An interdepartmental customer is defined to include service for pumping water by the municipal water department and/or pumping sewage by the municipal sewage department of a municipality which also operates an electric utility.
- (g) **Miscellaneous Customers.** Customers using electric service for purposes not included in the above classifications are defined as miscellaneous customers.

### **Sec. 9-3-3 Application of Rates and Combined Metering.**

- (a) The schedules of rates apply when electricity is furnished in any one (1) month to one (1) customer at one (1) location for a class of service through one (1) meter. The schedules of rates are based on delivery and billing service to the ultimate user for retail service and does not permit resale or distribution.
- (b) For all extensions of new or increased service, each unit must be separately metered before service will be rendered.
- (c) Where a customer occupies more than one (1) unit of space, each unit will be metered separately and a separate bill will be computed and rendered based on the readings of each individual meter unless a customer makes arrangements with a utility to provide the approved circuits and loops by which the different units can be connected and all energy metered through one (1) meter.
- (d) Where a commercial and one (1) or more residential units are combined so as to obtain electric service through one (1) meter, the commercial rate will be applied.

**Sec. 9-3-4 Availability of Service Voltages.**

Service may be taken at the following service voltages:

- (a) Single phase: 120/240 volts.
- (b) Three phase: 120/240 volts.  
120/480 volts.
- (c) Others may be available upon request and/or need.

**Sec. 9-3-5 Dual Voltages.**

If a customer requires service at a voltage other than that offered by the utility or at more than one (1) voltage, the customer shall furnish and maintain the additional equipment required. If the customer's service requires two (2) or more transformer settings or points of delivery to a structure, the customer shall also furnish and maintain the additional equipment required.

**Sec. 9-3-6 Emergency Systems.**

- (a) Where emergency systems and buildings are so wired as to require a separate meter, the energy so metered will be billed as a separate customer. Emergency systems are systems supplying power and illumination essential to safety and life and property where such systems or circuits are legally required by municipal, state, federal or other codes or by any governmental agency having jurisdiction.
- (b) Emergency illumination shall include only the required exit lights and other lights specified as necessary to provide sufficient illumination.

**Sec. 9-3-7 through Sec. 9-3-19 Reserved for Future Use.**





## Article B: Billing

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### **Sec. 9-3-20 Regular Billing.**

Bills for service will be rendered monthly unless otherwise specified. The term "month" for billing purposes will be the period between any two (2) consecutive readings of the meters by the utility, such readings to be taken as nearly as practicable every thirty (30) days within the provisions of the Wis. Adm. Code, Section PSC 113.15.

### **Sec. 9-3-21 Budget Payment Plan.**

- (a) A budget payment plan is available to all prospective and existing residential customers and to all commercial accounts for which the primary purpose of the service is to provide for residential living (for example, a residential apartment building). This budget plan is in accordance with the Wis. Adm. Code, Section PSC 113.16(5).
- (b) A budget payment plan may be established at any time of the year. The monthly budget amount shall be calculated by the utility on the basis of the estimated consumption and estimated applicable rates through the end of the budget year. A budget year begins and ends on September 1st and ends on August 31st.
- (c) An applicant for a budget plan shall be informed at the time of application that the budget amount shall be reviewed and changed every six (6) months, if necessary, in order to reflect current circumstances. Existing budget plan customers shall be notified on at least a quarterly basis that budget amounts shall be reviewed every six (6) months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount will be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one (1) month's budget amount. Customers on the budget payment plan shall be notified of adjustments through either a bill insert or message on the bill. When an adjustment is made to a budget payment amount, the customer will be informed of the adjustment at the same time the bill containing the adjustment is rendered.
- (d) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears. Budget payment plans shall be subject to the late payment charge. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that, if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.
- (e) At the end of a budget year, if an underbilled or overbilled balance exists in a customer's account, the balance shall be handled as follows:
  - (1) A customer's debit balance will be paid in full or, at the customer's option, on a deferred basis.

- (2) A customer's credit balance will be applied against the customer's account or, at the customer's option, a refund shall be made.

### **Sec. 9-3-22 Estimated Bill.**

If the utility cannot gain access to read the meter, the utility may, or if requested by the customer, leave meter reading forms. If no form is left or if the form is not returned in time for the billing operation, an estimated bill will be rendered. In estimating a bill, due consideration will be given to previous month's consumption and also consumption in similar periods of other years. Only in unusual cases or when written approval is received from the customer will more than three (3) consecutive estimated bills be rendered.

### **Sec. 9-3-23 Billing for Fractional Month Service.**

When a customer commences or discontinues service between regular monthly meter reading dates, the utility will bill the customer as follows:

- (a) When a customer discontinues service ten (10) days or less from the previous month's meter readings, the consumption will be added to the previous month's consumption and a new bill calculated and rendered.
- (b) When a customer commenced service ten (10) days or less from the following month's meter reading, the consumption will be included in the following month's billing.
- (c) When a customer commences service more than ten (10) days before the month's regular meter reading or discontinues service more than ten (10) days after the previous month's meter reading, the service will be billed as regular monthly service.

### **Sec. 9-3-24 Failure of Meters to Register Properly.**

In all cases where a utility meter, because of improper adjustment or defective parts, is found to be registering in excess of the two percent (2%) allowable error as prescribed by the Public Service Commission of Wisconsin, correction in the customer's billing will be made as follows:

- (a) The company will refund or charge the customer the difference between the actual billing and the billing corrected for the error for each month when such over-registration or under-registration is known to have existed. In the absence of definite information, adjustment will be made for one-half (1/2) of the entire period since the last test.
- (b) In making the adjustments for errors in meter registrations, due consideration will be given to immediate previous month's consumption, consumption in similar periods of other years, comparative uses and sizes of connected loads and any other relevant facts.

**Sec. 9-3-25 Billing for Energy Lost Due to Grounds on Customer's Equipment.**

- (a) Where accidental grounds occur on the customer's equipment, the utility will bill the customer for total usage on the meter at the rate currently in effect for his service. No discounting will be made for these losses.
- (b) The utility assumes no responsibility for damages or losses due to grounds on customer installations and reserves the right to disconnect a customer for failure to clear such grounds after reasonable notice.

**Sec. 9-3-26 Determination of Demand.**

The demand used for billing purposes shall be the greatest fifteen (15) minute integrated load preserved or recorded during the month, subject to modifications as set forth in the applicable rate schedule.

**Sec. 9-3-27 Diversion of Service.**

- (a) Where the utility has reasonable evidence that a customer is obtaining his supply of electricity, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference, and such bill shall be payable to disconnection of service.
- (b) When the utility has disconnected the customer for such reason, the utility will reconnect the customer upon the following conditions:
  - (1) The customer will be required to deposit with the utility an amount sufficient to guarantee the payment of the customer's bill for utility service.
  - (2) The customer will be required to pay the utility for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
  - (3) The customer must further agree to comply with reasonable requirements to protect the utility against further losses.
- (c) When stoppage or interference is in connection with electric service metering, the customer may be required, at the customer's own expense, to place all of the customer's inside service wires up to the meter in rigid conduit and to agree to reimburse the utility for the purchase price and installation costs of a meter socket of a type to be selected by the utility.
- (d) Should the utility subsequently have reasonable evidence that such customer is receiving utility service, either wholly or partly unmetered, either in the customer's name or for the customer's use, the utility reserves the right to discontinue all utility service to such

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customer or for the customer's use and to refuse further service until proper restitution has been made.

**Sec. 9-3-28 and Sec. 9-3-29      Reserved for Future Use.**

## Article C: Payment of Bills

### **Sec. 9-3-30 Late Payment Charge.**

Late payment charges shall be as authorized by the PSC.

### **Sec. 9-3-31 Disconnection and Refusal of Service.**

- (a) **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:
- (1) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
  - (2) Violation of the utility's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.
  - (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
  - (4) Diversion of service around the meter.
- (b) **Disconnection for Delinquent Accounts.**
- (1) A bill for service is delinquent if unpaid after the due date shown on the bill. The utility may disconnect service for a delinquent bill by giving the customer, at least eight (8) calendar days prior to disconnection, a written disconnect notice which may be mailed separately or be included with the bill for service. For purposes of this rule, the due date shall not be less than twenty (20) days after issuance.
  - (2) The utility may disconnect without notice where a dangerous condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
  - (3) The utility shall notify the appropriate County Department of Health and Social Services at least five (5) calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within twenty-four (24) hours after disconnection, the utility shall notify the appropriate sheriff's department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.

### **Sec. 9-3-32 Deferred Payment Agreement.**

- (a) The utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be disconnected for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable," the parties shall consider the following:
  - (1) Size of the delinquent account.
  - (2) Customer's ability to pay.
  - (3) Customer's payment history.
  - (4) Time that the debt has been outstanding.
  - (5) Reasons why the debt has been outstanding.
  - (6) Any other relevant factors concerning the circumstances of the customer.
- (b) In the deferred payment agreement, it shall state immediately preceding the space provided for the customer's signature and in bold face print at least two (2) sizes larger than any other used thereon, the following:

**If you are not satisfied with this agreement, do not sign. You have the right to make a counter offer and, if it is rejected, you have the right to appeal this proposed agreement to the Public Service Commission of Wisconsin, during which time the utility may not disconnect your service. This does not relieve you from the obligation to pay bills that are incurred after commencement of dispute procedures. If you do sign this agreement, you give up your right to dispute the amount due under the agreement except for the utility's failure or refusal to follow the terms of this agreement.**

- (c) A deferred payment agreement shall not include a finance charge.
- (d) If an applicant for service has not fulfilled the terms of a deferred payment agreement, the utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstances; it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection. Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.

### **Sec. 9-3-33 Dispute Procedures.**

- (a) Whenever the customer advises the utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to

the disconnection is in dispute, the utility shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute and provide the opportunity for the customer to enter into a deferred payment agreement when applicable in order to settle the dispute.

- (b) After the customer has pursued the available remedies with the utility, he may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (c) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay fifty percent (50%) of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter being pursued under the dispute procedures. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

### **Sec. 9-3-34 Notice of Disconnection.**

The form of disconnection notice to be used:

#### **DISCONNECTION OF SERVICE NOTICE**

Date: \_\_\_\_\_ Account No. \_\_\_\_\_

Customer Name  
Address

Dear Customer:

It has been over 20 days since the issuance of your last utility bill which was mailed \_\_\_\_\_ . The amount past due is \_\_\_\_\_. Pursuant to PSC Rules 113.132 and 113.133, we are obligated to forward this notice to you eight (8) days prior to the contemplated date of disconnection.

#### **1. Reason(s) for disconnection**

- a. Failure to pay delinquent account and/or to comply with terms of deferred payment agreement.
- b. Violation of utility rules of service.
- c. Failure to comply with deposit or guarantee agreement.
- d. Diversion of service around meter.

2. **Date of disconnection** \_\_\_\_\_

Your service will be disconnected on the above date unless the account is paid in full or if arrangements are not made to pay under a deferred agreement or if equipment changes are not made in keeping with the reason(s) listed above.

To avoid the inconvenience of service interruption, we urge you to pay the full arrears immediately. A minimum reconnection charge applies during regular office hours and after regular office hours overtime labor costs.

3. **Disconnection for default of deferred payment Agreement**

Explanation of acts of default (where applicable) refer to PSC Rules 113.132(2)(a),(c).

4. **Immediately** contact the Village of Cadott Utilities office:

- a. If you dispute the notice of delinquent account.
- b. If you wish to negotiate a deferred payment agreement.
- c. If any resident of the account is seriously ill.
- d. If there are other extenuating circumstances.

5. **Service illness-continued service**

Service will be continued if you submit a statement from a licensed Wisconsin physician or notice from a public health or social service official identifying the serious illness of a resident and the period of time during which disconnection would aggravate the illness pursuant to PSC Rule 113.132, paragraph eight (8); the service will be continued for twenty-one (21) days.

6. **Right to appeal to the public service commission staff**

You may appeal to the staff of the Public Service Commission of Wisconsin if an agreement cannot be made concerning the reason(s) or the amount of the utility service bill.

Utility: \_\_\_\_\_

Person to Notify: \_\_\_\_\_



## Article D: Other Provisions

### **Sec. 9-3-40 Reconnection Billing.**

All customers whose services are disconnected in accordance with the utility's disconnection rules as outlined in PSC 113, Wis. Adm. Code, shall be required to pay the reconnection charge before service is restored. The minimum charge shall be Fifteen Dollars (\$15.00) during regular office hours. After regular office hours, the minimum reconnection charge of Fifteen Dollars (\$15.00) applies plus any overtime labor costs, not to exceed a total maximum charge of Thirty Dollars (\$30.00).

### **Sec. 9-3-41 Reconnection of a Seasonal Customer's Service.**

Reconnection of a service for a seasonal customer who has been disconnected for less than one (1) year shall be subject to the same reconnection charges outlined above. A seasonal customer shall also be charged for all minimum bills which would have been incurred had the customer not temporarily disconnected service.

### **Sec. 9-3-42 through Sec. 9-3-49 Reserved for Future Use.**



## Article E: Distribution and Service Facilities

### **Sec. 9-3-50 General Definitions — Distribution and Service Facilities.**

- (a) **Overhead Service.** The overhead service between the last pole or other aerial support of the distribution system and the point of attachment to the customer's service entrance equipment. It is normally located on the customer's property.
- (b) **Underground Service Lateral.** The underground service between the distribution system, including any risers at the pole or other structure, and the service entrance equipment. It is normally located on the customer's property.
- (c) **Distribution Facilities.** All primary and secondary voltage wire or cable and its supports, trenches, connection equipment and enclosures, and control equipment which are used to extend the distribution system from existing facilities to a point of connection with the service facilities. The cost of right-of-way preparation and restoration to the original condition where appropriate shall be included in the cost of distribution facilities.
- (d) **Underground Service Extension.** Consists of a lateral and necessary distribution line, if any. In no case shall it consist of separate segments of underground construction separated by overhead construction. The length of each underground service extension shall be the length of the cable route from the beginning of the trench to the point of termination on the applicant's services premises.
- (e) **Service Entrance Equipment.** Consists of the meter socket and related overhead masthead or conduit for underground service. This equipment is provided by the customer and is generally located on or in the customer's building.
- (f) **Service Facilities.** The standard transformer, standard overhead service drop or standard underground service lateral and standard meter.

### **Sec. 9-3-51 Utility Facilities on Customer's Premises.**

This rule shall apply to the distribution facilities required to service either a group of customers in multi-tenancy premises or a single customer where, in either case, the utility finds that it is necessary to install portions of such facilities on the premises being served. Such customer or property owner, when requested by the utility, shall make provision on his/her property for the installation of utility-owned facilities required for his service or services in accordance with the following:

- (a) Utility facilities shall consist of those which, in the opinion of the utility, are necessary to furnish adequate service at the utility-owned junction boxes on or adjacent to the enclosure of the utility substation or at customer-owned service entrance facilities. The utility will not supply wiring in or on a building beyond the junction box or on a building beyond the service entrance facilities. The utility will design such installations and will install facilities

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which, in its opinion, are most economical or feasible to the utility, under the conditions met. At each installation the utility shall have the option of extending its primary conductors to two (2) or more substations conveniently located with respect to the customers to be served or to furnish service to all customers from the substation. Where the utility's installation is located in a property owner's building, the applicable provisions of the Wisconsin State Electrical Code shall be observed.

- (b) A customer or property owner shall furnish, own and maintain the necessary indoor conduits, indoor or outdoor enclosures, vaults, building structural supports and accessories as specified by the utility.
- (c) If a customer or property owner requests any changes in the plan proposed by the utility, the customer shall pay the utility, the estimated excess cost of the substituted installation. The utility may require that these costs be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.

**Sec. 9-3-52 Customer's Responsibility for Utility's Equipment.**

- (a) The customer shall be responsible for all damage to the utility's equipment and for all loss resulting from interference or tampering therewith caused by the customer or the customer's permittees, including compensation for consumed energy not recorded upon the meter (see PSC 113, Wis. Adm. Code).
- (b) Meters, service entrance switches and service entrance outlets are sealed by the utility and such seals shall not be broken or tampered with in any manner without the consent of the utility except in cases of emergency. The utility should be notified as soon as possible after a seal has been broken.

**Sec. 9-3-53 through Sec. 9-3-59 Reserved for Future Use.**

## Article F: Extension of New Service Facilities

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### **Sec. 9-3-60 Application for New Service.**

Each request for extension of new service will require a written application for service in which the applicant agrees to pay any required contribution in aid of construction. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.

### **Sec. 9-3-61 Wiring Affidavit.**

- (a) The contractor or person responsible for the installation of the customer's electric wiring, appliances and other equipment related to each type of service shall deliver a notarized affidavit on a form supplied by the utility attesting to the fact that the work complies with the Wisconsin State Electrical Code and the service rules of the utility. Affidavits must clearly indicate the nature of the work done (such as residential wiring, residential fixtures, garage wiring, range, heaters, motors or other wiring or equipment) and, for those cases involving wiring changes or additions which require the meter(s) to be replaced or relocated, or which require inspection by the utility, the affidavit shall include an itemized copy of the connected load, including lights, motors and appliances. Where such changes require new service entrances at a new location, the existing service entrance should not be disconnected before the new service entrance is ready for connection and operation.
- (b) If, upon inspection by the utility, installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. Or, at its option, the utility may mail the customer a written request demanding conformity within a ten (10) day period or any prior service connection made by the utility will be disconnected and terminated.
- (c) The utility normally connects the service entrance wires to the service wires. No one else shall make these connections without the specific approval from the utility, in which case the customer shall assume responsibility for any damage which may result from making these connections. The utility will not be responsible for damage or injury resulting from unauthorized disconnection or reconnection of service wires.

### **Sec. 9-3-62 Ownership of Extension.**

The title to every extension at all times is with the utility. The utility reserves the right at all times to add additional customers to an extension and make new extensions to an existing extension under the provisions of these rules, without procuring the consent of any customer or

customers contributing to the original construction costs, and without incurring any liability for refunding contributions except as additional customers may be added as provided for herein. (See PSC 113, Wis. Adm. Code, Refunds.)

### **Sec. 9-3-63 Right-of-Way Extensions.**

- (a) **Overhead Facilities.** The applicant(s) for service shall furnish right-of-way easements and permits with clearing rights, without cost to the utility, adequate for the line extensions necessary to serve them and along a route approved by the utility. Clearing shall either:
  - (1) Be done by the applicant(s); or
  - (2) Be done by the utility, in which case the applicant shall, in advance of the clearing work, make a contribution to the utility in an amount equal to the utility's estimate of the cost thereof. Such contribution shall be nonrefundable, except that after completion of the extensions the utility will determine the actual cost of clearing work, recompute the contribution required and will refund the excess, if any, of the contribution held over the contribution required as based on such actual cost.
- (b) **Underground Facilities.**
  - (1) The applicant(s) shall secure for the utility, without cost to the utility, such easements as the utility may require for the installation, maintenance or replacement of the underground lateral and necessary distribution line extension.
  - (2) The applicant shall inform the utility of any known or expected underground obstructions within the cable routes on his property (septic tanks, drainage tile, etc.). Any earth fill added to bring the cable route to final grade prior to the underground construction shall not contain large rocks, boulders, debris or rubbish.
  - (3) In the event of future changes in grade levels by the customer that would materially change the depth of cover over underground conductors or affect transformer locations, the landowner shall notify the utility in advance of grading and shall pay the utility its cost of moving or replacing its equipment to accommodate the change in grade. Such charge will also be made for changes in buildings, structure, foundations or walls or other obstructions.

### **Sec. 9-3-64 Construction Standards and Facilities Provided by Utility.**

The utility shall provide safe, reliable service with extensions that conform, to the extent possible, with each of the following standards:

- (a) **Route.** The utility shall make the extension over the most direct route which is the least expensive and least environmentally degrading. The customer shall provide or shall be

responsible for the cost of all right-of-way easements and permits necessary for the utility to install, maintain or replace distribution facilities. The customer shall either clear and grade such property or pay the utility to clear and grade such property. The customer is responsible for the cost of restoration of the property after the utility has completed installation and backfilling where applicable.

- (b) **Design.** The utility shall design and install facilities to deliver service to the customer and the area at the lowest reasonable cost. The facilities shall comply with accepted engineering and planning practices. The design shall consider reasonable needs for probable growth in the area and local land use planning. Unwarranted excess capacity which would result in unnecessary cost increases to the utility and its customers shall be avoided. The utility shall be responsible for the incremental cost of distribution facilities which are in excess of standard design for the customer and normal area growth.
- (c) **Efficient Use.** The utility's extension rules shall discourage the inefficient use of electricity by appropriately relating costs to the charges made for extensions.
- (d) **Cost Estimates.** The utility shall engineer and estimate the cost of each extension based on reasonable current costs. Current costs may be estimated using job specific costs, average costs per foot or unit or other costing method as appropriate.

### **Sec. 9-3-65 Point of Termination.**

- (a) The applicant for new service may select the point of service with approval of the utility, at which point the utility will deliver service at applicant-owned terminating facilities. The applicant will furnish, own and maintain circuits, meter socket and equipment beyond such point, except for metering equipment.
- (b) It is necessary that a customer's service entrance facilities be located at a point most readily accessible to the utility's distribution system. It is desirable, and often necessary, to avoid crossing adjacent property with service drops or laterals. If the distribution system is established in the rear of the premises, the service entrance must be brought to the rear of the building. Where the distribution system is located on the street or where no distribution system has been established, the customer shall request the utility to specify an acceptable location of the service entrance facilities. The utility will furnish this information in writing upon request.

### **Sec. 9-3-66 Meters.**

- (a) Meters will be furnished and installed by the utility. The customer, however, must furnish the meter socket and all necessary extra wiring to meet the meter connection and must furnish a safe and convenient place for the meters.

9-3-66

- (b) In the event a customer desires an additional meter installed for his own convenience, the installation shall be entirely at the cost of the customer, including the cost of the meter.

### **Sec. 9-3-67 Metering Facilities.**

- (a) Meter sockets shall be installed by the customer on the exterior of the building.
- (b) In rural areas, a yard pole may be furnished by the utility and located at a point central to the buildings to be served. The meter socket shall be installed by the customer on this pole. All service equipment beyond this point is the responsibility of the customer.
- (c) When only a residence is built in the rural area and underground service is used, the meter may be placed on the pole if cleared by the utility prior to installation. A customer-owned yard light may not be installed on this pole unless cleared by the utility.
- (d) Any meter located other than as described above shall be approved in writing by the utility prior to installation or it shall be changed by the customer to conform to the utility standards.

### **Sec. 9-3-68 Number of Service Drops or Laterals Per Customer.**

- (a) The utility shall provide standard overhead service drops and standard underground service laterals at no charge to the customers.
- (b) Not more than one (1) service drop or service lateral will be installed to the same building or utilization point except:
  - (1) Where more than one (1) point of delivery is necessary because of voltage regulation, governmental requirements or regulatory orders.
  - (2) In large installations (large power only) where, in the opinion of the utility, more than one (1) service drop or lateral is necessary to meet the load requirements.
  - (3) In row houses and other multiple-occupancy buildings having areas separated by fire walls in compliance with the Wisconsin State Electrical Code.
- (c) If an existing customer with a single-phase service drop or lateral requests three-phase service, the customer shall rewire his equipment to operate from the three-phase service drop or lateral before three-phase service will be extended. The single-phase service drop or lateral will be removed from service after the three-phase service has been extended.

### **Sec. 9-3-69 Overhead Service Drop.**

A standard overhead service drop shall be furnished by the utility to a suitable support on the customer's premises. The utility will provide supplemental information to the customer indicating the equipment that the customer shall install, own and maintain. This material will also indicate



what State Electrical Code provisions and Village ordinances must be complied with on the installation of this equipment.

### **Sec. 9-3-70    Underground Service.**

- (a) A standard underground service lateral shall be furnished by the utility to suitable service equipment on the customer's premises. This equipment shall be installed on the customer's building at a location approved by the utility.
- (b) The utility will provide supplemental information indicating what equipment the customer shall install, own and maintain for underground service and indicate what provisions of the State Electrical Code and City ordinances must be complied with for the installation of this equipment.

### **Sec. 9-3-71    Transformers.**

The utility shall provide standard-design transformers necessary to serve the customer's load at no charge.

### **Sec. 9-3-72    Nonstandard Service Facilities.**

If the proposed extension requires nonstandard service facilities or if the customer requests nonstandard facilities, the utility may require the customer pay a contribution in advance of construction for the portion of the facilities in excess of the standard design.

### **Sec. 9-3-73    Extraordinary Investment by Utility for Extension.**

Proposed extensions may be reviewed for economic considerations. If the cost of an extension exceeds five (5) times the average embedded cost to serve a customer in the same class as the customer for whom the extension is to be made, the utility may require a contract with the customer. Under the terms of the contract, the customer may be required to pay the recurring estimated operation and maintenance expenses associated with that portion of the extension that is in excess of five (5) times the average embedded cost at the time the extension was made. The reasons and supporting analysis for each contract will be furnished the customer and the Public Service Commission in writing. The utility will inform the customer of the customer's right to ask the Commission for a review of the extension costs and contract provisions. The utility will notify the Public Service Commission in writing when a service extension is denied, including the reasons for denial.

## Sec. 9-3-74 Installation Charges and Embedded Cost Credits.

- (a) **Customer Classification.** Customer classifications are based on usage characteristics. Each classification has a distinct installation charge and embedded cost credit. For definitions of distribution and service facilities installed in new installations see Section 9-3-50. Examples of customer classifications are as follows:
- (1) Residential — Urban, rural and farm.
  - (2) Commercial — Urban and rural.
  - (3) Large power.
  - (4) Street lighting.
- (b) **Total Cost of Installation.** The total cost of extension shall be defined as the cost of the extension of primary and secondary lines (excluding the necessary service drop or service lateral and individual transformer or increased transformer capacity); reconstruction of existing main feeders, including changing from single-phase to three-phase or construction of new feeders made necessary solely by addition of such customers; the cost of tree trimming or right-of-way clearing; securing easements; moving conflicting facilities; and all other costs incident to furnishing service. The customer is responsible for the cost of restoration of the property after the utility has completed installation and backfilling where applicable. This definition applies to the overhead and underground distribution system. If it is found to be advisable for the utility to install facilities in excess of that required to serve the new customer applying for service, the added cost of these facilities will not be used in determining the cost of the extension.
- (c) **Installation Charge.** The installation charge is the total cost of installation less the average depreciated embedded cost of the distribution system (excluding the transformer and service facilities). Seasonal customers shall received one-half (1/2) the average embedded cost allowance of a year-round customer for the same customer classification.
- (d) **Average Depreciated Embedded Cost.** The embedded cost of the distribution system (excluding the transformer and service facilities) is determined by the Public Service Commission for each customer classification. The average depreciated embedded cost by customer classification is as follows:
- (1) **Residential** (urban and rural): Ten Dollars (\$10.00) determined by dividing the original cost less the estimated accrued depreciation of the distribution system and less customer contributions and advances for construction allocated to this customer classification by the number of customers in the group.
  - (2) **General** (including multi-unit dwellings if billed on one (1) meter): Twenty Dollars (\$20.00) determined the same way as Residential.
  - (3) **Large Power:** \$1.60 per kW, of average billed demand. When there is an upgrade, the average billed demand is the difference between the averaged billed demand before and after the upgrade. The embedded allowance is determined by dividing the original cost less the estimated accrued depreciation of the distribution system and less customer contributions and advances for construction allocated to this customer classification by the estimated average billed demand of these customers.

- (4) **Street Lighting:** The dollar amount per fixture is determined by dividing the overall depreciated cost of the distribution facilities allocated to the street lighting class, less credits for past customer contributions and advances for construction, by the total number of lighting fixtures in that classification. The following is the average depreciated embedded cost per lighting fixture: Zero Dollars (\$0.00).
- (5) **Apartment and Rental Units Separately Metered:** The owner of an apartment or rental unit applying for an extension of service shall receive an average depreciated embedded cost credit at Ten Dollars (\$10.00) per unit metered.
- (6) **Subdividers and Residential Developers:** Ten Dollars (\$10.00) per unit (same as residential) energized within five (5) years from the installation of the contributed extension:

**NOTE:** All average depreciated embedded costs (by rate class) shall be subject to review by the Public Service Commission of Wisconsin as part of each general rate case proceeding.

### **Sec. 9-3-75 Total Cost of Installation by Customer Classification.**

- (a) **Residential (urban, rural and farm), commercial (urban and rural), street lighting and large power classes** will be charged the total installation cost less the average depreciated embedded cost as defined in Section 9-3-74(d).
- (b) **Residential and Commercial Developers and Subdividers** of single- and two-family subdivisions shall pay, as a minimum, a partially refundable contribution which is the estimated cost of distribution facilities to be installed for the area being developed. The average depreciated embedded cost is refundable as structures are built and connected to the electric utility facilities, as defined in Section 9-3-74(d).
- (c) **Installation charges for multi-family residential housing units** will be the total installation cost less the average depreciated embedded cost, as defined in Section 9-3-74(d) per each living unit in the multi-family building.
- (d) **Other installation charges.** In addition to the installation charges provided above, the utility may require the customer to pay, in advance of construction, the estimated direct costs for those distribution service facilities which:
  - (1) Are in excess of standard utility design and construction;
  - (2) Follow a route different than the most direct route as in PSC 113.81, as determined by the utility; or
  - (3) Require abnormally high installation costs due to abnormal soil conditions, including trenching in rocky soil, frozen ground or other similar conditions;
  - (4) Winter construction will normally apply between December 1 and April 1.All such payments for these conditions are subject to partial refund as additional customers connect.

**Sec. 9-3-76 Adjustments to Estimates of the Total Cost of Installation.**

Section 9-3-75 explains the method for estimating the total cost of installation. The utility shall adjust its estimate of construction costs to reflect the costs that are actually incurred. Upon completion of an installation which differs from the utility's original cost estimate, a recalculation of the customer contribution shall be made.

**Sec. 9-3-77 through Sec. 9-3-79 Reserved for Future Use.**

## Article G: Refunds of Customer Contributions by Type of Customer

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### **Sec. 9-3-80 Eligibility for Refunds.**

- (a) The utility shall make refunds to a customer who made a contribution for an extension (a contributed extension) when the utility makes an extension from the contributed extension to a second customer which does not require a contribution from the second customer (a noncontributed extension).
- (b) In all cases, refunds to the customer making the original contributions shall be limited to the first five (5) years from the installation date. The utility shall make the refund to the customer who made the original contribution or the current property owner of record unless it has a written record from that customer assigning the refund rights to another customer.

### **Sec. 9-3-81 Application for the Refund.**

- (a) When additional customers are connected to an existing extension which required an installation charge from the original customer for whom the extension was first made, that original customer may received a refund paid by the utility.
- (b) If the cost of adding a new customer to an existing extension is less than the average depreciated embedded cost to serve the new customers, the new customer will not be charged. The original contributor of the extension shall be refunded the difference between the average depreciated embedded cost and the cost of adding the new customer.
- (c) If the cost of additional distribution facilities exceeds the average depreciated embedded cost of a customer classification, the construction will be considered a new extension. In this case no refund is due the original contributor.
- (d) The original contributor or successive owner shall receive refunds, if any, for only the first five (5) years from the date the original extension is energized.
- (e) Refunds shall be made to the original contributing customer(s) by the utility within twenty (20) days after the additional customer's cost of installation is determined.
- (f) The amount of the refund shall be based on the embedded cost allowance in effect at the time the contributed extension was installed or the current embedded cost allowance, whichever is greater. In no case shall the total refund exceed the total installation charge.

### **Sec. 9-3-82 through Sec. 9-3-89 Reserved for Future Use.**



## Article H: Service Extensions

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### **Sec. 9-3-90 Overhead Service Extensions; Applicability**

- (a) The rules of Sections 9-3-90 through 9-3-92 apply to the extension of overhead electric service to all classes of retail customers requesting new service in all areas served by the utility.
- (b) The utility will extend electric service to a new customer(s) or existing customer(s) furnished by means of extending its overhead distribution system, except that three-phase service may be furnished by means of phase conversion equipment from a single-phase line.

### **Sec. 9-3-91 Contributions for Overhead Extension.**

The charge for all overhead extensions shall be the total cost of installation as defined in Section 9-3-75, less the average depreciated embedded cost [see Section 9-3-74(d)].

### **Sec. 9-3-92 Combination Single-Phase and Three-Phase Construction.**

In the event an extension is partially or completely supported on structures used for supporting transmission circuits or in the event the extension is built to serve both single-phase customers and three-phase customers, the utility will compute and apportion among the customers served the extension contribution requirements and contribution refund rights in a fair and equitable manner consistent with the pertinent facts and will retain in its files a memorandum of such computation and apportionment. The contribution requirement of the single-phase customers shall not be greater than would have been the case if an extension (complying with present engineering standards) had been constructed to only serve single-phase customers.

### **Sec. 9-3-93 General Rules on Underground Service Extensions.**

The utility will extend utility-standard underground service to all classes of retail customers requesting new service in all areas served by the utility.

### **Sec. 9-3-94 Stipulations on Availability of Underground Service Extensions.**

- (a) Underground service extensions to be furnished by the utility are limited to those which may be placed in locations where grade levels and other conditions are satisfactory to the utility, such as across residential or farm yards or commercial premises or along driveways.

The route of the underground construction must be clear of any trees, brush, fences or other surface obstructions that would interfere with normal operation of trenching equipment. Trench backfill shall consist of the original soil and shall not be power tamped. Lawn and landscaping restoration shall be the applicant's responsibility.

- (b) Underground service extension in locations such as beneath undeveloped land, quarries, gravel pits, swamps and water will not be furnished except by written approval of the utility for each installation.
- (c) The utility will not install an underground service extension where engineering, operating, construction, safety or legal problems would, in the utility's judgment, make it inadvisable to perform the installation, unless these problems can be resolved by the payment of contributions and/or the charges as provided for in these extension rules.
- (d) Notification must be given to the utility sufficiently in advance of construction so that a sequence of construction can be provided for and the work coordinated with other utilities involved.
- (e) If the trench cannot, for any reason, be dug prior to the freezing of the soil, the utility may temporarily install secondary voltage conductors in suitable mechanical protection on top of the ground and dig the trench when the ground is thawed.
- (f) The utility shall not be prevented from installing underground electric equipment where necessary by reason of physical conditions or congestion in the area, when this type of construction is the most economical type for the conditions.

### **Sec. 9-3-95 Contributions for Underground Extensions.**

The charge for all underground extensions shall be the total cost of the installation as defined in Section 9-3-75, less the average depreciated embedded cost as defined in Section 9-3-74(d).

### **Sec. 9-3-96 Contribution for Added Costs Due to Unusual Conditions.**

- (a) For unusual construction costs, a contribution is required which may be subject to a partial refund as additional customers attach. The cost shall include:
  - (1) An amount equal to the estimated cost of boring or pavement cutting required where conductors must be installed in rocky soil, frozen ground or other similar conditions.
  - (2) An amount equal to the cost of any special requirements, such as municipal requirements, rearrangement of facilities due to a change of plans or the need for an underground service extension different from or more elaborate than the utility's standard underground construction.
  - (3) An amount equal to the estimated extra cost of trenching through any area where normal plowing and trenching methods cannot be used (for example, ledge rock, boulders, landfill, etc.).



- (b) Upon completion of the construction, if the actual amount of such extra cost is actually less than the estimated amount, the utility will refund the difference between the estimated and actual costs.

### **Sec. 9-3-97    Combination of Overhead and Underground Extension.**

In accepting an application for underground electric service under this schedule, the utility does not undertake to avoid the construction of overhead lines in the neighborhood which may be necessary to serve customers who demand and have the right to receive service from overhead lines. However, in order to avoid duplication of facilities, applicants for electric service whose premises can be served from an underground distribution system that has previously been installed adjacent to the applicant's premises shall be required to be served by an underground lateral from such system and shall pay the contributions and charges required in these extension rules.

### **Sec. 9-3-38    General Rules on Underground Distribution Areas.**

- (a) The utility will install a utility-standard single-phase underground electric distribution system in accordance with this schedule where required by ordinance or when requested by and agreed to by the property owner(s) or developer or subdivider of the land area to be served. [However, all lines exceeding fifteen thousand (15,000) volts in such areas may be overhead.]
- (b) Electric distribution facilities provided for under this rule are only for providing service to permanent buildings.
- (c) The utility will own and maintain the underground conductors and appurtenances, and the character and location of such facilities shall be at the discretion of the utility.

### **Sec. 9-3-99    Establishment of Underground Distribution Areas.**

- (a) **Subdivisions.**
- (1) For purposes of this schedule, a subdivision shall be defined as a division of lands consisting of five (5) or more contiguous lots. Lots directly across a street from each other are considered to be contiguous.
- (2) To qualify as an underground distribution area, the property owner(s) or land developer or subdivider shall have provided a suitable recorded plat of the subdivision with deed restrictions, all satisfactory to the utility, to require all utility service to be supplied by underground lines and prohibiting overhead lines, except for lines exceeding fifteen thousand (15,000) volts and with easements shown.

- (3) An area which qualifies as a subdivision may be established as an underground distribution area in either of the two (2) following ways:
  - a. All new subdivisions not already receiving electric service are defined as underground distribution areas where, by ordinance, the electric distribution systems are required to be underground.
  - b. A group of property owners or land developer or subdivider may request that an area be served by an underground distribution system. Such area shall be specifically defined and of reasonably regular shape.
- (b) **Mobile Home Courts.** A new mobile home court or an expansion of an existing mobile home court may be established as an underground distribution area where:
  - (1) The court consists of five (5) or more established mobile home locations, all of which are contiguous.
  - (2) Occupancy of the mobile homes is to be on a year-round basis.
  - (3) The owner of the mobile home court provides for the utility a written commitment that all utility service will be supplied by underground lines and prohibiting any overhead lines, except for lines exceeding fifteen thousand (15,000) volts.
- (c) **Condominium Developments and Apartment House Complexes.** A new residential condominium development, apartment house complex or an expansion of an existing housing facility may be established as an underground distribution area where:
  - (1) The condominium or apartment complex consists of five (5) or more dwelling units.
  - (2) The developer provides for the utility a written commitment that all utility service will be supplied by underground lines and prohibiting any overhead lines, except for lines exceeding fifteen thousand (15,000) volts.
- (d) **Easements.** The property owner(s) or land developer or subdivider shall have secured for the utility, at no cost to the utility, such easements as the utility may require for the installation, operation and maintenance of its facility, including, but not limited to, easements for its transformers and switches. The property owner(s) or land developer or subdivider shall inform the utility of any known or expected underground obstructions with the cable routes. Any earth fill added to easements to bring the grade to final level shall not contain any large rocks, boulders, debris or rubbish.

**NOTE:** In subdivisions, easements shall be provided along side lot lines as necessary for underground cables to street light locations approved by appropriate governmental authority.
- (e) **Expansion of Underground Distribution Areas.** An established underground distribution area may be expanded to include such lots or building sites as are contiguous to it which are not already served by overhead lines. The owners of such lots shall be responsible for seeing that the lots meet the requirements specified above for the underground distribution area to which it is contiguous.

### **Sec. 9-3-100 Contribution and Charges for Extension.**

- (a) **Contribution for Construction within Underground Distribution Area.** All of the provisions of contributions for construction of underground extensions will apply except

that the extension allowance will apply to those lots at which dwelling units are occupied or under construction (construction has proceeded above the foundation level) only. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer the property owner(s), land developer or subdivider an installment payment plan.

(b) **Distribution Line to Underground Distribution Area.**

- (1) Where an extension of the utility's existing distribution system is required in order to reach the underground distribution area, said extension will normally be overhead construction. The extension allowance for the overhead distribution line will apply to those lots on which dwelling units are occupied or under construction (construction beyond the foundation level) only. The utility may require that the contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan.
- (2) If required by statute or ordinance or if required by the condition in the judgment of the utility, all or a portion of the extension will be underground. A refundable contribution as provided in Section 9-3-100(a) will apply.

**Sec. 9-3-101 through Sec. 9-3-109      Reserved for Future Use.**



## Article I: Modifications to Existing Distribution

### **Sec. 9-3-110 Relocation and Rebuilding of Existing Distribution Facilities.**

- (a) (1) Where responsibility can be determined by the utility, the customer responsible for relocation, rebuilding or other modification of existing distribution facilities shall pay a contribution based on the following:

Estimated direct cost of new facilities  
Less: Accrued depreciation of facilities to be removed  
Less: Estimated net salvage of the facilities to be removed  
Plus: Estimated cost of removal of existing distribution facilities  
Equals: Charge for modifications to existing facilities

- (2) The costs and credits of the above shall be determined from the available records of the utility. The utility shall endeavor to maintain records that permit a reasonable calculation of these costs and credits. The contribution shall be refundable when the extension is less than the embedded allowance as per Article G, Refunds to Customers.
- (b) Where the utility chooses to relocate its distribution system and it is practicable to bring a service drop or lateral to the existing service entrance facilities, the utility will make the necessary changes in the customer's wiring and service equipment without expense to the customer.
- (c) In the event that the utility is ordered by a unit of government to move its distribution facilities, a new service drop will be installed, where practicable, to the existing service location without expense to the customer. If, in the opinion of the utility, it is not practicable to utilize the existing service entrance facilities, the utility will specify a new service location. The utility is not required to furnish new service entrance, cable, conduit or service equipment unless it makes a practice of supplying this equipment. The utility shall, however, run a service drop to the nearest point on each building served from the new location and remove the old service drop without expense to the customer.

### **Sec. 9-3-111 Replacement of Overhead Distribution Facilities with Underground Distribution Facilities.**

A customer requesting the utility to replace existing overhead distribution facilities with underground distribution facilities shall pay the contribution in aid of construction and receive refunds as shown in Section 9-3-110 above.

### **Sec. 9-3-112 Upgrade of Distribution Facilities Due to Change in Load.**

- (a) **Costs.** Customers who request an upgrading of the utility distribution facilities due to a change in the character of their load shall pay for the construction costs incurred by the utility to provide the requested additional facilities.
- (b) **Demand Schedule.** Customers who are served under a demand rate schedule shall receive an embedded cost allowance. The kilowatts of demand to be used in determining the allowance shall be the customer's average billed demand after the upgrade less the customer's average billed demand before the upgrade.
- (c) **Customers Transferring to a Different Energy-Only Classification.** If a customer served under an energy-only subclassification prior to the upgrade qualifies for a different energy-only subclassification after the upgrade, the customer shall receive a cost allowance equal to the difference between the two (2) embedded cost allowances.
- (d) **Customers Transferring to a Demand Classification.** If a customer is served under an energy-only classification prior to the upgrade, the customer shall receive an embedded cost allowance. The kilowatts of demand to be used in determining the allowance shall be the customer's average billed demand after the upgrade less an estimate of the customer's prior average demand.

### **Sec. 9-3-113 Upgrade of Service Facilities.**

- (a) **Overhead Service Drop.** The utility shall not charge the customer to upgrade an overhead service drop with a larger size overhead service drop up to the maximum standard size.
- (b) **Underground Service Lateral.** The utility shall not charge the customer to upgrade an underground service lateral with a larger-size underground service lateral up to the maximum standard size.
- (c) **Overhead Service Drop to Underground Service Lateral.** The utility shall require a contribution from a customer requesting to have an overhead service drop upgraded to an underground service lateral. The contribution shall be equal to the cost of the underground service lateral less the cost of an equivalent overhead service drop.
- (d) **Transformers.** The utility shall not charge the customers to upgrade their transformer to the maximum standard capacity.

### **Sec. 9-3-114 Extension or Modification of Transmission Facilities to Retail Customers.**

Before a utility extends or modifies its transmission facilities to a retail customer, the utility shall require a contract between the utility and the customer which describes the facilities to be

constructed, such as the cost of construction, apportions the responsibility for the construction costs between the utility and the customer and provides a supporting analysis for the construction and the cost apportionment. The utility shall submit the contract to the Commission for approval. The Commission shall review the contract to assess whether existing ratepayers would be adversely affected by the proposed extension or modification. If the Commission does not respond to the utility within twenty (20) working days from the date of receipt, the contract is approved.

**Sec. 9-3-115 through Sec. 9-3-119      Reserved for Future Use.**





## Article J: Temporary and Emergency Service

### **Sec. 9-3-120 Temporary Service.**

The utility will extend its service to fairs, carnivals, and like short-time gatherings and uses (not including short-time uses in the nature of auxiliary, stand-by or seasonal use) under the following rules:

- (a) The customer will agree to reimburse the utility for its expenditures in extending service.
- (b) The cost of extending service includes all items of labor and materials, with the customary overhead charges, necessary to furnish the customer with the service requested. It shall also include any costs involved in the dismantling of materials and their return to stock. Where materials dismantled have a salvage value, the cost of extending service will be credited with such salvage value.
- (c) All energy will be measured at one (1) standard voltage at some convenient point designated by the utility.
- (d) The customer will make the necessary arrangements and provide for the necessary equipment in the event more than one (1) voltage is required.
- (e) The cost of all construction (labor and materials) necessary to distribute energy on the premises occupied by the customer will be borne by the customer.
- (f) The utility may require the customer to make an advance deposit sufficient to cover the costs of extending service and the estimated bill for energy.
- (g) The rates applicable in the area wherein temporary service is rendered shall be applied in determining the customer's bill.

### **Sec. 9-3-121 Temporary Service for Construction.**

- (a) Temporary service shall be given to a customer connection only when constructed in accord with the sketch as provided by the utility. The post supporting the unit shall be located as near as possible to the location of permanent service to the building. Abnormal conditions involving compliance with the foregoing provision will be cleared with the utility and permission granted by the utility prior to locating the customer connection.
- (b) All temporary service shall be maintained in a safe manner in order to keep the utility harmless from injury to persons or property. The service shall remain temporary only for a reasonable time and must be permanent when the utility directs such action.
- (c) Should the customer elect to receive permanent service, the installation charges for extension of new electric service as provided for in Section 9-3-75. Credit shall be given for the payment already made for that portion of the temporary service facilities which can be used for permanent service without modification.

**Sec. 9-3-122 Emergency Service.**

- (a) A customer purchasing electric service from the utility under any of the utility's filed rates for firm service and requesting a reserve line or a separate service connection other than that from which regular service is obtained should consult the utility to determine if such service is available.
- (b) The utility may supply emergency service facilities under the terms of a special contract, providing the customer shall pay all costs associated with such facilities. The utility will then provide the emergency service distribution facilities required.

**Sec. 9-3-123 through Sec. 9-3-129 Reserved for Future Use.**

## Article K: Customer Utilization Equipment

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### **Sec. 9-3-130 General Rules on Customer Utilization Equipment.**

- (a) The rules in this Section are designed to assist in maintaining a high standard of electric service for all classes of customers with maximum economy based on electric service rules of the Wisconsin Public Service Commission governing the variation of voltage at customer's service entrances.
- (b) Before installing any utilization equipment, it shall be the customer's responsibility to notify the utility of the planned addition. The utility will advise customers concerning a specific installation on request but not test or investigate any customer's equipment except when necessary to determine the cause of substandard voltage conditions. The utility shall, at all reasonable times, have the right to enter a customer's premises to examine customer's equipment. The utility may refuse to connect service or will suspend service when such equipment does not conform to these rules and has not been corrected after reasonable notice.
- (c) All wiring and other electrical equipment on the premises furnished by the customer shall be installed and maintained by the customer at all times in conformity with the requirements of the Wisconsin State Electrical Code and with the rules and regulations of the utility. Electrical apparatus to be used in connection with and operated by energy furnished by the utility shall be of such design and construction and installed and operated in such manner so as not to interfere unreasonably with the utility's service to other consumers. In the event that such apparatus does not comply with the above requirements, the utility may discontinue service until the conditions causing interference with the utility's service to other customers have been remedied by the customer. The utility may require the installation of a separate power service to serve equipment which does not conform to the rules which govern lighting service or to serve other devices which are likely to interfere with standard voltage regulation.
- (d) Where a customer connects single-phase equipment to a three-phase service, the single-phase equipment shall be connected to prevent unbalance of the loads on the three-phase service in excess of ten percent (10%). A power factor of ninety percent (90%) (or as otherwise specified in the company's tariffs) shall be maintained by the customer. When these requirements cannot be met, the customer shall apply for a separate single-phase service.
- (e) It shall be the customer's responsibility to install any protective devices such as time-delay under-voltage releases, phase reversal relays, devices to protect against unbalanced phase operation of three-phase equipment and any other device necessary to prevent damage to utilization equipment which might result from imperfections in the supply of power.

## **Sec. 9-3-131 Motors and Motor Control.**

- (a) In order to prevent impairment of the service to other customers, it is necessary to establish limits of allowable starting currents for motors. Before selecting motor equipment, the customer should consult the utility to determine the specific voltages available at any location.
- (b) When a motor is used to drive equipment that requires varying torque during each cycle of operation, such as a compressor or reciprocating pump, the combined installation should have enough momentum in its moving parts so that its operation will not interfere unduly with service to other customers.
- (c) Types of motor service available on general service lighting rates, single-phase only are as follows:
  - (1) Single-phase fractional horsepower motors: Automatically controlled and frequently started, whose locked rotor currents do not exceed twenty-three (23) amperes, may be connected to one hundred twenty (120) volt circuits.
  - (2) Single-phase motors, one (1) horsepower or less: Manually controlled or infrequently started, whose locked rotor currents do not exceed fifty (50) amperes, may be connected to one hundred twenty (120) volt circuits. No single-phase motor larger than one (1) horsepower shall be operated on a one hundred twenty (120) volt circuit.
  - (3) Infrequently started single-phase motors of ten (10) horsepower or less may be connected to two hundred forty (240) volt commercial lighting and residential circuits if their locked rotor currents do not exceed the values shown in the next section describing motor service available on power rates.
  - (4) In urban areas, infrequently started three-phase motors of ten (10) horsepower or less, connected through single-phase to three-phase converters may be used on residential and commercial lighting circuits.
  - (5) Single-phase motors above ten (10) horsepower are not permitted in rural areas.
- (d) Types of motor service available on power rates and combined light and power rates, single-phase and three-phase are as follows:
  - (1) Motors with long periods of continuous operation under maximum load conditions and having not more than four (4) starts per hour may be connected if their locked rotor currents do not exceed those listed in the following table. Consult the utility where these conditions cannot be met or where equipment ratings and/or starting characteristics exceed the values in the table below:

**MOTOR STARTING TABLE**

<b>Motors Rated</b>	<b>Total Locked Rotor Current Not to Exceed</b>
120 volts, single-phase	50 amperes
240 volts, single-phase	
2 hp or less	60 amperes
2 hp to 6.5 hp	60 amperes plus 20 amperes per hp in excess of 2 hp
6.5 hp to 15 hp	150 amperes plus 10 amperes per hp in excess of 6.5 hp
240 volts, three-phase	
2 hp or less	50 amperes
2 hp to 19.9 hp	50 amperes plus 14 amperes per hp in excess of 2 hp
20 hp to 40 hp	300 amperes plus 4 amperes per hp in excess of 20 hp
50 hp and over	8 amperes per hp

- (2) Motors over ten (10) horsepower rating are to be three-phase.
- (3) New installation of motors of fifty (50) horsepower or larger should be approved by the utility as to motor type, starting and protective equipment and as to availability of an adequate power supply at the proposed location.
- (4) Motors subject to frequent starts, such as elevator and hoist motors, when connected to the secondary distribution system, should have their starting current limited to one hundred (100) amperes.
- (5) For motors of higher voltage rating than shown in the motor starting table, the allowable currents are inversely proportional to the voltages.

**Sec. 9-3-132 Miscellaneous Equipment.**

- (a) X-ray equipment operated on lighting or combined lighting and power services shall have input currents not exceeding twenty-four (24) amperes without specific approval of the utility.

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- (b) All other equipment not specifically provided for in this Section will be subject to approval of the utility on the basis of starting currents specified herein for motors with the same frequency of starting. Customers are advised to consult the utility before connecting any such apparatus.

**Sec. 9-3-133 Private Power Plants.**

- (a) No generator may be electrically connected to the utility's line or equipment without the written consent of the utility and with adequate physical arrangements to prevent hazard to life and damage to utility property.
- (b) After advance written notice and advance approval by the utility, a customer may install his own standby emergency generating equipment and connect it to his wiring systems, provided the connection is through a double-throw switch or other means which will prevent accidental electrical connection of the generator to the utility's facilities at any time. All cost of installation and equipment shall be borne by the customer. The customer shall not operate such equipment until inspection by the utility has been completed. In the event that any customer wishes to engage in parallel operation with the facilities of the utility, service will not be rendered to such customer until a written contract has been entered upon between the customer and the utility and the conditions of delivery of electric energy are fully outlined therein.

**Sec. 9-3-134 through Sec. 9-3-139      Reserved for Future Use.**

## Article L: Contribution in Aid of Construction

### **Sec. 9-3-140 Payment for Contribution in Aid of Construction.**

The utility may require that the required contribution in aid of construction be paid in advance of construction or may, at the utility's option, offer customers an installment payment plan. If a utility offers an installment payment plan to its customers, the installment plan shall be reviewed and placed on file at the Commission.

### **Sec. 9-3-141 through Sec. 9-3-149 Reserved for Future Use.**





## Article M: Electric Rates

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### **Sec. 9-3-150 Power Cost Adjustment Clause — PCAC.**

- (a) All metered rates shall be subject to a positive or negative power cost adjustment charge equivalent to the amount by which the current cost of power (per kilowatt-hour of sales) is greater or lesser than the base cost of power purchased and produced (per kilowatt-hour of sales).
- (b) The current cost per kilowatt-hour of energy billed is equal to the cost of power purchased and produced for the most recent month, divided by the kilowatt-hours of energy sold. The monthly adjustment (rounded to the nearest one one-hundredth of a cent) is equal to the current cost less the base cost. The base cost of power (U) is \$0.0427 per kilowatt-hour.
- (c) Periodic changes shall be made to maintain the proper relative structure of the rates and to insure that power costs are being equitably recovered from the various rate classes. The company shall file with the Public Service Commission of Wisconsin within thirty (30) days for changes in the rates to incorporate a portion of the power cost adjustment into the base rates, if after final wholesale rates have been authorized, the monthly adjustment (A) exceeds \$0.0177 per kilowatt-hour.
- (d) For purposes of calculating the power cost adjustment charge, the following formula shall be used:

$$A = \frac{C}{S} - U$$

- A** is the power cost adjustment rate in dollars per kilowatt-hour rounded to four (4) decimal places applied on a per kilowatt-hour basis to all metered sales of electricity.
- S** is the total kilowatt-hours sold during the most recent month.
- U** is the base cost of power which equals the average cost of power purchased and produced per kilowatt-hour of sales for the test year period. This figure remains constant in each subsequent monthly calculation at \$0.0427 per kilowatt-hour until otherwise changed by the Public Service Commission of Wisconsin.
- C** is the cost of power purchased and produced in dollars in the most recent month. Cost of power purchased and produced for calculation of C are the monthly amounts which would be recorded in the following accounts of the Uniform System of Accounts:

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Class A & B utilities  
Account 555

Class C utilities  
Account 545

Class D utilities  
Account 540

**Sec. 9-3-151 Residential Service—Rg-1.**

- (a) **Application.** This rate will be applied to residential single-phase customers in the Village of Cadott for ordinary household purposes. Single-phase motors may not exceed five (5) horsepower individual-rated capacity without utility permission. Customers who do not meet this criteria will be served under the applicable rate.
- (b) **Customer Charge.** \$3.50 per month.
- (c) **Energy Charge.** \$0.0532 per kilowatt-hour (kWh).
- (d) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly, see schedule PCAC.
- (e) **Prompt Payment of Bills.** A charge of three percent (3%) but not less than thirty cents (30¢) will be added to bills not paid within twenty (20) days from date of issuance. A late payment charge shall be applied only once to any given amount outstanding. This charge is applicable to all customers.

**Sec. 9-3-152 General Service—Cg-1.**

- (a) **Application.**
  - (1) This rate will be applied to single- and three-phase customers. This includes commercial, institutional, government, farm and other customers. The monthly Maximum Measured Demand of customers served on this rate shall not exceed forty-five (45) kilowatts for three (3) or more months in a consecutive twelve (12) month period.
  - (2) Cg-1 customers shall be transferred into the appropriate demand class as soon as the application conditions of that class have been met.
- (b) **Customer Charge.** \$6.00 per month.
- (c) **Meter Charge.** For each additional meter, there shall be an additional charge of One Dollar (\$1.00) per month.
- (d) **Energy Charge.** \$0.0603 per kilowatt-hour (kWh).
- (e) **Minimum Monthly Bill.** The minimum monthly bill shall be the customer charge.

- (f) **Prompt Payment of Bills.** Same as Rg-1.
- (g) **Farm Customer.** Defined as a person or organization using electric service for the operation of an individual farm, or for residential use in living quarters on the farm occupied by persons principally engaged in the operation of the farm by their families. A "farm" is a tract of land used to raise or produce agricultural and dairy products, for raising livestock, poultry, game, fur-bearing animals, or for floriculture, or similar purposes, and embracing not less than three (3) acres; or, if small, where the principal income of the operator is derived therefrom. (Otherwise, the service used for residential purposes is classed as residential, and that used for commercial is classed as general service.)
- (h) **Determination of Maximum Measured Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in 15 consecutive minutes of greatest consumption of electricity during each month. Such Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods or meters. Said demand meter shall be reset to zero when the meter is read each month.

### **Sec. 9-3-153 Large Power Service—Cp-2.**

- (a) **Application.**
  - (1) This rate will be applied to customers for all types of service if their monthly Maximum Measured Demand is in excess of 45 kilowatts (kW) per month for three (3) or more months in a consecutive twelve (12) month period.
  - (2) Customers billed on this rate shall continue to be billed on this rate until their monthly Maximum Measured Demand is less than forty-five (45) kW per month for twelve (12) consecutive months. The utility shall annually offer a customer billed on this rate the option to continue to be billed on this rate for another twelve (12) months if their monthly Maximum Measured Demand is less than forty-five (45) kW per month. However, this option shall be offered with the provision that the customer waives all rights to billing adjustments arising from a claim that the bill for service would be less on another rate schedule than under this rate schedule.
- (b) **Customer Charge.** \$20.00 per month.
- (c) **Demand Charge.** \$5.50 per kW of billed demand.
- (d) **Energy Charge.** \$0.0310 per kilowatt-hour (kWh).
- (e) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly, see schedule PCAC.
- (f) **Prompt Payment of Bills.** Same as Rg-1.
- (g) **Minimum Monthly Bill.** The minimum monthly bill shall be One Dollar (\$1.00) per kilowatt of demand of the highest billed demand of the preceding eleven (11) months.
- (h) **Determination of Maximum Demand.** The Maximum Measured Demand in any month shall be that demand in kilowatts necessary to supply the average kilowatts in fifteen (15)

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consecutive minutes of greatest consumption of electricity during each month. Such Maximum Measured Demand shall be determined from readings of permanently installed meters or, at the option of the utility, by any standard methods of meters. Said demand meter shall be reset to zero when the meter is read each month.

- (i) **Determination of Billed Demand.** The Billed Demand for large power customers shall be the Maximum Measured Demand.

**Sec. 9-3-154 Municipal Service—Mp-1.**

- (a) **Availability.** This schedule is available to the Cadott Municipal Water Utility.
- (b) **Energy Charge.** \$0.0583 per kilowatt-hour.
- (c) **Power Cost Adjustment Clause.** Charge per all kWh, varies monthly, see schedule PCAC.
- (d) **Prompt Payment Provision.** Same as Rg-1.

**Sec. 9-3-155 Street Lighting—Ms-1.**

- (a) **Availability.** This schedule is available to the Village of Cadott for street lighting. The utility owns and maintains all lighting. This rate schedule is closed to new mercury vapor lights.

- (b) **Investment Charges.**

- (1) Overhead lighting:

100 Watt low sodium	\$ 5.00 per lamp per month
175 Watt MV	\$ 5.00 per lamp per month
250 Watt MV	\$ 5.00 per lamp per month
400 Watt MV	\$ 5.00 per lamp per month

- (2) Ornamental lighting:

100 Watt low sodium	\$ 21.50 per lamp per month
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- (c) **Energy Charge.** \$0.0299 per kWh per month, plus PCAC.
- (d) **Power Cost Adjustment Clause.** Charge per kWh, varies monthly, see schedule PCAC.

**Sec. 9-3-156 Security Lighting—Ms-2.**

- (a) **Availability.** This schedule is available to utility customers for security lighting. This schedule applies to 175-watt mercury vapor lamps operating on all-night, every-night schedule. The utility owns and maintains all lamps.

(b) **Utility-Owned Installations.**

Metered:           \$ 2.30 per lamp per month  
Unmetered:       \$ 12.30 per lamp per month

- (c) **Assumptions.** This rate assumes lighting installations on utility-owned poles which are used and useful for supporting other utility-owned electric distribution equipment and facilities such as transformers and street lighting primary and secondary circuits. If the utility must install a pole solely for providing the customer with security lighting arrangements, the customer shall pay for the cost of the pole and the cost of installing the pole.
- (d) **Prompt Payment Provision.** Same as Rg-1.



## Title 9 ► Chapter 4

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# Cable Television

<b>9-4-1</b>	Definitions
<b>9-4-2</b>	Granting of Franchise
<b>9-4-3</b>	Term
<b>9-4-4</b>	Use of Streets and Dedicated Easements
<b>9-4-5</b>	Maintenance of the System
<b>9-4-6</b>	Service
<b>9-4-7</b>	Insurance; Indemnity
<b>9-4-8</b>	Pledge/Assignment of Assets
<b>9-4-9</b>	Cancellation and Expiration
<b>9-4-10</b>	Enforcement of Terms and Conditions
<b>9-4-11</b>	Franchise Fee
<b>9-4-12</b>	Franchise Requirements for Other Franchise Holders
<b>9-4-13</b>	Notices, Miscellaneous

### Sec. 9-4-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Basic Service.** Those audio and visual signals carried on the service tier of the Cable System which includes local off-air television signals. Basic Service shall not include any other tier of service or any premium or pay-per-view channels or services.
- (b) **Board; Village Board.** The Village Board of the Village of Cadott.
- (c) **Cable Act.** The Cable Communications Policy Act of 1984, P.L. 98-549, 47 U.S.C. 521 Supp., as it may be amended or superseded.
- (d) **Cable Service.** Shall mean:
  - (1) The one-way transmission to subscribers of:
    - a. Video programming, or
    - b. Other programming service; and
  - (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- (e) **Cable System; System.** A system of antennas, cables, wires, lines, towers, microwaves, waveguides, laser beams or any other conductors, converters, equipment or facilities

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designed, constructed or operated for the purpose of producing, receiving, amplifying, modifying and distributing audio, video and other forms of communication or electronic signals for the purpose of providing Cable Services to and from residential and business subscribers and locations within the jurisdictional limits of the Grantor.

- (f) **Franchise.** The authorization granted hereunder of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a Cable System within the jurisdictional limits of the Grantor.
- (g) **Grantee.** Hometown TV, Inc. (Avalon) a/k/a Charter Communications, and its permitted successors and assigns.
- (h) **Grantor.** The Village of Cadott, Wisconsin.
- (i) **Gross Revenues.** Any revenue received by the Grantee from the operation of the Cable System to provide Cable Services within the jurisdictional boundaries of the Grantor, provided, however, that such phrase shall not include any taxes, fees or assessments of general applicability collected by the Grantee from Subscribers for pass-through to a government agency, including FCC User Fee or unrecovered bad debt.
- (j) **Streets and Dedicated Easements.** The public streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, alleys, all other rights-of-way and easements, and the public grounds, places or water within the jurisdictional boundaries of Grantor.
- (k) **Subscriber.** A purchaser of any Cable Service delivered over the Cable System.

## **Sec. 9-4-2 Granting of Franchise.**

The Grantor hereby grants to Grantee a non-exclusive Franchise for the use of the streets and dedicated easements within the Grantor for the construction, operation and maintenance of the Cable System, upon the terms and conditions set forth herein.

## **Sec. 9-4-3 Term.**

The Franchise shall be for a term of ten (10) years, commencing on the effective date of this Chapter. Subsequent renewals shall be pursuant to the renewal provisions of the Cable Act as it shall provide.

## **Sec. 9-4-4 Use of the Streets and Dedicated Easements.**

- (a) Grantee shall have the right to use the streets and dedicated easements of the Grantor for the construction, operation and maintenance of the Cable System.



- (b) Grantee, at its own cost, shall have the right pursuant to the provisions of this Chapter to construct, erect, suspend, install, renew, maintain and otherwise own and operate throughout the streets and dedicated easements of the Grantor, as now laid out or dedicated and all extensions thereof and additions thereto in the Grantor, the Cable System, either separately or in conjunction with any public utility operating within the Grantor. The Franchise shall further include the right, privilege, easement and authority to construct, erect, suspend, install, lay, renew, repair, maintain and operate such poles, wires, cable, underground conduits, manholes, ducts, trenches, fixtures, appliances and appurtenances for the purpose of distribution to inhabitants within the jurisdictional limits of the Grantor. Without limiting the generality of the foregoing, the Franchise shall and does hereby include the right to repair, replace and enlarge and extend the Cable System, provided that Grantee shall utilize the facilities of utilities whenever practicable.
- (c) Grantee shall have the right to remove, trim, cut and keep clear of the Cable System the trees in and along the streets and dedicated easements of the Grantor, provided that in the exercise of such right, the Grantee shall not cut, remove, trim or otherwise injure such trees to any greater extent than is necessary for the installation, maintenance and use of the Cable System
- (d) Grantee in the exercise of any right granted to it by the Franchise shall, at no cost to the Grantor, promptly repair or replace any facility or service of the Grantor which Grantee damages, including but not limited to, any street or dedicated easement or sewer, electric facility, water main, fire alarm, police communication or traffic control.

### **Sec. 9-4-5 Maintenance of the System.**

- (a) Grantee shall at all times employ ordinary care in the maintenance and operation of the Cable System so as not to endanger the life, health or property of any citizen of the Grantor or the property of the Grantor. The Cable System shall at all times be kept in good repair and in a safe and acceptable condition.
- (b) Grantee shall install and maintain the Cable System so as not to interfere with the equipment of any utility of the Grantor or any other entity lawfully and rightfully using the streets and dedicated easements of the Grantor.
- (c) All conductors, cables, towers, poles and other components of the Cable System shall be located and constructed by Grantee so as to reasonably minimize interference with access by adjoining property owners to the streets and dedicated easements. No pole or other fixtures of Grantee placed in the streets and dedicated easements shall interfere with the usual travel on such public way.

### **Sec. 9-4-6 Service.**

- (a) Grantee shall provide to its Subscribers broad categories of video programming services.

- (b) Grantee shall extend the Cable System to new developments within the jurisdictional limits of the Grantor, subject to a minimum density requirement of thirty (30) homes per linear mile.
- (c) Grantee shall provide Basic Service and one free outlet to each of the following public facilities located within one hundred twenty-five (125) feet of existing service lines of the Grantee and within the jurisdictional limits of the Grantor:
  - (1) Village Hall.
  - (2) Fire Department.
  - (3) Police Department.
  - (4) Public Schools.
- (d) No monthly service fee shall be charged for such outlet. Grantee shall provide Basic Service to new construction thereafter for similar public facilities; provided they are within one hundred twenty-five (125) feet of the existing service lines of Grantee.

### **Sec. 9-4-7 Insurance; Indemnity.**

- (a) From and after the effective date of this Chapter, Grantee shall maintain in full force and effect at all times for the full term of the Franchise, at the expense of the Grantee, a comprehensive general liability insurance policy, written by a company authorized to do business in the state, protecting against liability for loss or bodily injury and property damage occasioned by the installation, removal, maintenance or operation of the Cable System by Grantee in the following amounts:
  - (1) One Million Dollars (\$1,000,000) for property damage in any one occurrence.
  - (2) One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate for general liability insurance.
  - (3) Workers' compensation coverage in accordance with state law.
- (b) The Grantor and its officials and employees shall be named as additional insureds on said policy. The Grantor shall be notified by the insurance company at least thirty (30) days prior to the expiration or cancellation of such insurance policy or policies.
- (c) Grantee hereby agrees to indemnify and hold the Grantor, including its agents and employees, harmless from any claims or damages resulting from the actions of Grantee in constructing, operating or maintaining the Cable System. Grantor agrees to give the Grantee written notice of its obligation to indemnify Grantor within ten (10) days of receipt of a claim or action pursuant to this Section. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify Grantor for any damages, liability or claims resulting from the willful misconduct or negligence of Grantor or for the Grantor's use of the Cable System.

**Sec. 9-4-8 Pledge/Assignment of Assets.**

Grantee may not assign the Franchise without first obtaining the expressed written consent of the Grantor (Village Board), which consent shall not be unreasonably withheld, provided, however, that Grantee may mortgage or pledge the Franchise for financing purposes.

**Sec. 9-4-9 Cancellation and Expiration.**

- (a) Unless earlier terminated in accordance with this Chapter, the Franchise shall expire ten (10) years after the effective date of this Chapter.
- (b) Prior to revocation or termination of the Franchise, the Franchising Authority shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have sixty (60) days from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If the Franchising Authority has not received a satisfactory response from Grantee, it may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least thirty (30) days prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.
- (c) At the hearing, the Grantor shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and written transcript shall be made available to the Grantee within ten (10) business days. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Grantor de novo.
- (d) Upon termination of the Franchise, Grantee agrees to remove the Cable System from the streets and dedicated easements of the Grantor.

**Sec. 9-4-10 Enforcement of Terms and Conditions.**

Either the Grantor or Grantee may institute proceedings in a court of competent jurisdiction to enforce the terms and conditions of this Chapter.

**Sec. 9-4-11 Franchise Fee.**

Grantee shall pay to the Grantor, within ninety (90) days after each calendar year ends, an amount equal to three percent (3%) of basic service revenues.

## **Sec. 9-4-12 Franchise Requirements for Other Franchise Holders.**

- (a) In the event that Grantor grants one (1) or more Franchise(s) or similar authorization(s) for the construction, operation and maintenance of any communication facility which shall offer services substantially equivalent to services offered by the Franchisee it shall not make the grant on more favorable or less burdensome terms. If the Franchisee finds that the agreement(s) granting said other Franchise(s) contain provisions imposing lesser obligations on the Company(s) than are imposed by the provisions of the Franchise, Grantee may petition Grantor for a modification of the Franchise. The Grantee shall be entitled, with respect to said lesser obligations to such modification(s) of this Franchise as may be determined to be necessary to insure fair and equal treatment by this Franchise and said other agreements.
- (b) In the event that a non-Franchise multichannel video programming distributor provides service of the residents of the Grantor, the Grantee shall have a right to request Franchisee amendments that relieve the Grantee of regulatory burdens that create a competitive disadvantage to the Grantee. In requesting amendments, the Grantee shall file a petition seeking to amend the Franchise. Such petition shall:
  - (1) Indicate the presence of non-Franchised competitor(s);
  - (2) Identify the basis for Grantee's belief that certain provisions of the Franchise place Grantee at a competitive disadvantage;
  - (3) Identify the regulatory burdens to be remanded or repealed in order to eliminate the competitive disadvantages.
- (c) The Grantor shall not unreasonably withhold granting the Grantee's petition and so amending the Franchise.

## **Sec. 9-4-13 Notices, Miscellaneous.**

- (a) Every notice served upon the Grantor shall be delivered or sent by certified mail, return receipt requested, to:

Village President  
Village of Cadott  
P.O. Box 40  
Cadott, WI 54727

and every notice served upon Grantee shall be delivered or sent by certified mail, return receipt requested, to:

Government Affairs/Public Relations Manager  
Charter Communications  
1201 McCann Drive  
Altoona, WI 54720

- (b) All provisions of this Chapter shall apply to the respective parties, their successors and assigns.
- (c) If any particular section of this Chapter shall be held invalid, the remaining provisions and their application shall not be affected thereby.

