

Sen. Cowles, Rep. Thiesfeldt: Bill signed into law

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MADISON- Representative Jeremy Thiesfeldt (R-Fond du Lac) and Senator Robert Cowles (R-Green Bay) released the following statements after a bill they authored, 2021 Assembly Bill 300, was signed into law today as 2021 Wisconsin Act 85:

“The PSC approval process can not only be costly, but it can also be timely lasting months or even a full construction season. Additional delays racked up before the review by the Commissioners and public comment period can further delay a process, putting a halt on some urgent and necessary projects,” said Senator Cowles. *“The responsibilities placed upon local water utilities can make it a hard enough job without the delays faced in the regulatory processes. That’s why Act 85 looks to put a stop to these unnecessary delays by requiring that the PSC act on construction authorization and Lead Service Line applications in a timely manner.”*

In recent years, some water utilities seeking a Certificate of Authority to perform a construction project or approval of a Lead Service Line Replacement Program have experienced lengthy delays in having their applications addressed. While the Public Service Commission of Wisconsin (PSC) had deadlines in law already under most circumstances for deadlines to address applications once the Notice of Investigation (NOI) is opened by the Commissioners, applications by water utilities did not have a statutory timeline from when an application is submitted for staff review until the NOI is opened unlike many energy utility applications.

“We know the devastating effects lead can have, especially on babies and young children,” stated Representative Thiesfeldt. *“Unfortunately, many of our communities have had to wait on a state agency dragging its feet before allowing*

these communities to replace their lead service lines. The time to help these communities is now.”

For example, after the City of Kaukauna, part of Sen. Cowles’ 2nd Senate District, submitted their application for a Lead Service Line Replacement Program, staff review led to 295 days from their application being submitted to an NOI being opened. In the case of the City of Fond du Lac, part of Rep. Thiesfeldt’s 52nd Assembly District, this led to 181 days from their application being submitted to an NOI being opened. When combined with the days lapsed from NOI to final approval by the Commissioners, Kaukauna was in the regulatory process for about 14 months, and Fond du Lac was in the regulatory process for about nine months, delaying their efforts to protect childhood health by removing lead water service lines. These are just two examples of lengthy delays from the Lead Service Line Replacement Program alone.

[2021 Wisconsin Act 85](#) looks to put a stop to unnecessary delays by requiring that the PSC act on these applications within 45 days. If the PSC determines that further information is needed, they may request more data from the utility. Upon receipt of the additional information, PSC staff has an additional 30 days to review the data and determine if an application is complete. If an application is complete, the Commissioners then have 90 days to vote on final approval if no public hearing is needed, or 180 days if a public hearing is to be held.