

DATE MAILED  
Dec 14, 2012

PSC REF#:177897

Public Service Commission of Wisconsin  
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**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Investigation of Milwaukee Water Works Economic Development Rate  
on the Commission's Own Motion

3720-WI-102

**ORDER**

By this Order, the Public Service Commission (Commission) reopens this docket under Wis. Stat. § 196.39 and rescinds the amended Economic Development Rate (EDR) adopted in the *Final Decision*<sup>1</sup> in this docket dated August, 22, 2012 ([PSC REF#: 170617](#)).

Until further Order, the Commission adopts the February 3, 2011, EDR, as modified below<sup>2</sup> ([PSC REF#: 144469](#)). The Commission reopens this docket to allow an opportunity for hearing.

On May 4, 2012, the Commission opened an investigation on its own motion to determine whether modifications to the two-year pilot EDR approved in docket 3720-WR-107<sup>3</sup> were necessary to encourage greater participation by Milwaukee Water Works (MWW) customers. At its open meeting of July 19, 2012, the Commission determined that modifications to the EDR were necessary.

In its *Final Decision* in this docket, the Commission halved the volumetric criteria, and modified the job creation, affidavit and water efficiency requirements of the original EDR issued on February 3, 2011. With this Order, the Commission rescinds those substantive changes, and consequently, rescinds the *Final Decision* in this docket.

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<sup>1</sup> See *Final Decision*, in this docket, at Appendix A ([PSC REF#: 170617](#)).

<sup>2</sup> For a discussion on the terms of the original EDR see, *Final Decision, Application of Milwaukee Water Works, Milwaukee County, Wisconsin, for Authority to Increase Water Rates*, docket 3720-WR-107 (February 3, 2011) at pp. 17-25 ([PSC REF#: 144469](#)).

<sup>3</sup> See *Final Decision*, docket 3720-WR-107, *supra*, Appendix C ([PSC REF#: 144469](#)).

Docket 3720-WI-102

The original February 3, 2011, EDR, which, was set to expire on February 8, 2013, is hereby extended until the Commission takes final action in this docket. MWW shall file the February 3, 2011, EDR tariff provisions as amended by this Order with the Commission and place them in all of the utility's offices and pay stations.

The record in this matter remains open. The Commission authorizes the Administrative Law Judge to schedule any hearing in this docket no later than the first quarter in calendar year 2013.

This Order takes effect one day after the date of mailing.

Jurisdiction is retained.

Dated at Madison, Wisconsin, this 14<sup>th</sup> day of December, 2012.

By the Commission:



Sandra J. Paske  
Secretary to the Commission

SJP:pc: DL:00606419 Order on rehearing.docx

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN  
610 North Whitney Way  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE  
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE  
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

*PETITION FOR REHEARING*

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

*PETITION FOR JUDICIAL REVIEW*

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.<sup>4</sup> The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

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<sup>4</sup> See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.