

**SERVICE DATE**  
**Mar 19, 2020**

PSC REF#: 385977

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

Application of American Transmission Company LLC, as an Electric Public Utility, for a Certificate of Authority to Rebuild 21 Miles of Existing 69 kV Transmission Line (T-98 and E-83) to a Double-Circuit 138 kV Line between the Bayport and Pioneer Substations in the Villages of Howard and Suamico in Brown County, and in the Towns of Abrams, Little Suamico, and Stiles in Oconto County, Wisconsin

137-CE-190

**FINAL DECISION**

On May 30, 2019, pursuant to Wis. Stat. § 196.49 and Wis. Admin. Code ch. PSC 112, American Transmission Company LLC (ATC) filed an application with the Commission for authority to rebuild the Bayport-Pioneer 69 kilovolt (kV) transmission line as a double-circuit 138 kV transmission line with 138 kV double-circuit structures, stringing and combining the two circuits, and operating the two circuits as one 138 kV circuit; de-energize the Bayport-Pulliam 69 kV transmission line; convert Suamico Substation and the relocated Sobieski Substation to operate at 138 kV; and install approximately 21 miles of 48-fiber optical ground wire (OPGW) along the entire proposed project, located in Brown and Oconto Counties, Wisconsin. ([PSC REF#: 368286](#).) ATC proposes to construct the facilities primarily for asset renewal needs and to provide the flexibility to efficiently address future needs. The estimated construction cost of the proposed project is \$47,416,000.

The application is GRANTED, subject to conditions.

**Introduction**

On October 31, 2019, the Commission issued a Notice of Investigation opening this docket. ([PSC REF#: 378542](#).) The Commission's Notice stated that the Commission intended

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to conduct this investigation without a hearing. No hearing was requested or held. Pursuant to Wis. Stat. § 196.49(5r)(b), the Commission is required to take final action on the application within 90 days after the Commission issues a Notice opening the docket, unless an extension of time is granted. On December 18, 2019, the Chairperson of the Commission, for good cause, extended the time for action for an additional 90 days. ([PSC REF#: 381021.](#)) The new deadline for taking final action is April 28, 2020.

### **Findings of Fact**

1. ATC is an electric public utility, as defined in Wis. Stat. § 196.01(5)(a), engaged in rendering electric transmission service in Wisconsin. ATC's proposed Bayport-Pioneer project consists of rebuilding Bayport-Pioneer 69 kV line as a double-circuit 138 kV transmission line; de-energizing the Bayport-Pulliam 69 kV transmission line; converting Suamico Substation and the relocated Sobieski Substation to operate at 138 kV; and installing approximately 21 miles of 48-fiber OPGW along the entire proposed project, located in Brown and Oconto Counties, Wisconsin. The estimated cost of the proposed project is \$47,416,000.

2. No unusual circumstances suggesting the likelihood of significant environmental consequences are associated with the proposed project.

3. Alternatives to the proposed project have been considered, but no other reasonable alternatives to the project exist that could provide adequate service in a more reliable, timely, cost-effective, and environmentally responsible manner.

4. Energy conservation, renewable resources, or other energy priorities listed in Wis. Stat. §§ 1.12 and 196.025, or their combination, are not cost-effective, technically feasible, or environmentally sound alternatives to the proposed project.

5. The general public interest and public convenience and necessity require completion of the proposed project. Completion of the proposed project at the estimated cost will not substantially impair the efficiency of ATC's service, will not provide facilities unreasonably in excess of probable future requirements, and when placed in operation, will not add to the cost of service without proportionately increasing the value or available quantity thereof. Wis. Stat. § 196.49(3)(b).

6. Critical proposed facilities that could be damaged by flooding are not located in the 100-year flood plain. Consequently, there is no flood risk to the project per 1985 Executive Order 73 (Order 73).

#### **Conclusions of Law**

1. ATC is a public utility as defined in Wis. Stat. § 196.01(5)(a).
2. The Commission has jurisdiction under Wis. Stat. §§ 1.11, 1.12, 196.02, 196.025, 196.395, 196.49, and 196.85, and Wis. Admin. Code chs. PSC 4 and 112, to issue a Certificate and Order authorizing ATC, as an electric public utility, to construct and place in operation the facilities described in this Final Decision, subject to the conditions stated in this Final Decision.
3. The application is a Type II action under Wis. Admin. Code § PSC 4.10(2) and the Commission, having conducted an environmental assessment (EA), determines that preparation of an environmental impact statement (EIS) is not necessary under Wis. Stat. § 1.11.
4. The Commission has authority under Wis. Stat. § 15.02(4) to delegate to the Administrator of the Division of Energy Regulation and Analysis those functions vested by law as enumerated above. It has delegated the authority to the Administrator of the Division of Energy Regulation and Analysis to issue a Certificate of Authority for the proposed project.

5. The estimated gross cost of this project exceeds the minimum threshold of utility projects requiring Commission review and approval under Wis. Stat. § 196.49 and Wis. Admin. Code § PSC 112.05.

6. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02, 196.395, and 196.49.

### **Opinion**

ATC is a public utility, as defined in Wis. Stat. § 196.01(5)(a), engaged in rendering electric transmission service in Wisconsin. It is obligated to provide adequate and reliable electric transmission service that meets the need of all transmission users in the area it serves without favoring any market participants. The proposed Bayport–Pioneer project consists of rebuilding the Bayport-Pioneer 69 kV line as a double-circuit 138 kV transmission line with 138 kV double-circuit structures, stringing and combining the two circuits, and operating the two circuits as one 138 kV circuit; de-energizing the Bayport-Pulliam 69 kV transmission line; converting Suamico Substation and the relocated Sobieski Substation to operate at 138 kV; and installing approximately 21 miles of 48-fiber OPGW along the entire proposed project.

ATC is required to obtain from the Commission construction authority for the project under Wis. Stat. § 196.49 and Wis. Admin Code ch. PSC 112, as the cost of the project exceeds the construction cost filing threshold listed in Wis. Stat. § 196.49(5g) and Wis. Admin. Code § PSC 112.05(3).

### **Project Description and Purpose**

The proposed Bayport–Pioneer project consists of rebuilding the Bayport-Pioneer 69 kV line as a double-circuit 138 kV transmission line with 138 kV double-circuit structures, stringing

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and combining the two circuits, and operating the two circuits as one 138 kV circuit; de-energizing the Bayport-Pulliam 69 kV transmission line; converting Suamico Substation and the relocated Sobieski Substation to operate at 138 kV; and installing approximately 21 miles of 48-fiber OPGW along the entire proposed project.

ATC's stated purpose for the proposed project is primarily for asset renewal needs and to provide flexibility to efficiently address future needs.

ATC's estimated cost of the proposed project is \$47,416,000. ATC's estimated cost does not include modifications to the proposed project identified during the Commission's review and required by this Final Decision. The estimated costs are based on a projected in-service date in June 2022.

### **Project Need**

The proposed Bayport–Pioneer rebuild project is primarily for asset renewal needs and to provide flexibility to efficiently address future needs. The project need is driven by aging 69 kV lines T-98 between the Bayport area and Sobieski substations, and the E-83 Tap between the Sobieski and Pioneer substations. These facilities have limited remaining useful life. Lattice towers on these transmission lines are over 100 years old, and below-grade inspections of these towers showed metal losses. If the structures are not replaced, there is a possibility of a gradual degrading trend resulting in reliability concerns. Existing T-98 and E-83 Tap facilities are no longer in a condition to continue to reliably fulfill their purpose.

In addition, the reliability of the area's electrical distribution system is an important issue. Currently, ATC's 138 kV transmission line W-153 from Pulliam radially serves the Bayport Substation. In 2017, Wisconsin Public Service Corporation (WPSC) installed a second

distribution transformer at the Bayport Substation. An outage of the W-153 transmission line results in an outage of both Bayport Substation distribution feeders. An analysis performed by ATC and WPSC determined that network service was needed to the Bayport Substation to avoid an outage of the Bayport Substation distribution feeders.

ATC and WPSC consider the existing transmission lines necessary to serve existing local distribution loads from the Bayport, Suamico, and Sobieski substations. Therefore, if these transmission lines are not retained, the load would need to be served by other new transmission lines. ATC asserted that constructing new lines through the area to appropriate new substations would be more costly and have more new impacts than rebuilding the existing lines.

ATC considered the future Pulliam-Stiles asset renewal as part of this project's need analysis. The project would provide parallel transmission capacity in the area that would allow ATC to accommodate the construction outages that it anticipates will be necessary for future asset renewal of the Pulliam-Stiles transmission line. Specifically, the rebuilt project, combined with the North Appleton-Morgan 345 and 138 kV lines, would provide the necessary parallel generation needed during the anticipated construction of the Pulliam-Stiles rebuild.

As discussed below, the information submitted by ATC demonstrates that the proposed Bayport–Pioneer project that rebuilds the Bayport-Pioneer 69 kV line as a double-circuit 138 kV transmission line with 138 kV double-circuit structures, and converts Suamico Substation and the relocated Sobieski Substation to operate at 138 kV, cost-effectively meets the need as identified by ATC. In addition, the proposed project is a preferred project compared with its alternatives based on cost and flexibility analysis described under Comparison of Alternatives and the Proposed Project Section below.

## **System Alternatives**

ATC also evaluated four alternatives to the proposed project. These alternatives are described below.

### **Alternative 1**

Alternative 1 includes rebuilding the Bayport-Pioneer 69 kV transmission line, installing a 138/69 kV transformer at Bayport Substation, and rerouting the existing T-98 line into Bayport Substation. The estimated construction cost of Alternative 1 is \$41.7 million in 2021 dollars.

### **Alternative 2**

This alternative includes rebuilding the Bayport-Pioneer transmission as a single-circuit 138 kV transmission line and de-energizing the Pulliam-Bayport 69 kV transmission line. The estimated construction cost of Alternative 2 is \$52.2 million in 2021 dollars.

### **Alternative 3**

This alternative includes rebuilding the Bayport-Pioneer transmission line as a double-circuit 138 kV transmission line, stringing one line initially, and de-energizing the Pulliam-Bayport 69 kV transmission line. The estimated construction cost of Alternative 3 is \$53.4 million in 2021 dollars.

### **Alternative 4**

This alternative requires rebuilding Bayport-Sobieski as a 138 kV transmission line, constructing a new 138 kV transmission line from Sobieski to Little Suamico, de-energizing the Pulliam-Little Suamico 138 kV and Pulliam-Bayport 69 kV transmission lines, and removing the Sobieski-Pioneer 69 kV transmission line. The estimated construction cost of Alternative 4 is \$39.5 million in 2021 dollars (excluding WPSC distribution costs).

**Comparison of Alternatives and the Proposed Project**

ATC considered the following factors to compare the proposed project and its alternatives:

- Initial Costs in 2021 dollars;
- Area load;
- Generation uncertainties;
- Flexibility of retiring Pulliam–Stiles 138 kV transmission lines;
- Rebuilding or retiring 138 kV lines in the corridor between Pulliam and Stiles in 2030 such that there are either two or three parallel 138 kV circuits, depending upon future area needs; and
- Revenue Requirement Net Present Value (RRNPV) in 2017 dollars.

The RRNPVs in 2017 dollars (millions) that include construction costs of the proposed project and alternatives and rebuilding the Pulliam-Stiles 138 kV transmission line in 2030 as a two- or three-circuit, are shown below.

Potential Future	Proposed Project	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Two 138 kV Circuits	\$97.9	\$107.9	\$106.5	\$101.2	\$100.4
Three 138 kV Circuits	\$113.3	\$118.7	\$115.0	\$116.4	\$129.8

ATC evaluated the proposed project and its alternatives using the matrix shown below.

Alternative	Initial Cost Rank-Low to High	NPV Rank-Low to High Two-Circuit	NPV Rank-Low to High Three-Circuit	Flexibility Rank (most=1 to least=5)	Total
Proposed Project	5	1	1	1	8
Alternative 1	1	5	4	5	15
Alternative 2	3	4	2	3	12
Alternative 3	4	3	3	2	12
Alternative 4	2	2	5	4	13



The above matrix shows the proposed project is the best alternative based on cost, RRNPV, and flexibility. Commission staff reviewed the modeling provided by ATC and concurred this project provides the best flexibility to address existing asset renewal needs and also provides for future flexibility in case system conditions change from forecast. Commission staff reviewed the power flow analyses and detailed costs of the alternatives provided in the application, Appendix D, to confirm ATC's information.

### **Noncombustible and Combustible Renewable Energy Resources**

ATC's assessment indicated that the minimum amount of both the noncombustible and combustible renewable energy generation would be costlier than the proposed project and are not reasonable alternatives.

### **No-build Options**

ATC considered two "no-build" options:

- Maintain existing system

The project need is driven by aging 69 kV lines T-98 between the Bayport area and Sobieski substations, and the E-83 Tap between the Sobieski and Pioneer substations. These facilities have limited remaining useful life. Lattice towers on these transmission lines are over 100 years old. These facilities no longer meet their reliability requirements; therefore, maintaining the existing system is not a viable option.

- Retirement without replacement

ATC and WPSC consider the existing transmission lines necessary to serve existing local distribution loads from Bayport, Suamico, and Sobieski substations.

Therefore, if these transmission lines are not retained, the load would need to be served by other new transmission lines, which would be more costly and have more new impacts than rebuilding the existing lines.

Both of these options are not viable solutions as they fail to either meet the need, or require more costly investments in new transmission facilities.

The Commission finds that asset renewal is the driver for this project. Energy efficiency will not address the asset condition issues driving the asset renewal need. ATC demonstrated that eliminating anticipated future load growth for the study area would not eliminate the need for the project. Therefore, the Commission finds that ATC has demonstrated that the project is the most reasonable, cost-effective, and appropriate project to address the asset renewal needs for the project and transmission system in the area.

#### **Energy Efficiency and Conservation, and Alternative Sources of Electric Supply**

Asset renewal is the driver for this project. Energy efficiency will not address the condition issues driving the asset renewal need. Eliminating anticipated future load growth for the study area would not eliminate the need for the project.

#### **Environmental Review**

The proposed electric transmission project was reviewed by the Commission for environmental impacts. The environmental review focused primarily on impacts to rare species, historic resources, wetlands, and waterways.

#### **Archeological and Historic Resource Review**

ATC completed a review of the Wisconsin Historic Preservation Database (WHPD) for the project. An online search of the Wisconsin Architecture and History Inventory identified

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11 previously recorded structures in the project's potentially affected area. Three buildings were found to be potentially eligible for the National Register of Historic Places, but the project would not directly impact any of them. An online search of the WHPD Archaeology Site Inventory was completed. Two previously identified cultural resources were found to lie within or immediately adjacent to the project area. The first would not be affected by project construction work. The second site was field surveyed, and no artifacts were found. The Commission finds that construction of the proposed facilities is not expected to affect any historic properties under Wis. Stat. § 44.40.

#### **Flood Hazard Review**

The proposed project was reviewed for potential flood hazard exposure per Order 73. As no flood-sensitive facilities are to be located in or near any designated floodplain or flood prone areas, there is no significant flood risk to the proposed project.

#### **Threatened and Endangered Species Review**

The proposed project has the potential to impact rare resources found along the project route. The transmission line route has one threatened bird, one threatened and one special concern fish, one threatened mussel, one threatened and one special concern reptile, one threatened mammal, and four rare plant species that may be present within its vicinity. The majority of the possible impacts to these species could be minimized or avoided entirely if ATC follows Department of Natural Resources (DNR)-recommended measures.

The Natural Heritage Inventory database indicates a few bald eagle nest sites in the vicinity of this route, although none are within the Fish and Wildlife Service buffer of 660 feet. As the bald eagle is federally protected through the Bald and Golden Eagle Protection Act, additional surveys are recommended to ensure compliance. In addition, it would be highly

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recommended that where bald eagle nests are found, bird flight diverters (BFD) be installed to reduce the likelihood of these large birds colliding with the transmission lines.

The edge of a known migratory bird concentration site is located in the project area. Sites are used by many different species, both rare and non-rare. During seasonal or diurnal migrations, birds can collide with transmission lines and lines can present barriers to their use of stopover habitat. BFDs are an important tool in preventing bird collisions with transmission lines. DNR highly recommends that ATC work with DNR to determine where BFDs should be placed.

### **Wetlands and Waterways**

Temporary wetland fill for the project is anticipated to be 0.002 acres for the temporary placement of guard structures and 21.477 acres due to the placement of construction matting for vehicle access and staging. The project would require permanent wetland fill of 0.025 acres for the placement of 51 new structures and the removal of existing lattice structures in wetland areas.

Clearing of right-of-way (ROW) would occur in preparation for construction, including removal of shrubs and trees within the ROW. Shrub and wooded wetland are present within the project area, and clearing of these wetlands is proposed. Total wetland conversion impacts for the project are anticipated to be 5.58 acres, 2.39 acres of which is wooded wetland and 3.19 acres of which is shrub wetland.

A total of 32 waterway crossings and 7 waterbodies intersect the transmission line route. None of the waterways are designated as trout streams; however, 28 of the waterways are designated as Areas of Special Natural Resource Interest Special Wetlands Inventory Study Streams by DNR.

For this project, 26 waterway crossings would require the installation of a temporary clear span bridge to accommodate equipment access for vegetation clearing, construction, and site restoration. The remaining 6 waterway crossings would not be traversed with equipment. No permanent structures are proposed in any waterways.

### **Other Environmental Review Areas**

A total of 7.1 acres of forest would be permanently cleared for the project—4.71 acres of upland forest and 2.39 acres of wooded wetland. Both privately-owned and Oconto County-owned forests would be impacted. When on publicly owned land, the upland forests are typically used for recreation and timber sale as part of Oconto County-owned lands. The transmission line is adjacent to Wayside Park and Pioneer Park, which are both owned by Oconto County. Where parks and county forest are temporarily and permanently impacted, ATC would meet with appropriate county officials to coordinate park use during ROW clearing and construction activities, and discuss any issues related to cut timber uses or sales. Timing restrictions for tree clearing and slash management procedures can be implemented by ATC to prevent the spread of oak wilt, emerald ash borer, and gypsy moth in forested areas.

The Mountain Bay State Trail, located in Brown County, crosses perpendicular to the ROW near the Bayport Substation. The trail is owned by DNR, and this portion of the trail is operated and maintained by Brown County. Temporary construction disturbance could impact bicyclists and walkers in summer months and skiers during winter months. In order to maintain safety for trail users, ATC states the trail would be temporarily closed during portions of construction activities. ATC has stated two separate closures would be required for the installation of the new pole structures and for removal of the existing lattice structures, both lasting less than

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one hour each. ATC does not anticipate that any impacts to the trail surface would occur.

Following DNR recommendations would minimize impacts to the trail and its users.

### **Federal, State, and Local Permits**

ATC states that it will obtain all necessary federal, state, and local permits prior to commencing construction of the proposed project.

### **Compliance with the Wisconsin Environmental Policy Act**

Wisconsin Stat. § 1.11 requires all state agencies to consider the environmental impacts of “major actions” that could significantly affect the quality of the human environment. In Wis. Admin. Code ch. PSC 4, the Commission has categorized the types of actions it undertakes for purposes of complying with this law.

The proposed project is a Type II action under Wis. Admin. Code § PSC 4.10(2). An EA was prepared in accordance with the requirements of Wis. Stat. § 1.11 and Wis. Admin. Code § PSC 4.20. The purpose of the EA is to provide a factual investigation of the relevant areas of environmental concern in sufficient depth to permit a reasonably informed preliminary judgment of the environmental consequences of the proposed action. The EA must include a recommendation whether the proposed action is a major action significantly affecting the quality of the human environment for which an EIS is required. The EA contains a comprehensive assessment of the environmental impacts of the project and concludes that the project will likely not have significant effects on the human environment; therefore, an EIS is not required. As such, the Commission concludes that the EA meets the requirements of Wis. Stat. § 1.11, and Wis. Admin. Code ch. PSC 4 and § PSC 4.20.

**Project Cost and Construction Schedule**

The following table provides the total estimated cost to construct the proposed project.

Costs are based on the projected in-service year of 2022.

**Estimated Project Cost**

<b>Transmission Line Construction</b>		
Material	\$7,339,000	
Labor	\$20,995,000	
Other	\$11,971,000	
<b>Subtotal, Transmission</b>		<b>\$40,305,000</b>
<b>Substation Work</b>		
<b>Pulliam Substation</b>		
Material	\$12,000	
Construction Labor	\$120,000	
Other	\$170,000	
<b>Subtotal, Pulliam Substation</b>		<b>\$302,000</b>
<b>Bayport Substation</b>		
Material	\$162,000	
Construction Labor	\$322,000	
Other	\$360,000	
<b>Subtotal, Bayport Substation</b>		<b>\$844,000</b>
<b>Suamico Substation</b>		
Material	\$470,000	
Construction Labor	\$384,000	
Other	\$350,000	
<b>Subtotal, Suamico Substation</b>		<b>\$1,204,000</b>
<b>Sobieski Substation</b>		
Material	\$312,000	
Construction Labor	\$408,000	
Other	\$278,000	
<b>Subtotal, Sobieski Substation</b>		<b>\$998,000</b>
<b>Pioneer Substation</b>		
Material	\$577,000	
Construction Labor	\$796,000	
Other	\$682,000	
<b>Subtotal, Pioneer Substation</b>		<b>\$2,055,000</b>
<b>Other Project Costs</b>		
Pre-Certification	\$1,708,000	
<b>Subtotal, Other Project Costs</b>		<b>\$1,708,000</b>
<b>Total Gross Project Cost</b>		<b>\$47,416,000</b>

ATC anticipates beginning construction in August 2020 and placing the proposed project in-service in June 2022.

### **Certificate**

ATC is granted a Certificate of Authority to rebuild the Bayport-Pioneer 69 kV line as a double-circuit 138 kV transmission line; de-energize the Bayport-Pulliam 69 kV transmission line; convert the Suamico Substation and the relocated Sobieski Substation to operate at 138 kV; and install approximately 21 miles of 48-fiber OPGW along the entire proposed project, as described in the application, at an estimated total cost of \$47,416,000.

### **Order**

1. ATC is granted a Certificate of Authority to rebuild the Bayport-Pioneer 69 kV line as a double-circuit 138 kV transmission line; de-energizing the Bayport-Pulliam 69 kV transmission line; convert the Suamico Substation and the relocated Sobieski Substation to operate at 138 kV; and install approximately 21 miles of 48-fiber OPGW along the entire proposed project, as described in the application.
2. The estimated cost of the proposed project is \$47,416,000.
3. Should the scope or design of the project change significantly, or if it is discovered or identified that the project cost, including *force majeure* costs, may exceed the estimated cost by more than 10 percent, ATC shall notify the Commission within 30 days of the discovery of the change or cost increase.
4. ATC shall provide to the Commission a summary of competitive bids received for work to be performed and equipment to be procured as part of the project.
5. ATC shall obtain all necessary federal, state, and local permits prior to commencement of construction.



6. ATC shall follow through on any other commitments it has made in its application for the Commission's consideration in this docket.

7. ATC shall submit to the Commission the final actual costs, segregated by major accounts, within one year after the in-service date. For those accounts or categories where actual costs deviate significantly from those authorized, ATC shall itemize and explain the reasons for such deviations in the final cost report.

8. Beginning with the quarter ending March 31, 2020, and within 30 days of the end of each quarter thereafter and continuing until the authorized facilities are fully operational, ATC shall submit quarterly progress reports to the Commission that include all of the following:

- a. The date that construction commences.
- b. Major construction and environmental milestones, including permits obtained, by agency, subject, and date.
- c. Summaries of the status of construction, the anticipated in service date, and the overall percent of physical completion.
- d. Actual project costs to-date segregated by line item as reflected in the cost breakdown listed in this Final Decision.
- e. Once each year, a revised total cost estimate for the project.
- f. The date that the facilities are placed in service.

9. If ATC does not begin on-site physical construction of the authorized project within one year of the effective date of this Final Decision, the Certificate authorizing the approved project for which construction has not commenced shall become void unless ATC:

- a. files a written request for an extension of time with the Commission before the effective date on which the Certificate becomes void, and

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b. is granted an extension by the Commission.

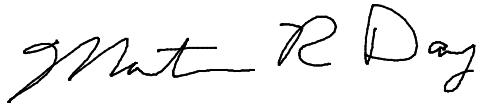
10. If ATC has not begun on-site physical construction of the authorized project and has not filed a written request for an extension before the date that this Certificate becomes void, ATC shall inform the Commission of those facts within 20 days after the date on which the Certificate becomes void.

11. This Final Decision takes effect one day after the date of service.

12. Jurisdiction is retained.

Dated at Madison, Wisconsin, March 19, 2020.

For the Commission:

A handwritten signature in black ink that reads "Martin R. Day". The signature is written in a cursive, flowing style.

Martin R. Day  
Administrator  
Division of Energy Regulation and Analysis

MRD:USS;jlt:DL: 01714461

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN  
4822 Madison Yards Way  
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**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 the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service 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 the date of service 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 the date of service 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 serves its original decision.<sup>1</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: March 27, 2013

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<sup>1</sup> See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

**APPENDIX A**

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

(Not a party but must be served per Wis. Stat. § 227.53)  
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