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Public Service Commission of Wisconsin
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PUBLIC SERVICE COMMISSION OF WISCONSIN

Quadrennial Planning Process II 5-FE-100

FINAL DECISION

This is the Final Decision regarding the Focus on Energy Integrated Anaerobic Digester Program directing the Program Administrator to award, with conditions, $15 million to support the Integrated Anaerobic Digester System proposed by BC Organics LLC.

Introduction

In its Final Decision of September 5, 2014, the Public Service Commission of Wisconsin (Commission) authorized $6.4 million in Focus on Energy (Focus) funds to be directed towards "a dairy digester program" designed to explore the feasibility of installing anaerobic digesters on small- to medium-sized farms. (PSC REF#: 215245.) The Focus Program Administrator, APTIM (previously Chicago Bridge & Iron or CB&I), designed a program to distribute the funds through a competitive Request for Proposals (RFP) process, the same process already used to award Focus funds for projects involving other renewable technologies. An RFP was issued in July 2015. However, the proposal review committee, which included Focus staff as well as representatives of the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), concluded that none of the submitted proposals met the RFP's minimum requirements, and requested further guidance from the Commission on how to proceed. (PSC REF#: 292767 at 36-37.)

In its Interim Order of November 3, 2016, the Commission acknowledged that a program focusing "solely on individual small- to medium-sized farms has not been successful," but added that it continued to find anaerobic digesters "promising," not only for generating energy but to "address other challenges facing the state of Wisconsin such as manure management and water quality." (PSC REF#: 294032 at 10.) The Commission concluded that it was reasonable to establish an interagency working group, led by the Executive Assistant to the Chair of the Commission, to develop another RFP without the "small to medium farm size limit" and focused instead on "the concept of concentrating biogas production by bringing together large and small farms in the same areas to achieve economies of scale in biogas production." (*Id.* at 10-11.) The Commission ordered the interagency working group, along with APTIM, to develop and present within 30 days a program proposal consistent with that approach. (*Id.* at 21.)

The interagency workgroup, consisting of staff from the Commission, DATCP and the Wisconsin Department of Natural Resources (DNR), commissioned two studies to assess the concept of concentrated biogas production. Both studies indicated that an integrated, hub-and-spoke network of existing new digester infrastructure could be effective in addressing renewable energy production, manure management, and water quality, by processing a larger quantity of manure than can be treated through current infrastructure. The studies also noted that some uncertainty remains about economic assumptions for a project of this type due to a lack of existing experience nationwide with digester networks.

In its Final Decision of December 20, 2016, the Commission authorized issuance of a joint RFP drafted by the interagency workgroup, encouraging applicants to propose "hub-and-spoke" digester networks built on partnerships between multiple farms in a geographic

area, and between the farms and relevant firms with knowledge of digester engineering, project development, construction, and operation and maintenance. (PSC REF#: 295733.) APTIM contributed recommendations to ensure the content of the RFP was consistent with Focus program requirements, including a requirement that Focus funding provided under the RFP would only be available for the energy-related components of a proposed project, including interconnection, generators, conditioning, piping and storage, and compression equipment. The Commission accepted APTIM's recommendations, except its recommendation that the RFP cap the total amount of incentives available for a given project, but did find it "reasonable to allow the evaluation panel to give priority to projects that proposed a reasonable incentive structure . . . and those that propose matching contributions from the applicants." (*Id.* at 22.) The Commission's Final Decision authorized a budget of $20 million in Focus funds to be made available for RFP awards. No parties challenged the Commission's decision to allocate funds for the RFP.

The Integrated Anaerobic Digester System Program RFP was issued on January 2, 2017, with proposals due by July 3, 2017. Eligible applicants included collaborative consortiums that included at least one small dairy farm with less than 700 head of cattle, and that installed digesters at facilities served by utilities that participate in Focus. New equipment was deemed eligible for upgrades, as well as upgrades to existing digesters that substantially increase energy capacity above previously installed capacity. Evaluation priority was given to proposals with expedited completion dates.

The RFP reinforced that "a successful proposal will involve the creation of a consortium . . . to build, operate and maintain a system that includes renewable energy production, water treatment, pathogen reductions and transport of manure," in order to explore "innovation in manure management" and "maximize the renewable energy benefits of anaerobic digesters." The evaluation criteria under the RFP were designed to reflect this range of considerations by establishing separate point totals for scoring each applicant's proposed digester arrangement: water treatment system; nutrient management arrangement; and energy production under Focus' cost-effectiveness standard. Additional evaluation categories assigned points based on the likely impact of funding awards on the implementation of the project: the location of the proposal in areas of the state that would benefit from enhanced water treatment and nutrient management; and the demonstrated capability of the vendors providing the technologies used in the proposed system.

To be eligible for a funding award, proposals were required to reach minimum point scores for digester arrangement, water treatment, nutrient management, and project location, as well as an overall minimum score of 235 points out of 350 points available. Most points were assigned based on the submitted written proposal, but 35 of the available points were allocated based on the oral presentations applicants could be invited to give after initial submission to explain their proposals in more detail and respond to questions from the RFP scoring committee.

Three applicants submitted proposals in response to the RFP. An Evaluation Team, consisting of five subject matter experts reviewed the submitted proposals. The Evaluation Team included the following members: one designated staff member each from the Commission, DATCP, and DNR; a Focus staff member from APTIM; and a faculty member

from UW-Madison's School of Engineering with expertise in biodigestion. The Evaluation Team submitted its Evaluation Report and final overall scores for each of the three applications to the Commission. (PSC REF#: 331231.)

The Commission considered this matter at its open meeting of September 15, 2017.

Findings of Fact

1. It is reasonable to direct the Program Administrator to award, with conditions, $15 million to support the Integrated Anaerobic Digester System proposed by BC Organics LLC.

2. It is reasonable for the remaining $5 million allocated for the Integrated Anaerobic Digester System Program to remain with the program at this time.

Conclusions of Law

1. The Commission has jurisdiction under Wis. Stat. §§ 196.02, 196.374 and Wis. Admin. Code ch. PSC 137 to oversee and evaluate the statewide energy efficiency and renewable resource programs, and to set and revise goals, priorities and budgets for Focus.

2. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02, 196.374, and 196.395.

3. The issuance of this Final Decision is a Type III action under Wis. Admin. Code § PSC 4.10(3) and requires neither an environmental impact statement (EIS) nor an environmental assessment (EA).

Opinion

The Commission is statutorily obligated to oversee Wisconsin's statewide energy efficiency and renewable resource programs, commonly known as the Focus on Energy program.

Wisconsin Stat. § 196.374(3)(a). The evaluation of technical and complex program proposals and the budget necessary to achieve the statutory goals of Focus is an area in which the Commission has special expertise. The Commission has overseen Focus since 2007 and has reviewed utility-administered energy efficiency programs for decades prior to the establishment of Focus. During that time, the Commission has continually monitored and adjusted the programs, goals, priorities and measurable targets to ensure Focus is operating in a manner that meets the various and sometimes competing requirements established by the Legislature. The Commission's expertise and discretion in administrating Wis. Stat. § 196.374 to determine what proposed program proposals are appropriate has long been recognized by the Legislature.

The statutorily defined purpose of the Focus program is "to help achieve environmentally sound and adequate energy supplies at reasonable cost." Wis. Stat. § 196.374(2)(a)2. The statutory framework establishing the Focus program requires the Commission to "maximize coordination of program delivery" with other state agencies and contains specific requirements that must be included in the program. Wis. Stat. §§ 196.374(3)(a)-(b) and 196.374(2)(a)2. Among these, Wis. Stat. § 196.374(3)(b)1. requires that the Commission give "priority to programs that moderate the growth in electric and natural gas demand and usage, facilitate markets and assist market providers to achieve higher levels of energy efficiency, promote energy reliability and adequacy, avoid adverse environmental impacts from the use of energy, and promote rural economic development" and Wis. Stat. § 196.374(2)(a)2.b. requires the Commission to "ensure that not less than 10 percent of the moneys" are spent on local units of government and agricultural producers, unless the full amount cannot be spent on cost-effective

programs. The Commission is also required to review and approve contacts with the Program Administrator. Wis. Stat. § 196.374(3)(c)1.

The present decision of whether the Focus on Energy Integrated Anaerobic Digester Program should provide funding in response to submitted proposals, and the amount of that funding, goes to the core reason why the Legislature vested authority to oversee Focus with this Commission: to bring to bear this agency's expertise and knowledge about renewable resource and energy efficiency programs, how they are designed, and the appropriate allocation of funds to the various statutory and policy objectives set forth in Wis. Stat. § 196.374. The law recognizes the great degree of discretion exercised by the Commission in making such decisions and affords deference to such decisions that possess a rational basis. Wis. Stat. §§ 227.57(8) and (10).[1]

In designing, evaluating, and budgeting Focus program offerings, the Commission also exercises a legislative function in setting policies that reflect the changing nature of the utility, renewable and energy efficiency industry, which includes the new technologies associated with anaerobic digester systems and the lessons the Commission has learned from previous proposals to fund digester systems on individual small- to medium-sized farms. The applicants recognized this basic principle when they asked the Commission to consider various public policy objectives in determining the priorities the Integrated Anaerobic Digester Program should strive to achieve with its limited budget.

[1] Commission discretionary decisions that are subject to review are reviewed under an arbitrary and capricious standard. *Wis. Prof'l Police Ass'n v. Pub. Serv. Comm'n of Wis.*, 205 Wis. 2d 60, 74, 555 N.W.2d 179, 186 (Ct. App 1996). "Arbitrary or capricious conduct lacks a rational basis and is the result of an unconsidered, willful, or irrational choice rather than a 'sifting or winnowing' process." *Id.*

Evaluating whether the scope and budget of a proposal is appropriate to balance the various statutory goals of Focus and the priorities of the Integrated Anaerobic Digester Program requires a high degree of discretion and judgment, and reasonable people may reach different conclusions. Discretionary decisions contemplate a process of reasoning based on facts in the record or reasonably inferred from the record, and a conclusion based on a logical rationale founded upon proper legal standards. *Reidinger v. Optometry Examining Bd.*, 81 Wis. 2d 292, 297, 260 N.W.2d 270, 273 (1977). The Commission, as the finder of fact, must sift through all of the information and apply the statutory criteria to reach a decision. To the extent that establishing Focus programs and budgets requires the weighing of evidence, the Commission must use its special experience, technical competence, and specialized knowledge to identify a reasonable result, bearing in mind the various public policies that may be impacted by various decisions. Wis. Stat. §§ 227.57(8) and (10).

Received Applications

In response to the Integrated Anaerobic Digester System Program RFP issued on January 2, 2017, three applicants submitted proposals:

1. Agri-Waste Energy Operations, Inc. (Agri-Waste Energy Operations), applied for a project titled "Western Wisconsin Biogas and Nutrient Recovery (WWBNR) Project." The proposed project would be located in St. Croix County, Wisconsin, and includes 7 participating dairy and poultry operations, with 21,095 animal units. The consortium requested funding of $2,371,115 through the RFP to support a total project cost of $57,506,650.

2. BC Organics, LLC (BC Organics), applied for a project titled "Green Pastures Bio Energy Center." The proposed project would be located in Brown County, Wisconsin, and includes 9 participating dairy operations with 22,882 animal units. The consortium requested funding of $15,000,000 through the RFP to support a total project cost of $60,254,620.

3. US Venture, Inc. (US Venture), applied for a project titled "Gemini Consortium." The proposed project would be located in Kewaunee County, Wisconsin, and includes 11 participating dairy operations, with approximately 30,000 animal units. The consortium requested funding of $27,258,402 through the RFP to support a total project cost of $55,629,392.

Evaluation Process

As previously noted, the Evaluation Team consisted of five members: one designated staff member each from the Commission, DATCP, and DNR; a Focus staff member from APTIM; and a faculty member from UW-Madison's School of Engineering with expertise in biodigestion. The Evaluation Team conducted an initial review of all three applications immediately after the submission deadline on July 3, 2017, and concluded that it would be helpful to request supplemental information from each applicant on a variety of topics, including further details on the design and operating practices of each applicant's digester system and water treatment system; more detailed projections of energy production from digester activities; more detailed descriptions of the marketing plan each system would follow to derive revenue from the energy produced; refined calculations of project cost-effectiveness; and further information on other supplementary information requested in the RFP, such as plans for odor control and community outreach. Each applicant received an identical request for supplemental

information. Supplemental information was submitted by all three applicants by the deadline of July 26, 2017.

The Evaluation Team met on August 3, 2017, to assign preliminary scores. After preliminary scoring, the Evaluation Team extended invitations to BC Organics and US Venture to provide oral presentations. The Evaluation Team did not extend an invitation to Agri-Waste Energy Operations after concluding that the application would be unable to meet the RFP's minimum scoring thresholds regardless of its performance on the presentation. BC Organics and US Venture both provided presentations to the Evaluation Team on August 10, 2017. The Evaluation Team met on August 15, 2017, to determine final scores.

Evaluation Scoring and Award Recommendation

Table 1 shows the Evaluation Team's final overall scores for each of the three applications. The final score represents the average of scores from each of the five Evaluation Team members.

Table 1

Applicant	Final Score
Agri-Waste Energy Operations	130.8
US Venture	213.1
BC Organics	291.6

Based on these final scores, the Evaluation Team recommended awarding BC Organics its requested funding of $15,000,000. Ultimately, neither one of the other two proposals met the minimum required RFP score of 235.

The Evaluation Team noted that BC Organics' score reflects that it provided significantly greater information than the other applicants on numerous aspects of its application, which provided the Evaluation Team with greater confidence that the system would be well designed and positioned for operational success. The Evaluation Team noted, for example, that BC Organics provided significant technical detail on the specifications and operating practices of its digester system, and its presentation satisfactorily addressed a number of questions from Evaluation Team members on how system managers would address potential operational challenges. The Evaluation Team also noted that BC Organics provided significantly more detail than either one of the other applicants on its plans for water treatment and nutrient management. In addition, the Evaluation Team noted that the application and presentation by BC Organics provided thorough financial projections to establish the economic viability of the system as designed and demonstrated the positive financial implications for all of its participating farms.

BC Organics' proposal also met a number of other goals and priorities of the RFP. The vendors involved in each aspect of the integrated system have demonstrated experience and success delivering similar technologies within Wisconsin. The planned location of the system in southeastern Brown County would allow its water treatment system to have positive effects on the Lake Michigan watershed, and serve farms in locations at enhanced risk for groundwater pollution due to soil topography. The project scores favorably on Focus' standard cost-effective metrics at the incentive amount requested. The project is designed to complete construction by

the RFP's preferred date of December 2018.[2] Finally, the location and design of the system would support scaling up operations in the future if they prove successful at the proposed scale.

Commission Decision

The Commission thanks each of the applicants for their interest in the program and the time and energy spent developing the proposed projects and responding to the RFP. The Commission applauds the work of the Evaluation Team. The evaluation process ensured all the applications were thoroughly reviewed, assessed by subject matter experts and rigorously evaluated against the stated criteria. The Commission has independently reviewed all the applications and supporting information and, for the reasons described by the Evaluation Team above, concurs with the Evaluation Team's unanimous assessment that the proposal by BC Organics is the superior project, as it will most effectively meet the various objectives and goals described in the RFP.

Since the Commission initially authorized Focus to use $6.4 million towards a "dairy digester program" in 2014, the Commission, Commission staff and the Program Administrator have gained considerable experience and understanding of the elements and economies of scale needed to ensure the success of an economical biodigester project. The BC Organics project will meet the objectives and goals in the RFP by integrating a hub-and-spoke digester network built on partnerships between multiple farms in a geographic area, and between the farms and relevant firms with knowledge of digester engineering, project development, construction, and operation and maintenance. The BC Organics project includes 9 dairy operations with a total of

[2] BC Organics noted during its presentation that while construction would be complete and gas production would start by the end of 2018, it plans to undertake a gradual process to ramp up production over time and would project to reach peak system production in 2022.

22,882 cows, and the project can expand to take on more farms in the future. The central digester location would be sited at a landfill in Brown County, Wisconsin. The anaerobic digesters will produce renewable natural gas from manure and food waste from the landfill, and renewable gas will eventually be recoverable from the landfill as well. This gas will be injected into the interstate natural gas pipeline system.

BC Organics' application contained detailed information about the agricultural, technical, energy, and financial partners affiliated with the project. The technical partners all have the experience in the field necessary to ensure the success of the project. The application also included calculations regarding the economic feasibility of the project under multiple scenarios. In addition to producing renewable gas, the advanced nutrient separation technologies to be used at the BC Organics project will not only treat the wastewater, it will produce additional revenue streams through the production of by-products like cow bedding, liquid fertilizer, or dry solids that can be used as fertilizer or as feedstock in electric generators. Shipping the manure from farms to the BC Organics' digesters represents a safe and cost-effective solution that is expected to save the participating farms $3 million annually in manure hauling costs.

The other applications, in contrast, lacked the detail and feasibility of the BC Organics project. The US Venture project, rated second by the Evaluation Team, did not surpass the minimum score identified in the RFP and requested more funding than was available to the Integrated Anaerobic Digester System Program. Unlike the BC Organics project, the US Venture project requested that Focus funding be provided prior to the completion of construction, which would be a deviation from the standard Focus procedure which has served the program well. The US Venture application also included a number of preconditions for the

commitment of consortium capital. The Agri-Waste Energy Operations project was rated third by the Evaluation Team, receiving less than half the points awarded to BC Organics.

Accordingly, the Commission finds it reasonable to direct the Program Administrator to award, with the conditions listed below, $15 million to support the Integrated Anaerobic Digester System proposed by BC Organics.

Conditional Approval

The funding of the Integrated Anaerobic Digester System proposed by BC Organics represents a substantial investment to the Focus program. Given the size of this project and the experience of the Commission, Commission staff and the Program Administrator in this area, the Commission finds it is reasonable to condition this Final Decision with terms necessary to ensure the project is successful. Therefore, the Commission finds it reasonable to direct the Program Administrator to make the award on the following conditions:

a. Grant Agreement: The terms and conditions of the standard Incentive Agreement between the Program Administrator and the applicant shall be modified to ensure the project objectives identified in the RFP and application will be met, and be subject to review and approval by Commission staff.

b. Project Revisions: The applicant shall notify the Commission if the scope, design, or location 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.

c. Use of Funds: The applicant shall use the grant funds disbursed by the Program Administrator only for the purposes specifically identified in the application.

d. Project Status: If the applicant cancels the project or enters into any arrangement with another party regarding ownership or operation of the proposed facilities, the applicant shall provide prior notice to the Program Administrator and the Commission.

e. Binding Terms: All of the applicant's commitments and all conditions shall apply to the applicant and to its successors, assigns, agents, and contractors.

f. Permits/Approvals: The applicant shall obtain all necessary federal, state, and local permits prior to the award being disbursed by the Program Administrator.

g. Progress Reports: The applicant shall file quarterly reports with the Commission starting three months after acceptance of the award and continuing for a period of three years after completion of the project. The quarterly reports shall include: the status of the project; total project costs; biogas production; total gallons of raw materials (by type) processed; pounds of phosphorus removed; jobs created; and any other information required by Commission staff or the Program Administrator.

h. Notice of Acceptance: The applicant shall inform the Commission and Program Administrator within 14 calendar days of the service date of this Final Decision that it will accept the award, including the requirements and other conditions set forth in this Final Decision, and that other required sources of project funding have been committed and any contingencies related thereto have been satisfied. If the applicant does not accept the award within the 14 calendar days, the award shall be deemed rescinded.

These conditions are necessary to ensure the Incentive Agreement contains all necessary terms, the funds are used only for their intended purpose, the Commission is informed of the progress of the project and any cost overruns, the conditions remain applicable if the ownership

changes, all necessary permits are obtained, and the award is accepted with funding contingencies satisfied within a reasonable period of time.

Allocation of Remainder

In its Final Decision of December 20, 2016, the Commission authorized a budget of $20 million in Focus funds to be made available for RFP awards under the Integrated Anaerobic Digester System Program. (PSC REF#: 295733.) The award of $15 million to BC Organics leaves an additional $5 million in funds remaining from the original allocation. The Commission evaluated several alternatives for allocating these remaining funds, including allocating them to existing Focus programs, and finds it reasonable for these remainder funds to remain with the Integrated Anaerobic Digester System Program at this time.

Environmental Review

The issuance of this Final Decision a Type III action under Wis. Admin. Code § PSC 4.10(3) and requires neither an EIS nor an EA.

Order

1. The Program Administrator shall award, with conditions, $15 million to support the Integrated Anaerobic Digester System proposed by BC Organics LLC. The Program Administrator shall make the following conditions applicable to this award:

   a. Grant Agreement: The terms and conditions of the standard Incentive Agreement between the Program Administrator and the applicant shall be modified to ensure the project objectives identified in the RFP and application will be met, and be subject to review and approval by Commission staff.

b. Project Revisions: The applicant shall notify the Commission if the scope, design, or location 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.

c. Use of Funds: The applicant shall use the grant funds disbursed by the Program Administrator only for the purposes specifically identified in the application.

d. Project Status: If the applicant cancels the project or enters into any arrangement with another party regarding ownership or operation of the proposed facilities, the applicant shall provide prior notice to the Program Administrator and the Commission.

e. Binding Terms: All of the applicant's commitments and all conditions shall apply to the applicant and to its successors, assigns, agents, and contractors.

f. Permits/Approvals: The applicant shall obtain all necessary federal, state, and local permits prior to the award being disbursed by the Program Administrator.

g. Progress Reports: The applicant shall file quarterly reports with the Commission starting three months after acceptance of the award and continuing for a period of three years after completion of the project. The quarterly reports shall include: the status of the project; total project costs; biogas production; total gallons of raw materials (by type) processed; pounds of phosphorus removed; jobs created; and any other information required by Commission staff or the Program Administrator.

h. Notice of Acceptance: The applicant shall inform the Commission and Program Administrator within 14 calendar days of the service date of this Final Decision

that it will accept the award, including the requirements and other conditions set forth in this Final Decision, and that other required sources of project funding have been committed and any contingencies related thereto have been satisfied. If the applicant does not accept the award within the 14 calendar days, the award shall be deemed rescinded.

2. The remaining $5 million allocated for the Integrated Anaerobic Digester System Program shall remain with the program at this time.

3. Jurisdiction is retained.

Dated at Madison, Wisconsin, this 27th day of September, 2017.

By the Commission:

Sandra J. Paske
Secretary to the Commission

SJP: DL:01570456

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney 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.[3] 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

[3] *See Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.