

FINAL Decision Matrix
 American Transmission Company LLC, ITC Midwest LLC, and Dairyland Power Cooperative
 Docket 5-CE-146
 July 31, 2019

Public Service Commission of Wisconsin
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Issue 1: Will the proposed project, if constructed, satisfy the reasonable needs of the public for an adequate supply of electric energy as required for Commission approval under Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5.?		
<p>Issue Scope: American Transmission Company LLC (ATC), ITC Midwest LLC (ITC), and Dairyland Power Cooperative (DPC) (together, applicants) propose to construct a 345 kilovolt (kV) transmission line from the existing Cardinal Substation in the Dane County, Wisconsin to the existing Hickory Creek Substation in Dubuque County, Iowa. The proposed project also includes construction of a new Hill Valley Substation, in Iowa County, Wisconsin. The applicants and supporting intervenors contend that the proposed project is needed to provide reliability, economic, and public policy benefits, and that these benefits are in excess of the cost of the proposed project. Opposing intervenors contend that the cost of the proposed project outweighs any benefits and, thus, the project should not be approved. The Commission may reject the proposed project if it finds that it would substantially impair the efficiency of utility service, would provide facilities unreasonably in excess of probable future requirements, or would add to the cost of service without proportionately increasing the value or available quantity of service, pursuant to Wis. Stat. §§ 196.491(3)(d)2. and 5., and 196.49(3)(b)1.-3., considering:</p> <ul style="list-style-type: none"> • Load growth forecasts. • The MISO Multi-Value Project (MVP) criteria which consider reliability, economics, and public policy (supporting documented energy policy mandates or laws enacted or adopted through state or federal legislation or regulatory requirements). • Wisconsin-specific costs and benefits considering issues such as: MISO MVP cost-sharing; appropriate discount rate for purposes of determining net-present value of costs and benefits; the methodology used to assess the economic impact of the project; future generation changes; the reasonable values of economic benefits derived from applicants, parties, and staff economic analyses; and, alternatives evaluated by parties and staff. • Total project costs and benefits. 		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: Alternative One. The project is expected to generate \$23M to \$350M (present value) in net economic benefits to Wisconsin over its 40-year life, improve transmission system reliability and flexibility, avoid the need to construct low-voltage system upgrades, increase transfer capability between Iowa and Wisconsin, and reduce emissions by supporting the interconnection of at least 8.4 GW of new generation (approximately 7.2 GW of which is wind) located both in Wisconsin and west of the state.</p>		<p>Ex.-Applicants-Application-r3-Sec. 2, Table 2.1-1; Ex.-Applicants-Application-r3-Appx. D: 43-48, 65-74, 76-88; Ex.-Applicants-Application-r3-Appx. D-4; Direct-Applicants-Dagenais-7 to 13, 15-20, 31-50; Rebuttal-Applicants-Dagenais-r-3 to 6, 12-13, 66 to 73, 77-89; Ex.-Applicants-Dagenais-6;</p>

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		Ex.-Applicants-Dagenais-10; Rebuttal-Applicants-Pfeifenberger-r-5 to 12, 24-27, 37-42; Surrebuttal-Applicants-Pfeifenberger; Rebuttal-Applicants-Smith-10, Fig. 1, 18-26; Direct-MISO-Ellis-7 to 9, 25-50; Rebuttal-MISO-Ellis-17 to 23; Ex.-MISO-Ellis-1:15-19; Ex.-MISO-Ellis-3; Direct-CEOs-Craven-r-3 to 8; Rebuttal-CEOs-Craven-3 to 5; Direct-CEOs-Goggin-r-2 to 9, 11-22; Rebuttal-CEOs-Goggin-8, 17
<p>CUB: Supports Alternative Two. The proposed project is not needed for reliability purposes, and its claimed economic benefits related to reliability are significantly overstated. Economic benefits are likely much lower than applicants have estimated, such that the project’s cost would be more than its benefits to Wisconsin in most futures. Applicants have not proven their claim that the project would produce public policy benefits from wind enablement; instead, record evidence shows minimal wind-related benefits.</p>		CUB In. Br. 9-11, 17-24, 28-29; CUB Reply Br. 2-3, 9-11; Direct-CUB-Neal-r2-8-9, 20-21, 35-36; 8-12.
<p>CEO: Yes.</p> <ul style="list-style-type: none"> • Project will provide reliability, economic, and public policy benefits to Wisconsin and the region greater than its costs. • MISO designed the MVP Portfolio to address future generation growth because this growth will create reliability issues and will require additional power transfer capability. Generation built since 2011 already exceeds the generation capacity the CHC line was developed to address. • The PR or AAT futures in Applicants’ benefit-cost analysis are most likely to occur, and Applicants’ analysis shows the project provides the most benefit in those futures. 		Direct-CEO-Craven-r-3-6; Rebuttal CEO-Craven-3; Surrebuttal-CEO-Craven-r-2, 6-8; Direct-CEO-Goggin-r-2-19; Ex.-CEO-Goggin-2, 3, 4, 5, 6, 7; Rebuttal-CEO-Goggin-c-2-12, 14-17, 17-26; Surrebuttal-CEOs-Goggin-6-11; Tr. 1130-1131; Rebuttal-CEO-Lydum-3-5

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<p>Dane County: Based upon Commission staff analysis, applicants have not met their burden to show the economic justification for the project.</p>		<p>Surrebuttal-PSC-Bacalao-3-5; Direct-PSC-Vedvik-17, 37; Surrebuttal-PSC-Vedvik -37; Direct-PSC-Grant 40p; Ex.-PSC-Vedvik-7p; Tr. 1481:12 to 21; Tr. at 1543-1548</p>
<p>DALC/WWF: No. As Commission staff and others determined through extensive remodeling and analysis, the proposed project is not needed to maintain reliability, fulfill the goals of the MVP portfolio, or provide economic benefits. Alternative transmission solutions could be built for less money with significantly less impact on the landscape and could be cost-shared across the MISO North footprint.</p>		<p>Direct-DALC/WWF-Konidena-pr-14; Direct-DALC/WWF-Konidena-cr-7-12; Rebuttal-DALC/WWF-Konidena-3-4; Surrebuttal-DALC/WWF-Konidena-3-7, 9-10; Surrebuttal-DALC/WWF-Konidena-s-1-2; Direct-DALC/WWF-Desu-c-23-45; Surrebuttal-DALC/WWF-Desu-5-12, 16-17; Direct-DALC/WWF-Cusick-r-6-12, 17-22, 24-34; Surrebuttal-DALC/WWF-Cusick-r-3-15; Direct-DALC/WWF-Wellinghoff-r-8-16, 25; Surrebuttal-DALC/WWF-Wellinghoff-r-6-16; Direct-CUB-Neal-r2-7-30; Rebuttal-CUB-Neal-r-4-9; Surrebuttal-CUB-Neal-r-5-8, 17-18; Direct-PSC-Vedvik-5-38; Surrebuttal-PSC-Vedvik-2-20; Ex.-PSC-Vedvik-1-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1473; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-</p>

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		3; Surrebuttal-PSC-Bacalao-2-9; Sur-sur-surrebuttal-PSC-Bacalao, Tr. 1959-1967; Tr. 1877-1878, 1886-1890; DALC/WWF Initial Br. at 5-19; DALC/WWF Reply Br. at 4-11
<p>Jewell Jinkins Intervenors: Load forecast flat or decreasing. Congestion now doubtful. Not needed for reliability. Costs greater than benefits. “Avoided reliability benefits” illusory. Consider MVP cost sharing regulatory impacts. Project may be a net economic loss, and benefit if not built. Impact of transmission incentives not appropriately measured by applicants, Schedule 26A not verified. Statutory focus is need of public, but costs and benefits are owner and “customer” perspective, ratepayer perspective not analyzed. Calculations have material serious shortcomings.</p>		Direct-PSC-Vedvik-r-9. Direct-PSC-Vedvik 13-19,22; Surrebuttal-PSC-Neal-2. Vedvik-14; Direct-DALC/WWF-Konidena-pr-5-6. Direce-PSC-Vedvik-31, 36, 38; Ex.-PSC-Vedvik-1; Direct-PSC-Rohankar-13; Ex.-PSC-Rohankar-1; Ex.-PSC-Rohankar- 2 p 22-23.. Direct-PSC-Vedvik-16-19; Ex.-PSC-Vedvik-3. Ex.-Applicants-Dagenais-1, p. 86; Initial Br.-JJI-4-5; Ex.-Applicants-Degenhardt-1; Ex.-PSC-Staff Data Request Response: Response 01.169; Direct-PSC-Vedvik-38. Application-p. 30-58, Direct-Applicant-Dagenais-3-4, Ex.-PSC-Staff Data Request Response: Response 01.169. Dagenais, Tr. 497, 1983. Surrebuttal-PSC-Bacalao-4-9, Bacalao-Tr.-1963-1967, 1974, 1982.
<p>MISO: Reduced production costs from added renewable generation provide benefits that increase the higher the penetration of renewables. Consistent and balanced modeling is necessary to measure these benefits. Low-cost renewable production that is (or will be) subject to operating limits will be released by completion. New generation will be delivered from the west, mainly renewables; coal retirements/carbon</p>		Direct-MISO-Ellis-15 through 22, 33-46,50, Ex.-MISO-Ellis-1, Sections 7 and 9; Rebuttal-MISO-Ellis-r2-4 through 5, 12, 18-21, 23; Surrebuttal-MISO-Ellis-3 through 5,7-8, 10-11

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<p>reductions are facilitated, providing qualitative benefits. The project will provide reliability benefits that will obviate other transmission projects.</p>		
<p>Village of Montfort: The costs of the proposed project outweigh any alleged benefits. The village of Montfort would bear a significant cost in loss of property tax revenue due to decreased property values in the village of Montfort if the project is approved.</p>		<p>VOM-Kielisch-2; Tr. 1779-2048 at pg. 1893:10-1894:21; Tr. 1779-2048 at pg. 1896:16-1899:10</p>
<p>RENEW: RENEW supports Alternative 1. Cardinal-Hickory Creek will ensure full deliverability of near-term sources of renewable generation located on both sides of the Mississippi River. Both in-state and regional renewable generation sources will lower energy costs.</p>		<p>Surrebuttal-RENEW-Vickerman, 2-3, 4-6; Direct-CEOs-Goggin, 5-8; Rebuttal-CEOs-Goggin-14-15; Surrebuttal-CEOs-Goggin-6-7; Rebuttal-CEOs-Lydem-5</p>
<p>SOUL: (1) All estimated Energy Cost Savings (ECS) are either non-existent (2) or insignificant (3) All too risky. Cost > benefit is inefficiency. All potential, remote renewable “benefit” captured in ECS (4) In all three CO2 estimates, CHC produces no net reduction (5) 6.4% favors applicants; (6) APC=ECS (7) CBM too FTR weighted/risky (8). WI/MISO future = DG w/utilities building RE, in-state (9) ATC modeling overly utility-opportunistic (10) staff’s analysis more balanced, faithful to future circumstance .</p>		<p>1. Direct-Applicants-Dagenais-52-53; SOUL Reply Br- 7-8 ; 2. Direct-PSC-Vedvik-28-38; Surrebuttal-PSC-Vedvik-5-6; Surrebuttal-PSC-Vedvik-17-19; Ex.-PSC-Vedvik-1-7; Direct-PSC-Grant-p 10-38; Surrebuttal-PSC-Grant-pr-2-9 3. Direct-SOUL-Powers-r2- 19-20; 4. Direct-PSC-Grant-25-26,37-p 5. Summary of all three with citations: SOUL Reply Br- 9-11 6. Surrebuttal-PSC-Bacalao 4-6; Surrebuttal-PSC-Vedvik-3-4 7. Direct-PSC-Vedvik-7,8; Direct-PSC-Grant-21,22-p 8. Direct-PSC-Grant-25,37-p 9. Primary argument of Witness M. Neal; Amicus Br. on Behalf of the Attorneys General from Illinois and Michigan PSC REF# 372726</p>

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		10. Surrebuttal-PSC-Bacalao 4-6; Surrebuttal-PSC-Vedvik-3-4
<p>Beheler: No, the proposed project will not satisfy the reasonable needs of the public for an adequate supply of electric energy, and does not comply with one or more of the criteria listed in Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5. Based upon Commission staff analysis, applicants have not met their burden to show the economic justification for the project.</p>		Surrebuttal-PSC-Bacalao-3-5; Direct-PSC-Vedvik-17, 37; Surrebuttal-PSC-Vedvik -37; Direct-PSC-Grant 40p; Ex.-PSC-Vedvik-7p; Tr. 1481:12 to 21; Tr. at 1543-1548
<p>Linda Grice: Linda Grice opposes the project because it would provide facilities in excess of probable future requirements and would add to the cost of service without proportionately increasing the value or available quality of service.</p>		Direct-PSC-Vedvik-5-38; Surrebuttal-PSC-Vedvik-2-20; Ex.-PSC-Vedvik-1-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1473; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Surrebuttal-PSC-Bacalao-2-9; Sur-sur-surrebuttal-PSC-Bacalao, Tr. 1959-1967 Tr. 2049-2563; Public Comments offered by U.S. mail, PSC REF#: 372052; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing

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		Sessions from non-speakers-Part 4; various other web comments.
<p>Klopp: No, It doesn't. Wisconsin's energy demand has been flat and is expected to remain so,(1) so the "reasonable needs" of the public: A. Do not include bringing more electricity into the state, especially energy that is not need here.(2) B. The matter of adequate supply relate more to which method of supply meets their needs better. C. Can be provided by alternatives better suited to reducing CO2 and avoiding negative impacts. D. It exceeds future requirements.(4)</p>		1 Direct-SOUL-Powers-7-8 2 Reply Br.-Klopp-7-8 3 Reply Br.-Klopp-10 4 Reply Br.-Klopp-14 Direct-PSC-Grant-p-13-40, Direct-PSC-Vedvik-7-39, Direct-PSC-Rohankar-6-14, Surrebuttal-PSC-Bacalao; Surrebuttal-CUB-Neal-r-2-3,6-7,9-10 Surrebuttal-DALC/WWF-Desu-3-7,17; Surrebuttal-JK-Kurth-2,6 1 Direct-SOUL-Powers-7-8 2 Reply Br.-Klopp-7-8 3 Reply Br.-Klopp-10 4 Reply Br.-Klopp-14 Direct-PSC-Grant-p-13-40, Direct-PSC-Vedvik-7-39, Direct-PSC-Rohankar-6-14, Surrebuttal-PSC-Bacalao; Surrebuttal-CUB-Neal-r-2,3,6-7,9-10; Surrebuttal-DALC/WWFDesu-3-7,17; Surrebuttal-JK-Kurth-2,6; Surrebuttal-DALC/WWF-Desu-13
<p>Joel C. Kurth: No. Project would provide facilities unreasonably in excess of probable future requirements and would add to the cost of service without proportionately increasing the value of service. Benefits mostly in low probability high load growth AAT future, discount rate used to calculate benefits is faulty, BWARA better risk-return tradeoff than project.</p>		Direct-PSC-Vedvik, pp. 33-38; Ex.-PSC-Vedvik-1; Ex.-PSC-Grant-4; Surrebuttal-PSC Vedvik, p. 10; Ex. PSC-Vedvik-2. See generally Surrebuttal-JK-Kurth and Surrebuttal-PSC-Bacalao

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<p>Joe Schwarzmann: Joe Schwarzmann opposed the project because it would cause excessive unmitigated damage to the environment, provide power far in excess of needs and not add to the true reliability of the system.</p>		<p>Tr. 2049-2563; Public Comments offered by U.S. mail, PSC REF#: 372052; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 4; various other web comments. Direct-PSC-Vedvik-5-38; Surrebuttal-PSC-Vedvik-2-20; Ex.-PSC-Vedvik-1-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1473; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8, Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3, Surrebuttal-PSC-Bacalao-2-9; Sur-sur-surrebuttal-PSC-Bacalao, Tr. 1959-1967</p>
<p>Members of the Public: The majority of public comments opposed the proposed project considering cost, impact, and lack of need. Members of the public requested in-depth analyses considering non-transmission alternatives, energy efficiency and load reduction, battery storage, distributed renewable generation, and the results of Commission’s staff’s base with asset renewal alternative. Public commenters also requested the</p>		<p>Tr. 2049-2563; Public Comments offered by U.S. mail, PSC REF#: 372052; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public</p>

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<p>economic analysis account for other associated impacts of the proposed project such as, but not limited to: land use, property values, aesthetics, and tourism.</p>		<p>Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 4; various other web comments.</p>
<p>Commission Staff: Commission staff evaluated the reliability, economic, and public policy impacts of the proposed project. Commission staff performed analysis using PowerWorld, PROMOD, and various financial spreadsheet models. Commission staff considered the MVP criteria and additional generation changes and assessed the comparative reliability benefits to the proposed project of a less costly base with asset renewal alternative. Commission staff evaluated the appropriate discount rate to determine the net present value of costs/benefits of the proposed project.</p>		<p>Direct-PSC-Vedvik-5-38; Surrebuttal-PSC-Vedvik-2-20; Ex.-PSC-Vedvik-1-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1473; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Surrebuttal-PSC-Bacalao-2-9; Sur-sur-surrebuttal-PSC-Bacalao, Tr. 1959-1967</p>
COMMISSION ALTERNATIVES		
<p>Alternative One: Yes, the proposed project will satisfy the reasonable needs of the public for an adequate supply of electric energy, and complies with the criteria listed in Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5.</p>		
<p>Alternative Two: No, the proposed project will not satisfy the reasonable needs of the public for an adequate supply of electric energy, and does not comply with one or more of the criteria listed in Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5.</p>		
<p>Commissioner Notes:</p>		

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Issue 2: Will the proposed project, if constructed, provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and are the benefits of the project reasonable in relation to the cost of the proposed project as provided in Wis. Stat. § 196.49(3)(d)3t.?		
Issue Scope: The proposed project is a high-voltage transmission line designed for operation at a nominal voltage of 345 kilovolts (kV). The applicants contend the proposed project provides increased regional reliability benefits and these benefits, considering the cost of the line, are reasonable in relation to the cost savings that would be recognized by the project. Intervenors contend that the cost of the proposed project outweighs any benefits considering alternatives, and that in particular non-transmission alternatives such as battery storage or distributed generation could provide similar benefits at a lower cost.		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. The project will provide reliability benefits to Wisconsin and the region, including preventing voltage collapse as additional generators interconnect to the transmission system and enabling increased output from renewable generators whose output is or will be conditioned on project construction. The project is also expected to provide \$90M to \$408M in gross economic benefits over its 40-year life to Wisconsin customers who will pay only \$67M to \$72M of the Project's total cost.		Ex.-Applicants-Application-r3-Sec. 2.0; Ex.-Applicants-Application-r3-Appx. D: Sec. 7.1-7.3; Ex.-Applicants-Application-r3-Appx. D-4); Direct-Applicants-Dagenais-10, 16 to 20, 37 to 43; Rebuttal-Applicants-Dagenais-r-28 to 29, 58-61, 79-80; Direct-MISO-Ellis-31 to 32, 48; Rebuttal-MISO-Ellis-r2-11; Direct-CEOs-Goggin-4 to 20; Rebuttal-CEOs-Goggin-4 to 17; Direct-CEOs-Craven-r-3 to 7; Rebuttal-CEOs-Craven-4 to 5
CUB: Supports Alternative Two. The proposed project's ability to relieve system congestion is speculative, and the project may not be the most cost-effective way to relieve congestion in the PROMOD modeling. In some futures, the project increases modeled congestion in the ATC zone. Less expensive alternatives could provide similar reliability benefits as the project. Given speculative reliability and economic benefits, the project may not generate savings that outweigh its cost to Wisconsin.		CUB In. Br. 3-4, 15-19, 22-25, 28-29; CUB Reply Br. 4-7; Direct-CUB-Neal-r2-16-18, 29-30, 35-36; Surrebuttal-CUB-Neal-r-2-8, 17-18.

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<p>CEO: Yes.</p> <ul style="list-style-type: none"> • MISO designed the MVP Portfolio to reliably and cost-effectively deliver wind generation to electric consumers in MISO. The additional transfer capability the CHC Line provides will increase access to least-cost wind resources in the region. Low-cost generation will reduce wholesale market prices for Wisconsin consumers. • The CHC line reduces the potential for curtailment of wind generators. The more hours a wind generator can produce energy because it is not curtailed, the more hours of the year wholesale market prices will be kept low. 		Direct-CEO-Craven-r-3-4,6-7; Rebuttal CEO-Craven-3-5; Surrebuttal-CEO-Craven-r-2,5-8 Direct-CEO-Goggin-r-2-9,12-14,15-19, 20-22; Ex.-CEO-Goggin-2,3,4,5,6,7; Rebuttal-CEO-Goggin-c-2-12; Surrebuttal-CEO-Goggin-2-11; Tr. 1128-1131, 1134-1136
<p>Dane County: Based upon Commission staff analysis, the proposed benefits of the project are not reasonable in relation to the cost of the proposed project.</p>		Surrebuttal-PSC-Bacalao-3-5; Direct-PSC-Vedvik-17, 37; Surrebuttal-PSC-Vedvik -37; Direct-PSC-Grant 40p; Ex.-PSC-Vedvik-7p; Tr. 1481:12 to 21; Tr. at 1543-1548
<p>DALC/WWF: No. As Commission staff found and various intervenors confirmed, the proposed project does not provide reliability benefits at lower cost than already planned upgrades and asset renewals. Most of the reliability benefits and congestion relief alleged by applicants could be realized at lower cost/environmental impact through a combination of already planned upgrades/renewals and alternative transmission solutions such as battery storage.</p>		Direct-DALC/WWF-Konidena-pr-13-23; Rebuttal-DALC/WWF-Konidena-3-4, 6-10; Surrebuttal-DALC/WWF-Konidena-3-7, 9-10; Surrebuttal-DALC/WWF-Konidena-s-1-2; Direct-DALC/WWF-Desu-c-36-38; Direct-DALC/WWF-Cusick-r-11-21, 25-35; Surrebuttal-DALC/WWF-Cusick-r-3-9; Direct-DALC/WWF-Wellinghoff-r-9, 18-19, 25; Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-

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		Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Tr. 1877-1878, 1886-1890 DALC/WWF Initial Br. at 5-19; DALC/WWF Reply Br. at 4-11
Jewell Jinkins Intervenors: Project doesn't provide benefits that outweigh costs, direct and indirect. Wisconsin benefits \$23-350 million, likely range \$95-156 million over 40 years, only \$2.375-3.9 million annually. MVP operating reserves and Planning Reserve Margin "benefits" are zero, only substantive benefit is Congestion and Fuel savings, \$0.5-1.775 annually, a benefit to producer, not Wisconsin. PROMOD shows zero or negative benefits for PR future. Benefits could increase if not built. Consider direct and indirect costs to Wisconsin.		Direct-Applicants-Dagenais-10; PVRr Table 3-12, FEIS, p. 102. Direct-PSC-Vedvik-5-38; Ex.-MISO-Ellis- 3, p. 4, 23; Direct-PSC-Vedvik-37. Direct-DALC/WWF-Konidena-pr-14-15; Direct-PSC-Vedvik-38 Vedvik, Tr. at 1469.
MISO: The project develops the transmission grid, improving the efficiency of both the transmission system and the provision of generation supply.		Direct-MISO-Ellis-20, 36, 38-46, 40
Village of Montfort: See response to Issue 1.		
SOUL: Benefits < Cost. Usage and service = Energy Cost S Losses (1) or insignificant (2) gain. List of "regional reliability" projects for CHC or MVP portfolio provided for only 2011 and 2021 (3) BWARA = Project reliability for 1/74th cost (4) BWARA + NTA's benefits not evaluated (5) ATC never proved Powers' pennies per mo. Estimate askew or "false," (6) never denied using similar volumetric distribution in 2009 (7) calls monthly bill impact requests "unnecessary." (8)		1. Direct-PSC-Vedvik-28-38; Surrebuttal-PSC-Vedvik-5-6; Surrebuttal-PSC-Vedvik-17-19; Ex.-PSC-Vedvik-1-7; Direct-PSC-Grant-p 10-38; Surrebuttal-PSC-Grant-pr-2-9; 2. Direct-SOUL-Powers-r2- 19-20; 3. Direct-MISO-Ellis-9-10; 4. \$897,474 / \$67M Surrebuttal-PSCVedvik-9 5. Grant Tr. p.1940 (Tr. 1779-2048, Day 5) 6. Applicants Reply Br.2; 7. Initial Br.-SOUL-13-15

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		8. Degenhardt Tr. 632 (Tr. 374-706, Day 1); Applicants Reply Br.2;
Beheler: No, the proposed project will not provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and/or the benefits of the project are not reasonable in relation to the cost of the proposed project. Based upon Commission staff analysis, the proposed benefits of the project are not reasonable in relation to the cost of the proposed project.		Direct-PSC-Vedvik-17, 37; Surrebuttal-PSC-Vedvik -37; Direct-PSC-Grant 40p; Ex.-PSC-Vedvik-7p; Tr. 1481:12 to 21; Tr. at 1543-1548
Dubis Family: No. As landowners directly impacted by the project, we have already incurred losses and costs; while our future costs could be exponentially greater, including potentially severe property value loss and potential EMF health risks to our children if project is approved over our property. (<i>See</i> Issue 13b). The current system appears reliable. Staff's base with renewal alternative would meet the needs of the public and cost substantially less.		Direct-MMD-Dubis-pp. 33-37, Ex.-MMD-Dubis-#18, Direct-MMD-Dubis-pp. 17-33, Ex.-MMD-Dubis-#7's through #17, Ex.-MMD-Dubis-#23, Direct-MMD-Dubis
Linda Grice: The cost of the proposed project outweighs any benefits considering alternatives, and that in particular non-transmission alternatives such as battery storage or distributed generation could provide similar benefits at a lower cost.		Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3
Klopp: No, the project doesn't. The cost of the project exceeds the benefits. (The applicants' economic analysis was flawed in many ways.) There are several alternatives that can provide the benefits claimed by the applicants, more cost effectively, without the environmental impacts. The BWARA alternative is the most cost effective and is compatible with NTA's.		Ex.-PSC-Vedvik-1; Ex.-PSC-Vedvik-2, Ex.-PSC-Vedvik-3; Ex.-PSC-Vedvik-4; Ex.-PSC-Grant-4; Direct-PSC-Vedvik-6, 9, 10, 11,14-19, 24, 30-31, 33-37; Direct-PSC-Grant-p-13-16, 21,21,;,28, 37, 38; Surrebuttal-PSC-Vedvik-3-4, 7-8, 10-12; Surrebuttal-JK-Kurth-2-4; Surrebuttal-PSC-Bacalao-6-7; Surrebuttal-DALC/WWF-Desu-6-7,

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		17; Surrebuttal-CUB-Neal-r-2, 18; Initial Br.-Klopp-2-11 Ex.-CKKlopp-9 Ex.-CK-Klopp-10; Initial Br. of Citizens Utility Board-22-24; Surrebuttal-DALC/WWF-Konidena-4-9; Direct-SOUL-Powers-r2-2-3, 11-15, 24-25; Direct-DALC/WWF-Konidena-r-5-13, 15-16. 22
<p>Joel C. Kurth: No. Cost of the proposed project outweighs any benefits considering alternatives such as BWARA.</p>		Direct-PSC-Vedvik, pp. 33-38; Ex.-PSC-Vedvik-1; Ex.-PSC-Grant-4. Surrebuttal-PSC Vedvik, p. 10 and Ex. PSC-Vedvik-2. Direct-PSC-Rohankar, pp. 7-14
<p>Joe Schwarzmann: Joe Schwarzmann states the cost of this project far exceeds any benefits for rate payers. Paying for something that is not needed now or in foreseeable future is pure waste. Wisconsin based local renewables can, are and will continue to add to the grid, obviating need for Big Power, Big Waste, Big Mess.</p>		Direct- PSC-Vedvik-6, 1119, 22-26, 33-38, Surrebuttal -PSC-Vedvik 7-10, 12-18, E.-PSC-Vedvik 1-6 Direct-PSC Rohankar-3-14 Surrebuttal-PSC-Rohankar-1-3; Cusick Tr. 1614-1627, Wellinghof Tr. 1886-1890
<p>Members of the Public: Some public comments were directed at the need for the proposed project for reliability. Many commenters noted the system is currently reliable. The base with asset renewal alternative developed by Commission staff was discussed as an alternative to the proposed project for meeting the needs of the public for adequate electric service. Members of the public also discussed that the costs associated with the proposed project are greater than the capital costs and that other impacts such as, but not limited to: land use; property value; aesthetics; and tourism; have greater costs to the public than the benefits the proposed project would provide.</p>		Tr. 2049-2563; Public Comments offered by U.S. Mail, PSC REF#: 372052 ; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public

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		Hearing Sessions from non-speakers-Part 4; various other web comments.
<p>Commission Staff: Commission staff’s PowerWorld modeling analyzed the reliability benefits of the project and various alternatives. Commission staff evaluated the reliability benefits (with similar benefits as the proposed project) of a base with asset renewal alternative that included rebuilding three transmission system assets nearing the end of their respective useful lives and projected to be constrained.</p>		Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3
COMMISSION ALTERNATIVES		
<p>Alternative One: Yes, the proposed project will provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and the benefits of the project are reasonable in relation to the cost of the proposed project.</p>		
<p>Alternative Two: No, the proposed project will not provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and/or the benefits of the project are not reasonable in relation to the cost of the proposed project.</p>		
<p>Commissioner Notes:</p>		

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Issue 3: Are any Energy Priority Law options cost-effective, technically feasible, and environmentally sound alternatives to building the proposed project, per Wis. Stat. §§ 1.12(4) and 196.025(1)?

- a. Energy conservation and efficiency.
- b. Noncombustible renewable energy resources.
- c. Combustible renewable energy resources.
- cm. Advanced nuclear energy using a reactor design or amended reactor design approved after December 31, 2010, by the U.S. Nuclear Regulatory Commission.
- d. Nonrenewable combustible energy resources, in the order listed:
 - 1. Natural gas.
 - 2. Oil or coal with a sulphur content of less than 1 percent.
 - 3. All other carbon-based fuels.

Issue Scope: The applicants considered several other high-voltage transmission lines as well as lower voltage transmission improvements to analyze whether other alternatives to the proposed project would offset the stated need for the proposed line. Intervenors contend that the proposed line is not needed and that any need issues can be better met with a combination of solar and other distributed generation, increased load management, conservation and energy efficiency, and construction of lower voltage transmission lines that would have less impact than the proposed project. Commission staff developed and evaluated a base with asset renewal alternative to the proposed project that considered the inclusion of certain Commission approved generation projects and provided similar reliability benefits as the proposed project.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: The Energy Priority Law does not apply to this proceeding as that statute does not reference transmission infrastructure and the Applicants cannot implement the alternatives. Even if the Energy Priority Law applies to a transmission project, the applicants’ planning analysis demonstrates that these options are not cost-effective or feasible alternatives since the project generates greater benefits for Wisconsin as more energy efficiency and renewable resources are added to the system.</p>		<p>Ex.-Applicants-Application-r3-Appx. D: 6, 45-48, 69-70, 76-91; Rebuttal-Applicants-Chao-r-5 to 7, 15-16; Sur-Surrebuttal-Applicants-Chao-2 to 6, 9; Rebuttal-Applicants-Dagenais-r-3 to 6, 32, 37-61, 73-74; Dagenais Hearing Tr. 420: 2-427:6; Ex.-Applicants-Dagenais-10: Table 1; Rebuttal-Applicants-Pfeifenberger-r-13-15, 17-37; Rebuttal-CEOs-Goggin-14 to 24; Rebuttal-MISO-Ellis-r2-12 to 13</p>

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<p>CUB: Supports Alternative Two. Energy storage and utility-scale solar could provide similar benefits as the proposed project, including reduced system congestion and increased transfer capability, which could yield energy cost savings. Commission staff's assessed Base with Asset Renewal alternative could also reduce system congestion and help integrate renewable generation in Wisconsin. When paired with planned and approved renewable facilities, this alternative may provide greater reliability benefits than the project.</p>		<p>CUB In. Br. 3-4, 22-29; CUB Reply Br. 11-12; Direct-CUB-Neal-r2-28, 31-32, 35-36; Surrebuttal-CUB-Neal-r-14-15, 17-18.</p>
<p>CEO: No. There are no Energy Priority Law alternatives that are technologically feasible and cost-effective alternatives to the project.</p>		<p>Direct-CEO-Goggin-r-8-9; Ex.-CEO-Goggin-6; Rebuttal-CEO-Goggin-14-26; Surrebuttal-CEO-Goggin-11; Surrebuttal-CEO-Craven-r-4</p>
<p>DALC/WWF: Yes. DALC/WWF witness Jon Wellinghoff explained that a properly designed and analyzed alternative transmission solution combined with Wisconsin renewables is likely to be the most cost-effective alternative to the proposed project. Other witnesses, including Commission staff, found that a combination of planned transmission upgrades and Commission-approved and planned new solar provided similar levels of benefits as the proposed project.</p>		<p>Direct-DALC/WWF-Wellinghoff-r-1-3, 7-11, 14-19, 24-25; Direct-DALC/WWF-Desu-38-46; Direct-DALC/WWF-Cusick-r-11-21, 25-35; Surrebuttal-DALC/WWF-Cusick-r-3-9; Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8; DALC/WWF Initial Br. at 5-19; DALC/WWF Reply Br. at 4-11</p>
<p>Jewell Jinkins Intervenors: Load reduction, local distributed generation, energy efficiency all provide ways to meet needs are reasonable and feasible alternatives. Alternatives must be considered in combination, not</p>		<p>Direct-PSC-grant-16-19; Ex.-PSC-Grant-6; Supplemental Direct-PSC-Grant-sc-1-5; Surrebuttal-PSC-Grant-</p>

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<p>only separately, and may meet “need.” Permitted generation must be included in modeling. These alternatives reduce “need” and in some scenarios, eliminate need. Staff’s base + asset renewal case also reduces and may eliminate need, and that alternative and cost of delay analysis must be further developed.</p>		<p>c-3-7DALC/WWF-Cusick-r-13; Direct-DALC; Direct-DALC/WWF-Wellinghoff-r-18-19. Direct-DALC/WWF-Konidena-r-21-22. Direct-DALC/WWF-Cusick-r-8, 15-16, but c.f. Ex.-Applicants-Dagenais-13. Surrebuttal-PSC-Vedvik-7, 17, Ex.-PSC-Vedvik-7, pp. 4-5. Direct-DALC/WWF-Wellinghoff-r-25.</p>
<p>MISO: The project and the MVP portfolio are designed to recognize the new location of generators in the MISO footprint, which is focused on renewable generation west of major load centers. A feature of planning for an uncertain path towards carbon emission reduction is the recognition of pipelines for possible facilitation of using natural gas as a replacement fuel for coal in the mix of generators.</p>		<p>Direct-MISO-Ellis-18 through 19, 42-46, 49-50; Surrebuttal-MISO-Ellis-5</p>
<p>Village of Montfort: See response to Issue 1.</p>		
<p>SOUL: Technically (1), environmentally (2) and economically (3) the Low Voltage Alternative, BWARA, is superior to the Project (4) 2000 miles or 22% of state’s network lines similarly uprateable over next 20 years (5), nine in SW WI. BWARA accommodates Local DER’s/Grid Modernization allowing end users, businesses and localities fair market access to energy investments (4) the very investments omitted by MTEP17 futures (6) and the true competition for the project and outdated utility expansion (7).</p>		<ol style="list-style-type: none"> 1. LVA vs HVT construction 2. FEIS Sections 2, 4-11, RUS DEIS; Reply Br.-SOUL-6 3. Direct-PSC-Vedvik-28-38; Surrebuttal-PSC-Vedvik-5-6; Surrebuttal-PSC-Vedvik-17-19; Ex.-PSC-Vedvik-1-7; Direct-PSC-Grant-p 10-38; Surrebuttal-PSC-Grant-pr-2-9; Direct-SOUL-Powers-r2- 19-20. 4. Initial Br. SOUL 5-12 ; Reply Br. SOUL 7, 12,14 5. Ex.-PSC-Rohankar-3 at p.20 6. Dagenais Tr. 541 (Tr. 374-706. Day1); Ellis Tr. 774 (Tr. 707-1047 Day 2); Ellis Tr. 764 (Tr. 707-1047

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		Day 2); Dagenais Tr. 542-3 (Tr. 374-706. Day 1) 7. Testimony of Cusick, Desu, Powers and Welinghof;
Dubis Family: Yes. PSC Staff’s Base with Asset Renewal Alternative and optimal non-transmission alternatives are preferable alternatives. For example, like that proposed by SOUL witness Powers.		Direct-SOUL-Powers-r-2
Linda Grice: Any need issues can be better met with a combination of solar and other distributed generation, increased load management, conservation and energy efficiency, and construction of lower voltage transmission lines that would have less impact than the proposed project.		PSC REF#: 372611, request by Representatives Pope, Hesselbine, Considine, and Senator Erpenbach to consider base with asset renewal alternative. Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8
Klopp: No, the project doesn’t. The cost of the project exceeds the benefits. (The applicants’ economic analysis was flawed.) There are several alternatives that can provide the benefits claimed by the applicants, more cost effectively, without the environmental impacts. The BWARA alternative is the most cost effective and is compatible with NTA’s (favored by the public). BWARA addresses line maintenance/upgrades. NTA’s address energy efficiency, load management and distributed renewable generation, all highest on the list.		Ex.-PSC-Vedvik-1; Ex.-PSC-Vedvik-2; Ex.-PSC-Vedvik-3, Ex.-PSC-Vedvik-4; Ex.-PSC-Grant-4; Direct-PSC-Vedvik-6, 9, 10, 11,14-19, 24, 30-31, 33-37; Direct-PSC-Grant-p-13-16, 21,21,28, 37, 38; Surrebuttal-PSC-Vedvik-3-4, 7-8, 10-12; Surrebuttal-JK-Kurth-2-4; Surrebuttal-PSC-Bacalao-6-7; Direct-

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		SOUL-Powers-r2-12-33; Reply Br.-SOUL of Wisconsin-4-7, 9-10, 12-14; Initial- Br.-Klopp-9, 11-17; Reply Br.-Klopp-2-10; Surrebuttal-CUB-Neal-r-2; Surrebuttal-DALC/WWF-Kerinia-2-3, 11-12; Surrebuttal-DALC/WWF-Desu-3, 13-15
Joel C. Kurth: Yes. BWARA + NTAs, Wisconsin based generation.		Direct-PSC-Vedvik, pp. 33-38; Ex.-PSC-Vedvik-1; Ex.-PSC-Grant-4. Surrebuttal-PSC Vedvik, p. 10 and Ex. PSC-Vedvik-2. See generally Direct-SOUL-Powers-r2. Direct-PSC-Rohankar, pp. 7-14
Joe Schwarzmann: Minor upgrades, scheduled rebuilds and introduction and encouragement of local solar provides real solutions to any future minor energy needs.		Direct PSC- Vedvik, 6-38 Surrebuttal-PSC- Vedvik, Ex PSC-Vedvik-7-18, Direct PSC- Grant 3-40, Surrebuttal-PSC-Grant 2-9
Members of the Public: Members of the public suggested several alternatives to the proposed project that are higher on the energy priority law list. Such alternatives include: increased energy conservation and efficiency; demand response; distributed renewable resources.		Tr. 2049-2563; Public Comments offered by U.S. Mail, PSC REF#: 372052 ; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 4; various other web comments

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<p>Commission Staff: Commission staff evaluated the impact of Commission-approved new noncombustible renewable energy resources and load reduction on the economics and reliability benefits associated with the proposed project.</p>		<p>Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8</p>
<p>COMMISSION ALTERNATIVES</p>		
<p>Alternative One: No Energy Priority Law alternatives exist that are cost-effective, technically feasible, and environmentally sound alternatives to the proposed project.</p>		
<p>Alternative Two: Yes, there are Energy Priority Law alternatives, or combinations of Energy Priorities Law alternatives, that are cost-effective, technically feasible, and environmentally sound alternatives to the proposed project.</p>		
<p>Alternative Three: No, the requirements of the Energy Priority Law are not applicable.</p>		
<p>Commissioner Notes:</p>		

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Issue 4: Would the proposed project have a material adverse impact on competition in the relevant wholesale electric service market under Wis. Stat. § 196.491(3)(d)7.?		
Issue Scope: A finding of no material adverse impact on competition is a requirement before the Commission can issue a Certificate of Public Convenience and Necessity (CPCN).		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: Alternative One. Numerous planning studies since 2010 identified the need for an additional 345 kV transmission corridor in western Wisconsin to relieve congestion and improve reliability. The project will remedy congestion in this area and increase the capability of the high-voltage transmission system to import energy into Wisconsin. In this way, the project will improve competition in wholesale markets by enabling Wisconsin utilities and ratepayers to access low-cost energy in areas west of the state.</p>		<p>Ex.-Applicants-Application-Appx. D: 16-17, 72-91; Ex.-Applicants-Application-r3-Appx. D-4 Direct-Applicants-Dagenais-15 to 19; Rebuttal-Applicants-Dagenais-r-12 to 13, 19-20, 66-68, 70-71, 81-84 Rebuttal-Applicants-Pfeifenberger-r-6 to 9 Direct-MISO-Ellis-15 to 21, 35-37</p>
<p>CUB: Supports Alternative Two. Record evidence indicates that the proposed project would have net costs to the MISO market. In addition, record evidence suggests that the project may not decrease congestion and could in fact increase internal congestion, negatively impacting wholesale market pricing and competition.</p>		<p>CUB In. Br. 3-4, 14-22, 28-29; CUB Reply Br. 4-6, 9-11. Direct-PSC-Vedvik-27-32; Surrebuttal-PSC-Vedvik-5-6.</p>
<p>CEO: No.</p> <ul style="list-style-type: none"> • Approval will not harm competition, but rejection will have a negative impact. Rejection of the line will cause MISO to perform interconnection restudies. This places a large financial risk on generation owners in MISO by potentially causing generation projects to no longer be financially viable, which in turn affects the market and consumers. • Approval of the line will allow access to low-cost generation and will facilitate competition in the wholesale electric market. 		<p>Direct-CEO-Goggin-r-2-8, 10-15, 19-20; Ex.-CEO-Goggin-2,3,4,5,6,7; Rebuttal-CEO-Goggin-5-7 Direct-CEO-Craven-r-4-8; Rebuttal CEO-Craven-2,4-5; Surrebuttal-CEO-Craven-r-3-6 Rebuttal-CEO-Lydum-3-5.</p>

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<p>DALC/WWF: The proposed project is not a necessary component of the MISO MVP portfolio, is not necessary to integrate renewables into the wholesale markets, is not necessary to meet resource adequacy, and might have zero or negative cost savings. Commission staff found that under at least one scenario the proposed project actually has negative impacts on the portfolio.</p>		<p>Direct-DALC/WWF-Desu-38-45 Direct-CUB-Neal-r2-7-30; Rebuttal-CUB-Neal-r-4-9; Surrebuttal-CUB-Neal-r-5-8, 17-18 Direct-DALC/WWF-Konidena-pr-13-23; Surrebuttal-DALC/WWF-9-10; Surrebuttal-DALC/WWF-Konidena-s-1-2 Direct-PSC-Vedvik-27-32; Surrebuttal-PSC-Vedvik-5-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1469; Ex.-PSC-Vedvik-4-5 Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8 DALC/WWF Initial Br. at 5-19; DALC/WWF Reply Br. at 4-11</p>
<p>Jewell Jinkins Intervenors: Neither MVP nor PROMOD analysis addresses impacts of MVP on competition. MISO-wide costs and benefits must be considered.</p>		<p>Surrebuttal-PSC-Vedvik-6; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8</p>
<p>MISO: The project and the rest of the MVP portfolio improve the efficient dispatch of generators and open up wholesale markets to competition.</p>		<p>Direct-MISO-Ellis-15</p>
<p>SOUL: Lack of competition is rate/fee increases from hefty spending-utility revenue recovery (1) BWARA + NTA's moves state towards decoupling EE and DER/Grid Modernization for fair competition. (2) Project would grant ATC owners MGE/WEC much lower interconnection costs for Badger-Hollow (3) BWARA avoids this conflict of interest. Likely Project losses (4).</p>		<p>1. Ex.-SOUL-Powers-3 at p.40 Figure 25 Eight-year Annual Growth,</p>

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		Rate of Revenue Requirement Components—Major IOUs (%) 2. Initial Br. SOUL 5-12 ; Reply Br. SOUL 7, 12,14; 3. Ex.-JJI-Jewell-4 at p. 6 Table 1.3-1 – Total Cost of Network Upgrades 4. FEIS pp.103-104
Klopp: The applicants have not shown that past transmission lines have positively affected rates which are directly related to wholesale prices. Adding the cost of a HVTL to energy costs will lead to stranded assets. These are liabilities for wholesale utility customers seeking to keep their base from fleeing the grid for cheaper residential generation.		Direct-SOUL-Powers-r2- 15-16, 30-31; Initial Br.-Klopp-12; Ex.-CKKlopp-9; Ex.-CK-Klopp-11; Reply Br. of Citizens Utility Board-5-6, 8; Direct-PSC-Vedvik-27-32; Direct-PSC-Grant-p-3-40; Surrebuttal-PSC-Vedvik-5-7; Surrebuttal-PSC-Grant-pr-2-9; Sur-sur-surrebuttal-PSC-Vedvik; Tr. 707-1047 p. 754
Joel C. Kurth: Yes. Project interferes with the market for cheaper more flexible local solutions by creating a large fixed asset accessing intermittent but low marginal cost generation to be paid for by wholesale electricity buyers (and ratepayers).		See generally Direct-SOUL-Powers-r2
Commission Staff: Commission staff evaluated the economic impact of the proposed project on the entire MISO market that considered the total costs and benefits of the proposed project to all MISO market participants. In addition, Commission staff’s PROMOD analysis evaluated the energy cost savings associated with the proposed project, which has a direct impact on wholesale electric market pricing and competition.		Direct-PSC-Vedvik-27-32; Surrebuttal-PSC-Vedvik-5-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1469; Ex.-PSC-Vedvik-4-5; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8

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COMMISSION ALTERNATIVES
Alternative One: No, the proposed project would not have a material adverse impact on competition in the relevant wholesale electric service market.
Alternative Two: Yes, the proposed project would have a material adverse impact on competition in the relevant wholesale electric service market.
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Issue 5: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), which Mississippi River crossing location in the Mississippi River Routing Area does the Commission authorize, if any?

- Nelson Dewey Crossing
- Stoneman Crossing

Issue Scope: The Mississippi Routing Area is located near Cassville, Wisconsin, and lies entirely within Grant County. The applicants provided two separate locations (Nelson Dewey or Stoneman) for the crossing of the Mississippi River. A new Mississippi River crossing is proposed that would connect the Wisconsin portion of the proposed project at the Nelson Dewey Substation. There are existing 161kV and 69kV electric transmission lines that cross the Mississippi River connecting at the Stoneman Substation. Each of these crossing options includes two separate route alternatives (North and South) that connect to route alternatives in the Western Routing Area.

The route alternatives under consideration in this routing area are:

- Nelson Dewey-North which only connects to Western-North
- Nelson Dewey-South which only connects to Western-South
- Stoneman-North which only connects to Western-North
- Stoneman-South which only connects to Western-South

Both the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) are required to authorize the route through the Upper Mississippi National Fish and Wildlife Refuge (Refuge) through both realty agreements (from both USACE and USFWS) and Clean Water Act 404 permitting (by USACE). Depending on the route selected through the Refuge, there may only be a need for one realty agreement with USFWS due to landownership. The agencies are currently reviewing specific parcel ownership with the Refuge. If USFWS and USACE approve a right-of-way (ROW) location within the Refuge that differs from the Commission’s decision in the Mississippi River Routing Area, the location of the federal easement approved by the federal agencies would be the one that is constructed. As provided in the Commission alternatives below, the Commission may choose to authorize both proposed river crossings, authorize both proposed river crossings but identify a preferred crossing should both crossings be deemed permissible by the federal agencies, or authorize only one river crossing route. In the event the Commission takes the latter approach, if the route selected by the Commission and the federal agencies differs, applicants would have to return to the Commission for authorization to proceed.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternatives One and Two. The applicants have stated a preference for the Nelson Dewey River crossing. However, recognizing USFWS must approve any crossing of the Refuge, the applicants support		Ex.-Applicants-Application-r3-Section 5: 73–75; Direct-Applicants-Schaeve-7:1-3;

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<p>Alternatives One and Two. The applicants also note that they support a single circuit design for the Stoneman crossing, Segment B02, as proposed in the application, and that the FAA recently issued notices of presumed hazard for triple circuit poles at the Stoneman crossing.</p>		<p>Direct-Applicants-Proctor-4 to 10, 12-14; Rebuttal-Applicants-Proctor-2 to 5; Ex.-Applicants-Proctor-3; Direct-Applicants-Valentine-11; Ex.-PSC-Data Request: Attachment to Response 4.17</p>
<p>DALC/WWF: The Commission may not approve either proposed crossing, which would both have undue adverse environmental impacts. Applicants provided “strawmen” alternatives to their preferred crossing location at Cassville, and staff failed to independently consider alternative crossings. Crossing through the Refuge would have unnecessarily high impacts on natural resources (including bald eagles and other migratory birds), tourism, aesthetics, and recreation in Wisconsin, which could be avoided by crossing in a more developed area.</p>		<p>Direct-DALC/WWF-Waller-r2-4, 9, 26-28; Direct-DALC/WWF-Meyer-r2-10, 14-15; Direct-DALC/WWF-Ingram-7, 11; Surrebuttal-DALC/WWF-Ingram-7-8; Tr. 2020</p>
<p>Jewell Jinkins Intervenors: CPCN should be denied. Do not support either river crossing. As staff notes, there may be additional asset renewal benefits associated with the Stoneman Mississippi River crossing if the existing transmission lines above the Cassville elementary school are multi-circuited with the proposed project. In addition, the existing Stoneman Nelson Dewey 161 kV transmission line would no longer be located directly over the Cassville elementary school.</p>		<p>Direct-PSC-Vedvik-38-39</p>
<p>SOUL: SOUL defers to Cassville’s preference on this matter but sees the logic in the Staff’s observations. Wildlife is likely more accustomed to Stoneman crossing, as well.</p>		<p>All received public comments in all forms received by the Commission</p>
<p>Beheler: Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives will harm the Refuge, prefers NO location for the Mississippi River crossing.</p>		<p>Ex.-DALC:WWF- Reply Br. Exhibit A</p>
<p>Members of the Public: Many expressed concerns regarding the applicants routing and siting process, the routes provided by the applicants, the absence of additional route alternatives, and the lack of information</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>

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<p>provided by the applicants throughout the process. Many expressed concerns siting the project adjacent to existing ROWs significantly increasing the width of the ROWs and construction concerns associated with the steep terrain. Many also expressed concerns regarding the routes proximity/fragmentation of forested lands, wetlands/waterways, natural and recreational areas, and agricultural lands.</p>		
<p>Commission Staff: There may be additional asset renewal benefits associated with the Stoneman crossing if the existing transmission lines above the Cassville schools are multi-circuited with the proposed project. In addition, the existing Stoneman-Nelson Dewey 161 kV transmission facilities would no longer be located directly over the Cassville schools. The FAA has not made a determination on whether or not the applicants could multi-circuit the structures in Cassville, and therefore should work with staff if Stoneman is selected.</p>		<p>Direct-PSC-Vedvik-38-39; Surrebuttal-PSC-Burtley-2-4; Ex.- Applicants-Proctor-3</p>
COMMISSION ALTERNATIVES		
<p>Alternative One: Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives are permissible and constructible, the Commission authorizes either river crossing.</p>		
<p>Alternative Two: Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives are permissible and constructible, the Commission prefers the Nelson Dewey location for the Mississippi River crossing.</p>		
<p>Alternative Three: Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives are permissible and constructible, the Commission prefers the Stoneman location for the Mississippi river crossing.</p>		
<p>Alternative Four: The Nelson Dewey location best meets the requirements for issuance of a CPCN and should be used for the Mississippi River Crossing.</p>		
<p>Alternative Five: The Stoneman location best meets the requirements for issuance of a CPCN and should be used for the Mississippi River Crossing.</p>		
<p>Commissioner Notes:</p>		

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Issue 6: If the Nelson Dewey location is selected for the Mississippi River crossing, there are no route modifications required to meet the requirements for Commission approval. (Uncontested)

Issue Scope: The Commission could select any or all of the following route modifications:
 a. Commission staff did not identify any proposed modifications in the record.
 b. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: The applicants have not identified any route modifications necessary if the Nelson Dewey crossing location is selected for crossing the Mississippi River.		

Commission Alternatives

Uncontested: No route modifications are necessary.

Commissioner Notes:

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Issue 7: If the Stoneman location is selected for the Mississippi River crossing, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?		
<p>Issue Scope: The Commission could select any or all of the following route modifications:</p> <ul style="list-style-type: none"> a. If either Stoneman-North or Stoneman-South is selected, the applicants shall consult with Commission staff regarding the siting and design of the existing and new facilities, more specifically the potential to multi-circuit the existing 161 kV and 69 kV facilities with the proposed 345 kV facilities, along Subsegment B02, to minimize the environmental and socioeconomic impacts to the greatest extent practicable. (Ex.-PSC-FEIS-r, Table 11-56, Item 77) b. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record. 		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: Applicants do not object to the proposed condition regarding B02 if the Stoneman Crossing location is used. However, applicants do not believe that a multi-circuit configuration (345/161/69 kV) along B02 is possible as the FAA recently issued notices of presumed hazard for this triple-circuit design.</p>		<p>Direct-Applicants-Proctor-s-2 to 6; Rebuttal-Applicants-Proctor-2 to 3; Ex.-Applicants-Proctor-3</p>
<p>Members of the Public: Many expressed concerns siting the project adjacent to existing ROWs significantly increasing the width of the ROWs and construction concerns associated with the steep terrain. Many also expressed concerns regarding the routes proximity/fragmentation of forested lands, wetlands/waterways, natural and recreational areas, and agricultural lands.</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
<p>Commission Staff: Supports modification 7a. Additional asset renewal benefits may be associated with the Stoneman crossing if the existing transmission lines above the Cassville schools are multi-circuited with the proposed project. In addition, the existing Stoneman-Nelson Dewey 161 kV transmission facilities would no longer be located directly over the Cassville schools. The FAA has not made a determination on whether or not the applicants could multi-circuit the structures in Cassville, and therefore should work with staff if Stoneman is selected.</p>		<p>Ex.-PSC-FEIS-r, Table 11-56, Item 77; Surrebuttal-PSC-Burtley-2-4; Direct-PSC-Vedvik-38-39; Ex.- Applicants-Proctor-3</p>
UNCONTESTED ALTERNATIVE		
<p>Alternative One: The modification listed above is necessary for approval of the Stoneman crossing.</p>		

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Issue 8: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), which route alternative does the Commission authorize for the portion of the project in the Western Routing Area, if any?

- **Western-North**
- **Western-South**

Issue Scope: The Western Routing Area is located in Grant, Iowa, and Lafayette Counties. The area is comprised of two main route alternatives (Western-North and Western-South) that connect the Mississippi River Routing Area and the Eastern Routing Area.

The **Western-North** Route Alternative travels northeast from the village of Cassville to the village of Montfort.

The **Western-South** Route Alternative travels east from the village of Cassville to the city of Platteville and then north to the village of Montfort. Both route alternatives would connect to common route subsegments before entering the proposed Hill Valley Substation.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. The Western-North Route better meets the statutory requirements and is less expensive due to its shorter length. The Western-North, Applicants' Preferred Route, follows existing ROW for approximately 99 percent of its length and shares 34 percent of its acreage with existing ROWs. The Western-South Route, applicants' Alternate Route, follows existing ROW for approximately 90 percent of its length and shares 33 percent of its acreage with existing ROW.		Ex.-Applicants-Application-r3-Appx. B: Tables 1A, 1B, 7; Ex.-Applicants-Application-r3: 76 to 77; Ex.-Applicants-Application-Sec. 5.4; Direct-Applicants-Lee-r-5 to 6; Direct-Applicants-Schaeve-9 to 10, 13-14
DALC/WWF: Neither route meets the statutory requirements.		See DALC/WWF references on Issues 20, 21, 24, 25, 29, 30
Jewell Jinkins Intervenors: CPCN should be denied. Do not support either Western-North or South.		
SOUL: We defer to the body of input received by the Commission directly from landowners and municipalities.		All received public comments in all forms received by the Commission.
Klopp: No route is acceptable. If the project was approved, select the Western-South route. There 50% fewer miles of access roads and fewer ROW access acres required, only 2 MFL lands on Western-South route versus 11 MFL lands. Avoids destruction of Scenic Road and 10 Platte		PSC-FEIS 1.4, p. 281, Direct JSSchwarzmann-r,P9, Valentine Tr. 1760:13, EX.-PSC-Data Request Response-2.02-1 Part 3, Plan with

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<p>River Crossings. Southern Route provides opportunity to route project up Hwy 151 avoiding enormous environmental and topography issues of Western-North Route.</p>		<p>Project Slope- Pages 4-6, Joe Schwarzmman Initial Br., 16-18, Joe Schwarzmman Reply Br.- 3; Direct-PSC-Vedvik-25</p>
<p>Joe Schwarzmman: 1) Oppose the Western-North route. 2) Excessive number (50% more) of miles and acres of access required. 3) Western North route has 7 MFL lands versus only 2 MFL lands on Western South route. 4) Destruction of a Rustic Road, (Scenic Road) and 10 Platte River Crossings.</p>		<p>PSC-FEIS &.1.4, p281, Direct JSSchwarzmman-r,P9, Valentine Tr. 1760:13; Ex.-PSC-Data Request: Response-2.02-1 Part 3, Plan with Project Slope, pp. 4-6; Joe Schwarzmman Initial Br., 16-18, Joe Schwarzmman Reply Br.-3; Direct-PSC-Vedvik-25</p>
<p>Members of the Public: Many expressed concerns regarding the applicants routing and siting process, the routes provided by the applicants, the absence of additional route alternatives, and the lack of information provided by the applicants throughout the process. Many expressed concerns siting the project adjacent to existing ROWs significantly increasing the width of the ROWs and construction concerns associated with the steep terrain. Many also expressed concerns regarding the routes proximity/fragmentation of forested lands, wetlands/waterways, natural and recreational areas, and agricultural lands.</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
COMMISSION ALTERNATIVES		
<p>Alternative One: The Western-North Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Western Routing Area.</p>		
<p>Alternative Two: The Western-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Western Routing Area.</p>		
<p>Commissioner Notes:</p>		

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Issue 9: If the Commission selects the Western-North Route Alternative for the proposed project, no route modification is necessary to meet the requirements for Commission approval. (Uncontested)		
Issue Scope: The Commission could select any or all of the following route modifications: a. Commission staff did not identify any proposed modifications in the record. b. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: The applicants have not identified any route modifications associated with the Western-North Route Alternative.		
Members of the Public:		Tr. 2049-2697, Ex.-PSC-Public Comments
COMMISSION ALTERNATIVES		
Uncontested Alternative: No route modification is necessary.		
Commissioner Notes:		

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Issue 10: If the Commission selects the Western-South Route Alternative for the proposed project, what route-specific route modifications or conditions should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?

Issue Scope: The FEIS identified an Amish school located within 170 feet of the proposed centerline at 20164 Sunny Lane on the Stephen and Drusilla Esh property. (Ex.-PSC-FEIS-r, 7.3.3.2) Subsequently the applicants proposed two route modifications to Subsegment H03 which are both completely within the Esh property. These modifications would increase the distance between the Amish Country School and the proposed facilities. It is Commission staff’s understanding that the applicants would propose both of these route modifications to the Esh’s if Western-South were approved by the Commission. These route modifications include the following where in both events the new 345 kV line would be constructed in a double-circuit configuration with the existing 69 kV line:

- Constructing the proposed line within the existing 69 kV alignment to the east to offer relief to the Amish Country School, or
- Constructing the proposed line that would parallel the existing line and positioned slightly to the west to also offer relief to the residence and buildings at 20032 Sunny Lane.

The Commission could select either or both of the following route modifications or conditions:

- a. Require the applicants to work with the Esh’s at 20032 Sunny Lane, Platteville, WI 53818 in realigning Subsegment H03 to minimize impacts to the Amish Country School and other structures on the property. (Ex.-PSC-FEIS-r, Table 11-56, Item 78)
- b. Require the applicants to periodically report to Commission staff regarding the status of mitigation options offered and implemented regarding the Esh property. (Ex.-PSC-FEIS-r, Table 11-56, Item 76)
- c. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. The applicants did not propose any route modifications to Segment H03. The applicants believe that the proposed alignment on Segment H03 appropriately minimizes impacts by increasing the distance between the proposed centerline and the Amish Country School and the residence as compared to the existing 69 kV line. As Segment H03 minimizes impacts to the extent practicable, no realignment or reporting is warranted.		Ex.-Applicants-Application-r3-Appx. J: Ex. 5; Direct-Applicants-Proctor-s-6; Rebuttal-Applicants-Proctor-5; Sur-surrebuttal-Applicants-Schaeve-1 to 3
SOUL: We advise the adjusted distances are not likely to be sufficient for the residents. SOUL recommends that the Commission locate an experienced, third party consulting firm to start early, assess priorities and		Written requests from Lancaster public hearings and Mr Esh’s testimony in party hearings.

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sustain communications in determining a resolution. Require the applicants to pay for this necessity and remediations.		
Dubis Family: We support modifications and conditions 10a and 10b and any modifications that place high voltage lines as far away from homes, businesses, and schools with children as possible. We are not experts, but concerned parents and homeowners. Our admitted testimony and exhibits relating to EMF proximity and potential risks to children suggests risks may be high. So, when given a choice, routes should be modified to protect children (<i>See</i> issues 13b and 12).		Ex.-MMD-Dubis-7, 8, 9, 10, 11, 12, 13a&b, 14, 15, 16, 17; Direct-MMD-Dubis-pp. 17-33
Members of the Public: Many do not support the proposed project being constructed near the Amish school on the Esh property.		Tr. 2049-2697, Ex.-PSC-Public Comments
Commission Staff: Supports 10a and b.		Ex.-PSC-FEIS-r, Table 11-56, Items 76 and 78
COMMISSION ALTERNATIVES		
Alternative One: None.		
Alternative Two: Any of the modifications or conditions listed above are necessary for approval of the Western-South Route Alternative, as the Commission deems appropriate.		
Commissioner Notes:		

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Issue 11: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), which route alternative does the Commission authorize for the portion of the project in the Eastern Routing Area, if any?

- **Eastern-North**
- **Eastern-South**

Issue Scope: The Eastern Routing Area is located within Iowa and Dane Counties. The area is comprised of two main route alternatives that connect the Western Routing Area near Montfort, Wisconsin and the Dane County Routing area near Cross Plains, Wisconsin.

The **Eastern-North** Route Alternative generally travels north and east from the proposed Hill Valley Substation to Cross Plains.

The **Eastern-South** Route Alternative generally travels east and north from Montfort to Cross Plains.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. Eastern-South route alternative better meets the statutory requirements. Eastern-South is the applicants' Preferred Route, as it follows existing ROW for approximately 93 percent of its length and would share 47 percent of its acreage with existing ROW. The Alternate Route from the Hill Valley Substation to Cardinal Substation would follow existing ROW for approximately 33 percent of its length and would share 18 percent of its acreage with existing ROW.		Ex.-Applicants-Application-r3: 5; Ex.-Applicants-Application-r3-Section 5.3: 92; Ex.-Applicants-Application-r3-Appx. B, Tables 1A, 1B, and 7; Direct-Applicants-Schaeve-10:7-11, 13 to 14
Clean Wisconsin: Eastern-South is preferable because it would minimize adverse impacts on Conservation Opportunity Areas, requires less forested land conversion, and avoids more steep slopes.		Direct-CW-Mathewson-4-8
DALC/WWF: Neither route meets the statutory requirements.		See DALC/WWF references on Issues 20, 21, 24, 25, 29, 30
Jewell Jinkins Intervenors: CPCN should be denied. Do not support either. Neither route meets CPCN requirements. If Eastern-North, avoid Segment Q-02 and grain facility at at 2232 US Highway 18, in Dodgeville and 504 E. Main, Cobb. If Eastern-South, do not utilize Segment R-09 along Co. Rd. B and avoid Wisconsin historic homestead at 3362 Co. Rd. B.		Direct-JJI-Jewell-r-6-8, 9-14; Rebuttal-JJI-Jewell-7-10

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SOUL: Defers to the body of input received by the Commission directly from landowners and municipalities.		All received public comments in all forms received by the Commission.
Members of the Public: Many expressed concerns regarding the applicants routing and siting process, the routes provided by the applicants, the absence of additional route alternatives, and the lack of information provided by the applicants throughout the process. Many expressed concerns siting the project adjacent to existing ROWs significantly increasing the width of the ROWs and construction concerns associated with the steep terrain. Many also expressed concerns regarding the routes proximity/fragmentation of forested lands, wetlands/waterways, natural and recreational areas, and agricultural lands.		Tr. 2049-2697, Ex.-PSC-Public Comments
COMMISSION ALTERNATIVES		
Alternative One: The Eastern-North Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Eastern Routing Area.		
Alternative Two: The Eastern-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Eastern Routing Area.		
Commissioner Notes:		

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Issue 12: If the Commission selects the Eastern-North Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?		
<p>Issue Scope: The Eastern-North: Stagecoach Route Option is located where Eastern-North Route and Dane County Routing Area meet in Cross Plains. Eastern-North: Stagecoach travels south and then east, off of Eastern-North Route, along the southern edge of a few parcels to bypass residences along Stagecoach Road to the north, and then turns north to meet the common route segment in the Dane County Routing Area.</p> <p>The Commission could select any or all of the following route modifications:</p> <ol style="list-style-type: none"> a. Require the applicants to build the transmission line along the Eastern-North: Stagecoach Route Option. b. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record. 		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: Alternative One. Eastern-North: Stagecoach is comprised of Other Route Segments X01 and X02 which would be new corridor as compared to Route Segments V05, V06, W01, W02, W03, W04, which primarily follow existing transmission line and road corridors. However, both routes are permissible and buildable.</p>		<p>Ex.-Applicants-Application-r3: 82; Ex.-Applicants-Application-r3-Appx. A, Fig. 3A, Part 21; Ex.-Applicants-r3-Appx. A, Fig. 3C, Part 10; Rebuttal-Applicants-Bradley-3 to 4; Rebuttal-Applicants-Callaway-5; Rebuttal-Applicants-Schaeve-4</p>
<p>Jewell Jinkins Intervenors: CPCN should be denied. Do not support Eastern-North. If chosen, avoid Segment Q-02 and grain facility at at 2232 U.S. Highway 18, in Dodgeville and 504 E. Main, Cobb. Only an 18 foot clearance is required for transmission over grain storage bins. May preclude new construction, maintenance, or repair of the grain bins. While routing over agricultural land is a concern generally, routing over the grain facility would have a severe impact on operations.</p>		<p>Direct-JJI-Jewell-r-7. AIS, p. 136, Ex.-DATCP-Weiss-1 (PSC REF# 367010)</p>
<p>SOUL: SOUL defers to the body of input received by the Commission directly from landowners and municipalities.</p>		<p>All received public comments in all forms received by the Commission.</p>
<p>Dubis Family: 12a Require Eastern-North:Stagecoach Route. It impacts no residences within 300ft, while Applicants' preference impacts six. It is</p>		<p>PSC FEIS Table 10-29; PSC #366195 FEIS Chapter 10; Direct-</p>

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<p>consistent with past PSC decisions to avoid homes and reduce EMF exposure for children and property. Reduces economic impacts, visual blight, and various environmental impacts. Town expressly prefers routes as far away from homes as possible; applicants also describe X02 as permissible/constructible.</p>		<p>MMD-Hyer; Surrebuttal-MMD-Hyer. Direct-MMD-Dubis-33-37, Ex.-MMD-Dubis-18, Direct-MMD-Dubis-17-33, Ex.-MMD-Dubis-#7's through 17, Direct-MMD-Dubis-43, Ex.-MMD-Dubis-23, Rebuttal-Applicants-Schaeve-4, Direct-MMD-Dubis, Direct-MMD-Dubis-s</p>
<p>Klopp: Require 12a (Eastern-North:Stagecoach). This route impacts no residences within 300ft (while the original preferred route impacts six), and is consistent with past PSC decisions to avoid homes and reduce EMF exposure for children and property. It reduces economic impacts, visual blight, and grassland impact. Cross Plains Township prefers routes as far away from homes as possible. The applicants describe X02 as permissible/constructible.</p>		<p>PSC FEIS Table 10-29; PSC #366195 FEIS Chapter 10; Direct-MMD-Hyer; Surrebuttal-MMD-Hyer; Direct-MMD-Dubis-33-37, Ex.-MMD-Dubis-18, Direct-MMD-Dubis-17-33, Ex.-MMD-Dubis-7 through 17, Direct-MMD-Dubis-43, Ex.-MMD-Dubis-23, Rebuttal-Applicants-Schaeve-4, Direct-MMD-Dubis, Direct-MMD-Dubis-s</p>
		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
<p>DNR: Add the following condition for route if approved: Require the applicants to work with appropriate DNR staff to minimize the impacts of the proposed project on the Blackhawk Lake Recreational Area.</p>		<p>Direct-WDNR-Radermacher 11:24-26-12:8</p>
<p>COMMISSION ALTERNATIVES</p>		
<p>Alternative One: None.</p>		
<p>Alternative Two: Any of the modifications listed above are necessary for approval of the Eastern-North Route Alternative, as the Commission deems appropriate.</p>		
<p>Commissioner Notes:</p>		

Issue 13: If the Commission selects the Eastern-South Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?

Issue Scope: The **Eastern-South: Dodgeville** Route Alternative travels generally east the Hill Valley Substation, parallel to the south of Eastern-South Route, and turns north near Dodgeville to meet with Eastern-South Route.

The **Eastern-South: Stagecoach** Route Alternative is located where Eastern-South Route and Dane County Routing Area meet in Cross Plains. Eastern-South: Stagecoach travels east, off of Eastern-South Route, along the southern edge of a few parcels to bypass residences along Stagecoach Road to the north and then turns north to meet the common route segment in the Dane County Routing Area.

The **WisDOT proposed realignment** is located along Eastern-South west of Barneveld between County Trunk Highway (CTH) T and the USH 18/151–CTH ID interchange. East of CTH T the WisDOT realignment would cross to the north side of USH 18/151 to avoid the Thomas Farm and most of The Prairie Enthusiasts’ property, and then cross back to the south side of USH 18/151. The arms of the transmission poles could be aimed toward the highway on the north and south sides to minimize blowout impacts on private property and could reduce the need for additional vegetation removal. This proposed realignment is similar to two route options identified in Appendix C of the Ex.-PSC-FEIS-r as “Barneveld-North Extended” and “Barneveld-North” where the costs and impacts of these alignments are identified in Tables C1-4, C1-6, and C2-4 of Ex.-PSC-FEIS-r.

The **Mount Horeb Veteran’s Memorial** is located along the Eastern-South Route in Mount Horeb.

The **Thomas Property** is located along the Eastern-South Route between the village of Montfort and the village of Cobb. The close proximity of the proposed Eastern-South Route to the Thomas’ residence has prompted discussion with the applicant for route adjustments that resulted in two modified alignment options being developed and offered to the Thomases. (Ex.-PSC-FEIS-r, Section 8.3.3.1.2)

The Commission could select any or all of the following route modifications:

- a. Require the applicants to build the transmission line along the Eastern-South: Dodgeville Route Option.
- b. Require the applicants to build the transmission line along the Eastern-South: Stagecoach Route Option.
- c. WisDOT proposed realignment.
- d. Require the applicants to work with appropriate entities to minimize the impacts of the proposed project on the Mount Horeb Veteran’s Memorial to the extent practicable.

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<p>e. If the Eastern-South route is selected without the Dodgeville Route Option, require the applicants to allow the Thomases at 826 USH 18, Dodgeville, WI 53533 to choose which offered modified alignment option on Subsegment Q02 to implement. (Ex.-PSC-FEIS-r, Section 8.3.3.1.2; Table 11-56, Item 55)</p> <p>f. If the Eastern-South route is selected without the Dodgeville Route Option, require the applicant to construct the one of the modified alignment options offered to the Thomases at 826 USH 18, Dodgeville, WI 53533 to require the applicants to implement. (Ex.-PSC-FEIS-r, Section 8.3.3.1.2)</p> <p>g. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.</p>		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 13a and b: Eastern South-Dodgeville and Stagecoach are composed of Other Route Segments. Applicants did not propose these segments for approval and oppose these modifications. 13c, e and f: Applicants do not object to the Thomas’ property realignments or the WisDOT realignment but prefer the proposed alignment in this area. 13d: Applicants are not opposed to working with the appropriate entities to minimize impacts to the extent practicable on the Mt. Horeb Veterans Memorial.</p>		<p>Ex.-Applicants-Application-r3-Appx. M, Fig. 1; Ex.-PSC-Data Request: Response 8.7; Direct-Applicants-Bradley-r-14 to 15; Rebuttal-Applicants-Bradley-5-6; Direct-Applicants-Schaeve-12</p>
<p>CUB: If the project application is approved, supports Alternative Two, modification b. The Eastern-South Stagecoach Route Option is nearly \$800,000 less expensive than the proposed segment and would avoid impacts to several residences. Applicants have also noted they do not oppose the Stagecoach Route Option and that it is buildable.</p>		<p>Rebuttal-Applicants-Schaeve-4; Direct-MMD-Dubis-5, 37-38.</p>
<p>Clean Wisconsin: Require 13b-Eastern-South: Stagecoach Route Option (X02). Requires no forest clear-cutting, less grassland impact.</p>		<p>Ex.-PSC-FEIS-481-484</p>
<p>DALC/WWF: Support WisDOT proposed realignment to reduce the impacts to the Thomas Farm property. DALC/WWF would like to note that the WisDOT proposed realignment will not eliminate impacts, such as aesthetic impacts, to the Thomas Farm property, and will increase impacts to DALC’s easement on the north side of the road. No position on the remaining route modifications.</p>		<p>Ex.-PSC-FEIS-380-382</p>

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<p>Jewell Jinkins Intervenors: No residence should be located within the approved ROW. If selected, see position on Issue 25, conditions related to landowner impacts. Jewell’s home is listed W46941 and is historical property. State historical property is “historical.” All affected landowners should be offered additional compensation for property in ROW.</p>		<p>AIS Recommendation, p. 4. Lee Tr. 673, 1.10 – 674, 1. 11; Rebuttal-JJI-Jewell-7-10. Direct-PSC-Tomaszewski-2-4</p>
<p>SOUL: We defer to the body of input received by the Commission directly from landowners and municipalities. In particular, SOUL supports accommodations for the hardships argued by Intervenor Michael Dubis and requests the Stagecoach Route Option (X02) should the Commission decide in favor of the project. Apparently would cost less, too.</p>		<p>All received public comments in all forms received by the Commission. Ex.-MMD-Dubis-#19; Ex.-MMDDubis-1; Ex.-MMD-Dubis-2; Ex.-MMD-Dubis-5; PSC FEIS Table 10-30; Rebuttal-Applicants-Schaeve-4; CHC PSC #366195 FEIS Chapter 10; CHC 5-CE-146 FEIS, § 9.3.3; Direct-MMD-Dubis-33-37, Ex.-MMDDubis-18, Draft Tr. 1779 – 2048 p. 1908 line 1-13; Direct-MMD-Dubis-17-33, Ex.-MMD-Dubis-s 7, 8, 9, 10, 11, 12, 13ab, 14, 15, 16, 17; CHC 5-CE-146 FEIS FEIS § 9.3.3.3.1 p. 464, Direct-MMD-Hyer; Surrebuttal-MMD-Hyer. Ex.-MMD-Dubis-27, Direct-MMD-Dubis-43; Ex.-MMD-Dubis-#23; Surrebuttal-MMD-Dubis; Direct-MMD-Dubis, Direct-MMD-Dubis-s</p>
<p>Dubis Family: Require 13b-Eastern-South:Stagecoach Route Option (X02). Impacts no residences within 300ft, while applicants’ preference impacts six. Consistent with PSC decisions to avoid homes and reduce EMF exposure for children. Reduces economic impacts. Cheaper by \$795,000, shorter by 624ft. Reduces environmental and visual blight, partially hidden from view. No clear-cutting of any forest, 96% less</p>	<p>13b is \$795,000 less expensive.</p>	<p>Ex.-MMD-Dubis-#19; Ex.-MMD-Dubis-#01; Ex.-MMD-Dubis-#02; Ex.-MMD-Dubis-#05; PSC FEIS Table 10-30; Rebuttal-Applicants-Schaeve-4; CHC PSC #366195 FEIS Chapter 10; CHC 5-CE-146 FEIS, §</p>

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<p>grassland impact; level terrain, no ROW roads, less ROW acres, applicants describe as permittable/constructible.</p>		<p>9.3.3; Direct-MMD-Dubis-33-37; Ex.-MMD-Dubis-#18, Draft Tr. 1779 - 2048 p. 1908 line 1-13; Direct-MMD-Dubis-17-33; Ex.-MMD-Dubis-#'s 7, 8, 9,10,11,12,13ab,14,15,16 17; CHC 5-CE-146 FEIS FEIS § 9.3.3.3.1 p. 464, Direct-MMD-Hyer; Surrebuttal-MMD-Hyer; Ex.-MMD-Dubis-#27; Direct-MMD-Dubis-43; Ex.-MMD-Dubis-#23; Surrebuttal-MMD-Dubis; Direct-MMD-Dubis, Direct-MMD-Dubis-s</p>
<p>Klopp: Agrees with Dubis Family comments above.</p>	<p>13b is \$795,000 less expensive</p>	<p>Ex.-MMD-Dubis-19 Ex.-MMD-Dubis-1; Ex.-MMD-Dubis-2; Ex.-MMD-Dubis-5; PSC FEIS Table 10-30; Rebuttal-Applicants-Schaeve-4; PSC #366195 FEIS Chapter 10; CHC 5-CE-146 FEIS, § 9.3.3; Direct-MMD-Dubis-33-37, Ex.-MMD-Dubis-18, Draft Tr. 1779 - 2048 p. 1908 line 1-13; Direct-MMD-Dubis-17-33, Ex.-MMD-Dubis-#'s 7, 8, 9, 10, 11, 12, 13ab, 14, 15, 16, 17; CHC 5-CE-146 FEIS FEIS § 9.3.3.3.1 p. 464; Direct-MMD-Hyer; Surrebuttal-MMD-Hyer; Ex.-MMD-Dubis-#27, Direct-MMD-Dubis-43, Ex.-MMD-Dubis-#23; Surrebuttal-MMD-Dubis; Direct-MMD-Dubis, Direct-MMD-Dubis-s</p>

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DNR: Add the following route condition if selected: Require the applicants to work with appropriate DNR staff to minimize the impacts of the proposed project on the Military Ridge State Trail.		Direct-WDNR-Radermacher 11:6-14
WisDOT: Supports 10c. WisDOT still supports the proposed realignment as described in the referenced testimony.		Direct-WISDOT-Fasick-3-5; Surrebuttal-WISDOT-Fasick-2
Members of the Public: Supports 10d. The proposed project could affect the Mount Horeb Veteran’s Memorial, if the Eastern-South alternative is selected.		Tr. 2102-2103; Tr. 2049-2697, Ex.- PSC-Public Comments
Commission Staff: Supports 10e.		Ex.-PSC-FEIS-r, Table 11-56, Item 55, Direct-PSC-Tomaszewski-2-4
COMMISSION ALTERNATIVES		
Alternative One: None.		
Alternative Two: Any of the modifications listed above are necessary for approval of the Eastern-South Route Alternative, as the Commission deems appropriate.		
Commissioner Notes:		

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Issue 14: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), for the mostly common route subsegments in the Dane County Routing Area, which route alternative does the Commission authorize for the portion of the project, if any?

- **Black Earth Creek-North**
- **Black Earth Creek-South**

Issue Scope: The Dane County Routing Area is located entirely within Dane County, and connects the Eastern Routing Area near Cross Plains, Wisconsin to the Cardinal Substation near Middleton, Wisconsin. The Dane County Routing Area starts near Cross Plains, Wisconsin and follows common route subsegments east until Cleveland Road where it separates into two route alternatives (North and South) near Black Earth Creek.

The **Black Earth Creek-North** Route Alternative is located just west of the Cardinal Substation in the Dane County Routing Area and travels straight east from the intersection of USH 14 and Cleveland Road, through Black Earth Creek Wildlife Area, along existing transmission ROW, to the north of USH 14.

The **Black Earth Creek-South** Alternative is located just west of the Cardinal Substation in the Dane County Routing Area and travels southeast adjacent to the north side of USH 14, then crosses to the south side of USH 14, and then travels northeast adjacent to the south side of USH 14.

From here the proposed route travels east along common route subsegments until it terminates at the Cardinal Substation in Middleton, Wisconsin.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative Two. The applicants proposed the Black Earth Creek-South option to mitigate impacts to the Black Earth Creek Wildlife area as requested by Dane County.		Ex.-Applicants-Application-r3: 93; Direct-Applicants-Callaway-8; Ex.-PSC Data Request: Response 9.13
Dane County: The Black Earth Creek-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Dane County Routing Area.		Direct-Dane County-Marsh 1-4; Direct-WDNR-Foster Felt-9; Direct WDNR-Rowe-9
DALC/WWF: Neither route meets the statutory requirements.		See DALC/WWF references on Issues 20, 21, 24, 25, 29, 30
Jewell Jinkins Intervenors: CPCN should be denied. Do not support either Black Earth Creek option.		

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SOUL: We defer to the body of input received by the Commission directly from landowners, municipalities and local groups protecting the natural resources.		All received public comments in all forms received by the Commission.
Klopp: While neither route meets environmental standards, if the project was approved the Black Earth Creek-South route option should be chosen. It remains the only potential route in the Dane County Routing Area that comes closer to meeting standards and the Black Earth Creek Southern route will result in a lesser impact on the environment.		Dane County Initial Br.; Direct-Dane County-Marsh 1-4; Direct-WDNR-Foster Felt-9; Direct-WDNR-Rowe-9
Members of the Public: Many expressed concerns regarding the applicants routing and siting process, the routes provided by the applicants, the absence of additional route alternatives, and the lack of information provided by the applicants throughout the process. Many expressed concerns siting the project adjacent to existing ROWs significantly increasing the width of the ROWs and construction concerns associated with the steep terrain. Many also expressed concerns regarding the routes proximity/fragmentation of forested lands, wetlands/waterways, natural and recreational areas, and agricultural lands.		Tr. 2049-2697, Ex.-PSC-Public Comments
COMMISSION ALTERNATIVES		
Alternative One: The Black Earth Creek-North Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Dane County Routing Area.		
Alternative Two: The Black Earth Creek-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Dane County Routing Area.		
Commissioner Notes:		

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Issue 15: If the Commission selects the Black Earth Creek-North Route Alternative for the proposed project, no route modification is necessary to meet the requirements for Commission approval. (Uncontested)		
<p>Issue Scope: The Commission could select any or all of the following route modifications:</p> <ul style="list-style-type: none"> a. Commission staff did not identify any proposed modifications in the record. b. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record. 		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: None. The applicants did not identify any route modifications in this area if the Black Earth Creek-North option is selected.</p>		
		Tr. 2049-2697, Ex.-PSC-Public Comments
COMMISSION ALTERNATIVES		
<p>Uncontested Alternative: No route modification is necessary.</p>		
<p>Commissioner Notes:</p>		

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Issue 16: If the Commission selects the Black Earth Creek-South Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?

Issue Scope: The Commission could select any or all of the following route modifications:

- a. If Black Earth Creek-South is selected, the applicants shall remove the existing facilities associated with Line 6927 along Subsegment Y06B, release the existing easement rights associated with these facilities, and restore the area within the utility ROW of Subsegment Y06B back to its natural landscape. The applicants shall pay for the costs associated with restoration of the utility ROW of Subsegment Y06B.
- b. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. Condition 16a is not necessary. If the Black Earth Creek–South Route option is chosen, applicants have proposed to double-circuit line 6927 with the new 345kV line. Line 6927 would be removed, and the easements will be released after construction is complete. The proposed restoration is beyond the scope of restoration activities the applicants normally undertake, but the applicants do not object to paying for the restoration to be conducted by Dane County.		Ex.-Applicants-Application-r3-Section 5.2; Rebuttal-Applicants-Lee-r-10 to 11; Surrebuttal-Dane County-Marsh-2
Dane County: Supports modification 16a.		Direct-Dane County Marsh-3,4; Surrebuttal-Dane County Marsh 1-2; Ex.-PSC-Data Request: Response 9.13, Ex.-PSC-FEIS
SOUL: We defer to the body of input received by the Commission directly from landowners, municipalities and local groups protecting the natural resources.		All received public comments in all forms received by the Commission.
Klopp: Select modifications in 16a.		Direct-Dane County Marsh-3,4; Surrebuttal-Dane County Marsh 1-2; Ex.-PSC-Data Request: Response 9.13, Ex.-PSC-FEIS
Commission Staff: Supports modification 16a.		Ex.-PSC-Data Request: Response 9.13, Ex.-PSC-FEIS-r Table 11-56

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		Item 64 and Section 9.1.3.3, Direct-PSC-Burtley-13-14
COMMISSION ALTERNATIVES		
Alternative One: None.		
Alternative Two: Any of the modifications listed above are necessary for approval of the Black Earth Creek-South Route Alternative, as the Commission deems appropriate.		
Commissioner Notes:		

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Issue 17: What standard conditions included in electric transmission construction orders should be attached to construction of the proposed project to meet the requirements of Commission approval?

Issue Scope: Typically, the Commission’s Final Order for transmission line projects includes the following standard conditions:

- a. specifying the facilities to be built;
- b. requiring notification if the cost of the project exceeds the authorized cost by more than 10 percent;
- c. requiring notification of any substantial change in project scope;
- d. specifying the authorized route;
- e. requiring notice if ownership of the project changes;
- f. requiring that all necessary permits be obtained for a construction spread before work begins on that construction spread;
- g. specifying a process for minor route adjustments;
- h. requiring the applicant to work with landowners to minimize impacts to wetlands;
- i. requiring that the applicant provide a geographic information system database of the project as constructed;
- j. requiring quarterly construction progress reports;
- k. requiring reporting of actual costs;
- l. specifying the period during which the authorization is valid;
- m. specifying a process to extend the period during which the authorization is valid;
- n. specifying the date that the Final Decision takes effect;
- o. requiring pre- and post-construction stray voltage testing; and,¹
- p. retaining jurisdiction.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: The applicants do not object to conditions 17a through 17n, 17p.		
Clean Wisconsin: Supports conditions 17a through p.		Ex.-PSC-FEIS, Direct-PSC-Burtley
DALC/WWF: Supports conditions 17a through 17p, with the following modifications: (f) should require all necessary permits for the entire transmission line before construction work begins, and all conditions should be written with specific and enforceable language.		See staff references
Jewell Jinkins Intervenors: If permitted, conditions a-p should be incorporated into permit. PSC staff conditions for landowner compensation should be incorporated into permit.		FEIS, p. 143; see also 144-146. Wis. Stat. §196.491(d)(3)

¹ The standard condition requiring stray voltage testing was inadvertently omitted from the draft decision matrix circulated to parties for comment.

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SOUL: We support conditions 17a through 17p but note that fulfillment of some of these orders will likely require independent monitors and third party negotiators as well.		See Testimony of Intervenors Zasztrow, Hendrickson and Schwarzman
Members of the Public: There was significant public interest in the details of the proposed project. Many public comments expressed interest and concerns regarding the negative impacts the proposed project would have on the local environment and rural communities, specifically noting concerns for human and animal health, property values, stray voltage, construction activities and impacts, costs to ratepayers, etc.		Tr. 2049-2697; Tr. 2049-2697, Ex.-PSC-Public Comments
DNR: Supports Issue 17a through p. Request modification to 17h to also work with DNR to minimize impacts to wetlands.		Ex.-PSC-FEIS-r
DATCP: Supports Issue 17g.		Direct-DATCP-Weiss-12
Commission Staff: Supports conditions 17a through p.		See the Commission's Final Decisions in dockets 137-CE-186, 137-CE-188, and 137-CE-189; (PSC REF#: 335885 , PSC REF#: 348323 , and PSC REF#: 368653 .); Ex.-PSC-FEIS-r, Table 11-56 Items 26 and 27; Direct-PSC-Burtley-9
COMMISSION ALTERNATIVES		
Alternative One: None.		
Alternative Two: Any of the general conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.		
Commissioner Notes:		

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NOTE: Issues 18-28 describe conditions developed and identified through the EIS process as well as consultation with DNR and DATCP. The issues presented in the following Issues 18-28 are what, if any, of these conditions the Commission wishes to impose.

Issue 18: Should independent monitors be required for the proposed project? If yes, what should be the scope of the independent monitors' activities?

Issue Scope: While construction conditions specified in the Commission's order and the Department of Natural Resources' (DNR) permit can avoid, minimize, and mitigate the potential adverse impacts of an approved project, it is useful to employ an independent environmental monitor (IEM) and/or an independent agricultural monitor (IAM). These independent construction monitors assist the regulatory agencies in ensuring compliance with regulatory requirements and have stop work authority.

For several recent major transmission line projects, the Commission has authorized the hiring of an IEM. An IAM has also been found useful for the most recent high-voltage transmission projects, Rockdale to West Middleton and CapX2020 Alma-La Crosse, for construction activities that will impact agricultural lands. For Badger-Coulee and North Appleton-Morgan, the Commission combined the roles of the IEM and the IAM into one position under the IEM title; however, when the IEM was working in the capacity as the IAM they did not have stop work authority. Similar to IEMs, the leading benefits of an IAM are for the regulatory agencies to obtain a current record of construction activities and agricultural protection measures and to proactively prevent or minimize potential impacts. Independent monitors are typically required by the Commission after considering the scope of the project, the diversity of landscapes through which the transmission line would be constructed, and the presence of sensitive natural resources. The independent monitors would be funded by the applicants, would report directly to Commission, DNR, and DATCP staff, and would have stop-work authority. Independent monitors (IEM and IAM) may be appropriately considered for the proposed project given the length of the proposed routes and the corresponding broad range, large number, and high quality of natural resources and agricultural lands that would be impacted as a result of the construction and continued operation of the proposed project.

The applicants indicated, if both an IEM and IAM are required, that one person/entity be able to serve in both roles.

The Commission's Final Order for the proposed project could include requiring the following:

- a. Implementation of an IEM with stop work authority. (Ex.-PSC-FEIS-r, Table 11-56, Item 32)
- b. Implementation of an IAM hired to work on behalf of the Commission and DATCP with reporting requirements. (Ex.-PSC-FEIS-r, Table 11-56, Item 3)
- c. Implementation of a combined IEM/IAM with stop work authority for all work regardless of assumed role.

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PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: The applicants do not object to Alternatives 1 and 2. The applicants object to Alternative 3 to the extent that the IAM would have stop work authority.		Direct-Applicants-Lee-r-18, 22–23; Rebuttal-Applicants-Lee-r-2 to 3, 10, 16–17; Rebuttal-Applicants-Valentine-4
Clean Wisconsin: Supports Alternative Three.		Ex.-PSC-FEIS, Table 11-56
DALC/WWF: Support implementation of both IEM and IAM, both with stop work authority.		See staff references
Jewell Jinkins Intervenors: If permitted, CMPs with independent monitors, training, independent monitors must be required, 18a and b with stop work authority.		AIS p. 7-8 EIS p. 114-115, 151-152, et seq. Direct-PSC-Burtley-8; Direct-PSC-Weiss-18.
Beheler: An IEM and IAM should be employed that would be independent of the applicants and their contractors, and report to the Commission and other state agencies. The IEM and IAM should have the authority to stop work at a site until a problem is rectified.		Ex.-PSC-FEIS, Table 11-56, items 3 and 32; Direct-PSC-Burtley-8
Klopp: Select a. and b.		Direct-CK-Klopp-sr-12-17
DNR: Supports Issue 18.		Ex.-PSC-FEIS, Table 11-56, items 23 through 37, 67 through 74, and 79 through 80
DATCP: Supports the use of IEM and IAM that are independent of the applicants, report to the Commission and the other state agencies, and have stop work authority.		Direct-DATCP-Weiss-18; Surrebuttal-DATCP-Weiss-4
Members of the Public: Many public comments discussed the ecological and socioeconomic importance of the Driftless Area where the proposed project would be constructed and expressed concerns regarding environmental impacts the proposed project would have on local and regional natural resources and agricultural lands. Many provide general statements supporting the preservation, restoration, or use of mitigation strategies to reduce impacts to natural and recreational areas, endangered resources, wildlife habitat (birds and pollinators specifically), and farmland (organic farms specifically).		Tr. 2049-2697, Ex.-PSC-Public Comments

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Commission Staff: Supports 18a and b, both with stop work authority		Ex.-PSC-FEIS-r, Table 11-56, Items 3 and 32; Direct-PSC-Burtley-8
COMMISSION ALTERNATIVES (MORE THAN ONE ALTERNATIVE MAY BE SELECTED)		
Alternative One: An IEM should be employed that would be independent of the applicants and their contractors, and report to the Commission and other state agencies. The IEM should have the authority to stop work at a site until a problem is rectified.		
Alternative Two: An IAM should be employed that would work on behalf of the Commission and DATCP with reporting requirements.		
Alternative Three: An IEM and IAM should be employed that would be independent of the applicants and their contractors, and report to the Commission and other state agencies. The IEM and IAM should have the authority to stop work at a site until a problem is rectified.		
Alternative Four: No, an IEM and IAM are not needed.		
Commissioner Notes:		

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Issue 19: Should a construction and mitigation plan be required for the proposed project? If yes, what should be the scope of the construction and mitigation plan?

Issue Scope: A Commission-approved construction and mitigation plan (commonly referred to as a CMP) was required by the Commission in previous dockets prior to the start of construction. The CMP serves to lay out the baseline requirements for implementing environmental requirements, statutes, rules, and the conditions of the Commission's Final Decision. A CMP provides a mechanism for the applicants to identify sensitive resources and mitigation measures that would be implemented along an approved route. A CMP approved by the Commission ensures that sensitive sites are identified and properly protected from impacts that could occur as a result of the construction and continued operation of the proposed project. In previous dockets, CMPs were useful tools for communicating appropriate mitigation measures, and also served as a training tool for construction contractors, construction crews, IEM(s), Commission staff, and other regulatory agencies. The applicants stated they were not opposed to a condition requiring them to submit a CMP for Commission review; however, applicants expressed a preference that any condition requiring them to provide a CMP would allow for segment-specific CMP's, rather than a requirement to submit one CMP for the entire project. (Lee Hearing Tr. at 697-698.)

If the Commission finds that preparation and approval of a CMP is appropriate for the proposed project, it could include the following conditions in any order authorizing the proposed project that states:

- a. The applicants shall develop and submit a CMP for the Commission's approval prior to the commencement of construction. The Commission may wish to consider delegating approval, if this condition is required, of the CMP(s) to the Administrator(s) for DERA and/or DACEA.
- b. The CMP shall address environmental and agricultural issues identified in this docket and include, at a minimum, roles and responsibilities of the IEM and/or IAM, a revegetation/restoration plan, an invasive species management plan, a sediment and erosion control plan, a wetland and waterway mitigation plan, a final sequencing and scheduling plan, and a post-construction monitoring plan.
- c. The applicants shall implement the following process once a CMP is submitted to the Commission that would allow each company to maintain its independence when constructing, managing, and operating its respective facilities:
 1. Prior to construction, ATC and ITC submit their CMPs to Commission staff for review and comment to ensure all of the requirements in the final decision are addressed sufficiently in each plan.
 2. Commission staff provides comments, as relates to the requirements in the final decision on each CMP to ATC and ITC.
 3. If necessary, ATC and ITC then resubmits their CMPs to ensure compliance with the requirements in the final decision.
 4. ATC and ITC may then commence construction of their portions of the project.

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<p>5. ATC and ITC would file the final version of their CMPs using the Commission’s Electronic Records Filing System.</p> <p>d. Conditions, modifications, or opposition to conditions described in party positions below that were identified in the record and are supported by citations to the record.</p>		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: The applicants support the use of CMPs for the project. If the Commission determines that location-specific agricultural practice information is required, the applicants prefer that this information be included in a stand-alone document.</p> <p>19a: the delegation proposal is being raised for the first time in the Decision Matrix, and as such, there is no record evidence on this issue. Commission approval of the CMP has not been required on recent transmission projects.</p>		<p>Rebuttal-Applicants-Lee-r-2 to 3; Lee Hearing Tr. 658:18–659:22, 660:18–661:3, 696:21–698:19; Rebuttal-Applicants-Valentine-4-5</p>
<p>Clean Wisconsin: Supports Alternative Two.</p>		<p>Ex.-PSC-FEIS-Table 11-56</p>
<p>DALC/WWF: A CMP should be required.</p>		<p>See staff and DATCP references</p>
<p>Jewell Jinkins Intervenors: If approved, construction and mitigation plans a, b and c. If permitted, CMPs with independent monitors, training, independent</p>		<p>AIS p. 7-8 EIS p. 114-115, 151-152, et seq. Direct-PSC-Burtley-8; Direct-PSC-Weiss-18</p>
<p>SOUL: CMPs for the proposed project are appropriate.</p>		
<p>DATCP: Supports 19a. through c.</p>		<p>Direct-DATCP-Weiss-16-18</p>
<p>DNR: Supports 19a through d.</p>		<p>Ex.-PSC-FEIS, Table 11-56, item 28</p>
<p>Members of the Public: Many public comments discussed the ecological and socioeconomic importance of the Driftless Area where the proposed project would be constructed and expressed concerns regarding environmental impacts the proposed project would have on local and regional natural resources and agricultural lands. Many provide general statements supporting the preservation, restoration, or use of mitigation strategies to reduce impacts to natural and recreational areas, endangered resources, wildlife habitat (birds and pollinators specifically), and farmland (organic farms specifically).</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>

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<p>Commission Staff: Supports 19a through c. The project would be constructed, owned, managed, and operated by different companies. ITC would construct and manage the Mississippi River and Western Routing Areas, and ATC construct and manage the Eastern and Dane County Routing Areas. A document detailing the environmental and agricultural requirements for this project would help coordinate the implementation of mitigation strategies identified in the application, the FEIS, and the Final Order between the two companies, as well as facilitate communication with regulatory agencies.</p>		<p>Ex.-PSC-FEIS-r, Table 11-56, Item 28; Direct-PSC-Burtley-7-8; Surrebuttal-PSC-Burtley-9-11</p>
<p>COMMISSION ALTERNATIVES</p>		
<p>Alternative One: Yes, a CMP(s) for the proposed project is appropriate and any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.</p>		
<p>Alternative Two: No, a CMP(s) for the proposed project in not appropriate.</p>		
<p>Commissioner Notes:</p>		

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Issue 20: What additional conditions related to the construction activities and associated best management practices should be attached to construction of the proposed project to meet the requirements of Commission approval?

Issue Scope: There are a range of pre-and post- construction activities and best management practices (BMP) that are commonly implemented in transmission projects. They are not route-specific and could be applied at any location along an approved route depending on the habitat, species composition, or applicable conditions. BMPs are generally considered to be effective and practical ways of preventing or reducing impacts from project construction or activities. Other actions listed here have previously been used by the Commission to address potential impacts of a project.

The Commission's Final Order for the proposed project could include the following order conditions that could mitigate some of the ecological and socioeconomic impacts that could occur as a result of the actions implemented by the applicants within an approved ROW during the construction and maintenance phases of the proposed project:

- a. Require the applicants to implement mitigation strategies 29-31, identified in Ex.-PSC-FEIS-r, Table 11-56
- b. Require the applicants to install and maintain proper erosion controls during construction to minimize run-off of topsoil and disturbances to natural areas. (Ex.-PSC-FEIS-r, Table 11-56, Item 30)
- c. Require the applicants to use wide-track vehicles and matting to reduce soil compaction and rutting in sensitive soils and natural areas. (Ex.-PSC-FEIS-r, Table 11-56, Item 31)
- d. The applicants shall follow DNR recommendations and BMPs to prevent the spread of all forest pests and diseases that could be found in the project area, including oak wilt and heterobasidion root disease. DNR's regional forest health specialist shall be consulted for an up-to-date list of actions for counties affected by the project. (Ex.-PSC-FEIS-r, Table 11-56, Item 33)
- e. The applicants shall work with Commission staff and local landowners to evaluate an approved route for the presence of prairie remnants or more diverse grassland habitats and adopt mitigation actions to avoid impacts to existing vegetation to the extent practicable. (Ex.-PSC-FEIS-r, Table 11-56, Item 35)
- f. The applicants' revegetation plan shall include monitoring of the ROW for the presence of new or spreading invasive species for at least three growing seasons with results submitted to Commission staff annually. (Ex.-PSC-FEIS-r, Table 11-56, Item 69)
- g. The applicants shall conduct field surveys prior to construction to identify the locations and extent of invasive plant species on the approved route. These surveys shall be used to develop access plans and construction schedules that avoid the spread or introduction of invasive species. (Ex.-PSC-FEIS-r, Table 11-56, Item 70)
- h. The applicants shall follow BMPs from the DNR and Wisconsin Council on Forestry to comply with Wis. Admin. Code ch. NR 40 and prevent the introduction and spread of invasive species in the project area. (Ex.-PSC-FEIS-r, Table 11-56, Item 71)

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<p>i. The applicants shall implement all necessary mitigation methods when working in and adjacent to waterways, including when working on slopes leading to waterways, to minimize the impacts of the project to waterways. (Ex.-PSC-FEIS-r, Table 11-56, Item 79)</p> <p>j. The applicants shall implement all necessary mitigation methods when working in and adjacent to wetlands, including when working on slopes leading to wetlands, to minimize the impacts of the project to wetlands. (Ex.-PSC-FEIS-r, Table 11-56, Item 80)</p> <p>k. The applicants shall avoid siting the proposed project on or near properties enrolled as Managed Forest Lands (MFL) to the extent practicable, and if that is not practicable, the applicants should work with landowners to minimize impacts to these properties to the extent practicable.</p> <p>l. Conditions, modifications, or opposition to conditions described in party positions below that were identified in the record and are supported by citations to the record.</p>		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 20a: Strategies 29 and 31: frozen ground conditions aren't long enough to allow for project construction nor is it feasible to use wide-track equipment and matting for the entire project. 20k: Restricting siting on or near MFL properties is not reasonable and could result in numerous route adjustments. 20d and e: Consultation with DNR's forest specialist and local landowners are new proposals raised for the first time herein. There isn't record evidence on these points.</p>		<p>Ex.-Applicants-Application-r3-Appx. J, Table 6.1.2-1; Rebuttal-Applicants-Belin-r-5; Direct-Applicants-Lee-s-2; Rebuttal-Applicants-Lee-r-4 to 10, 13-15; Ex.-Applicants-Lee-1; Rebuttal-Applicants-Valentine-5 to 6</p>
<p>Clean Wisconsin: Supports 20a-l.</p>		<p>Ex.-PSC-FEIS</p>
<p>DALC/WWF: Support 20a-20k, with the further position that all conditions should be specific, verifiable, and enforceable. Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).</p>		<p>See Staff and DNR references; Direct-DALC/WWF-Meyer-r2-24, 30-32; Direct-DALC/WWF-Waller-r2-24; Surrebuttal-DALC/WWF-Waller-15-16; Surrebuttal-DALC/WWF-Meyer-3-4, 7; Ex.-DALC/WWF-Waller-6; Tr. 1582-83, 1653-54, 1800-01</p>
<p>Jewell Jinkins Intervenors: Supports 20a through k. Support Recommendation in AIS that no homes be in ROW. Prevention should be</p>		<p>EIS p. 143. AIS p. 4 Recommendations. Direct-DALC/WWF-Meine-r2-15-17;</p>

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<p>focus, not mitigation. PSC charged with avoiding undue and adverse impacts and utilize existing corridors.</p>		<p>Direct-DALC/WWF-Meyer-r2-25-26; Direct-DALC/WWF-Waller-rd-20-21. Wis. Stat. § 196.491(d)(3); Wis. Stat. § 1.11, 1.12(6)</p>
<p>Dubis Family: Supports 20a-l. By requiring Eastern-South: Stagecoach Route (X02) (<i>See:</i> Issue #13b above), avoids problems of i) 20b because there are no steep slopes, rather flat open terrain; ii) 20c, 20d and 20g since no forests are impacted at all, iii) 20c, and 20e since 96% less grassland is impacted, and iv) 20c, 20k, since it avoids close proximity to DNR and Ice Age Trail land.</p>		<p>PSC FEIS Chapter 10, 10.2.2.2, 10.Table 10-11, 10.2.3.2, Table 10-14 Ex.-MMD-Dubis-24; Direct-MMD-Dubis-s-3-12</p>
<p>Linda Grice: Supports requirement of all mitigation strategies used to reduce or avoid impacts.</p>		<p>Ex.-PSC-FEIS-r, Table 11-56, items 29, 30, 31, 33, 35, 70, 71, 79, 80; Direct-PSC-Schumacher 2:23-3:11, 3:17-22, 4:3-7, 4:17-5:8; Surrebuttal-PSC-Schumacher 2:19-3:3, 3:9-19</p>
<p>Joe Schwarzmann: A. Joe Schwarzmann supports all Mitigation strategies a- l. B. Applicants shall not site the project on or through MFL lands C. Applicants shall not be allowed to create ruts greater than 6” on any land without having to fix immediately. D. Since Applicants chose a 1950s route, only use small 1950s size equipment to minimize damage. E. Applicants must first come up with a mitigation strategy for damages water wells, springs and seeps.</p>		<p>Ex.-PSC-FEIS-r, Table 11-56, items 29-80; Direct-PSC-Schumacher 2:23-3:11, 3:17-22, 4:3-7, 4:17-5:8; Applicants Initial Br., Reply Br.-Joe Schwarzmann-4, PSC-FEIS Table 11-56, Grice-Reply Br., pp. 3-4 Initial Br.- Joe Schwarzmann- p. 26 Bradley Tr. 923:1-11, Surrebuttal-DALC/WWF-Meine-11</p>
<p>DNR: Mitigation methods are commonly used to reduce or avoid impacts to waterways and wetlands during the construction of a transmission line.</p>		<p>Ex.-PSC-FEIS-r; Direct-WDNR-Radermacher 4:10-26, 7:17-8:4</p>
<p>DATCP: Supports Issue 20 a. through k. DATCP would further stress that applicants install and maintain proper erosion controls during construction to minimize run-off of topsoil and disturbances to agricultural fields as well as natural areas.</p>		<p>Direct-DATCP-Weiss -14-16</p>

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<p>Members of the Public: Many public comments discussed the ecological and socioeconomic importance of the Driftless Area where the proposed project would be constructed and expressed concerns regarding environmental impacts the proposed project would have on local and regional natural resources and agricultural lands. Many provide general statements supporting the preservation, restoration, or use of mitigation strategies to reduce impacts to natural and recreational areas, endangered resources, wildlife habitat (birds and pollinators specifically), and farmland (organic farms specifically).</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
<p>Commission Staff: Supports 20a through k. The proposed 20d condition acknowledges the limitations by only following Wis. Admin. Code § 113.0511 and provides more mitigation of risk for two very common species of trees in the project area. The proposed 20e condition acknowledges work done by many groups and individuals on establishing and managing prairies as well as the uniqueness of the quality of prairies/grasslands in the project area, which is discussed throughout the record.</p>		<p>Ex.-PSC-FEIS-r, Table 11-56, Items 29, 30, 31, 33, 35, 70, 71, 79, 80; Direct-PSC-Schumacher 2:23-3:11, 3:17-22, 4:3-7, 4:17-5:8; Surrebuttal-PSC-Schumacher 2:19-3:3, 3:9-19</p>
COMMISSION ALTERNATIVES		
<p>Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.</p>		
<p>Alternative Two: None.</p>		
<p>Commissioner Notes:</p>		

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Issue 21: What additional conditions related to avian impacts should be attached to the proposed project to meet the requirements of Commission approval?

Issue Scope: If approved, the proposed project would be constructed through several areas of known high bird use in southwestern Wisconsin where rare and/or sensitive bird species are located, including Important Bird Areas, State and federally owned public lands, and public and private conservation easements. The majority of avian impacts associated with high voltage transmission lines result from birds colliding with transmission line infrastructure. An Avian Risk Review was provided by the applicants for the Cardinal-Hickory Creek project. The terms “Avian Mitigation Plan” and “Avian Protection Plan” have been used interchangeably by different parties in this proceeding, where “Avian Mitigation Plan” often is referenced in the planning stages prior to the commencement of construction, and an “Avian Protection Plan” is used once construction has started. Therefore, in the proposed order conditions below the Commission may or may not choose to make a distinction between the two.

The Commission’s Final Order for the proposed project could include the following conditions that could mitigate some of the avian impacts that could occur as a result of the construction, operation, and maintenance of the proposed project:

- a. Create a project specific Avian Mitigation Plan and submit it to DNR and Commission staff for approval prior to the commencement of construction. This could be included in the Construction and Mitigation Plan (CMP). (Ex.-PSC-FEIS-r, Table 11-56, Item 23)
- b. The applicants shall work with DNR, Commission staff, and other applicable partners to create a project specific Avian Protection Plan that would include project specific bird mitigation strategies (i.e. reducing tower height, horizontal wire arrangement, and bird diverters) and consider pre- and post-construction surveys/studies.
- c. The applicants shall work with DNR and Commission staff on the following conditions, which may or may not be included in either or both the Avian Mitigation and Avian Protection Plans.
 1. The applicants should conduct bird surveys throughout any approved route to determine what species may be present that have previously gone undocumented.
 2. Specific data gathered by the surveys should follow the recommendations provided in the Avian Risk Review and include occurrence data for both breeding and migratory species, with a focus on sensitive or state/federally listed species.
 3. The applicants shall work with DNR and Commission staff on the locations along any approved route that should include the installation of bird diverters to minimize bird collisions.
 4. The applicants shall work with DNR, FWS, and Commission staff on additional options for minimizing bird collisions along the portion of any approved route that crosses and is directly adjacent to the Mississippi River.
- d. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.

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PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 21a and b: Applicants understand these to be interchangeable.</p> <p>21b and c1: The record does not support bird surveys being conducted along the entire project route. The applicants agree with pre-construction surveys only to the extent that they were described by applicants and in Surrebuttal-WDNR-Sample. The record did not discuss scope, intent, or cost of post-construction surveys, and therefore the applicants object to such a requirement without further definition.</p>		<p>Ex.-Applicants-Application-r3-Appx. J: Ex. 1; Rebuttal-Applicants-Bub-r-3 to 13; Rebuttal-Applicants-Curtis-4-5; Direct-Applicants-Lee-r-9 , Rebuttal-Applicants-Lee-r-5-6, 10; Ex.-PSC-Data Request: Responses 1.42, 4.18, 9.8, 9.9</p>
<p>Clean Wisconsin: Supports 21a-d.</p>		<p>Direct-CW-Mathewson-11-15</p>
<p>DALC/WWF: Support 21a through 21c, with the additional requirement that any Avian Mitigation or Protection Plan consider and incorporate the location of bald eagle roosts, and impacts to bald eagle nests should be minimized by requiring a buffer of at least 1,320 feet where no activity takes place from January 15 to July 30. Applicants have not shown that these measures will be sufficient to reduce impacts below the “undue” level or minimize environmental impacts.</p>		<p>Direct-DALC/WWF-Ingram; Surrebuttal-DALC/WWF-Waller-15-16; Ex.-DALC/WWF-Waller-4; Tr.1811-1814; Direct-DNR-Sample-3-4</p>
<p>Jewell Jinkins Intervenors: If permitted, support 21a through c.</p>		
<p>Beheler: Supports 21a through c, outlined above, with emphasis to include “Commission staff” on any order conditions relating to 21a through c.</p>		<p>Direct-PSC-Greene; Ex.-PSC-FEIS, Table 11-56, item 23; Direct-DNR-Rowe</p>
<p>Members of the Public: Many public comments expressed concerns regarding the potential impacts the proposed project would have on migratory and rare birds, locally and regionally. Some discussed the ecological importance the Driftless Area and the Mississippi River have on local bird populations and provided general statements supporting the preservation, restoration, or use of mitigation strategies to reduce impacts to natural and recreational areas, endangered resources, wildlife habitat (birds and pollinators specifically), and farmland (organic farms specifically).</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>

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DNR: Supports 21a through c.		Direct-DNR-Rowe 4:14-10:21; Direct-DNR-Sample 5:8-6:18
Commission Staff: Supports 21a through c, with emphasis to include “Commission staff” on any order conditions relating to 21a-c.		Direct-PSC-Greene-2; Ex.-PSC- FEIS-r, Table 11-56, Item 23; Surrebuttal-PSC-Burtley-12
COMMISSION ALTERNATIVES		
Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.		
Alternative Two: None.		
Commissioner Notes:		

Issue 22: What additional conditions related to agricultural resources and impacts should be attached to construction of the proposed project to meet the requirements of Commission approval?

Issue Scope: The four counties potentially affected by the project are all top agricultural producers. Agriculture in this region includes cropland used for corn and soybeans as well as small grains, pasture for dairy and beef cattle, tree farms, and farm forests. The area is also home to a wide range of organic farms. Most of the potential routes for this project are cross-country and will impact agricultural resources. Constructing through the middle of farms and fields often increases the impact of a project on agricultural operations and resources. Unmanaged areas around electric poles can attract weed and insect pests that require additional management. Poles in fields may also become obstacles to landowners, which could lower the efficiency of farming these fields. Cross-country routes also require increased construction and use of access roads that can impact additional acres of farmland.

The Commission's Final Order for the proposed project could include the following additional conditions that could mitigate some of the impacts to agricultural lands and landowners that would occur as a result of the construction, operation, and maintenance of the proposed project:

- a. Require the applicants to implement mitigation strategies identified as items 1-2 and 4-10 in Ex.-PSC-FEIS-r, Table 11-56.
- b. If project construction activities during the growing season create inaccessible cropland or cropland that is too small or irregularly-shaped to be farmed, the applicants shall properly compensate the property owners for the temporary loss of the use of the land. (#4, Direct-DATCP-Weiss-12)
- c. Many of the proposed routes include double-circuiting an existing lower-voltage line onto the new poles with the new 345 kV line. This will require the removal or "wrecking out" of the existing structure. During the process of removing these poles, top soil can be mixed with poorer quality subsoils, topsoil can be lost, and compaction can occur to a greater extent than during typical construction techniques. Construction personnel should be trained on the proper protection of agricultural fields and soils during the removal of existing poles (i.e. "wrecking out") and a project-specific wreck out procedure document should be included with the construction and mitigation plan(s). The applicants should follow the procedure from a previous 345 kV ATC project (as included in Ex.-DATCP-Weiss-4-2). (#7, Direct-DATCP-Weiss-14)
- d. The applicants shall consult with affected landowners to determine the least damaging locations for transmission structures and off-ROW access roads. (#12, Direct-DATCP-Weiss-16)
- e. The applicants shall undertake post-construction monitoring to ensure that any damage to agricultural fields or operations from construction activities has been repaired or mitigated. Where construction activities have caused damage to agricultural fields or operations, the applicants should work with landowners to address the problems as soon as practicable. Problems could involve construction debris, erosion control devices, altered or damaged fencing, altered field drainage, settled areas, or newly wet areas. This post-construction monitoring could be within the scope of work for the IAM and/or included in the construction and mitigation plan(s). (#14, Direct-DATCP-Weiss-16)

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<p>f. If Western-South is selected, the applicants should work with the UW Platteville Pioneer Farm (Subsegment G08) so that project activities do not interfere with its research projects. (#2a, Direct-DATCP-Weiss-12)</p> <p>g. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.</p>		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 22a: Strategy 2 would severely impact project schedule effectively limiting construction until after harvest. The landowner bill of rights requires this condition “as practicable,” and landowners/renters are compensated for crop loss. 22a: Strategy 4 limits rutting in agricultural lands to 6 inches, but this would be unduly limiting, particularly in inactive fields. 22a: Strategy 6 requires applicants to inform renters of construction schedules, but this should be limited to the extent applicants know of renters.</p>		<p>Direct-Applicants-Lee-s-2; Ex.-Applicants-Lee-1 at No. 2; Rebuttal-Applicants-Valentine-3 to 4; Ex.-Applicants-Stuart-1; Ex.-Applicants-Stuart-2</p>
<p>DALC/WWF: Support 22a through f. Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).</p>		<p>See staff and DATCP references</p>
<p>Jewell Jinkins Intervenors: AIS recommendation, no homes in ROW.. “Project facilities should not interfere with existing land uses...” Conflicts with land-uses, CRP, CREP. 18’ clearance is insufficient, and would interfere with existing use. Route should be modified to avoid ag buildings and structures.</p>		<p>Ex.-DATCP-Weiss-1, p. 4; Direct-JJI-Jewell-r-7; AIS Ex.-DATCP-Weiss-1, p. 136; Direct-PSC-Weiss-10-11</p>
<p>SOUL: Supports items 22a through f.</p>		
<p>Klopp: Select 22a through f.</p>		<p>Ex.-DATCP-Weiss-4-2; Direct-DATCP-Weiss; Ex.-PSC-FEIS, Table 11-56, Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 14; Direct-PSC-Ingwell</p>
<p>Joe Schwarzmann: Provide grounding equipment for all equipment operating under or near transmission lines to avoid, electrical shocks, and explosions.</p>		<p>Beske Tr. 974-978, AIS p. 137</p>

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<p>DATCP: Supports 22a. through f. Due to the number of organic farms affected, DATCP supports organic farm general construction procedures to insure organic operations are protected. It should be based on a document used in a previous 345kV ATC project and included in the CMP (Issue 19). DATCP also recommends the applicants work with agricultural operators to minimize impacts to their farm operations including issues associated with fencing, drain tiles, irrigation systems, and access to buildings and fields.</p>		<p>Ex.-DATCP-Weiss-4; Direct-DATCP-Weiss-16</p>
<p>Members of the Public: Many public comments expressed concerns regarding the potential impacts the proposed project would have on the rural communities and farm operations (large and small) in the project area. Some expressed concerns and identified specific impacts the proposed project would have on farming practices and provided general statements supporting the preservation, restoration, or use of mitigation strategies to reduce impacts to farmers and farmlands (organic farms specifically), natural and recreational areas, endangered resources, and wildlife habitat (birds and pollinators specifically).</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
<p>Commission Staff: Supports 22a through f.</p>		<p>Ex.-PSC-FEIS-r, Table 11-56, Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 14; Direct-PSC-Ingwell-3</p>
COMMISSION ALTERNATIVES		
<p>Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.</p>		
<p>Alternative Two: None.</p>		
<p>Commissioner Notes:</p>		

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Issue 23: What additional conditions related to archaeological and historic resources and impacts should be attached to construction of the proposed project to meet the requirements of Commission approval? (Uncontested)

Issue Scope: The Commission could include the following conditions to mitigate impacts to archaeological sites, historic buildings, and human burial sites. These conditions can reduce disturbances to artifacts, archaeological sites, burials of Native American ancestors, and historic buildings.

- a. If **Nelson Dewey-South** is selected:
 1. The applicants shall complete new surveys of human burial sites GT-0750/BGT-0395, GT-0022/BGT-0326, and GT-0037/BGT-024 within the final project alignment to map the burial locations and determine the presence, nature, and extent of any subsurface archaeological deposits. The results of the surveys shall be used to design construction procedures that will avoid and protect burials and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near these sites. (Ex.-PSC-FEIS-r, Table 11-56, Item 17Ex.-PSC-FEIS-r)
 2. The applicants shall complete new surveys of archaeological sites GT-0753 and GT-0034 in order to determine boundaries, historic significance, integrity, and potential project effects. The results of the surveys shall be used to design construction procedures that will avoid and protect any sites that are potentially eligible for listing in the National Register of Historic Places. (Ex.-PSC-FEIS-r, Table 11-56, Item 18)
- b. If **Stoneman-North** or **Stoneman-South** is selected, the applicants shall complete determinations of eligibility for the National Register of Historic Places and assess potential project effects on seven late 19th and early 20th century residences (AHI 44243, 236270, 236271, 236272, 236273, 236274, and 236275) as well as the St. Charles Borromeo Catholic Church (AHI 236278) in Cassville. The results shall be used by the applicants to work with the property owners to reduce or avoid impacts to properties that are potentially eligible for listing in the National Register of Historic Places. The applicants shall also work with the Cassville Historical Society to reduce or avoid impacts to their historic walking tour of these buildings. (Ex.-PSC-FEIS-r Table 11-56, Item 19)
- c. If **Eastern-North** or **Eastern-South** is selected:
 1. The applicants shall complete a new survey of human burial site IA-0067/BIA-0115 within the final project alignment to map the burial location and determine the presence, nature, and extent of any subsurface archaeological deposits. The results of the survey shall be used to design construction procedures that will avoid and protect the burial and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near the site. (Ex.-PSC-FEIS-r, Table 11-56, Item 12)
 2. The applicants shall complete new surveys of archaeological sites DA-1083, IA-0418, IA-0438, IA-0503, IA-0504, IA-0506, and the Margaret Peat Homestead within the final project alignment in order to determine boundaries, historic significance, integrity, and potential project effects. The results of the surveys shall be used to design construction

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- procedures that will avoid and protect any site that is potentially eligible for listing in the National Register of Historic Places. (Ex.-PSC-FEIS-r, Table 11-56, Item 13)
- d. If **Eastern-South** is selected, the applicants shall assess the potential effects of the project on the National Register of Historic Places property, Thomas Stone Barn. The applicants shall work with the property owner to reduce or avoid any impacts the property’s historic character and use in heritage tourism. (Ex.-PSC-FEIS-r, Table 11-56, Item 14)
 - e. If **Western-North** or **Western-South** is selected,
 - 1. The applicants shall complete new surveys of human burial sites GT-0792/BGT-0420, GT-0437/BGT-0187, GT-0782/BGT-0412, GT-0788/BGT-0417 within the final project alignment to map the burial locations and determine the presence, nature, and extent of any subsurface archaeological deposits. The results of the surveys shall be used to design construction procedures that will avoid and protect burials and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near these sites. (Ex.-PSC-FEIS-r, Table 11-56, Item 20)
 - 2. The applicants shall complete surveys of archaeological sites GT-0158, GT-0089, GT-0090, GT-0464, GT-0665, GT-0685, and GT-0687 in order to determine boundaries, historic significance, integrity, and potential project effects. The applicants shall avoid and protect any sites that are potentially eligible for listing in the National Register of Historic Places. (Ex.-PSC-FEIS-r, Table 11-56, Item 21)
 - f. If **Western-South** is selected, the applicants shall complete surveys of the entire width of the Subsegment E07 ROW to determine the presence, nature, and extent of any human burial sites and subsurface archaeological deposits within the final project alignment. The results of the surveys shall be used to design construction procedures that will avoid and protect burials and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near all burial sites. (#22, Ex.-PSC-FEIS-r, Table 11-56, Item 22)
 - g. If **Black Earth Creek-North** is selected, the applicants shall complete new surveys of archaeological sites DA-0667 and DA-0668 within the final project alignment in order to determine boundaries, historic significance, integrity, and potential project effects. The applicants shall avoid and protect any site that is potentially eligible for listing in the National Register of Historic Places. (Ex.-PSC-FEIS-r, Table 11-56, Item 11)
 - h. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: The applicants do not object to these conditions.		Ex.-Applicants-Application-r3-Section 6.7.2 & 6.7.3; Ex.-Applicants-Application-r3-Appx. J, Exhibits 2–5

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<p>DALC/WWF: Support all conditions in the FEIS, 23a through g. Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).</p>		<p>See staff references</p>
<p>Jewell Jinkins Intervenors: Supports 25 a through h, particularly 25a10 and 11.</p>		<p>Lee Tr. p. 673, l.10 – 674, l. 11; Rebuttal-JJI-Jewell-7-10; Ex. PSC FEIS, Table 11-56, Item 57; EIS p. 143</p>
<p>Members of the Public: Expressed strong general support to protect archaeological and historic resources, especially as a means to preserve the cultural heritage of the Driftless Area and Native American burial sites.</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
<p>Commission Staff: Supports 23a through g.</p>		<p>Direct-PSC-Craft-3; Ex.-PSC-FEIS-r, Table 11-56, Items 11-22</p>
<p>COMMISSION ALTERNATIVES</p>		
<p>Uncontested Alternative: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.</p>		
<p>Commissioner Notes:</p>		

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Issue 24: What additional conditions related to endangered resources should be attached to construction of the proposed project to meet the requirements of Commission approval?

Issue Scope: Endangered resources include rare or declining species, high quality or rare natural communities, and unique or significant natural features. Endangered resources within and adjacent to an approved ROW could be affected by the construction, operation, and/or maintenance activities associated with the proposed project throughout the life of the constructed facilities. The applicants submitted a project specific Endangered Resources Review where the DNR identified “recommended” and “required” actions that the applicants should implement if the proposed project is approved in order to minimize or avoid take of listed endangered resources. The main difference between these two types of actions is that DNR can require applicants to perform “required” actions, but does not have authority to require the applicants to perform “recommended” actions. The Commission has commonly included DNR “recommended” actions as order conditions as a practical and informed mitigation method to minimize or avoid impacts to endangered resources.

The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate impacts to endangered resources within the project area:

- a. The applicants shall provide an updated endangered resources review to the DNR and the Commission if the commencement of construction occurs greater than one year after the initial endangered resources review and at any point the review is greater than a year old and construction is still taking place. (Ex.-PSC-FEIS-r, Table 11-56, Item 24)
- b. The applicants shall work with DNR and Commission staff to implement all of the actions listed in the Endangered Resources review for the Cardinal-Hickory Creek project, including recommended actions. (Ex.-PSC-FEIS-r, Table 11-56, Item 25)
- c. The applicants shall work with the DNR Natural Heritage Conservation program prior to the commencement of construction to develop plans for additional surveys in areas where rare species information is lacking, particularly within and adjacent to Important Bird Areas and Conservation Opportunity Areas. (Direct-WDNR-Rowe-9-10.)
- d. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 22b: Applicants may not be able to implement all of the DNR recommended actions. Many recommended actions lack specificity. In some cases, recommended actions could require timing restrictions, which conflict with required actions for threatened and endangered species. Applicants will continue to consult with the DNR during the endangered resource review process to identify where recommended actions can and will be implemented.</p>		<p>Direct-Applicants-Lee-s-2; Rebuttal-Applicants-Lee-r-3 to 4; Ex.-Applicants-Lee-1 at No. 25</p>

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Clean Wisconsin: Supports 24a through c.		Ex.-PSC-FEIS, table 11-56; Direct-CW-Mathewson-11-15
DALC/WWF: Support 24a though 24c, with the clarification that the PSC should explicitly state in its Order that DNR’s “recommended actions” are made binding and enforceable through their inclusion in the PSC CPCN order. Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).		See staff references; Direct-CW-Mathewson-15; Tr. 1658–59; Direct-DALC/WWF-Waller-r2-34
Jewell Jinkins Intervenors: Applicants haven’t met burden of proof that project will not impact endangered resources. Project would significantly impact wildlife, birds, forests, grasslands, viewsheds, aesthetics, wetlands, waterways, historical sites, recreational settings, social and cultural values, CO2. Applicants and Commission staff haven’t yet produced full analysis of impacts. Focus on prevention, not questionably effective mitigation. Conditions must be drafted to be effective, not circumvented. Given objections to river crossings, CPCN should not be granted prior to RUS/USFWS FEIS.		Wis. Stat. §§ 1.11, 1.12(3); see also Wis. Admin. Code § NR 150.04(2)(1). Direct-DALC/WWF-Meyer-r-2-5, 19-20; Direct-DALC/WWF-Meine-r-2-4, 6-21; Surrebuttal-DALC/WWF-Waller-6-7. Ex. PSC-FEIS-21, 56-57. Rebuttal-Applicants-Belin-r-8; Ex.-Applicants-Lee-6; Direct-CUB-Neal-pr-19, Ex.-PSC-FEIS-106-107, 173, 188, 198,243; Direct-CW-Matheson-15; PSC-Bentley, Tr. 2242, 2259. Ex.-Applicants-Lee-7; PSC-Rademacher, Tr. 1654; PSC-Burtley, Tr. 2021; Ex.-Applicants-Lee-6 p.2, Ex.-DALC/WWF-Waller-6; Tr. 1582-1583, 1800-1801
Beheler: Supports 24a through c, outlined above, with emphasis to include “Commission staff” on any order conditions relating to 24b. Actions and orders shall be listed as “required” “to comply with Wisconsin’s Endangered Resources Law,” under the Commission order.		Ex.-PSC-FEIS, Table 11-56, Items 24 and 25; Direct-PSC-Burtley-9-10; Direct-DNR-Rowe

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DNR: Supports 24a through 24c		Direct-DNR-Rowe 2:18-10:13; Direct-DNR-Sample 6:9-17
Members of the Public: Many expressed concerns regarding environmental impacts the proposed project would have on rare species and communities in the project area and what that would mean in a broader context. Many also identified concerns regarding the uniqueness of the area and the remote terrain, making the presence and locations of rare species and communities unknown and potentially more at risk. Many provide general statements supporting the preservation or use of mitigation strategies to reduce impacts to endangered resources.		Tr. 2049-2697, Ex.-PSC-Public Comments
Commission Staff: Supports 24a through c, with emphasis to include “Commission staff” on any order conditions relating to 24b. In recent discussions with stakeholders, it appears that if these actions are listed as “recommended” in orders or if they are accompanied by language such as “to comply with Wisconsin’s Endangered Resources Law,” then it is not clear to utilities and others whether these order conditions are only “recommended” as opposed to “required” under the Commission order.		Ex.-PSC-FEIS-r, Table 11-56, Items 24 and 25; Direct-PSC-Burtley-9-10;
COMMISSION ALTERNATIVES		
Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.		
Alternative Two: None.		
Commissioner Notes:		

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Issue 25: What additional conditions related to landowner rights and community impacts should be attached to construction of the proposed project to meet the requirements of Commission approval?

Issue Scope: The proximity of properties to a high-voltage transmission line is important because of real and perceived concerns about local aesthetics, changes to valued viewsheds, personal enjoyment and use of one's property, potential impacts to property values, magnetic fields, and other electrical phenomenon, and personal and public safety.

The Commission's Final Order for the proposed project could include the following additional conditions that could mitigate some of the impacts that would occur as a result of the actions performed by the applicants during construction and maintenance phases of the proposed project:

- a. The applicants shall work with landowners to develop mitigation strategies that optimize minimization of impacts to residences and property to the extent practicable. Some examples of mitigation strategies include (Ex.-PSC-FEIS-r, Table 11-56, Items 58 and 61):
 1. Minor route adjustments, structure design changes, and lateral shifting of structures on the project centerline to increase space between transmission facilities and residences.
 2. Routing to avoid scenic areas.
 3. Routing through commercial or industrial areas instead of residential areas.
 4. Modifying form, color, or texture of transmission lines.
 5. Modifying material of structures to wood or rust brown oxidized steel to blend better with wooded landscapes.
 6. Installing stronger conductors to minimize line sag and provide a sleeker profile.
 7. Managing of ROW to include planting vegetative screens that block views of the line and structures.
 8. Leaving ROW in a natural state at road or river crossings to reduce the amount of aesthetic altered by new construction.
 9. Offering additional compensation to mitigate loss of screening vegetation.
 10. Offering additional compensation to residences located within ROW.
 11. Offering at least full property value compensation for relocation of landowners with residences within ROW.
- b. Require the applicants to follow mitigation strategies identified as items 59-60, 62-66, and 75 in Ex.-PSC-FEIS-r, Table 11-56.
- c. Depending on the route selected, the applicants shall consult with Alliant Energy, the DNR, the Prairie Enthusiasts, the Nature Conservancy, the Driftless Area Land Conservancy and any other landowners that have established/managed prairies to determine appropriate measures to avoid or minimize impacts during construction and ongoing management. The applicants shall document the results of this consultation to the Commission. (Ex.-PSC-FEIS-r, Table 11-56, Item 34)

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- d. If **Western-South** is selected:
1. The applicants shall work with the Esh's at 20032 Sunny Lane, Platteville, WI 53818 in realigning Subsegment H03 to minimize impacts to the Amish Country School and other structures on his property. (Ex.-PSC-FEIS-r, Table 11-56, Item 78)
 2. The applicants shall periodically report to Commission staff regarding the status of mitigation options offered to and chosen for implementation by Stephen and Drusilla Esh to minimize impacts to the schoolhouse, residence, and other structures on their property. (Ex.-PSC-FEIS-r, Table 11-56, Item 76)
- e. If **Eastern-North** is selected:
1. The applicants shall work with the landowners at 4047 James Road, Dodgeville, WI 53533 in realigning Subsegment P05 to minimize impacts to their residence and property. (Ex.-PSC-FEIS-r, Table 11-56, Item 39)
- f. If **Eastern-South** is selected:
1. The applicants shall work with the Ferrins at 244 Grove Street, Ridgeway, WI 53582 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 40)
 2. The applicants shall work with the Ladows at 3200 CTH Q, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 41)
 3. The applicants shall work with the landowners at 101-104 Pine Ridge Court, Barneveld, WI 53507 and the developers of that area to determine additional compensation to mitigate impacts to residences, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 42)
 4. The applicants shall work with the landowners at 104 Main Circle, Dodgeville, WI 53533 to determine additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 43)
 5. The applicants shall work with the landowners at 1302 USH 18, Cobb, WI 53526 to determine appropriate mitigation options. (Ex.-PSC-FEIS-r, Table 11-56, Item 44)
 6. The applicants shall work with the landowners at 1756 USH 18, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 45)
 7. The applicants shall work with the landowners at 277 USH 18, Montfort, WI 53569 to determine additional compensation to mitigate impacts to property, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 46)

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8. The applicants shall work with the landowners at 4045 USH 18, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 47)
9. The applicants shall work with the landowners at 682 USH 18, Montfort, WI 53569 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 48)
10. The applicants shall work with the landowners at 7453 USH 18, Barneveld, WI 53507 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 49)
11. The applicants shall work with the landowners at 7811 USH 18, Barneveld, WI 53507 in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 50)
12. The applicants shall work with the landowners at 826 USH 18, Montfort, WI 53569 in realigning Subsegment Q02 to minimize impacts to their residences and property, determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 51)
13. The applicants shall work with the Olsons at 4590 CTH J, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 52)
14. The applicants shall work with the Phillips at 2530 Commerce Street, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence. (Ex.-PSC-FEIS-r, Table 11-56, Item 53)
15. The applicants shall work with the Steffen's at 2511 CTH JG, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 54)
16. The applicants shall work with the Thomases at 2024 USH 18, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence. (Ex.-PSC-FEIS-r, Table 11-56, Item 55)
- g. If **Eastern-South: Dodgeville** is selected:
 1. The applicants shall work with the Jones at 4873 Section Line Road, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to property, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 56)
 2. The applicants shall work with the Shaulls at 1289 County Road B, Cobb, WI 53526 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 57)

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3. The applicants shall work with the Ferrins at 244 Grove Street, Ridgeway, WI 53582 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 40)
 4. The applicants shall work with the landowners at 101-104 Pine Ridge Court, Barneveld, WI 53507 and the developers of that area to determine additional compensation to mitigate impacts to residences, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 42)
 5. The applicants shall work with the landowners at 7453 USH 18, Barneveld, WI 53507 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS-r, Table 11-56, Item 49)
 6. The applicants shall work with the landowners at 7811 USH 18, Barneveld, WI 53507 in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 50)
 7. The applicants shall work with the Olsons at 4590 CTH J, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 52)
 8. The applicants shall work with the Steffens at 2511 CTH JG, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 54)
- h. If **Black Earth Creek-South** is selected:
1. The applicants shall work with the landowners at 4344 Twin Valley Road, Middleton, WI 53562 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS-r, Table 11-56, Item 38)
- i. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 25a through h: Applicants object to conditions calling for additional compensation to be paid to landowners for particular impacts and/or for specific mitigation strategies. Under Wis. Stat. ch. 32, landowners will be compensated for all impacts to their properties and/or the purchase of particular properties at total appraised value, if such compensation is deemed just. The proposed conditions confuse and unnecessarily duplicate existing requirements. 25d2: Applicants object to this condition for the reasons described in 10 above.</p>		<p>Rebuttal-Applicants-Stuart-5-6; Ex.-PSC-Data Request: Response 10.01</p>

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<p>DALC/WWF: Supports 25a through h, with the exception of 25a(5). Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).</p>		<p>See staff references; Tr. 2214, 2387, 2391; Ex.-PSC-FEIS-112</p>
<p>Jewell Jinkins Intervenors: Supports 25b through h, in particular 25b10 & 11; Eastern Southern, see h(3) above, to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value; Jewell’s home listed as W46941 and should be included as historical property. State historical property is “historical.” “It is unclear whether ITC can use eminent domain to acquire easements on their section of the proposed Cardinal-Hickory Creek Project.”</p>		<p>Lee Tr. p. 673, l.10 – 674, l. 11 (; Rebuttal-JJI-Jewell-7-10; Ex.-PSC-FEIS, Table 11-56, Item 57; EIS p. 143 (Citing PSC Docket 2707-NC-100; Wis. Stat. §32.02(5).</p>
<p>Village of Montfort: The applicants shall work with the village of Montfort to place the proposed substation in a location that would eliminate the visibility of the substation from the village of Montfort. The applicants shall work with the village of Montfort in realigning the HVTL to minimize impacts to their residences and property, determine additional compensation to mitigate impacts to residence.</p>		<p>VOM-Kielisch-2; Tr. 1779-2048 at pg. 1896:16-1899:10</p>
<p>Dubis Family: Supports 25a-i. Requiring Eastern-South: Stagecoach (See: Issue #13b above), better addresses concerns reflected in 25a(1)-a(7) because Eastern-South: Stagecoach locates transmission facilities away from residences, avoids 6 homes within 300ft including one within 100ft; protects scenic areas, avoids close proximity to Ice Age Trail and DNR land, uses primarily commercial/industrial areas and agricultural instead of residential homes, blends better with wooded landscapes and blocks views of the line and structures behind tall hills.</p>		<p>PSC FEIS Chapter 10; CHC 5-CE-146 FEIS § 9.3.3.3.1 p. 464 Direct-MMD-Dubis-s-3-19; Direct-MMD-Dubis-17-33, Ex.-MMD-Dubis-18, Ex.-MMD-Dubis-#7’s through 17, Ex.-MMD-Dubis-#24</p>
<p>Joe Schwarzmans: A. If Western-North route is selected avoid crossing or using Scenic Road, a one lane Rustic Road, and route would cross Platte River 10 times at this point. B. Avoid placing Poles in clear sight of the front door view of homes. C. Resolve the issue of two different</p>		<p>Initial Br. -Joe Schwarzmans P. 17-18, L Grice Reply Br.; Ex.-PSC-FEIS, Table 11-56; Direct JS-Schwarzmans-r, Surrebuttal-PSC-</p>

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Applicants with different easements and vegetation Management plans, parallel on same ROWs. D. Require Applicants to spell out Vegetation Management practices in easements, ban bad practices in Landowners Bill of Rights.		Burley-11-12, Joe Schwarzmann-Initial Br. 21-22, Moders Tr. 1683-1684, 1739-1740, Joe Schwarzmann Reply Br.-5, Reply Br. Klopp-11
Lila Zastrow and Dave Hendrickson: Until all the words should are changed to shall Ex.-PSC-FEIS, Table 11-56, will be meaningless. The use of should is weak and will be ignored by the applicants.		Ex.-ZH-Zastrow-57r
Members of the Public: Many public comments expressed concerns regarding the negative impacts the proposed project would have on local communities, human and animal health, property values, aesthetics, rural character and identity, etc. Many expressed concerns about the easement and eminent domain processes, land rights associated with off-ROW areas, siting the proposed project adjacent to existing ROW significantly increasing the ROW, and clearing trees and vegetation within the ROW.		Tr. 2049-2697, Ex.-PSC-Public Comments
Commission Staff: Supports 25a through h. The applicants do not state with clarity the need to retain easement rights for existing facilities for long-term operation and maintenance if they acquire new easement rights that would encompass the existing facilities. The Commission has ordered utilities to relinquish easements associated with facilities that have been removed in dockets 5-CE-105, 6690-EA-178, and 137-EA-102.		Ex.-PSC-FEIS-r, Direct-PSC-Tomaszewski-2-4Surrebuttal-PSC-Burtley-5-8; Surrebuttal-PSC-Burtley-11-13; Direct-PSC-Burtley-13-14
COMMISSION ALTERNATIVES		
Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.		
Alternative Two: None.		
Commissioner Notes:		

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Issue 26: What additional conditions related to the seed mixes should be implemented within an approved ROW should be attached to construction of the proposed project to meet the requirements of Commission approval?

Issue Scope: The proposed project occurs in a unique part of the state where some of the last tallgrass prairie remnant communities remain. If the project is approved, enhancing the ROW for pollinators (e.g. utilization of native flora that blooms throughout the growing season), could have a positive effect on native and rare pollinators within and adjacent to the ROW. The applicants have provided examples of pollinator-enhanced seed mixes that could be utilized for the proposed project and state that the costs of implementing pollinator-enhanced seed mixes for the proposed project have been accounted for in its estimated project cost.

The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate some of the ecological impacts that could occur as a result of the restoration practices implemented by the applicants within and adjacent to an approved ROW during the construction and maintenance phases of the proposed project:

- a. The applicants shall implement pollinator-enhanced seed mixes in grassland areas to the greatest extent practicable. The applicants should work with DNR and Commission staff when determining where and when to use these seed mixes, and the contents of the mixes. (Ex.-PSC-FEIS-r, Table 11-56, Item 36)
- b. In upland areas that are not agricultural crops, or road ROW, the applicants shall use a seed mix comprised of native grasses and forbs to minimize the spread of non-native plants and maintain species diversity. Pollinator-enhanced seed mixes should be considered in these areas. The applicants should work with DNR and Commission staff when determining where and when to use these seed mixes, and the contents of the mixes. (Ex.-PSC-FEIS-r, Table 11-56, Item 37)
- c. In areas subject to DNR permitting, the applicants shall use a DNR approved seed mix. (Ex.-PSC-FEIS-r, Table 11-56, Item 72)
- d. Revegetate ROW with appropriate seed mixes, include native species to the greatest extent practicable, and select plant species with season-long sources of pollen and/or nectar to ROWs for declining pollinator species. (Ex.-PSC-FEIS-r, Table 11-56, Item 74)
- e. The applicants shall develop and implement a management plan for when native plant seed mixes are used. This should include at least 2-3 visits per year to move and/or spot herbicide invasives and woody vegetation for 2-3 years.
- f. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: 26e: Managing the ROW for 2-3 years post-construction where enhanced seed mixes have been used may be impractical. This is also a new staff recommendation that has not been fully addressed in the record. These costs have not been factored into the cost of the project. Additionally, herbicide use is subject to landowner approval, so may not</p>		<p>Ex.-Applicants-Application-r3-Section: 6.2.2; Rebuttal-Applicants-Lee-r-4 to 5, 8 to 11; Lee Hearing Tr. 658:14 to 17</p>

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be possible, and its effectiveness, long-term will be greatly affected by invasive species adjacent to the ROW.		
DALC/WWF: Support 26a through e, but conditions must be written in a specific and enforceable way. Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).		Rebuttal-DALC/WWF-Waller-5-6
Jewell Jinkins Intervenors: CPCN should be denied. JJI supports adoption of recommendations of DALC/WWF, Zastrow, Schwartzman re: vegetation and seed mixes.		
Members of the Public: Many expressed concerns regarding environmental impacts the proposed project would have on prairie communities in the project area and what that would mean in a broader context. Many also identified concerns regarding the uniqueness of the Driftless Area and the remote terrain, making the presence and locations of native plant species and associated pollinators unknown. Many provide general statements supporting the preservation or use of mitigation strategies to reduce impacts to prairies and pollinators.		Tr. 2049-2697, Ex.-PSC-Public Comments
DNR: Supports 26a-e. Establishing native prairie seed can be difficult and in order to be successful, the applicants should manage these areas for the first few years to reduce the invasion of invasive and non-native plant species.		Direct-DNR-Rowe 10:22-11:10; Direct-DNR-Sample5:17-26
Commission Staff: Supports 26a through e, with emphasis to include “Commission staff” on any order conditions. The applicants do not state with certainty where/how they would implement a seed mix enhanced for pollinators or the actual content of those seed mixes.		Ex.-PSC-FEIS-r; Direct-PSC-Burtley-10-11
COMMISSION ALTERNATIVES		
Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.		
Alternative Two: None.		
Commissioner Notes:		

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Issue 27: What additional conditions related to the vegetation management practices implemented during the construction and maintenance phases of the proposed project to meet the requirements of Commission approval?

Issue Scope: Utility vegetation management practices were discussed in detail, and vegetation management within utility ROWs was a major source of concern for landowner parties. The ecological and socioeconomic impacts of vegetation management varies by the region, landscape, and methods implemented by each easement owner. Vegetation management includes management of vegetation in an approved ROW for construction and maintenance, including the process of preventing vegetation from interfering with the safe operation of transmission facilities. The impacts of vegetation management practices implemented within utility ROWs occur throughout the life of constructed facilities. It is up to each transmission owner/utility to choose how it manages vegetation within its ROWs. The transmission owner's/utility's right to manage vegetation within its ROWs are written into easement agreements with landowners.

For the proposed project, ITC and DPC would own, operate, maintain, and acquire easements for an approved route in the Mississippi River and Western Routing Areas; ATC and DPC would own, operate, maintain, and acquire easements for an approved route in the Eastern and Dane County Routing Areas. Therefore, the types of vegetation management practices that would be implemented within an approved ROW for the proposed project may differ depending who maintains that portion of the ROW. ATC and ITC submitted information regarding their vegetation management practices confidentially and have not disclosed their policies or programs to each other.

The Commission's Final Order for the proposed project could include the following additional conditions that could mitigate some impacts that may occur as a result of the utility vegetation management practices implemented by the applicants within an approved ROW during the construction and maintenance phases of the proposed project consistent with the FEIS:

- a. Allow compatible tree and shrub species to grow within an approved ROW, particularly along the edge of existing forests or natural areas. The applicants should work with Commission staff on creating a list of compatible species within the proposed ROW. (Ex.-PSC-FEIS-r, Table 11-56, Item 68)
- b. Implementation of an integrated vegetation management (IVM) program within the proposed ROW that could be accredited by the ROW Stewardship Council during vegetation maintenance cycles. (Ex.-PSC-FEIS-r, Table 11-56, Item 73)
- c. Other parties identified additional conditions relevant to this issue as described in party positions below that were identified in the record and are supported by citations to the record.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative Two. Applicants implement IVM practices to establish sustaining compatible vegetation within the ROW. Conditions requiring specific types of vegetation at the ROW edges may require wider		Rebuttal-Applicants-Benzschawel-26 to 27; Direct-Applicants-Lee-s-2;

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<p>ROWs and be contrary to establishing sustainable, compatible vegetation resulting in increased maintenance costs and outage risks. The Council accreditation is an unnecessary cost to customers without commensurate benefits. Conditions proposed by other parties, would inhibit the applicants ability to maintain the ROW consistently along the line.</p>		<p>Ex.-Applicants-Lee-1 at Nos. 68 and 73</p>
<p>Clean Wisconsin: Supports 27a-c, including, to the extent practicable, implementation of a wire zone/border zone approach to IVM. Require applicants to submit joint VM plans or individual plans should be harmonized by DNR and PSC staff.</p>		<p>Direct-CW-Mathewson-18-20; Ex.-PSC-FEIS; Direct-PSC-Burtley</p>
<p>DALC/WWF: Support 27a and b. Applicants have not shown that even implementation of all suggested conditions would be sufficient to eliminate undue adverse environmental impacts, § 196.491(3)(d)(4), and minimize environmental impacts, § 196.491(3)(d)(3r).</p>		<p>See Staff references; Direct-DALC/WWF-Waller-r2-13-15; Rebuttal-DALC/WWF-Meyer-5; Surrebuttal-DALC/WWF-Waller-6-7; Direct-CW-Mathewson-16-18; Tr. 1835-36</p>
<p>Jewell Jinkins Intervenors: CPCN should be denied. Supports 27a through b, with additional conditions for landowner input: Each company should work with landowners and Commission staff to determine whether the plan is most useful as a stand-alone document or as a component of its CMP. The submission process for vegetation management plans would follow the CMP process identified in Issue 19. JJI supports adoption of recommendations of DALC/WWF, Zastrow, Schwartzman re: vegetation management.</p>		<p>Ex.-PSC-FEIS, Direct-PSC-Burtley, Surrebuttal-PSC-Burtley-11 through 13</p>
<p>SOUL: Supports Staff in 27(a) and b) above, and Intervenor Joe Schwarzmänn's recommended protections for property owners. A, uniform, provided VM particularly for MFL and other forest landowners. New policy to ban aerial trimming and resulting tree topping, lion's tailing, other industry banned practices and not required to do VM. Require applicants to negotiate specific VM conditions in easements.</p>		<p>Direct-JS Schwarzmänn-r, Benzschawel Tr. 1304-1452 Benzschawel Tr. Confidential 1319-1368. Yoders Tr. 1683-1741, Yoders Tr. Confidential Tr. 1666-1682, 1690-1694, Ex. JS- Schwarzmänn-5r, Rebuttal-DALC/WWF-Meyer-8) Joe Schwarzmänn-Initial Br., Rebuttal-</p>

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		DALC/WWF-Waller-10,11, Joe Schwarzmman- Reply Br., Direct Zh Zastrow, Surrebuttal-ZH-Zastrow-Hendrickson; Initial brief-Joe Schwarzmman-P.21
<p>Klopp: Select modifications a and b, above. Also include the following additions: 1) Since the applicants have very different VM plans and don't share with each other, institute a set of overarching guidelines administered by PSC, for landowners, particularly MFL and other forest landowners. 2) Ban aerial trimming, tree topping and lion's tailing, all industry banned practices and not required to do VM properly. 3) Require applicants to negotiate specific VM conditions in easements.</p>		Direct-JS Schwarzmman-r; Benzschawel Tr. 1304-1452; Benzschawel Tr. Confidential 1319-1368; Yoders Tr. 1683-1741; Yoders Tr. Confidential Tr. 1666-1682, 1690-1694; Ex. JS- Schwarzmman-5r; Rebuttal- DALC/WWF-Meyer-8; Joe Schwarzmman- Initial Br.; Rebuttal-DALC/WWF-Waller-10,11; Joe Schwarzmman- Reply Br.; Direct Zh Zastrow, Surrebuttal-ZH Zastrow-Hendrickson; Initial brief-Joe Schwarzmman-P.21
<p>Joe Schwarzmman: Supports a) and b) above and requests the following: 1) Since applicants have very different VM plans, no sharing, institute a set of overarching guidelines based on end results, administered by PSC, particularly protecting MFL and other forest landowners. 2) Ban aerial trimming, tree topping and lion's tailing, all industry banned practices and not required to do VM properly. 3) Require Applicants to negotiate specific VM conditions in easements. 4) As part of a) above, institute WireZone/Border Zone on all ROWs, not just "maintained" ROWs.</p>		Direct-JS Schwarzmman-r, Benzschawel Tr. 1304-1452 Benzschawel Tr. Confidential 1319-1368. Yoders Tr. 1683-1741, Yoders Tr. Confidential Tr. 1666-1682, 1690-1694, Ex. JSSchwarzmman-5r, Rebuttal- DALC/WWF-Meyer-8) Joe Schwarzmman-Initial Br., Rebuttal-DALC/WWFWaller-10,11, Joe Schwarzmman- Reply Br., Direct Zh Zastrow, Surrebuttal-ZH-Zastrow-Hendrickson, Initial brief-Joe Schwarzmman-P.21

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<p>Members of the Public: Many public comments expressed concerns regarding the applicants' vegetation management practices. Many also expressed concerns regarding the vegetation and trees that would be lost as a result of construction and on-going maintenance activities. Many also expressed concerns regarding what and how land rights are acquired (on and off-ROW) by the applicants through the easement and eminent domain processes.</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>
<p>Commission Staff: Supports 27a through c. In addition, require the applicants to individually submit their vegetation management plans for the Cardinal-Hickory Creek project to DNR and Commission staff. Plans must include any vegetation management related order conditions linked to practices and/or landowner rights. Each company should work with Commission staff to determine whether the plan is most useful as a stand-alone document or as a component of its CMP and the submission process for these plans would follow the CMP process (Issue 19). The costs the applicants would incur as a result of the vegetation management practices that it would implement within an approved ROW for the Cardinal-Hickory Creek project would be cost shared among the entire MISO region.</p>		<p>Ex.-PSC-FEIS-r, Direct-PSC-Burtley-11-12, Surrebuttal-PSC-Burtley-11 - 13; Surrebuttal-PSC-Burtley 8-9; Surrebuttal-PSC-Vedvik-21-22; Ex.-PSC-Vedvik-8-5</p>
COMMISSION ALTERNATIVES		
<p>Alternative One: Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate.</p>		
<p>Alternative Two: None.</p>		
<p>Commissioner Notes:</p>		

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Issue 28: Should the Commission allow the applicants to utilize eminent domain authority to acquire hazard tree easements for properties that are not encumbered by a standard transmission line easement?		
<p>Issue Scope: Most transmission line easements contain language that specifically grants the utility the right to remove hazard trees outside of the easement, along with the permission to enter off-ROW areas in a reasonable manner in order to conduct tree removal activities. The applicants have stated that such language is standard in their easement contracts. Utilities can identify and respond to potential power line natural hazards under Wis. Admin. Code § PSC 113.0512(3).</p> <p>For the proposed project, applicants intend to use the eminent domain authority granted them through a Commission Order to acquire additional land rights through the use of a “hazard tree easement” for properties outside of the proposed ROW that would not otherwise be encumbered by a standard transmission line easement.</p> <p>The Commission could include a condition in any order authorizing the proposed project that states:</p> <ol style="list-style-type: none"> a. The applicants shall not use eminent domain authority granted through a Commission Certificate of Public Convenience and Necessity (CPCN) to acquire hazard tree easements for properties not encumbered by a standard transmission line ROW easement. 		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: The Commission lacks authority to alter the ch. 32 processes and should not establish any condition regarding condemnation and hazard trees. The need to obtain hazard tree rights is discussed in Mr. Benzschawel’s testimony. The applicants will use the statutorily defined process in ch. 32 to acquire all necessary land rights for the safe and reliable operation of the transmission line.</p>		<p>Rebuttal-Applicants-Benzschawel-24 to 25; Surrebuttal-Applicants-Benzschawel-5; Rebuttal-Applicants-Stuart-3 to 4, 7; Ex.-Applicants-Stuart-1; Ex.-Applicants-Stuart-2; Direct-Applicants-Valentine-15</p>
<p>Jewell Jinnkins Intervenors: Supports 28a. Use Eminent Domain only to extent an applicant has power of eminent domain. Eminent domain may not be available to ITC.</p>		<p>EIS, p. 143</p>
<p>SOUL: Supports 28a.</p>		
<p>Joe Schwarzmann: Since ITC is a foreign owned corporation, it is my understanding that they can not use imminent domain in the state of Wisconsin.</p>		<p>Valentine Tr. 1767:3-8, Initial Br.- Joe Schwarzmann P. 17</p>
<p>Member of the Public: Many public comments expressed concerns regarding the applicants’ vegetation management practices. Many also expressed concerns regarding the vegetation and trees that would be lost as</p>		<p>Tr. 2049-2697, Ex.-PSC-Public Comments</p>

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<p>a result of construction and on-going maintenance activities. Many also expressed concerns regarding what and how land rights are acquired (on and off-ROW) by the applicants through the easement and eminent domain processes.</p>		
<p>Commission Staff: Supports condition 28a. The concept of using eminent domain to acquire rights beyond an approved ROW is new to the Commission. The Commission first became aware of the use of separate hazard tree easements by ATC in docket 137-CE-186. In that docket it did not appear that ATC was requesting any such authorization nor was it clear that they would use eminent domain to acquire those rights.</p>		<p>Ex.-PSC-FEIS-r at 145-146; Direct-PSC-Burtley-12-13, Surrebuttal-PSC-Burtley-5-8</p>
<p>COMMISSION ALTERNATIVES</p>		
<p>Alternative One: Yes, the Commission allows the applicants to utilize eminent domain authority to acquire hazard tree easements for properties that are not encumbered by a standard transmission line agreement.</p>		
<p>Alternative Two: No, the Commission does not allow the applicants to utilize eminent domain authority to acquire hazard tree easements for properties that are not encumbered by a standard transmission line agreement.</p>		
<p>Commissioner Notes:</p>		

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Issue 29: If approved, would the proposed project comply with Wis. Stat. § 196.491(3)(d)6. and not unreasonably interfere with the orderly land use and development plans for the area involved?		
Issue Scope: A finding that the proposed project would not unreasonably interfere with the orderly land use and development plans for the area involved is a requirement before the Commission can issue a Certificate of Public Convenience and Necessity (CPCN).		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. The applicants employed a variety of strategies to engage the public on routing including open houses, direct mailings, and meetings with public officials. Based on feedback received, and applicants’ independent review of land use plans in areas that could be affected by the project, the applicants developed routing alternatives that will not unreasonably interfere with the orderly land use and development plans for these areas.		Ex.-Applicants-Application-r3-Appx. A, Fig. 8 (Parts 1 and 2); Direct-Applicants-Callaway-4-9; Rebuttal-Applicants-Callaway-4-5
DALC/WWF: No, the project would not comply with Wis. Stat. § 196.491(3)(d)6. The massive high-voltage transmission line and towers would unreasonably interfere with land use and development plans of numerous communities and local governments along the route, as well as with plans for special protected natural resource areas.		Surrebuttal-DALC/WWF-Meine-13-15; Surrebuttal-TOV-McDermott-r-2-3; Direct-DALC/WWF-Meine-r2-14; Ice Age Trail Alliance Comments (PSC REF#: 371300); Direct-DALC/WWF-Forrest; Ex.-PSC-FEIS at 23–24; Tbl. 1-10 & 1-11
Jewell Jinkins Intervenors: Eastern-South route R-09 would be extreme individual hardship due to historic property at 3362 Co. Rd. B and longstanding land use. Routing on R-09 would take away use and enjoyment of this property held by Jewell family for generations. “Project facilities should not interfere with existing land uses...” Conflicts with land-uses, CRP, CREP, existing ag buildings. 18’ clearance is insufficient, and would interfere with existing use. Route should utilize existing corridor.		Ex.-DATCP-Weiss-1, p. 4; Direct-JJI-Jewell-r-7; AIS Ex.-DATCP-Weiss-1, p. 136; Direct-PSC-Weiss-10-11. Wis. Stat. §1.12(6)
Village of Montfort: See response to Issue 1.		
SOUL: The record in this case – even the issues cited in this matrix that the Commission encourages the applicants to “work out” without		All received public comments in all forms received by the Commission.

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enforcement-- prove that the Project would, unreasonably interfere with the orderly land use and development plans for the area involved.		
Beheler: No, the proposed project does not comply with Wis. Stat. § 196.491(3)(d)6 as it unreasonably interferes with the orderly land use and development plans in the project area. The Mount Horeb Area School District orderly land use and development plans in the project area will be severely and negatively affected.		Tr. 2199-2201, 2350-2352, 2410, 2415, 2609
Dubis Family: No. Cross Plains opposes the project, but if the PSC approves the project, supports requiring Eastern-South:Stagecoach (X02) (See: Issue 13b above) to avoid/minimize impacts on homes. The town views impacts of the high voltage project as categorically different from pre-existing 69kV lines. The town's views are consistent with laws separating the existing 69 kV and the project into different categories, (Wis. Stat. § 196.491(1)(f)) and limiting adverse residential impacts (Wis. Stat. § 182.017(4)).		Surrebuttal-MMD-Hyer; Direct-MMD-Hyer; Ex.-MMD-Hyer #1, Ex.-MMD-Hyer-#2, Ex.-MMD-Hyer-#3
Linda Grice: The orderly use of land by farmers and other residents of the community would be unreasonably interfered with by the proposed Project. Farm equipment and aerial communications (farm and non-farm) would continually be disrupted with no mitigation. Impacts to farms would be extreme as the use of new technologies would be hindered.		Ex.-LG-Linda Grice-3, Ex.-LG-Grice-5, E-LG-Grice-2r,
Members of the Public: The Mount Horeb School District would be negatively impacted. Development on the southwest and east sides of Mount Horeb would be inhibited by a transmission line.		Tr. 2199-2201, 2350-2352, 2415, 2609
Commission Staff: The Eastern-South Route Alternative is less impactful to local land use plans as compared to the Eastern-North Route Alternative. The town of Vermont's "ridgetop protection areas" would be negatively impacted by the Eastern-North Route Alternative:		Direct-Rahn-PSC-2-3; Ex.-PSC-FEIS-r at 258-259, 315-316, 383-385
COMMISSION ALTERNATIVES		
Alternative One: Yes, the project would comply with Wis. Stat. § 196.491(3)(d)6 as it does not unreasonably interfere with the orderly land use and development plans in the project area.		

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Alternative Two: No, the proposed project does not comply with Wis. Stat. § 196.491(3)(d)6 as it unreasonably interferes with the orderly land use and development plans in the project area.

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Issue 30: Has the Commission complied with the Wisconsin Environmental Policy Act (WEPA) pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4? If so, will the proposed project have undue adverse impact on other environmental values as defined in Wis. Stat. § 196.491(3)(d)4.?		
Issue Scope: An Environmental Impact Statement (EIS) was prepared, jointly, by Commission and Department of Natural Resources staff in accordance with the requirements of the above-stated statute and administrative code. The purpose of the EIS is to provide the decision makers, the public, and other stakeholders with an analysis of the economic, social, cultural and environmental impacts that could result from the construction of the proposed project.		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. The EIS comprehensively evaluates the environmental impacts of the project, alternatives, and proposed mitigation, and therefore complies with WEPA. The project will not have an undue adverse impact on other environmental values since applicants proposed to site it along existing rights-of-way where practicable, conducted preliminary evaluations of species and resources present in the project area to implement avoidance, and committed to implement mitigation techniques tailored to final route selection with additional field investigation.		Ex.-Applicants-Application-r3-Sec. 6.0: 112–137; Ex.-Applicants-Application-r3-Executive Summary: Part D; Ex.-Applicants-Application-r3-Sections 5.5.2, 6.3.3, 6.5, 6.6.2, and 9.0; Ex.-Applicants-Application-r3-Appx. J: Exhibit 1, Table 3; Rebuttal-Applicants-Belin-r-5,7–8, 14; Rebuttal-Applicants-Bub-r-5-14; Direct-Applicants-Lee-r-6-9, 17–24; Rebuttal-Applicants-Lee-r-14-15; Rebuttal-Applicants-Schaeve-2; Surrebuttal-Applicants-Schaeve-3-4
DALC/WWF: The EIS does not comply with WEPA and PSC and DNR’s implementing regulations, as it fails to develop and consider reasonable alternatives, fails to adequately discuss important impacts, improperly relies on applicants’ information, and unreasonably limited public comment. The Cardinal-Hickory Creek line would have significant undue adverse impacts on numerous environmental values, especially to ecological balance, including impacts to habitat and wildlife; historic sites; the aesthetics of land and water; and recreational use and tourism.		Tr. 2020; Ex.-PSC-FEIS-60; Direct-DALC/WWF-Meine-sr; Direct-DALC/WWF-Meyer-s; Direct-DALC/WWF-Waller-s; Direct-DALC/WWF-Ingram-s; Direct-DALC/WWF-Forrest; Ex.-DALC/WWF-Barmore-2, 3, 4, 5; Direct-CW-Mathewson-12-15
Jewell Jinkins Intervenors: No. Route is primarily cross-country. The Commission has improperly relied on the applicants’ alternatives, and only		Direct-DATCP-Weiss-5-6; Ex.-DATCP-Weiss-1, p. 2-3. Wis. Stat.

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<p>the applicants' alternatives. The EIS must be supplemented -- alternatives of U.S. Hwy 151 route and "Staff Base Asset Renewal and NTA" alternatives further developed, further develop analysis of cost of delay. Failure to develop these alternatives and develop to point of reasonable comparability in the EIS does not comply with letter and intent of WEPA and NEPA.</p>		<p>§1.12(6). EIS Supplement: Wis. Code PSC 4.35(2)(c), P.L. 910190, 42 SC 4331, see also Wisconsin's Environmental Decade, Inc. v. Public Service Commission, 79 Wis.2d 161, 175 - 176, 255 N.W.2d 917, 926 (1977); Wis.'s Env'tl. Decade, Inc. v. Wis. Dep't of Nat. Res., 115 Wis. 2d 381, 403, 340 N.W.2d 722 (1983). (U.S. Hwy 151 Route Alternative: Direct-PSC-Vedvik-25-26, Ex.-PSC-Data Request Response 8.1, 8.2, 8.3, FEIS-PSC-31)(Base plus Asset Renewal: Direct-PSC-Vedvik-13, Tr. 1563). Wis. PSC. §1.11.</p>
<p>Village of Montfort: See response to Issue 1.</p>		
<p>SOUL: No. While the Commission made improvements in the Cardinal-Hickory Creek EIS over Badger-Coulee, the agency still denied decision-makers essential outcomes from "Studying and developing" appropriate alternatives to recommend courses of action" providing impartial, "details. . .both short and long-term economic (and environmental) advantages of" NTA's with associates environmental impacts and impacts on job creation, and local economies. As requested in the county/muni resolutions, analyze and compare all findings with the project/all alternatives including CO₂ reduction potentials.</p>		<p>Wis. Stat. § 1.11; Resolutions: Ex.-CK-Klopp-17, Ex.-CK-Klopp-17 23; See discussion around staff question 8.4 in the PAD Appendices linked PSC REF#: 360578, PSC REF#: 360942, PSC REF#: 361510, and PSC REF#: 360184.</p>
<p>Beheler: No, the Commission has not complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4. The FEIS did not contain an agency studied and produced NTA (the result of "studying and developing appropriate alternatives to recommend courses of action."). As a result, FEIS could not evaluate economics over 40 years. FEIS did not describe minimal environmental impacts of NTA's nor their positive impacts on SW WI local economies.</p>		<p>Wis. Stat. § 1.11, Wis. Admin. Code ch. PSC 4</p>

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Linda Grice: The project will have an undue adverse impact on environmental values.		Schwarzmann-Tr, Zastrow and Hendrickson-Tr, Waller TR. 1787-1788, 1813
Klopp: No. The applicants have not fully studied, developed and described alternatives to the project or optimized either NTA that they considered, as required. Also adopt comments made by Soul in its comment on this issue.		Reply Br.-SOUL of Wisconsin-7; Direct-SOUL-Powers-r2-3-4, 12-15, 21-22 Surrebuttal-DALC/WWF-Kerinia-2-3 Surrebuttal-CUB-Neal-r-2, 18
Joel C. Kurth: Yes. Yes, project will have undue adverse impact on other environmental values relative to the BWARA alternative.		Self-evident.
Joe Schwarzmann: This project will have an undue adverse environmental impact the land. Vegetation Management of applicants is an undue impact.		Surrebuttal- DALC/WWF-Meyer-9, (Direct- JS- Schwarzmann-r), (Direct- ZH-Zastrow-r), (Rebuttal-DALC/WWF-Meyer-7), (Rebuttal-DALC/WWF- Waller-10:10) and (Surrebuttal-ZH-Zastrow-Hendrickson). Susan Hughes Anderson (Tr. 2117- 2118) Reply Br.- Joe Schwarzmann-2
Members of the Public: Many challenge the adequacy of the EIS and many support the information provided in the EIS.		Ex.-PSC-Public Comments; Tr. 2049-2697
Commission Staff: Yes.		Ex.-PSC-FEIS-r
COMMISSION ALTERNATIVES		
Alternative One: Yes, the Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4, and the proposed project will not have an undue adverse impact on other environmental values as defined in Wis. Stat. § 196.491(3)(d)4.		

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Alternative Two: Yes, the Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4, and the proposed project will have an undue adverse impact on other environmental values as defined in Wis. Stat. § 196.491(3)(d)4.

Alternative Three: No, the Commission has not complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.

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Issue 31: What is the estimated cost of the proposed project?		
<p>Issue Scope: The applicants estimate the cost of the proposed project to be from \$474 million to \$560 million depending on the route selected. Specific modifications identified subsequent to the application, if authorized, could affect the final authorized cost of the proposed project. Items of increased cost generally relate to the length or structure configuration of a modified segment, additional corner structures, or additional required studies. Some route modifications would result in a lower authorized cost. (Commission staff will work with the applicants to determine the appropriate authorized cost based on the Commission’s routing decisions.)</p>		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
<p>Applicants: Alternative One. The estimated project cost is \$492M-\$543M in year of occurrence dollars not including any route modifications ordered by the Commission. The estimates are based on a project in service of date of 2023. The estimated cost of the project to Wisconsin ratepayers would be \$67 million to \$72.7 million on a present value basis depending on the route selected.</p>		<p>Ex.-Applicants-Application-r3-Sec. 4.0; Ex.-Applicants-Application-r3: Executive Summary: 7; Ex.-Applicants-Application-r3-Sec. 2.1, Table 2.1-1; Direct-Applicants-Dagenais-16-17</p>
<p>DALC/WWF: The applicants estimate the cost of the proposed project to be \$627,731,473 in 2018 dollars using a 6.4% discount rate.</p>		<p>Ex.-Applicants-Dengenhardt-1</p>
<p>Jewell Jinkins Intervenors: As above, calculations are flawed. Impact of transmission incentives not appropriately measured by applicants, Schedule 26A charge not verified by PSC. Statutory focus is need of public, but costs and benefits are owner and “customer” perspective, ratepayer perspective not analyzed. Calculations have material shortcomings, fundamentally serious. As last of the MVP projects, if it does not provide distinct benefits, it may be a benefit not to build it. Cost of alternatives must also be considered.</p>		<p>Ex.-PSC-Staff Data Request Response: Response 01.169. Dagenais, Tr. 497, 1983. Surrebuttal-PSC-Bacalao-4-9, Bacalao-Tr.-1963-1967, 1974, 1982. Surrebuttal-PSC-Vedvik-5-6, 10</p>
<p>Village of Montfort: See response to Issue 1.</p>		
<p>SOUL: Unaccounted for losses in property values, local economies ~\$110-120M. Degenhardt cross re: project PVR costs, he agreed the 40 year sum of the scheduled, annual recovery amounts for the project total about \$2.2 billion. The mandatory electric bills of all regional ratepayers create project “equity.” Regional cost-sharing places inappropriate billing responsibilities on state PSC’s that MISO must address or the courts will.</p>		<p>Initial Br,-SOUL-3, 4 Degenhardt Tr. 621 (Tr. 374-706, Day 1); Ex.-Applicants-Degehardt-1.</p>

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<p>Dubis Family: As discussed in Issue 13b-If approved, requiring Eastern-South:Stagecoach (X02) reduces costs by \$795,000 and is 624ft shorter. Applicants indicate this alternative is permissible and constructible and is agreeable to build it if PSC approves Eastern-South:Stagecoach (X02).</p>	<p>\$795,000 less expensive</p>	<p>Ex.-MMD-Dubis-19 Rebuttal-Applicants-Schaeve-4</p>
<p>Klopp: I estimate the cost of the project to be \$241,430,000,000 or roughly \$241 billion dollars. This figure arises a sum of: \$2.2 billion from Degenhardt cross by Vickers; \$239 billion for PR future, MTEP17 Appendix E2 for RRF Units (2); \$110 million Mr. Powers calculation, cost of Eden substation not included in applicants calculation (3); \$120 million from SOUL’s estimate of property value losses (4).</p>	<p>\$241.430 billion</p>	<p>1. Tr. 374-706, p. 621 2. Ex,-PSC-Grant-1-36 3. Direct-SOUL-Powers-r2-12 4. Initial Brief of SOUL of Wisconsin in Opposition to the Application-3, 4 Other citations: Initial Brief-Klopp-2-, 9-11; Ex.-PSC-Vedvik-1, Ex.-PSC-Vedvik-2, Ex.-PSC-Vedvik-3, Ex.-PSC-Vedvik-4; Ex.-PSC-Grant-4; Direct-PSC-Vedvik-6, 9, 10, 11,14-19, 24, 30-31, 33-37; Direct-PSC-Grant-p-13-16, 21, 21, 28, 37, 38; Surrebuttal-PSC-Bacalao-6-7</p>
<p>Joel C. Kurth: No. The Commission should deny the CPCN and consider alternatives such as the BWARA + NTAs.</p>		<p>Direct-PSC-Vedvik, pp. 33-38; Ex.-PSC-Vedvik-1; Ex.-PSC-Grant-4; Surrebuttal-PSC Vedvik, p. 10; Ex. PSC-Vedvik-2. Direct-PSC-Rohankar, pp. 7-14; see generally Direct-SOUL-Powers-r2</p>
<p>Members of the Public: The majority of public comments opposed the proposed project considering cost, impact, and lack of need. Many discussed that the costs associated with the proposed project are greater than the capital costs and that other impacts such as, but not limited to land use; property value; aesthetics; and tourism; have greater costs to the public than the benefits the proposed project would provide.</p>		<p>Tr. 2049-2563; Public Comments offered by U.S. Mail, PSC REF#: 372052; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-</p>

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	<p>Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 4; various other web comments.</p>
<p>COMMISSION ALTERNATIVES</p>	
<p>Alternative One: The applicants' estimate the cost of the proposed project to be from \$474 million to \$560 million depending on the route selected. These costs include substation costs, distribution line relocation cost, and allowance for funds used during construction (AFUDC), but do not include changes resulting from the Commission's routing decisions.</p>	
<p>Alternative Two: The applicants' estimate of the cost of the proposed project does not include all costs of the proposed project, and should be re-assessed.</p>	
<p>Commissioner Notes:</p>	

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Issue 32: What is the basis for the one-time environmental and annual impact fees associated with the proposed project pursuant to Wis. Stat. § 196.491(3g)?

Issue Scope: Under Wis. Stat. Section 196.491(3g)(a), a person who receives a CPCN for a high-voltage transmission line that is designed for operation at a nominal voltage of 345 kilovolts or more shall pay the Wisconsin Department of Administration an annual impact fee and one-time environmental impact fee for distribution to eligible counties and municipalities. The annual fee is 0.3 percent of the cost of the high-voltage transmission line, and is distributed to municipalities (towns, villages and cities) based on the proportionate length of the transmission line through each municipality. The one-time environmental impact fee is 5 percent of the cost of the high-voltage transmission line, and distributed 50 percent to counties and 50 percent to the municipalities based on the proportionate length of the transmission line through each county and each municipality, respectively. The Commission has the authority to determine the cost basis for the calculation of both fees.

Commission staff will work with the applicants to determine the cost basis for the annual impact fee and one-time environmental impact fee based on the Commission’s routing decisions. The basis for the fees generally excludes lower voltage transmission and distribution line costs, operation and maintenance costs during construction, pre-certification costs, AFUDC, and environmental fee-related costs, each of which is included in the estimated gross project cost subject to Commission approval.

The proportionate allocation of the fees to the respective counties and municipalities is determined based on the route segments selected, if the project is authorized.

PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. Applicants’ proposed basis for calculating the annual and one-time environmental impact fees should exclude the costs associated with modifications to existing lower-voltage transmission lines and distribution lines, pre-certification costs AFUDC and environmental fee-related costs which is consistent with recent Commission decisions.		Ex.-Applicants-Application-r3-Secs. 4.0, 7.10: Table 7.10.1-1
Jewell Jinkins Intervenors: The total cost of the project should be the basis for Environmental Impact Fee. JJI supports Alternative Two.		
SOUL: The total amount of the Environmental Impact Fees funds fall very short of fair takings compensation and create local and county tensions because they are not paid to harmed parties but for elected official		SOUL brief, Klopp, Stanfield and Village of Montfort directs and property value exhibits.

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to spend with extraordinary discretion. Neither the Commission or applicants provide quantitative estimates of impacts.		
COMMISSION ALTERNATIVES		
Alternative One: Accept the applicants' proposed basis for determining the annual fee and one-time environmental impact fee.		
Alternative Two: Do not accept the applicants' proposed basis for determining the annual fee and one-time environmental impact fee, and require the calculation to be modified by adding to the cost basis all costs associated with project-related modifications to lower voltage transmission lines and distribution lines.		
Commissioner Notes:		

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Issue 33: Should the Commission grant a CPCN for the proposed project?		
Issue Scope: The Commission shall approve an application for a CPCN if all of the criteria are met as listed in Wis. Stat. § 196.49(3)(d). The Commission may reject or modify an application for a CPCN under the criteria included in Wis. Stat. § 196.491(3)(e).		
PARTY POSITIONS	AMOUNT*	TRANSCRIPT REFERENCES
Applicants: Alternative One. The evidence introduced in this docket overwhelmingly demonstrates that all of the statutory criteria required for issuance of a CPCN have been met. The CPCN should be granted to ATC, ITC Midwest, and DPC to construct the project.		Ex.-Applicants-Application-r3-Secs. 2.0 5.0, 6.0, 7.0; Ex.-Applicants-Application-r3-Appx. B, Table 1A; Direct-Applicants-Callaway-3-9; Rebuttal-Applicants-Callaway-2-7; Direct-Applicants-Dagenais-5-15, 21–50, 52–53; Rebuttal-Applicants-Dagenais-pr-3-36, 61–90; Direct-Applicants-Lee-r-3-30; Rebuttal-Applicants-Lee-r-11-17
CUB: Supports Alternative Three. The project application does not meet all of the criteria listed in the CPCN statute. CUB therefore recommends that the Commission reject the application.		CUB In. Br. 28-29; CUB Reply Br. 12
CEO: Yes.		Direct-CEO-Goggin-r-2
Dane County: Based upon Commission staff analysis, applicants have not met their burden and therefore, a CPCN should not be issued.		Surrebuttal-PSC-Bacalao-3-5; Direct-PSC-Vedvik-17, 37; Surrebuttal-PSC-Vedvik -37; Direct-PSC-Grant 40p; Ex.-PSC-Vedvik-7p; Tr. 1481:12-21; Tr. at 1543-1548
DALC/WWF: No, the Commission should not grant a CPCN for the proposed Cardinal-Hickory Creek line. There is no need for the line or proven economic benefits, better alternative transmission solutions are economically and technically feasible, the line would have significant undue adverse impacts on environmental values and on the communities of the unique and ecologically sensitive Driftless Area, and the agencies have not met the requirements of WEPA and corresponding regulations.		See references for issues 1-32 above

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<p>Jewell Jinkins Intervenors: No. Applicants haven't met burden of proof. EIS needs supplementation. Commission should clarify rules governing economic evaluation of projects. The calculations used were approached from different angles and the Commission should identify what approach should be used. The project's economic impacts extend beyond Wisconsin, substantial costs would be allocated to consumers throughout the Midwest, and vice versa, unaddressed by Commission. Existing MVP benefits of MVP won't be lost if not built. Improperly primarily routed cross-country.</p>		<p>EIS Supplement: Wis. Code PSC 4.35(2)(c), P.L. 910190, 42 SC 4331 (U.S. Hwy 151 Route Alternative: Direct-PSC-Vedvik-25-26, Ex.-PSC-Data Request Response 8.1, 8.2, 8.3, FEIS-PSC-31)(Base plus Asset Renewal: Direct-PSC-Vedvik-13, Tr. 1563); See calculation flaws and explanation and recommendations, PSC's Bacalao, Tr. p. 1986-1987. Economic impacts: Initial Brief-JJI-4-5, IL & MI AG Amicus Brief p. 1. Direct-DALC/WWF-Konidena-pr-14-15. Wis. Stat. §1.12(6)</p>
<p>SOUL: The record shows reasonable alternatives exist, such as the publicly supported Low Voltage Alternative to the project, the Base With Asset Renewal Alternative (BWARA) saving Wisconsin ratepayers a minimum of \$66 million and regional ratepayers about \$1.6 billion in unproductive electric bill charges (plus billions in assumed generation expansion). (\$2.2B - \$628M at 1:1)</p>		<p>Degenhardt Tr. 621 (Tr. 374-706, Day 1) Ex.-Applicants-Degehardt-1</p>
<p>Linda Grice: The commission should reject the application and consider the base with asset renewal alternative. Cross-country transmission lines are a relic of the 1990's. New technology with storage and mini-grids has outdated them.</p>		<p>PSC REF#:372611, request by Representatives Pope, Hesselbine, Considine, and Senator Erpenbach to consider base with asset renewal alternative. Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6; Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3; Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-</p>

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		40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8
Klopp: No. The Commission should deny the CPCN, based on: failure to show need; unreasonable in relation to cost, inconsistent with achieving reasonable electric rates and undue adverse impact to the environment. The Commission should choose the BWARA alternative, with intent to support increased incentives through Focus on Energy for energy efficiency, load management and distributed generation (residential/business and community). This path fulfills Wis. Stat. § 1.12, is economical, supports ratepayer interests and protects the environment.	\$897,474	Reply Brief-Klopp-2-4, 7-10, 12-14; Reply Brief-Klopp-2-11, 17-18; Direct-PSC-Vedvik; Direct-PSC-Grant; Surrebuttal-PSC-Bacalao; Initial Brief of SOUL of Wisconsin in Opposition to the Application; Reply Brief SOUL of Wisconsin in Opposition to the Application; Direct-SOUL-Powers-r2; Surrebuttal-JK-Kurth
Joe Schwarzmann: The Commission should not approve a CPCN for this project: 1) This project will have an undue adverse environmental impact on any land let alone through the heart of the unique Driftless region. 2) Vegetation Management of Applicants has been hellish. 3) Need for this project has not been demonstrated, only a want by applicants 4) Increasing development of lower cost NTAs alternatives are available and growing.		Surrebuttal- DALC/WWF-Meyer-9, (Direct- JS- Schwarzmann-r), (Direct-ZH-Zastrow-r), (Rebuttal-DALC/WWF-Meyer-7), (Rebuttal-DALC/WWF- Waller-10:10) and (Surrebuttal-ZH-Zastrow-Hendrickson). Susan Hughes Anderson (Tr. 2117- 2118), Reply Brief- Joe Schwarzmann-2
Members of the Public: Some members of the public commented in support of the project, citing increased access to renewable generation resources. Most members of the public commented opposing the project, citing need, environmental, social, or economic impacts.		Tr. 2192-2194, <i>et. al.</i> ; Tr. 2338-2340, 2408-2417, <i>et. al.</i>
COMMISSION ALTERNATIVES		
Alternative One: Yes.		
Alternative Two: Yes, with conditions.		
Alternative Three: No.		
Commissioner Notes:		

JAL:jlt:DL:01686645