

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of
Thursday, December 12, 2024

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Strand, Commissioner Nieto and Commissioner Hawkins.

Minutes

The Commission approved the minutes of the open meeting of Thursday, December 5, 2024.

4280-SB-155 - Application of Northwestern Wisconsin Electric Company for Authority to Issue and Have Outstanding During 2025 Short-term Indebtedness Not to Exceed \$8 Million

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

5820-SB-143 - Application of Superior Water, Light and Power Company for Authority to Issue and Have Outstanding During 2025 Short-term Indebtedness Not to Exceed \$20 Million

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

6360-CW-103 - Application of the City of West Allis, as a Water Public Utility, for Authority to Construct a Pump Station Generator, in the City of West Allis, Milwaukee County, Wisconsin

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

3730-WR-104 - Application of the Town of Farmington Sanitary District, La Crosse County, Wisconsin, as a Water Public Utility, for Authority to Adjust Water Rates

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

4830-WR-108 - Application of the Village of Prairie Du Sac, Sauk County, Wisconsin, as a Water Public Utility, for Authority to Adjust Water Rates

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

5377-WR-101 - Application of the Town of Sheboygan Sanitary District No. 3, Sheboygan County, Wisconsin, as a Water Public Utility, for Authority to Adjust Water Rates

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

5650-PFP-101 - Application of Village of Spring Valley, Pierce County, Wisconsin, as a Water Public Utility, for Authority to Change its Method of Cost Recovery for Providing Public Fire Protection Service

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

5820-UR-117 - Application of Superior Water, Light and Power Company for Authority to Adjust Retail Electric, Gas, and Water Rates

The Commission approved the draft final decision and directed it to be signed by the Secretary to the Commission.

1-IC-566 - Application for Intervenor Compensation filed by Walnut Way Conservation Corp. to Participate in Docket 6630-CE-317

The Commission approved the request of Walnut Way Conservation Corporation for intervenor compensation in the amount of \$28,749 for its participation in docket 6630-CE-317.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

1-IC-567 - Application for Intervenor Compensation filed by Healthy Climate Wisconsin to Participate in Docket 6630-CE-317

The Commission approved the request of Healthy Climate Wisconsin for intervenor compensation in the amount of \$25,000 for its participation in docket 6630-CE-317.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

3930-TE-105 - Application of City of Mount Horeb, as an Electric Public Utility, Dane County, Wisconsin, for Approval of an Rg-3 Optional Three Tier Residential Time-of-Day Rate Tariff

The Commission approved the City of Mount Horeb's (applicant) proposed three tier residential time-of-day (TOD) rate with the conditions put forth by the applicant as well as the following conditions related to evaluation and reporting:

1. The applicant shall determine the percentage of residential customers served on the Rg-3 TOD rate by comparing the number of residential customers served under Rg-3 to the total number of residential customers each year;
2. The applicant shall determine the load factor for the applicant annually based on wholesale billing data and annually compare that to the previous five years;
3. The applicant shall determine whether EV owners are avoiding the peak period when charging their vehicles. When customers apply for the Rg-3 rate, ask whether they have an EV and then annually examine the load profile in aggregate of the known EV owners using interval metering data;
4. The applicant shall track the number of customers who own an EV from Rg-3 application data and through a screening of interval metering data (which would help identify EV charging since Level 2 chargers typically add about 7 kW of demand to the customer's load when the vehicle is charging);
5. The applicant shall provide the Commission with reports on the number of customers electing to take service under Rg-3, the residential class that the customer transferred from, and the total monthly kWh shifted into different pricing periods from the enrolled customers' baseline amount;
6. The monthly peak hours and the number of peak hours that occur outside of the tariff-defined peak hours; and
7. The applicant shall work with Commission staff on establishing a deadline for filing of annual reports, and on finalizing the language of the final reporting conditions.

The Commission declined to delegate authority to approve substantially similar TOD rate designs proposed by WPPI municipal members.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

9820-CE-100 - Application for a Certificate of Public Convenience and Necessity of Vista Sands Solar LLC to Construct a Photovoltaic Electric Generating Facility, a Battery Energy Storage System, Collector and Project Substations, a 345 kV generator tie line, and 138 kV collector transmission lines (Vista Sands Solar Farm) in the Village of Plover and Towns of Plover, Buena Vista, and Grant, Portage County, Wisconsin

The Commission reviewed the application for a Certificate of Public Convenience and Necessity of Vista Sands Solar LCC (applicant) to construct a photovoltaic electric generating facility, a battery energy storage system, collector and project substations, a 345 kV generator tie line, and 138 kV collector transmission lines (project) in the Village of Plover and Towns of Plover, Buena Vista, and Grant, Portage County, Wisconsin and made the following determinations:

1. The Commission accepted the uncontested alternatives identified in the Final Decision Matrix ([PSC REF#: 525124](#)).
2. The project complies with Wis. Stat. § 196.491(3)(d)6. and would not unreasonably interfere with the orderly land use and development plans for the area involved.
3. With the exception of Alternative Array Area 20, 32, 41, and 53; Primary Array 50; the southernmost approximately 30 acres of Primary Array Area 20, and the westernmost approximately 32 acres of Primary Array Area 38 (as displayed in Ex.VSS-Baker-2 ([PSC REF#: 501469](#))), the design and location of the project, with conditions, is in the public interest.
4. The project will not have undue adverse impacts on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.
5. All of the following standard conditions are necessary for approval of this project:
 - a. The applicant is authorized to construct the proposed solar photovoltaic (PV) electric generation facility, generation tie line facilities, and all other associated facilities, as described in the application and data request responses and as modified by the Final Decision. The applicant is authorized to construct the project at an installed capacity of no greater than 1,315.6 MW AC for the solar PV electric generation facilities and no greater than 300 MW AC for the BESS facilities.
 - b. The applicant shall provide the Commission with final detailed as-built engineering plans for the project, including the final designs and equipment plans for the proposed project as soon as practicable after the project in-service date. If Commission staff identifies safety or reliability issues upon review of these plans, when considering safety and reliability, final location, individual hardships, and environmental factors, then the matter shall be returned to the Commission.
 - c. The applicant shall construct, maintain, and operate the BESS facilities to follow best industry safety practices for ensuring battery fire safety.
 - d. Prior to commencement of operations, the applicant shall provide the Commission a copy of the applicant's emergency response plan that includes discussion of

what follow-up steps would occur for site treatment and materials disposal after a fire, thermal runaway, or storm damage event. This information would be provided to the Commission for informational purposes.

- e. The applicant shall provide reporting on any safety incident at the BESS that triggers reporting under any emergency response plans resulting from the Hazard Mitigation Analysis, and provide reporting on any alterations to the BESS that the applicant reasonably believes will result in a change of best practices regarding the safety of the BESS. Such reporting shall be done within 60 days of the safety incident or alteration.
- f. The applicant shall update the Commission with a report on all MISO DPP studies and facilities studies related to interconnection queue positions J2099, J2107, and J2185 and the Generator Interconnection Agreements related to the project when each of them have been completed.
- g. The applicant shall perform post construction noise studies as described in the most current version of the PSC Noise Measurement Protocol. The applicant shall work with Commission staff to determine appropriate locations and conditions for the noise measurements. In the event of a substantial change to the proposed facility layout, the applicant shall confer with Commission staff to determine if a new pre-construction noise study must be completed. The applicant shall file a copy of the post construction noise study report with the Commission.
- h. The applicant shall construct, maintain, and operate all applicable project facilities to comply with National Electric Code or the National Electrical Safety Code and Wis. Admin. Code ch. PSC 114, as appropriate. In case of conflict or overlap between code requirements, the applicant shall construct, maintain, and operate all applicable project facilities to comply with whichever code has the more stringent requirements.
- i. Should the scope, design, or location of the project change significantly, the applicant shall notify the Commission within 30 days of becoming aware of possible changes. The applicant shall obtain approval from the Commission before proceeding with any substantial change in the scope, design, size, or location of the approved project.
- j. The applicant shall work with the applicable distribution utility to make available stray voltage testing at each agricultural confined animal operation within one half-mile of the project facilities, prior to commencing any construction activity that may interfere with testing and after the project is energized. The applicant shall work with the distribution utility and farm owner to rectify any identified stray voltage problem arising from the construction or operation of the project, in compliance with the Commission's stray voltage protocol. Prior to testing, the applicant shall work with the applicable distribution utility and Commission staff to determine where and how it will conduct the stray voltage measurements. The applicant shall report the results of its testing to Commission staff in writing.

- k. If the applicant cancels the project or enters into any arrangement with another party regarding ownership or operation of the proposed facilities, the applicant shall provide prior notice to the Commission.
- l. All commitments made by the applicant in its application, subsequent filings, and the provisions of the Final Decision, shall apply to the applicant, any agents, contractors, successors, assigns, corporate affiliates, and any future owners or operators of the project.
- m. The transfer of rights and obligations under this CPCN to a third party does not confer either additional rights or additional obligations upon that third party than what is afforded to the applicant at the time of application and as specified in this Final Decision. If a successor, assign, or future owner or operator of the project is a public utility, this CPCN is conditional upon the public utility waiving any rights it may otherwise have under Wis. Stat. §§ 32.02 and 32.075(2) for the project. This CPCN does not confer any “right to acquire real estate or personal property appurtenant thereto or interest therein for such project by condemnation” under Wis. Stat. §§ 32.02 or 32.075(2) as otherwise provided under Wis. Stat. § 32.03(5)(a).
- n. The applicant shall mitigate impacts to line-of-sight communications and landowners who can show disruption to broadcast communications post construction.
- o. The applicant and its selected contractors shall participate in a pre-construction meeting with DNR and Commission staff to discuss construction plans and/or final site designs, permits, and associated requirements and Best Management Practices. Plans shall be provided to Commission and DNR staff a minimum of 14 days prior to the meeting date to allow time for review.
- p. The applicant shall obtain all necessary federal, state, and local permits for the project prior to commencement of construction on the portion of the project requiring the permit.
- q. The applicant shall conduct an updated Endangered Resources review closer to the start date of construction (no more than one year prior to construction start).
- r. The applicant may use the proposed or alternative array sites as needed to accommodate environmental, technical, and landowner issues as they arise during construction of the project, provided, however, that the project size shall remain at the maximum nameplate capacity approved in this Final Decision. If the situation arises where the applicant elects to use an alternative array area, the applicant shall provide written notice to the Commission identifying such alternative arrays within 30 days of the decision to use the alternative arrays.
- s. Beginning within 30 days after the end of the quarter during which the Final Decision is signed and served, and within 30 days of the end of each quarter thereafter and continuing until the authorized facilities are fully operational, the applicant shall submit quarterly progress reports to the Commission that include all of the following:

1. The date that construction commences;
 2. Major construction and environmental milestones, including permits obtained, by agency, subject, and date;
 3. Summaries of the status of construction, the anticipated in-service date, and the overall percent of physical completion;
 4. The date that the facilities are placed in service;
 5. Its efforts, and the efforts of its contractors, to recruit Wisconsin residents to fill employment opportunities created by the construction of the proposed project;
 6. Its efforts to collaborate with state registered apprenticeship programs; and
 7. The actual number of Wisconsin residents and out-of-state workers employed on-site to construct the proposed project.
- t. The CPCN is valid only if construction commences no later than one year after the latest of the following dates:
1. The date the Final Decision is served;
 2. The date when the applicant has received every federal and state permit, approval, and license that is required prior to commencement of construction by construction spread under the CPCN;
 3. The date when the deadlines expire for requesting administrative review or reconsideration of the CPCN and of the permits, approvals, and licenses described in par. (2.); and
 4. The date when the applicant receives the Final Decision, after exhaustion of judicial review, in every proceeding for judicial review concerning the CPCN and the permits, approvals, and licenses described in par. (2.).
- u. If the applicant has not begun on-site physical construction of the authorized project within one year of the time period specified by this Final Decision, the certificate authorizing the approved project for which construction has not commenced shall become void unless the applicant:
1. Files a written request of an extension of time with the Commission before the effective date on which the Certificate becomes void; and
 2. Is granted an extension by the Commission.
- v. If the applicant has not begun on-site physical construction of the authorized project and has not filed a written request for an extension before the date that this Certificate becomes void, the applicant shall inform the Commission of those facts within 20 days after the date on which the Certificate becomes void.
- w. The Final Decision takes effect one day after the date of service; and,
- x. Jurisdiction is retained.
6. The following project-specific conditions are necessary for approval of the project:

- a. To minimize bird collisions with fences, fence height shall be no more than 2.1 meters (7 feet) from the ground within one mile of DNR-identified 2021-2024 GRPC leks and any leks identified in future surveys for the duration of the project's commercial operation, to the extent reasonably possible.
 - b. Bottom apertures of project fences around solar array areas shall be a minimum of 8-inches high by 12-inches wide (or even 1 foot by 1 foot to allow most but not all fully grown herptiles) at least every 100 feet along the fence where rare and non-game species may be present as determined by DNR after array design is finalized.
 - c. The non-native, aggressive species – red fescue – shall be removed from the Graminoid Plus seed mix proposed in its vegetation management strategy for all arrays and replaced with less-aggressive native species. Native fescues may be considered so long as they are in total, less than 4 percent of the total seed weight in the mix.
 - d. The applicant shall submit vegetation progress reports documenting areas that have achieved 70 percent uniform vegetation density.
7. The following project-specific environmental resources conditions related to wetlands and waterways are necessary for approval of this project. The applicant shall:
- a. Prior to construction, install signage at wetland and waterway boundaries to alert construction crews to not work within or access across these areas.
 - b. Develop and implement a Storm Water Erosion Control Plan and a Stormwater Management Plan that meet or exceed the standards found in Wis. Admin. Code §§ NR 216 and NR 151. Implement the technical standards developed per Subchapter V of Wis. Admin. Code § NR 151.
 - c. Install all site-specific sediment and erosion control measures and devices prior to any construction activities commencing and regularly inspect and maintain them through all construction and restoration phases.
 - d. Provide copies of all plans and environmental documents to construction crews and inspectors. Plans should clearly label the locations of wetlands and waterways and include 20 language stating vehicle access, storage of materials, grading, and all other construction 21 activities are not permissible within these areas. Plans should also clearly label where sediment and erosion control measures and devices need to be installed if working adjacent to wetlands and waterways.
 - e. Implement a construction sequencing plan that minimizes the amount of land disturbed or exposed (susceptible to erosion) at one given time across the project.
 - f. Vegetate disturbed areas and areas of exposed soil as soon as possible and seed with a cover crop and/or native seed mix to minimize erosion potential and prevent the establishment of invasive species.

- g. Prepare and implement an invasive species management plan that identifies known areas of invasive species populations and includes specific protocols to minimize the spread of invasive species.
 - h. Leave existing vegetative buffers in place.
 - i. Avoid the use of herbicide in wetlands and near waterways, or utilizing herbicides approved for use in aquatic environments.
 - j. The applicant shall install bird markers on all proposed project fences within one mile of GRPC leks that the DNR identified during 2021-2024 lek surveys and any leks identified in future surveys for the duration of project's commercial operation. The number and placement of bird fence markers will be in collaboration with DNR.
 - k. If the project is planned to be built in the exclusion area described by SHPO in Ex.-PSC-Craft-1 ([PSC REF#: 513346](#)), the applicant shall perform additional Phase I investigations to determine the extent to avoid potential sensitive areas and provide relevant reports on the results to Commission staff and SHPO. If additional cultural resources are found during further Phase I efforts, the applicant shall coordinate appropriately and adhere to restrictions established by the Office of the State Archaeologist and SHPO.
 - l. No later than six months after the start of construction, Vista Sands Solar will initiate a collaborative process with interested stakeholders on advancing the increase of Greater Prairie-Chicken grassland habitat in Wisconsin. Vista Sands Solar shall report back to the Commission no later than December 31 of the first year the collaboration starts, and for the next four years on the same schedule, on the status and progress of the collaborative's efforts.
8. In light of the other concessions made by the applicant and other conditions imposed by the Commission, the Commission found it was not reasonable or necessary to impose the additional conditions proposed by Wisconsin Wildlife Federation.
9. The following minor siting adjustment order condition is necessary for approval of the project:
 - a. The applicant may propose minor adjustments to the approved locations of project facilities for the protection of environmental resources, landowner requests, or technical design changes that arise during final stages of engineering (up to the authorized nameplate capacity the solar facility stated in the application), but any changes from the approved layout may not affect a type of resource not discussed in the EIS, nor may they affect new landowners who have not been given proper notice and hearing opportunity or affect landowners who were given proper notice and hearing opportunity in a significantly different manner than was originally approved, nor may they include a unique occurrence not discussed in the EIS of, for example, a particular human burial, archaeological site, or protected species. The applicant shall consult with Commission staff regarding whether a proposed

change rises to the level at which Commission review and approval is appropriate. For each proposed adjustment for which Commission review is appropriate, the applicant shall submit for Commission staff review and approval a letter describing:

1. The nature of the requested change;
2. The reason for the requested change;
3. The incremental difference in any environmental impacts;
4. Communications with all potentially affected landowners regarding the change;
5. Documentation of discussions with other agencies regarding the change; and
6. A map showing the approved layout and the proposed modification(s) of all facilities proposed to be modified, property boundaries, relevant natural features such as woodlands, wetlands, waterways, and other sensitive areas.
 - a) Regarding item (3), provide a table with incremental changes in acreage for all the land acres contained within the perimeter fences and the land acres that blocks of arrays/subarrays occupy, changes in length of all collector lines, access roads, and tie lines, and changes in distances to adjacent landowner buildings for all inverters/PCUs and substations where there is a shift in the originally approved location. Identify each change using the infrastructure identification used in the application (i.e. array 1A, 21 inverter #22).
 - b) Regarding item (4), provide documentation of communications with any landowner, participating or nonparticipating, related to proposed changes wherein any project facility (including perimeter fences as well as items within those fences such as Direct-PSC-Edmunds-12 inverters or panels) is proposed to be re-located closer to an inhabited residence than the location that was approved in the Commission's order. Documentation should include all the information provided to the landowner regarding changes, include any feedback provided by the landowner, identify any way in which landowner feedback has informed the changes proposed, and whether the landowner agrees to the proposed changes.
 - c) Approval of the requests is delegated to the Administrator of the Division of Energy Regulation and Analysis with advice and consent from the Administrator of the Division of Digital Access, Consumer, and Environmental Affairs.

10. Commission determined that it was not necessary to require that the applicant submit a site-specific winter stabilization plan with the Storm Water Pollution Prevention plan that includes measures to stabilize bare soils during winter conditions.

Commissioner Nieto dissented.

11. There are no additional conditions or mitigations measures that have been offered in the record that are necessary for approval of the project.
12. The Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.
13. The Commission grants a Certification for Public Convenience and Necessity for the project, with conditions.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

137-CE-205 - Application of American Transmission Company LLC, as an Electric Public Utility, for a Certificate of Public Convenience and Necessity to Construct a New Double-Circuit 138 kV Transmission Line to Serve a New Plymouth Utilities' Distribution Substation in the Towns of Lyndon and Mitchell, Sheboygan County, Wisconsin

The Commission reviewed the application of American Transmission Company LLC (applicant), as an Electric Public Utility, for a Certificate of Public Convenience and Necessity (CPCN) to construct a New Double-Circuit 138 kV Transmission Line to Serve a New Plymouth Utilities' Distribution Substation in the Towns of Lyndon and Mitchell, Sheboygan County, Wisconsin (project) and made the following determinations:

1. The Commission accepted the uncontested alternatives identified in the Final Decision Matrix ([PSC REF#: 525087](#)).
2. The project will satisfy the reasonable needs of the public for an adequate supply of electric energy pursuant to Wis. Stat. § 196.491(3)(d)2., and complies with the criteria listed in Wis. Stat. § 196.491(3)(d)5.
3. No higher ranked Energy Priority Law alternatives exist that are cost-effective, technically feasible, and environmentally sound alternatives to the project.
4. The project would not have a material adverse impact on competition in the relevant wholesale electric service market.

5. The project complies with Wis. Stat. § 196.491(3)(d)6. and would not unreasonably interfere with the orderly land use and development plans for the area involved.
6. Given the requirements for issuance of a CPCN for the proposed project under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), the Commission approves the proposed route offered by the applicant.
7. The following general conditions are necessary for approval of the project:
 - a. The applicant is authorized to construct the proposed transmission facility, as described in the application and data request responses and as modified by the Final Decision.
 - b. The applicant shall obtain all necessary federal, state, and local permits for a construction spread prior to beginning construction, as defined by Wis. Stat. § 196.491(1)(b), on that construction spread. For the purposes of this order condition, construction spread means any subpart or segment of the proposed project established by the applicant for the purposes of managing construction of the project.
 - c. The applicant shall conduct an updated Endangered Resources Review closer to the start date of construction (no more than one year prior to construction start).
 - d. The applicant shall work with the applicable distribution utility to make available stray voltage testing at each agricultural confined animal operation within one half-mile of the project facilities, prior to commencing any project construction activity that may interfere with testing and after the project is energized. The applicant shall work with the distribution utility and farm owner to rectify any identified stray voltage problem arising from the construction or operation of the project, in compliance with the Commission's stray voltage protocol. Prior to testing, the applicant shall work with the applicable distribution utility and Commission staff to determine where and how it will conduct the stray voltage measurements. The applicant shall report the results of its testing to Commission staff in writing.
 - e. Should the scope, design, or location of the project change significantly, the applicant shall notify the Commission within 30 days of becoming aware of possible changes. The applicant shall obtain approval from the Commission before proceeding with any substantial change in the scope, design, size, or location of the approved project.
 - f. The applicant may propose minor adjustments to the approved route for the protection of environmental resources, to respond to landowner requests, or to implement technical design changes that arise during final stages of engineering, but any changes in alignment from the approved centerline may not affect resources not discussed in the EA, nor may they affect new landowners who have not been given proper notice and hearing opportunity. The applicant shall consult

with Commission staff regarding whether the change rises to the level where Commission review and approval is appropriate. For each proposed adjustment for which Commission review is appropriate, the applicant shall submit for Commission staff review and approval, a letter describing: the nature of the requested change; the reason for the requested change; the incremental difference in any environmental impacts caused by the change; communications with all potentially affected landowners regarding the change; and a map showing the approved route and the proposed modification, property boundaries, relevant natural features such as woodlands, wetlands, waterways, and other sensitive areas. Approval of the requests is delegated to the Administrator of the Division of Energy Regulation and Analysis with advice and consent from the Administrator of the Division of Digital Access, Consumer and Environmental Affairs.

- g. If the applicant cancels the project or enters into any arrangement with another party regarding ownership or operation of the proposed facilities, the applicant shall provide prior notice to the Commission.
- h. The transfer of rights and obligations under this CPCN to a third party does not confer either additional rights or additional obligations upon that third party than what is afforded to the applicant at the time of application and as specified in this Final Decision. If a successor, assign, or future owner or operator of the project is a public utility, this CPCN is conditional upon the public utility waiving any rights it may otherwise have under Wis. Stat. §§ 32.02 and 32.075(2) for the project. This CPCN does not confer any “right to acquire real estate or personal property appurtenant thereto or interest therein for such project by condemnation” under Wis. Stat. §§ 32.02 or 32.075(2) as otherwise provided under Wis. Stat. § 32.03(5)(a).
- i. All commitments made by the applicant in its application, subsequent filings, and the provisions of the Final Decision, shall apply to the applicant, any agents, contractors, successors, assigns, corporate affiliates, and any future owners or operators of the project.
- j. The applicant shall submit to the Commission the final actual costs, segregated by major accounts, within one year after the in-service date. For those accounts or categories where actual costs deviate significantly from those authorized, the applicant shall itemize and explain the reasons for such deviations in the final cost report.
- k. The CPCN is valid only if construction commences no later than one year after the latest of the following dates:
 - i. The date the Final Decision is served;
 - ii. The date when the applicant has received every federal and state permit, approval, and license that is required prior to commencement of construction by construction spread under the CPCN;

- iii. The date when the deadlines expire for requesting administrative review or reconsideration of the CPCN and of the permits, approvals, and licenses described in par. (ii.);
 - iv. The date when the applicant receives the Final Decision, after exhaustion of judicial review, in every proceeding for judicial review concerning the CPCN and the permits, approvals, and licenses described in par. (ii.).
 - l. If the applicant has not begun on-site physical construction of the authorized project within one year of the effective date of this Final Decision, the Certificate authorizing the applicant project for which construction has not commenced shall become void unless the applicant:
 - i. Files a written request of an extension of time with the Commission before the effective date on which the Certificate becomes void; and
 - ii. Is granted an extension by the Commission.
 - m. If the applicant has not begun on-site physical construction of the authorized project and has not filed a written request for an extension before the date that this Certificate becomes void, the applicant shall inform the Commission of those facts within 20 days after the date on which the Certificate becomes void.
 - n. If it is discovered or identified that the project cost, including force majeure costs, may exceed the estimated cost, the applicant shall, within 30 days of when it becomes aware of the possible change or cost increase, notify the Commission of the accounts or categories where costs deviate from those authorized and shall itemize and segregate those costs by major accounts and provide sufficient documentation to support and explain the reasons for such deviation.
 - o. The applicant shall provide to the Commission a summary of competitive bids received for work to be performed and equipment to be procured as part of the project.
 - p. The Final Decision takes effect one day after the date of service; and,
 - q. Jurisdiction is retained.
- 8. Beginning within 30 days after the end of the quarter during which the Final Decision is signed and served, and within 30 days of the end of each quarter thereafter and continuing until the authorized facilities are fully operational, the applicant shall submit quarterly progress reports to the Commission that include all of the following:
 - a. The date that construction commences;
 - b. Major construction and environmental milestones, including permits obtained, by agency, subject, and date;
 - c. Summaries of the status of construction, the anticipated in-service date, and the overall percent of physical completion;
 - d. The date that the facilities are placed in service; and
 - e. The applicant shall report to the Commission on a quarterly basis its efforts, and the efforts of its contractors, to recruit Wisconsin residents to fill employment

opportunities created by the construction of the proposed Project; i. Its efforts to collaborate with state registered apprenticeship programs; and ii. The actual number of Wisconsin residents and out-of-state workers employed on-site to construct the proposed Project.

9. The applicant shall mitigate impacts to line-of-sight communications and landowners that can show disruption to broadcast communications post construction.
10. The applicant shall follow current DNR recommendations and best management practices to prevent the spread of all forest pests and disease-causing organisms that could be found in the area to the extent practicable. The applicant should consult with the DNR's regional forest health specialist for an up-to-date list of actions for counties affected by the project.
11. The following project-specific environmental resources conditions are necessary for approval of the project:
 - a. During the final project designs the applicant shall re-examine wetland impacts with the first objective to avoid and secondly to minimize wetland impacts to the extent practicable. This includes attempting to shift and/or locate new structures, access routes, project corridors, and land disturbing activities outside of wetlands and/or to the edge of wetlands and outside of higher quality wetlands.
 - b. The applicant shall utilize temporary construction matting in wetlands when stable conditions are not present during construction or if operation of equipment results in the discharge of fill material in wetlands.
 - c. The applicant shall implement the applicant's Wetland Matting Restoration Plan (Ex.-ATC-Application: Exhibit 3 – Matting Restoration Plan) and incorporate any additional commitments made by the applicant in these proceedings.
 - d. The applicant shall install signage at wetland and waterway boundaries prior to construction.
 - e. The applicant shall provide copies of all plans and environmental documents to construction crews and inspectors. Plans should clearly label the locations of wetlands and waterways and include language stating vehicle access, storage of materials, grading, and all other construction activities are not permissible within these areas. Plans should also clearly label where sediment and erosion control measures and devices need to be installed if working adjacent to wetlands and waterways.
 - f. The applicant shall prepare and implement an invasive species management plan that identifies known areas of invasive species populations and includes specific protocols to prevent and minimize the introduction and spread of invasive species. The plan should incorporate any additional commitments presented by the applicant through these proceedings.

- g. The applicant shall leave existing vegetative buffers undisturbed whenever possible and minimize vegetation clearing in riparian zones.
 - h. Prior to construction the applicant shall conduct field verifications for all portions of the project area that were not field reviewed at the time of the wetland delineation to the extent the applicant has legal access to do so.
 - i. The applicant shall remove brush piles, wood chips, and woody debris from wetlands in mapped floodplain areas following clearing activities to prevent debris from becoming suspended, migrated, and re-disposed in wetlands to the maximum extent practicable.
 - j. In project areas located near higher quality wetlands and riparian corridors, the applicant shall utilize seed mixes comprised of native plant species that are reflective of the region where the project is located.
 - k. The applicant shall implement tree clearing time of year restrictions from April 1 through August 20 to the extent practicable.
12. The Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.
13. The project will not have undue adverse impacts on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.
14. The Commission grants a Certificate of Public Convenience and Necessity, with conditions.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

The Commission adjourned the meeting at 12:11 p.m.

A handwritten signature in black ink, appearing to read "Cru Stublely". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cru Stublely
Secretary to the Commission