

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of  
Thursday, April 20, 2023

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

**Minutes**

The Commission approved the minutes of the open meeting of Thursday, April 13, 2023.

**5-AE-244 - Application for Approval of an Amended Generation-Transmission Interconnection Agreement and Guarantee or Letter of Credit Transaction for the J1316 Project between American Transmission Company and Wisconsin Electric Power Company**

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

**5820-CG-107 - Application of Superior Water, Light and Power Company for Authority to Replace Natural Gas Distribution Facilities in the City of Superior, Douglas County, Wisconsin**

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

**6685-CE-111 - Application of WPPI Energy for Certificate of Authority to Repair its South Fond du Lac Unit 1 Combustion Turbine, in the City of Fond du Lac, Fond du Lac County, Wisconsin**

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

**3270-FR-2022 - Application of Madison Gas and Electric Company for Reconciliation of Actual Fuel Costs to the Authorized 2022 Fuel Cost Plan**

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

**9813-CE-100 - Application for a Certificate of Public Convenience and Necessity of Silver Maple Solar, LLC to Construct a Solar Electric Generation Facility in the Townships of Eldorado and Rosendale, Fond du Lac County, and Nekimi Township, Winnebago County, Wisconsin**

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

**1-AC-257 - Proposed Revisions for Wisconsin Administrative Code Chapter PSC 113, for Individual Electric Metering**

**Proposed Statement of Scope**

The Commission approved the opening of a rulemaking docket, accepted the Statement of Scope for Submission to the Governor's office and directed Commission staff to prepare and transmit the necessary documents to the Governor's office. If the Governor approves the Statement of Scope, Commission staff is directed to prepare and submit the necessary documents to the Legislative Reference Bureau for publication in the *Wisconsin Administrative Register* and concurrently to the Department of Administration.

**2800-EI-101 - Request of Kaukauna Utilities for a Temporary Waiver of Wis. Admin. Code § PSC 113.0803(1) Regarding Individual Electric Meters for Suburban Enterprises Inc. Project**

The Commission granted, pursuant to Wis. Admin. Code § PSC 113.01(2), Kaukauna Utilities' request on behalf of Suburban Enterprises Inc. (Suburban Electric) and Midwest Expansion Companies (Midwest) for a temporary waiver of Wis. Admin. Code § PSC 113.0803(1)'s individual electric metering for a newly constructed building requirement until November 1, 2023 due to the "exceptional or unusual" circumstances presented by this request, provided Suburban Electric/Midwest neither resell electricity to tenants nor will tenants be disconnected for nonpayment. In addition, Suburban Electric/Midwest shall provide documentation that the required metering equipment cannot be procured because it is unavailable and provide the utility with a quarterly status report as to the anticipated arrival and installation of the required metering equipment.

The Commission directed the Division of Digital Access, Consumer and Environmental Affairs to draft an order consistent with its discussion.

**6630-EI-116 - Request of Suburban Enterprises Inc., for a Temporary Waiver of Wis. Admin. Code § PSC 113.0803(1) Regarding Individual Electric Meters**

The Commission granted, pursuant to Wis. Admin. Code § PSC 113.01(2), Suburban Enterprises Inc. (Suburban Electric) request for a temporary waiver of Wis. Admin. Code § PSC 113.0803(1)'s individual electric metering for a newly constructed building requirement until November 1, 2023 due to the "exceptional or unusual" circumstances presented by this request,

provided Suburban Electric/Midwest neither resell electricity to tenants nor will tenants be disconnected for nonpayment. In addition, Suburban Electric/Midwest shall provide documentation that the required metering equipment cannot be procured because it is unavailable and provide quarterly status report as to the anticipated arrival and installation of the required metering equipment.

The Commission directed the Division of Digital Access, Consumer and Environmental Affairs to draft an order consistent with its discussion.

### **5-NF-2023 - Universal Service Fund Grant Program for Telecommunications Access Programs or Projects by Non-Profit Groups**

#### **Non-Profit Access Grant Program Awards**

The Commission reviewed the applications for the 2023 Non-Profit Access Grant applications and made the following determinations:

1. The Commission found that the application of the Boys & Girls Club of Wausau Area was ineligible for funding.
2. The Commission reviewed the 2023 applications for Non-Profit Access grant program and grants to the following applicants in the amounts set forth below:

<b>Applicants</b>	<b>Amount Awarded</b>
<b>The Amyotrophic Lateral Sclerosis Association</b>	\$33,517.00
<b>Benedict Center</b>	\$46,433.00
<b>The Road Home Dane County, Inc.</b>	\$19,140.00
<b>Boys &amp; Girls Club of the Greater Chippewa Valley</b>	\$48,957.00
<b>Vision Forward Association, Inc.</b>	\$43,670.00
<b>Connect to Compete, Inc.</b>	\$51,814.00

<b>Young Women's Christian Association Southeast Wisconsin</b>	\$65,000.00
<b>United Way of Great Milwaukee &amp; Waukesha County</b>	\$27,700.00
<b>Center for Deaf and Blind Persons, Inc.</b>	\$13,381.20
<b>Boys &amp; Girls Club of the Tri-County Area</b>	\$33,035.43
<b>Literacy Network, Inc.</b>	\$40,000.00
<b>Northwest Wisconsin Concentrated Employment Program, Inc.</b>	\$70,968.00
<b>Total Awards</b>	<b>\$493,615.63</b>

The Commission directed the Division of Digital Access, Consumer and Environmental Affairs to draft an order consistent with its discussion.

**9816-CE-100 - Application of Saratoga Solar Project, LLC for a Certificate of Public Convenience and Necessity to Construct a Solar Electric Generation Facility in the Town of Saratoga, Wood County, Wisconsin**

The Commission reviewed the application of Saratoga Solar Project, LLC (applicant) for a Certificate of Public Convenience and Necessity to construct a Solar Electric Generation Facility and a Battery Energy Storage System (BESS) in the Town of Saratoga, Wood County, Wisconsin and made the following determinations:

1. The Commission accepted all of the uncontested alternatives identified in the Final Decision Matrix.
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. All of the proposed and alternative solar array sites meet the siting criteria of Wis. Stat. §§ 196.491(3)(d)3.

4. All of the following general conditions are necessary for the approval of this project:
  - a. The applicant is authorized to construct the proposed solar PV electric generation and BESS facilities, as described in the application and data request responses and as modified by the Final Decision.
  - b. 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 area, prior to installing any metal or conductive materials into the ground 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.
  - c. 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.
  - d. The applicant shall construct, maintain, and operate all applicable project facilities to comply with NEC 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.
  - 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. 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.
  - g. 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.
  - 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. The applicant shall mitigate impacts to line-of-sight communications and landowners who can show disruption to broadcast communications post-construction.
  - j. 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.
  - k. 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.
  - l. 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).
  - m. 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.
  - n. The applicant may propose minor adjustments to the approved locations of Solar 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 of each solar facility stated in the application), but any changes from the approved layout may not affect a type of resource not discussed in the EA, 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 EA 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: the nature of the requested change; the reason for the requested change; the incremental difference in any environmental impacts; communications with all potentially affected landowners regarding the change; documentation of discussions with other agencies regarding the change; and a map showing the approved layout 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.
- o. Beginning with the quarter ending on a date to be determined by the Commission in the Final Decision, 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; and
    4. The date that the facilities are placed in service.
  - p. 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.).
  - q. 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:
    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.
  - r. 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.
  - s. The Final Decision takes effect one day after the date of service; and,
  - t. Jurisdiction is retained.
5. The following project-specific conditions are necessary for the approval of this project
- a. The applicant shall not use any type of Red Fescue in its proposed Graminoid Plus Seed Mix for seeding in panel array areas of the project.

- b. The applicant shall construct, maintain, and operate the BESS facilities to follow the best industry safety practices for ensures battery fire safety.
  - c. The applicant shall provide results of all MISO Definitive Planning Phase studies and facilities studies related to interconnection queue positions J1751 and J2117 and the Generator Interconnection Agreements related to the project when each of them have been completed.
  - d. The applicant shall provide the Commission with final detailed engineering plans for the project, including the final designs and equipment plans for both the solar and BESS portion of the proposed project. 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.
  - e. The applicant shall publicly report to the Commission on a quarterly basis its efforts, and the efforts of its construction contractors, to recruit Wisconsin residents to fill employment opportunities created by the construction of the proposed project.
6. The proposed project will not have undue adverse impacts on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.
  7. The Commission grants a Certificate of Public Convenience and Necessity for the proposed project, 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 10:57 a.m.



Cru Stubleby  
Secretary to the Commission

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