

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of  
Thursday, April 27, 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 20, 2023.

**720-CW-103 - Application of the Village of Bristol, as a Water Public Utility, for Authority to Construct a New Elevated Storage Tank and SCADA System Improvements, in the Village of Bristol, Kenosha County, Wisconsin**

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

**4030-CW-106 - Application of the City of Neenah, as a Water Public Utility, for Authority to Construct a New Booster Pump Station, in the City of Neenah, Winnebago County, Wisconsin**

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

**4220-FR-2022 - Application of Northern States Power Company–Wisconsin for Reconciliation of Actual Fuel Costs to the Authorized 2022 Fuel Cost Plan**

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

**4220-TU-100 - Application of Northern States Power Company-Wisconsin, for Approval of a Residential Affordability Program and Request for Deferral**

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

**5110-TE-106 - Application of the City of River Falls, as an Electric Public Utility, Pierce and St. Croix Counties, Wisconsin, for a New Athletic Field Lighting Service Tariff**

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

**5110-CW-110 - Application of the City of River Falls, as a Water Public Utility, for Authority to Construct Mann Valley Water Main, in the City of River Falls, St. Croix County, Wisconsin**

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

**5350-CE-109 - Application of City of Shawano, as an Electric Public Utility, to Construct a New Utility Service Center Building, in the City of Shawano, Shawano County, Wisconsin**

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

**5377-CW-105 - Application of the Town of Sheboygan Sanitary District #3, as a Water Public Utility, for Authority to Construct a New Elevated Water Tower, in the Town of Sheboygan, Sheboygan County, Wisconsin**

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

**6630-EI-117 - Request of Dominion Properties for a Waiver of Wis. Admin. Code § PSC 113.0803(2) Regarding Individual Electric Meters in a Commercial Building**

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

**4950-PFP-100 - Application of the Village of Readstown, Vernon County, Wisconsin, as a Water Public Utility, for Authority to Change its Method of Cost Recovery for Providing Public Fire Protection Services**

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

**6630-FR-2022 - Application of Wisconsin Electric Power 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.

**6680-FR-2022 - Application of Wisconsin Power and Light 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.

**6690-FR-2022 - Application of Wisconsin Public Service Corporation 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.

**5-LL-2023 - Administration of the Lifeline Program for Calendar Year 2023**

**Lifeline Outreach Grant Awards**

The Commission reviewed the applications for the 2023 Lifeline Outreach Grant Program and awarded amounts to the following applicants set forth below:

<b>Applicant</b>	<b>Amount Rewarded</b>
211 Wisconsin, Inc.	\$89,576.92
Indianhead Community Action Agency	\$50,353.00
<b>Total Recommended</b>	<b>\$139,929.92</b>

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

**9815-CE-100 - Application for the Certificate of Public Convenience and Necessity of Northern Prairie Solar, LLC to Construct a Solar Electric Generation Facility in the Town of Cylon, St. Croix County, Wisconsin**

The Commission reviewed the application of Northern Prairie Solar, LLC (applicant) to construct a Solar Electric Generation Facility in the Town of Cylon, St. Croix 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 or alternative solar array sites are in the public interest considering the siting criteria of Wis. Stat. § 196.491(3)(d)3 except for siting arrays 9 and 10. The applicant shall not install solar photovoltaic (PV) arrays in the portions of siting arrays 9 and 10 where mass tree clearing would be necessary.
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 as described in the application and data request responses and as modified by the Final Decision.
  - b. 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.
  - c. 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 § 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.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. The transfer of rights and obligations under this CPCN to a third party does not confer either additional rights or 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).

- h. The applicant shall mitigate impacts to line-of-sight communications and landowners who can show disruption to broadcast communications post construction.
- i. 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.
- j. 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. (b.); 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. (b.).
- k. 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 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.
- l. 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.

- m. 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.
- n. 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.
- o. 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).
- p. 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.
- q. 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.
- r. The Final Decision takes effect one day after the date of service; and,

- s. Jurisdiction is retained.
  - t. The applicant shall report, on a quarterly basis, on its efforts, and the efforts of its contractors, to recruit Wisconsin residents to fill employment opportunities created by the construction.
5. The following project-specific conditions are necessary are necessary for the approval of this project:
- a. The applicant shall provide the Commission with final detailed engineering plans for the project, including the final designs and equipment plans. 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.
  - b. The applicant shall avoid tree clearing activities during the period of April 1 through August 15, to the extent practicable.
  - c. The applicant shall alter the collector circuits and/or access drive discussed in data request items 5.02.a. and 5.02.c., avoiding the forested areas in arrays 9 and 10.
  - d. The applicant shall avoid conducting mowing events within the project area in the months of April through October after native vegetation is fully established, to the extent reasonable and feasible. If mowing is required during the months of April through October, trained personnel shall survey the affected area in advance to reduce potential wildlife impacts.
  - e. The applicant shall work with interested non-participating landowners that have residences that are adjacent to solar panel arrays on one or more sides of their property to create and maintain visual buffers and vegetative screening in order to mitigate visual impacts to the extent reasonable and not otherwise impede solar operations or access to sunlight.
  - f. The applicant shall increase the PV array setback to Highway 63/64 to be equal to the existing greater setback at 2478 HWY 63/64 Emerald, WI 54013. Additionally, the applicant shall report to Commission staff on the status of its permit for an access road made to the Wisconsin Department of Transportation as information becomes available. If a permit cannot be obtained, the applicant shall work with Commission staff on other alternatives.
  - g. 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, before any solar energy system construction activity that may interfere with testing commences 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

6. The proposed project will not have undue adverse impact 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.

**CLOSED SESSION – The Commission recessed the open meeting, went into closed session under Wis. Stat. § 19.85(1)(g) to discuss the litigation matters noted below with legal counsel, and reconvened the open meeting pursuant to Wis. Stat. § 19.85(2).**

Commissioner Huebner moved, pursuant to Wis. Stat. § 19.85(1)(g), that the Commission convene in closed session to discuss the litigation matter listed below. Commissioner Huebner seconded the motion. The motion was carried and the Commission went into closed session. After a discussion in closed session, the Commission reconvened in open session.

*Kaukauna Utilities vs. Public Service Commission of Wisconsin, Case No. 2022-CV-000890 (Outagamie County Cir. Ct.)*

During the discussion held in closed session, information was presented by legal counsel to the Commission regarding the above litigation matter. The Commission provided guidance to legal counsel, and no motion was made with respect to this item.

The Commission adjourned the meeting at 11:15 a.m.



Cru Stublely  
Secretary to the Commission