

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of
Thursday, February 22, 2024

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

Minutes

The Commission approved the minutes of the open meeting of Thursday, February 15, 2024.

3270-EI-105 - Request of Wiseman Capital LLC, for a Waiver of Wis. Admin. Code § PSC 113.0803(3) Regarding Individual Electric Meters

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

6650-TG-128 - Application of Wisconsin Gas LLC for a Special Contract between Wisconsin Gas LLC and Cumberland Municipal Utility

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

1595-WR-101 - Application of the City of Delafield, Waukesha 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.

6010-WR-105 - Application of the Village of Union Center, Juneau 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.

5-BS-273 - Joint Application of Wisconsin Power and Light Company, Wisconsin Public Service Corporation, Wisconsin Electric Power Company, and Madison Gas and Electric Company for Approval of Option 2 for the Sale and Purchase of Ownership Interests in the West Riverside Energy Center, Near Beloit, Rock County, Wisconsin

Commissioner Nieto is recused from participating in this docket.

Chairperson Strand approved the joint application of Wisconsin Power and Light Company (WP&L), Wisconsin Public Service Corporation (WPSC), Wisconsin Electric Power Company

(WEPCO), and Madison Gas and Electric Company (MGE) (together, applicants) for approval of Option 2 for the sale and purchase of ownership interests in the West Riverside Energy Center near Beloit, Rock County, Wisconsin with the following conditions:

1. The proposed transfer of partial ownership shares from WP&L to WPSC and MGE, as described in the application, is authorized, subject to conditions identified in the Final Decision.
2. The applicants shall notify the Commission of the effective date of the purchase and sale of the proportionate shares of West Riverside within 30 days of the effective date of the transfer.
3. If the applicants do not proceed to closing or enter into any arrangement with another party regarding ownership or operation of the West Riverside unit, the applicants shall provide prior notice to the Commission.
4. Within 60 days of the effective date of the transfer, the applicants shall file with the Commission the final closing purchase price and, for informational purposes only, copies of the executed agreements.
5. The Commission, consistent with its past practice, shall review in a future rate proceeding the recoverability of costs associated with the acquisition, O&M costs, and revenues associated with the acquisition. The purchase price shall be established at the net book value of the proportionate share of West Riverside on the closing date.
6. After completion of the proposed acquisition, the applicants shall submit to the Commission the proposed accounting entries to record the sale/acquisition of the West Riverside generation capacity.
7. The Final Decision takes effect one day after the date of service.
8. Jurisdiction is retained.

Chairperson Strand approved the request of WEPCO and MGE to defer transaction costs, operation and maintenance (O&M) costs incurred between the closing date of the transaction and their next respective rate cases, and the depreciation and return on rate base specific to their respective incremental investments until their next respective rate cases subject to the below conditions.

Chairperson Strand modified and approved the request of WP&L to defer only the decremental return on and of investment and decremental O&M costs, and authorized carrying costs on WP&L's authorized deferral at its most recently authorized short-term debt rate until its next rate case subject to the following conditions.

1. These deferrals are authorized with the express condition that the authorization is for accounting purposes only and does not bind the Commission to any specific treatment in any future proceeding.
2. These deferrals shall be addressed in the applicant's next rate proceedings.

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

5810-EI-100 - Request of RJ Main Street, LLC, 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), RJ Main Street, LLC's request for a temporary waiver of Waiver of Wis. Admin. Code § PSC 113.0803(1) related to individual electric metering requirements for the construction of a mixed-use multi-dwelling unit, until January 1, 2025 due to the "exceptional or unusual: circumstances presented by this request, provided RJ Main Street, LLC neither resell electricity to tenants nor will tenants be disconnected for nonpayment. In addition, RJ Main Street, LLC shall submit documentation of its inability to procure the necessary metering equipment and a quarterly status report as to the anticipated arrival and installation of the required metering equipment.

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

6690-EI-116 - Request of Schoen Street Condo Rentals LLC, for a Waiver of Wis. Admin. Code § PSC 113.0803(3) Regarding Individual Electric Metering

The Commission determined a waiver is not required in this instance because the requirements of Wis. Admin. Code § PSC 113.0803(3) do not apply. The project does not constitute a "substantial remodel" nor is there a change in the type of occupancy.

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

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

Commissioner Nieto is recused in this docket.

Chairperson Strand reviewed the application for a Certificate of Public Convenience and Necessity (CPCN) of Silver Maple Solar, LCC (applicant) to construct a solar electric generation facility in the Townships of Eldorado and Rosendale, Fond du Lac County, and Nekimi Township, Winnebago County, Wisconsin and made the following determinations:

1. Commissioner Strand accepted all of the uncontested items outlined in the Final Decision Matrix ([PSC REF#: 490610](#)).
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. The design and location of the project is in the public interest and 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 approval of this project:
 - a. 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 solar energy system construction activity that may interfere with testing. 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.
 - 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 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.

- 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. The applicant shall provide the Commission with detailed as-built engineering plans for the project, including the final designs and equipment plans for the solar portion of the proposed project as soon as practicable after the 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.
- 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 Wisconsin Department of Natural Resources (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 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; 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 date specified in 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 applicant shall report on a quarterly basis:
1. Its efforts, and the efforts of its contractors, to recruit Wisconsin residents to fill employment opportunities created by the construction of the proposed Project;
 2. Its efforts to collaborate with state registered apprenticeship programs; and
 3. The actual number of Wisconsin residents and out-of-state workers employed on-site to construct the proposed project.

- t. The Final Decision takes effect one day after the date of service; and,
 - u. Jurisdiction is retained.
5. The following project-specific conditions are necessary for the approval of this project:
- 1. The applicant is authorized to construct the proposed solar 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, at a capacity of no greater than 224 MW AC and limited to 200 MW at the point of interconnection.
 - 2. The applicant shall provide the results of all MISO DPP studies and facilities studies related to interconnection queue positions J1253 and J1716 and the GIA related to the project when each of them have been completed.
 - 3. To the extent reasonably possible, the applicant shall avoid tree clearing activities during the period of April 1st through August 15th.
6. The Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.
7. The proposed project will not have undue adverse impacts on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.
8. 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, and direct that the draft final decision be returned to the Commission for final review and approval.

The Commission adjourned the meeting at 10:54 a.m.



Cru Stublely
Secretary to the Commission