



June 7, 2010

VIA ELECTRONIC REGULATORY FILING SYSTEM

Ms. Sandra J. Paske
Secretary to the Commission
Public Service Commission of Wisconsin
610 North Whitney Way.
P.O. Box 7854
Madison, Wisconsin 53707-7854

Re: Application of Wisconsin Electric Power Company for Authority to Build and Operate a
50 MW, Biomass-Fired, Cogeneration Facility in the Village of Rothschild, Marathon
County, Wisconsin
Docket No. 6630-CE-305

Dear Ms. Paske:

Accompanying this correspondence for filing on behalf of the D.C. Everest Area School District
are the following:

1. Notice of Appearance;
2. Petition to Intervene; and
3. Affidavit of in Support of Petition to Intervene.

Very truly yours,

Davis & Kuelthau, s.c.

/s/William J. Mulligan

William J. Mulligan

Attachment

cc: All parties identified on the attached Service List (w/enc.)

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Wisconsin Electric Power Company for Authority to Build
and Operate a 50 MW, Biomass-Fired, Cogeneration Facility in the Village
of Rothschild, Marathon County, Wisconsin
6630-CE-305

SERVICE LIST
(June 7, 2010)

WISCONSIN ELECTRIC POWER COMPANY

Brian D. Winters
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CITIZENS UTILITY BOARD

Kira E. Loehr
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CLEAN WISCONSIN

Katie Nekola
122 State Street, Suite 200
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DOMTAR PAPER COMPANY, LLC

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PO Box 2719
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INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL 2150

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N56 W13777 Silver Spring Drive
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MENOMINEE TRIBAL ENTERPRISES

Adrian Miller
PO Box 10
Neopit, WI 54150
(Phone: 715-756-2311 / Fax: 715-756-2386)
(Email: adrianm@mtewood.com)

NORTHEAST WISCONSIN BUILDING AND CONSTRUCTION TRADES COUNCIL

Gary Ruhl
2828 North Ballard Road
Appleton, WI 54911-8703
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(Email: gary@newbt.org)

RENEW WISCONSIN

Michael Vickerman
222 South Hamilton Street
Madison, WI 53703
(Phone: 608-255-4044)
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SAVING OUR AIR RESOURCE (SOAR)

Paul Schwantes
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Rothschild, WI 54474
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UNITED STEELWORKERS DISTRICT 2
LOCAL 319

Michael Bolton
1244A Midway Road
Menasha, WI 54952
(Phone: 920-722-7630 / Fax: 920-722-7634)
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WISCONSIN PAPER COUNCIL
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5485 Grande Market Drive, Suite B
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WISCONSIN PUBLIC SERVICE CORPORATION
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Brian H. Potts
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150 East Gilman Street
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PUBLIC SERVICE COMMISSION OF WISCONSIN
(Not a party, but must be served)
610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Courtesy Copy List:

Kate Phillips
Wisconsin Electric Power Company
231 West Michigan Street
Milwaukee, WI 53203
(Phone: 414-221-3479)
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STATE OF WISCONSIN
PUBLIC SERVICE COMMISSION

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NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that William J. Mulligan, Kevin J. Lyons, Elizabeth K. Miles, and Davis & Kuelthau, s.c., have been retained by and appear on behalf of D.C. Everest Area School District in the above-captioned matter and request that copies of all pleadings and all other communications subsequent to the date of the notice be served upon us via email and at our offices at 111 E. Kilbourn Avenue, Suite 1400, Milwaukee, WI 53202-6613.

Dated: June 7, 2010.

DAVIS & KUELTHAU, s.c.

By: /s/William J. Mulligan
William J. Mulligan (WI Bar No. 10088465)
Kevin J. Lyons (WI Bar No. 1013826)
Elizabeth K. Miles (WI Bar No. 1064284)
Attorneys for D.C. Everest Area School
District

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111 E. Kilbourn Avenue
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STATE OF WISCONSIN
PUBLIC SERVICE COMMISSION

Application of Wisconsin Electric Power Company
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PETITION TO INTERVENE

To: Ms. Sandra J. Paske
Secretary to the Commission
Public Service Commission of Wisconsin

D.C. Everest Area School District (District), by William J. Mulligan, Kevin J. Lyons, Elizabeth K. Miles, and Davis & Kuelthau, s.c., its attorneys, respectfully request to be admitted to the proceeding as a party and intervenor. The District bases its request on Wis. Stat. § 227.44(2m) and Wis. Admin. Code §§ PSC 2.20, PSC 2.21(1), and PSC 2.21(2) on the following grounds.

1. The District is a common school district with its office at 6300 Alderson Street, Weston, Wisconsin 54476.

2. The District operates 11 public schools providing education to 5,702 students in grades K-12. The District employs 720 teachers and staff. Rothschild Elementary School is within one-half mile and D. C. Everest Junior High School and is within one mile of the site of the bio-mass fired cogeneration plant Wisconsin Electric Power Company proposes to build in Rothschild (Marathon County), Wisconsin within the boundaries of the District. In addition, St. Mark's Catholic School is located about one-half mile from the plant site.

3. The District has the duty to protect the health and safety of its pupils, employees, and visitors. Thus, it has substantial interest at stake in this Proceeding.

4. The District's school buildings are not equipped with air cleaning equipment that could remove plant air emissions from ambient air in its school buildings.

5. District participation in the Proceeding from the outset will promote timely completion of the Proceeding by identifying problems now so that the parties can seek a solution acceptable to all parties.

6. District participation will neither disrupt the Proceeding nor burden existing parties since no schedule for the Proceeding has yet been established.

7. The United States Environmental Protection Agency (EPA) has published proposed rules that would reduce emissions of toxic air pollutants from existing and new industrial, commercial and institutional boilers. *See* National Emission Standards for Hazardous Air Pollutants for Area Sources and Major Sources: Industrial, Commercial, and Institutional Boilers, 75 Fed. Reg. 31896 and 32006 (proposed June 4, 2010) (to be codified at 40 C.F.R. Part 63). These proposed reductions could affect the emissions from the proposed bio-mass plant, and could thus affect the air quality in the district schools.

Dated: June 7, 2010.

DAVIS & KUELTHAU, s.c.

By: /s/William J. Mulligan
William J. Mulligan (WI Bar No. 10088465)
Kevin J. Lyons (WI Bar No. 1013826)
Elizabeth K. Miles (WI Bar No. 1064284)
Attorneys for D.C. Everest Area School
District

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STATE OF WISCONSIN
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AFFIDAVIT IN SUPPORT OF
PETITION TO INTERVENE

STATE OF WISCONSIN)
)ss.
MARATHON COUNTY)

Dr. Kristine A. Gilmore, being first duly sworn on oath, states:

1. I am the Superintendent of D.C. Everest Area School District (District), a common school district.
2. My business address and that of the District is 6300 Alderson Street, Weston, Wisconsin 54476.
3. The District operates eleven public schools providing education to 5,702 students in grades K-12. The District employs 720 teachers and staff. I have attached a District map that shows the locations of the eleven schools.
4. Two of the District's schools are located within one mile of the proposed 50 MW biomass-fueled cogeneration power plant site. Rothschild Elementary School is located within one-half mile and D.C. Everest Junior High School is located within one mile. In addition, St. Mark's Catholic School is located about one-half mile from the plant site.
5. On March 15, 2010, Wisconsin Electric Power Company filed its application for authority to construct and operate a 50 MW biomass-fueled cogeneration facility in the Village

of Rothschild, Marathon County, Wisconsin, under Public Service Commission Docket 6630-CE-305.

6. As superintendent of the District, I am aware of certain laws related to the school district. Wis. Admin. Code § PI 8-01(2)(i) requires the District to provide safe and healthful facilities. Wis. Stat. § 118.07 contains health and safety requirements for both public and private schools.

7. Wis. Stat. § 118.291 recognizes asthma in pupils and provides for the use of inhalers in school, at school sponsored activities, or when a pupil is under the supervision of a school authority.

8. Wis. Stat. § 118.001 requires that the statutory duties and powers of school boards be broadly construed to enable school districts to carry out their responsibilities.

9. I am aware that Marathon County now experiences air pollution.

10. Wis. Stat. § 120.12(5) requires the District to keep school buildings and grounds in good repair, suitably equipped and in safe and sanitary conditions at all times.

11. Wis. Stat. § 120.12(26) requires a school district to have a safety plan for each school within the district.

12. Wis. Stat. § 120.13 describes the powers of school boards and gives to school boards the responsibility to do all things reasonable to promote the cause of education.

13. The District schools do not have air cleaning equipment that could remove plant generated emission from the ambient air in the school buildings. The oldest district school buildings lack even duct work to which air cleaning equipment could be attached.

14. I make this affidavit in support of the District's Motion to Intervene with respect to the application of WE Energies now pending before the Public Service Commission. I make

this affidavit in order to carry out the responsibilities of the District to protect the health, safety, and welfare of pupils, teachers, staff, and visitors to all schools within the District, including and especially, but not limited to, the Rothschild Elementary School and the D.C. Everest Junior High School located within one mile of the proposed site.

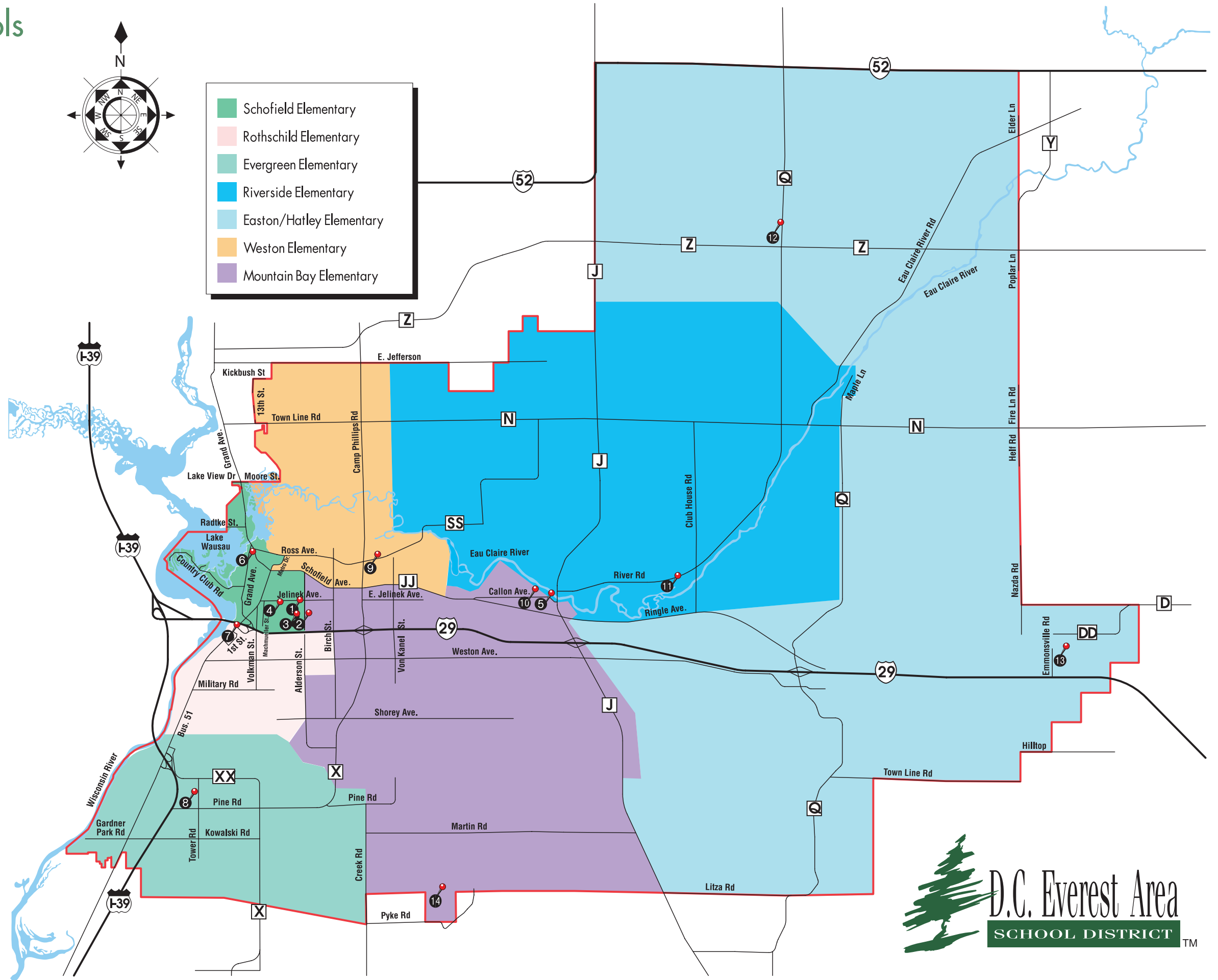
/s/Kristine A. Gilmore
Kristine A. Gilmore

Subscribed and sworn to before me
This 4th day of June, 2010.

/s/Elizabeth M. Schultz
Notary Public, State of Wisconsin
My commission expires:

D.C. Everest Area Schools

- 1 Administration Building
6300 Alderson St., Weston, WI 54476
(715) 359-4221
- 2 D.C. Everest Senior High
6500 Alderson St., Weston, WI 54476
(715) 359-6561
- 3 Greenheck Field House
6400 Alderson St., Weston, WI 54476
(715) 359-6563
- 4 D.C. Everest Junior High
1000 Machmueller St., Weston, WI 54476
(715) 359-0511
- 5 D.C. Everest Middle School
9302 Schofield Ave, Weston, WI 54476
(715) 241-9700
- 6 Schofield Elementary
1310 Grand Ave., Schofield, WI 54476
(715) 359-0419
- 7 Rothschild Elementary
810 First St., Rothschild, WI 54474
(715) 359-3186
- 8 Evergreen Elementary
1610 Pine Rd., Mosinee, WI 54455
(715) 359-6591
- 9 Weston Elementary
5200 Camp Phillips Rd., Weston, WI 54476
(715) 359-4181
- 10 Mountain Bay Elementary
8602 Schofield Ave, Weston, WI 54476
(715) 355-0302
- 11 Riverside Elementary
R12231 River Rd., Ringle, WI 54471
(715) 359-2417
- 12 Easton Elementary
E 3640 Co. Rd. Q, Ringle, WI 54471
(715) 446-3600
- 13 Hatley Elementary
417 Emmonsville Rd., Hatley, WI 54440
(715) 446-3336
- 14 Twin Oaks Environmental Center
3321 Pyke Road, Mosinee, WI 54455
(715) 693-4118



NOTE: Residents living near a boundary line or within a mobile home park, please contact Laidlaw Transit for your exact school information – (715) 359-3555.

