PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of American Transmission Company LLC, as an Electric Public Utility, for Authority to Rebuild its Existing Arcadian Substation in the City of New Berlin, Waukesha County, Wisconsin — 137-CE-192

FINAL DECISION

This is the Final Decision in the proceeding conducted by the Public Service Commission of Wisconsin (Commission) on the application of the American Transmission Company LLC, as an electric public utility (ATC), for authority under Wis. Stat. § 196.49 and Wis. Admin. Code ch. PSC 112. On December 3, 2020, ATC filed an application with the Commission for authority to rebuild its existing Arcadian substation in the City of New Berlin, Waukesha County, Wisconsin, at a total estimated cost of $51,600,000. (PSC REF#: 401047.) The proposed project is necessary to replace obsolete and/or poorly performing assets to ensure long-term system reliability. As part of the project, ATC also proposes to reconfigure the substation to a breaker-and-a-half scheme. The reconfiguration of the bus will provide appropriate operational and reliability performance.

The application is GRANTED, subject to conditions.

Introduction

On April 8, 2021, the Commission issued a Notice of Investigation in this docket. (PSC REF#: 408732.) The Commission's Notice of Investigation opening this docket stated that the Commission intended to conduct its investigation without a hearing. No person filed to intervene, and no hearing was requested or held. Pursuant to Wis. Stat. § 196.49(5r)(b), the

Commission is required to take final action on the application within 90 days after the Commission issues a notice opening the docket, unless an extension of time is granted.

Findings of Fact

1. ATC is an electric public utility, as defined in Wis. Stat. § 196.01(5)(a), engaged in rendering electric transmission service in Wisconsin. ATC's proposed Arcadian Substation Rebuild Project (project) is an asset renewal project. The project will also include reconfiguring the existing straight bus 345/138 kilovolt (kV) substation to a breaker-and-a-half scheme. Six existing transmission lines will be realigned to connect to the reconfigured substation. ATC states that there will also be some relay work done at seven remote end substations. ATC's estimated cost of the proposed project is $51,600,000.

2. No unusual circumstances suggesting the likelihood of significant environmental consequences are associated with the proposed project.

3. Alternatives to the proposed project have been considered, but no other reasonable alternatives to the project exist that could provide adequate service in a more reliable, timely, cost-effective, and environmentally responsible manner.

4. Energy conservation, renewable resources, or other energy priorities listed in Wis. Stat. §§ 1.12 and 196.025, or their combination, are not cost-effective, technically feasible, or environmentally sound alternatives to the proposed project.

5. The general public interest and public convenience and necessity require completion of the proposed project. Completion of the proposed project at the estimated cost will not substantially impair the efficiency of ATC's service, will not provide facilities unreasonably in excess of probable future requirements, and when placed in operation, will not

add to the cost of service without proportionately increasing the value or available quantity thereof. Wis. Stat. § 196.49(3)(b).

6. The majority of the project area is within mapped floodplain. ATC will obtain all necessary permits and/or approvals from the local floodplain zoning authority, the City of New Berlin, prior to construction.

Conclusions of Law

1. ATC is a public utility as defined in Wis. Stat. § 196.01(5)(a).

2. The Commission has jurisdiction under Wis. Stat. §§ 1.11, 1.12, 196.02, 196.025, 196.395, 196.49, and 196.85 and Wis. Admin. Code chs. PSC 4 and 112, to issue a Certificate and Order authorizing ATC, as an electric public utility, to construct and place in operation the facilities described in this Final Decision, subject to the conditions stated in this Final Decision.

3. The application is a Type II action under Wis. Admin. Code § PSC 4.10(2), and the Commission, having conducted an environmental assessment (EA), determines that preparation of an environmental impact statement (EIS) is not necessary under Wis. Stat. § 1.11.

4. The Commission has authority under Wis. Stat. § 15.02(4) to delegate to the Administrator of the Division of Energy Regulation and Analysis those functions vested by law as enumerated above. It has delegated the authority to the Administrator of the Division of Energy Regulation and Analysis to issue a Certificate of Authority for the proposed project

5. The estimated gross cost of this project exceeds the minimum threshold of utility projects requiring Commission review and approval under Wis. Stat. § 196.49 and Wis. Admin. Code § PSC 112.05.

6. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02, 196.395, and 196.49.

Opinion

ATC is a public utility, as defined in Wis. Stat. § 196.01(5)(a), engaged in rendering electric transmission service in Wisconsin. The proposed project addresses asset renewal needs by replacing obsolete and/or poorly performing equipment, improves reliability, performance and operational flexibility, conforms to industry best practices; and efficiently provides for future transmission expansion. ATC's estimated cost of the proposed project is $51,600,000.

ATC is required to obtain from the Commission construction authority for the project under Wis. Stat. § 196.49 and Wis. Admin Code ch. PSC 112, as the cost of the project exceeds the construction cost filing threshold listed in Wis. Stat. § 196.49(5g) and Wis. Admin. Code § PSC 112.05(3).

Project Description and Purpose

The purpose of the project is to address the asset renewal needs of the Arcadian substation.

ATC's proposed project consists of replacing a significant quantity of poorly performing and/or obsolete 138 kV and 345 kV equipment at the Arcadian substation to ensure long-term system reliability, reconfiguring the 345 kV bus from a straight bus design to a breaker-and-a-half in order to bring the 345 kV bus to current industry standards and ATC design guidelines, reconfiguring transmission line terminals to appropriately interface with the new 345 kV bus configuration, replacing or retiring certain assets that still have service life but are either no longer needed in the new bus configuration or that would be more costly to relocate than to replace, and

installing a redundant bus differential system protection scheme on the 345 kV bus to ensure system reliability.

The Arcadian substation currently has a fenced area of approximately 11.6 acres. All proposed substation improvements will occur inside the existing footprint of the substation, and no site expansion is required. Ground disturbance resulting from the project will be limited to demolition, excavation, trenching, stockpiling, or other operations necessary to remove old equipment and install new equipment. The existing access drive off of West Lincoln Avenue will remain as it currently is.

The project requires reconfiguration of existing transformers and installation of a new transformer, installation of 14 new circuit breakers and 42 disconnect switches, and other 345 kV and 138 kV substation equipment. The additional new major equipment is required for the bus configuration conversion from a segmented straight bus to a four-rung breaker-and-a-half bus design.

The project also requires the placement of various steel bus support structures, shielding masts, lighting masts, and auxiliary station power equipment support structures. A new 24-foot by 72-foot hardened control enclosure will be installed in the southeast corner of the substation. The two existing centrally located control enclosures will be removed. The new enclosure will contain protective relay panels for eight line positions, two transformer positions, five bus positions, 19 breaker positions, two remote terminal units, a communications/IT cabinet, and a security cabinet.

ATC will also perform some relay work at seven remote end substations. This includes the replacement of protective relays. The project will replace the Arcadian substation line relaying at the:

- Granville (345 kV Line 9911) substation
- Cypress (345 kV Line L-CYP31) substation
- Moorland (138 kV Line 9952) substation
- Waukesha (138 kV Lines 9942 and 9962) substation
- Elm Road (345 kV Line L-ERG71) substation
- Pleasant Prairie (345 kV Line PLPL81) substation

Changes to the settings of the W-30 line relays at the East Paris substation will be required. The Darien and Paris Solar Network Upgrade project will have replaced the line relaying at both ends of W-30 prior to the Arcadian project. The Arcadian project will move the new W-30 line relay panel to the new control house. Replacement of relay panels is primarily inside of the control buildings at the remote end substations.

There will be some minor work required in the remote end substation yards. Junction boxes at Elm Road and Cypress will be replaced. The new protective relay schemes will allow the retirement of the wave traps and tuners at the Granville substation.

There will be some project-related construction that will occur outside of the fence line of the Arcadian substation. The project includes the rerouting of six transmission lines to support the configuration of the Arcadian substation rebuild. Transmission lines will be reconfigured north and south of the substation and will enter the substation yard from new locations.

On the north side of the Arcadian substation, transmission lines L-CYP31, 9942, and 9962 will be rerouted.

Circuit L-CYP31 (Cypress-Arcadian) will have two new single-circuit poles installed to reroute the circuit into the Arcadian substation. New conductors will be installed from the new

structures into the new position in Arcadian. A new 48-fiber optical ground wire will be installed from the vacated top phase arm on existing structure 9101 to a new structure outside the substation yard and into the substation. The reroute will overlap existing right-of-way (ROW) and will only require a small amount of new ROW on private land, based on preliminary engineering. ATC will be obtaining a new easement. ATC will be seeking a new permit or license from the Union Pacific Railroad (Union Pacific) since this circuit will be relocated to a new area over the railway corridor.

For Circuit 9942 (Waukesha-Arcadian) and Circuit 9962 (Arcadian-Waukesha), the installation of two new single-circuit dead-end structures will be required to reroute these circuits into the Arcadian substation. New conductor and shield wire will be installed from the new structures to the new position in the substation. ATC will be seeking a new permit or license from Union Pacific since Circuits 9942 and 9962 will also be relocated to a new area over the railway corridor.

On the south side of Arcadian substation, the transmission lines L-ERG71, 2222, and PLPL81 will be rerouted.

For Circuit L-ERG71 (Elm Road-Arcadian) and Circuit 2222 (Arcadian-Zion), the installation of two new double-circuit structures and two new single-circuit structures will be required to reroute the double-circuit line L-ERG71/2222. The existing transmission lines currently enter the west side of the substation. They will be removed and rerouted to enter the substation from the south. New conductor and shield wire will be installed. All work will occur on ATC-owned property.

For Circuit PLPL81 (Pleasant Prairie-Arcadian), the replacement of one double-circuit structure for circuits PLPL81 and 873 will be required to support circuit PLPL81 as a dead-end and circuit 873 as a tangent. The installation of one additional new single-circuit structure will be required to reroute PLPL81 to its new position in the Arcadian substation. New conductor and shield wire will be installed from the new structures to the new position in the substation. All work will occur on ATC-owned property.

Project Need

ATC states that the Arcadian substation has significant asset renewal needs. The substation includes 345 kV network facilities that provide reliable and efficient interconnectivity of the bulk power system. Some of the substation's key functions are to accommodate local and regional power transfers; provide power transformation to supply the local 138 kV transmission system and the local distribution companies' distribution transformers; provide for system voltage control; and provide system/component fault isolation.

These functions have an important role in reliably operating ATC's transmission system. The Arcadian substation performs a diversity of functions. As such, it cannot be replaced with any other practical solution(s). ATC states that all other portions of the transmission system have been planned with the Arcadian substation performing its integral functions, and that the removal of the substation would cause adverse system performance impacts. Due to this, the substation must be retained. Retaining the Arcadian substation necessitates that improvements must be made to provide for long-term, reliable operation.

The project is needed to address asset renewal needs by replacing obsolete and/or poorly performing equipment; improving reliability, performance, and operational flexibility;

conforming to industry best practices; and efficiently providing for future transmission expansion.

System Alternatives

Substation Bus Configuration Alternatives

Alternative bus configurations to the proposed breaker-and-a-half bus design were explored and rejected. ATC design guidelines require a breaker-and-a-half bus design for six or more transmission elements. Arcadian substation has seven 345 kV transmission interconnections. The alternative bus configurations were rejected as they offered less flexible operability and less reliability under certain contingencies.

Non-transmission Alternatives

Non-transmission alternatives cannot replace the transmission-related functions provided by the Arcadian substation. Further, non-transmission alternatives cannot replace the operational and reliability impact that the reconfiguration of the substation bus and supporting systems will have during the life of the equipment involved in the project.

No-build Option

The no-build option would not address the existing equipment performance and obsolescence concerns at the Arcadian substation. The no-build option would put the electrical supply capability of the transmission system in a higher risk position because the existing equipment performance concerns would remain. Further, the significant reliability and operability benefits associated with rebuilding the Arcadian substation to industry standards would not be realized and would not positively impact the electrical supply capability of the ATC transmission system.

Energy Conservation, Efficiency, and Demand Response

The need for the project is asset life cycle-driven, and the ongoing need for maintaining the key functions that the Arcadian substation provides is the focus of the project. It is not like projects driven by thermal or voltage issues, where reducing load may be a possible solution to decrease the need for a project. Therefore, there are no feasible conservation, efficiency, or load response programs that will address the project life cycle needs and/or replace the functions of the Arcadian substation.

Analysis of the Proposed Project CA

As described above, the project addresses asset renewal needs by replacing obsolete and/or poorly performing equipment; improving reliability, performance, and operational flexibility; conforming to industry best practices; and efficiently providing for future transmission expansion. The Commission may authorize the construction of the project if it satisfies the requirements under Wis. Stat. § 196.49, Wis. Admin Code ch. PSC 112, and other applicable regulations as described below.

The Commission may require by rule or special order that no addition to a plant "may proceed until the commission has certified that public convenience and necessity require the project." Wis. Stat. § 196.49(3).

Wisconsin. Stat. § 196.49(3)(b) states:

> [t]he Commission may refuse to certify a project if it appears that the completion of the project will do any of the following:
> 1. Substantially impair the efficiency of the service of the public utility.
> 2. Provide facilities unreasonably in excess of the probable future requirements.
> 3. When placed in operation, add to the cost of service without proportionately increasing the value or available quantity of service unless

> the public utility waives consideration by the commission, in the fixation of rates, of such consequent increase of cost of service.

Commission staff's investigation of the project indicated that ATC's rebuild of the Arcadian substation was not likely to result in any of the outcomes listed in Wis. Stat. § 196.49(3)(b). The project will not substantially impair the efficiency of ATC's service. To the contrary, the project will allow ATC to continue to provide reliable service by replacing obsolete or poorly performing equipment, and by reconfiguring the Arcadian substation for improved operational flexibility. The project will not provide facilities unreasonably in excess of ATC's probable future requirements. Rather, the project will allow ATC to continue to reliably serve load it is currently obligated to serve.

Finally, when the project is placed in operation, it is not anticipated to add to the cost of service without proportionately increasing the value or available quantity of service. Instead, it will allow ATC to continue to reliably serve current load and provide flexibility to serve future load. Therefore, the Commission finds that the proposed project is not likely to result in any of the outcomes listed in Wis. Stat. § 196.49(3)(b), and therefore is reasonable and in the public interest.

Compliance with the Wisconsin Environmental Policy Act (WEPA)

This project is a Type II action under Wis. Admin. Code §§ 4.80(e) and 4.10(3). Accordingly, Commission staff has prepared an EA for the proposed project to determine whether an EIS is warranted under Wis. Stat. § 1.11(2)(c). For the reasons discussed in the EA, an EIS under Wis. Stat. § 1.11 is not required. The Commission also determines that the EA for the proposed project complies with WEPA, pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.

Environmental Review

The proposed electric substation upgrade and associated transmission line relocation work was reviewed by Commission and Department of Natural Resources (DNR) staff for environmental impacts. The environmental review included the entire construction footprint of the project and focused on the natural resources that could be impacted by the proposed project. Specific focus was given to wetlands and waterways, wildlife including threatened and endangered species, and historic and cultural resources; with an emphasis on potential impacts to resources considered unique, rare, or otherwise unusual to the proposed project.

Wetlands and Waterways

Six wetland complexes were identified within the project area. Of the six, three are characterized as high quality as they were dominated by native species and provided water quality and flood storage functions. The remaining three wetland complexes are characterized as low to medium quality due to being dominated by invasive species and adjacent land uses.

Work at the existing substation would not impact wetlands. However, the transmission relocation would result in more than one acre of ground disturbance, which would require coverage under the DNR Construction Site Stormwater general permit. Prior to construction, ATC must submit a permit application to DNR, detailing how erosion and runoff issues would be managed during and following construction. DNR will review the information provided in the application for compliance with Wis. Admin. Code chs. NR 151 and 216.

The project will require wetland permit coverage from DNR. The applicable permit the project may qualify under, WDNR-GP3-2018, requires that a wetland matting restoration plan be submitted and approved by DNR.

There will be a total of five waterway intersections with the project area. All five waterway crossings in the project area are presumed to be navigable, and thus state jurisdictional, unless they are determined non-navigable by DNR staff through a navigability determination. None of the waterway crossings are classified by DNR as Class 2 trout streams or Areas of Special Natural Resource Interest waterways.

DNR is responsible for regulating the discharge of dredge and fill material into wetlands under Wis. Stat. § 281.36 and Wisconsin Administrative Code. Wisconsin Stat. § 30.025 describes the DNR process for reviewing and permitting utility projects that require authorization from the Commission and DNR.

Sensitive Species

A certified Endangered Resources (ER) Review was completed for the project area. The review was checked, modified (as needed), and approved by the DNR ER Utility Liaison. The review is based off information from the Natural Heritage Inventory database, maintained by the DNR Bureau of Natural Heritage Conservation, to identify any endangered, threatened, or special concern species or natural communities within the project area and within a one- and two-mile buffer of the project area.

This project would begin construction over a year from the certified ER Review date. DNR regularly updates the Natural Heritage Inventory database as new species records are discovered and when previous records are checked to determine whether the species is still present. If the project is approved, ATC should conduct an updated review closer to the construction start date to determine whether any changes to the ER Review would create the need for additional actions to avoid impacts to protected species.

The ER Review for the proposed project determined there are a few species located within the search buffer of the proposed project. While many of these endangered resources would not be affected, it was determined that two special concern herptile species may be impacted if actions are not put into place to prevent or minimize these impacts.

ATC has agreed to follow these recommended actions to minimize impacts to the special concern herptiles by installing matting along most of the equipment access lanes. Someone with herptile experience should walk in front of the matting installation to move any individuals out of harm's way. The matting would allow for visual observations of any herptile to be done more easily. Any herptile found on the matting or within the construction area would be carefully moved to suitable habitat outside the project area. When possible, photo documentation would occur for species identification verification.

There is presently a man-made bird rookery located within the project area that would need to be moved, as the proposed transmission lines would be too close to them for the birds' safety. ATC has yet to precisely determine the new location of the rookery, but asserts it would be placed within the ATC-owned parcel away from the lines and in a location that does not put the birds' flight path through, over, or under lines, if possible. The platforms would be removed when the birds have migrated south for the winter and would be relocated during that time to ensure the birds have a new location to go to upon return.

Based on the information available from DNR and the United States Fish and Wildlife Service, the project layout, and planned activities as described in the application, this project is not expected to have an impact on state-listed endangered or threatened species.

Historic and Cultural Resources

The proposed project is not expected to impact any archaeological resources, historic buildings, or burial sites. ATC states that if any Native American relics, remains, historical items, or other archeological items discovered by the contractor during construction, they would be reported immediately to ATC environmental staff. Any such items discovered would not be disturbed, and no further work would be done in the immediate vicinity until instructed to do so by ATC environmental staff. If an archaeological resource or human remains are discovered, ATC would notify the Commission's Historic Preservation Officer and notify the following resources as needed: State Historic Preservation Office, Wisconsin Historical Society, and United States Army Corps of Engineers. ATC would work with the above-listed agencies to determine a plan for the found resources and a return to construction plan so that construction may continue.

Residential and Property Owner Impacts

Community impacts resulting from the proposed project are anticipated to be similar to those associated with past similar projects. Typical impacts associated with construction of this type of project have included changes to existing electric line easements, disturbances such as noise and dust, and a temporary increase in traffic during the construction phase of the project. The entirety of the project is located within a rural space with some nearby residential and commercial areas. The construction noise levels at the substation and the adjacent transmission line locations would be equivalent to highway traffic and truck equipment. Noise would be intermittent and not out of the ordinary for general truck traffic.

ATC and its contractor would be performing construction activities that may require creation of temporary spoil piles. Dusty conditions would result from excavation of foundations and site restoration. No large areas of soil disturbance are anticipated, so dust impacts would be minimal. In addition, ATC and its contractors would clean up any dirt or mud that may be tracked outside of the substation property daily.

The daily construction schedule would typically be 6:00 a.m. to 6:00 p.m., Monday through Friday. Outages may require off-hour or weekend work. Construction vehicles would use public roads to access the service drive to the substation and ATC ROW. There may be occasions when construction vehicles would be parked on roads during construction. ATC would minimize the number and amount of time vehicles are parked on the roads. All current traffic control measures will be adhered to while equipment is on a public roadway. ATC anticipates a maximum of 30 construction staff to be present for the construction of this project. ATC plans to provide additional information to nearby landowners, including a construction timeline, prior to beginning construction on the project.

Flood Hazard Review

The proposed project was reviewed for potential flood hazard exposure per Executive Order 73 (1985), and it was found that the majority of the project area is within mapped floodplain. ATC will need to obtain the necessary permits and/or approvals, if applicable, from the local floodplain zoning authority, the City of New Berlin, prior to construction. The DNR Floodplain Engineer for Waukesha County would assist the city in reviewing the floodplain permit application submitted to the city, if requested.

Federal, State, and Local Permits

ATC states that it will obtain all necessary federal, state, and local permits prior to commencing construction of the proposed project.

Project Cost and Construction Schedule

The following table provides the total estimated cost to construct the proposed project. Costs are based on the projected in-service year of 2021.

Estimated Project Cost

Category	Estimated Cost ($)	
Arcadian Substation		
Material	$19,600,000	
Labor	$13,400,000	
Other*	$4,800,000	
Subtotal, Arcadian Substation		$37,800,000
Transmission Line Work		
Material	$2,400,000	
Labor	$6,885,000	
Other*	$1,400,000	
Subtotal, Transmission Line Work		$10,685,000
Remote End Work	$2,400,000	
		$2,400,000
Pre-certification		$715,000
Total Project Cost		**$51,600,000**

*Includes ATC internal costs and consultant costs.

ATC anticipates beginning construction in spring of 2022 and placing the proposed project in-service in June 2024.

Certificate

ATC is granted a Certificate of Authority to rebuild its existing Arcadian substation in the City of New Berlin, Waukesha County; Wisconsin, as described in its application and as modified by this Final Decision, at an estimated total cost of $51,600,000.

Order

1. ATC is granted a Certificate of Authority to rebuild its existing Arcadian substation and perform the relay work at the seven remote end substations as described in its application and as modified by this Final Decision.

2. The estimated cost of the approved project is $51,600,000.

3. Should the scope or design of the project change significantly, or if it is discovered or identified that the project cost, including force majeure costs, may exceed the estimated cost by more than 10 percent, ATC shall notify the Commission within 30 days of when it becomes aware of the possible change or cost increase.

4. ATC shall notify and obtain approval from the Commission before proceeding with any substantial change in the scope, design, size, or location of the approved project.

5. ATC shall obtain all necessary federal, state, and local permits prior to commencement of construction.

6. ATC shall follow through on any other commitments it has made in its application for the Commission's consideration in this docket.

7. ATC 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, ATC shall itemize and explain the reasons for such deviations in the final cost report.

8. Beginning with the quarter ending June 2021, and within 30 days of the end of each quarter thereafter and continuing until the authorized facilities are fully operational, ATC 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. Actual project costs to-date segregated by line item as reflected in the cost breakdown listed in this Final Decision;

e. Once each year, a revised total cost estimate for the project; and

f. The date that the facilities are placed in service.

9. If ATC does not begin on-site physical construction of the authorized project within one year of the effective date of this Final Decision, the Certificate authorizing the approved project for which construction has not commenced shall become void unless ATC:

a. files a written request for an extension of time with the Commission before the effective date on which the Certificate becomes void; and

b. is granted an extension by the Commission.

9. If ATC 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,

ATC shall inform the Commission of those facts within 20 days after the date on which the Certificate becomes void.

10. ATC shall conduct an updated ER Review closer to the start date of construction (no more than one year prior to construction start).

11. This Final Decision takes effect one day after the date of service.

12. Jurisdiction is retained.

Dated at Madison, Wisconsin, May 12, 2021

Martin R. Day
Administrator
Division of Energy Regulation and Analysis

MRD:JAK:cmb:DL: 01792811

See attached Notice of Rights

Docket 137-CE-192

PUBLIC SERVICE COMMISSION OF WISCONSIN
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE NAMED AS RESPONDENT

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.[1] The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

[1] *See Currier v. Wisconsin Dep't of Revenue,* 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.