



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  
Quarles & Brady, LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202  
(Phone: 414-277-5149)  
(Email: [brian.winters@quarles.com](mailto:brian.winters@quarles.com))

CITIZENS UTILITY BOARD

Kira E. Loehr  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, WI 53703  
(Phone: 608-251-0101 / Fax: 608-251-2883)  
(Email: [loehr@cwpb.com](mailto:loehr@cwpb.com))

CLEAN WISCONSIN

Katie Nekola  
122 State Street, Suite 200  
Madison, WI 53703  
(Phone: 608-251-7020 / Fax: 608-251-1655)  
(Email: [knekola@cleanwisconsin.org](mailto:knekola@cleanwisconsin.org))

DOMTAR PAPER COMPANY, LLC

David J. Gilles  
Godfrey & Kahn, S.C.  
PO Box 2719  
Madison, WI 53701-2719  
(Phone: 608-257-3911 / Fax: 608-257-0605)  
(Email: [dgilles@gklaw.com](mailto:dgilles@gklaw.com))

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL 2150

Forrest Ceel  
N56 W13777 Silver Spring Drive  
Menomonee Falls, WI 53051-6127  
(Phone: 262-252-2552 / Fax: 262-703-3520)  
(Email: [fceel@ibewlocal2150.com](mailto:fceel@ibewlocal2150.com))

MENOMINEE TRIBAL ENTERPRISES

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

NORTHEAST WISCONSIN BUILDING AND CONSTRUCTION TRADES COUNCIL

Gary Ruhl  
2828 North Ballard Road  
Appleton, WI 54911-8703  
(Phone: 920-733-3136 / Fax: 866-257-3160)  
(Email: [gary@newbt.org](mailto:gary@newbt.org))

RENEW WISCONSIN

Michael Vickerman  
222 South Hamilton Street  
Madison, WI 53703  
(Phone: 608-255-4044)  
(Email: [mickerman@renewwisconsin.org](mailto:mickerman@renewwisconsin.org))

SAVING OUR AIR RESOURCE (SOAR)

Paul Schwantes  
604 Birch Street  
Rothschild, WI 54474  
(Phone: 715-297-5413)  
([wausaupaul@yahoo.com](mailto:wausaupaul@yahoo.com))

UNITED STEELWORKERS DISTRICT 2  
LOCAL 319

Michael Bolton  
1244A Midway Road  
Menasha, WI 54952  
(Phone: 920-722-7630 / Fax: 920-722-7634)  
(Email: [mbolton@usw.org](mailto:mbolton@usw.org))

WISCONSIN PAPER COUNCIL  
Earl J. Gustafson  
5485 Grande Market Drive, Suite B  
Appleton, WI 54913  
(Phone: 920-574-3752 / Fax: 920-202-3654)  
(Email: [gustafson@wipapercouncil.org](mailto:gustafson@wipapercouncil.org))

WISCONSIN PUBLIC SERVICE CORPORATION  
Bradley D. Jackson  
Brian H. Potts  
Foley & Lardner LLP  
150 East Gilman Street  
Madison, WI 53703-1481  
(Phone: 608-258-4262 / Fax: 608-258-4258)  
(Email: [bjackson@foley.com](mailto:bjackson@foley.com); [bpotts@foley.com](mailto:bpotts@foley.com) )

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)  
(Email: [catherine.phillips@we-energies.com](mailto:catherine.phillips@we-energies.com))

Dennis Dums  
Citizens Utility Board  
16 North Carroll Street, Suite 530  
Madison, WI 53703  
(Phone: 608-251-3322 / Fax: 608-251-7609)  
(Email: [dums@wiscub.org](mailto:dums@wiscub.org))

Scott Mosher  
Domtar Paper Company, LLC  
200 North Grand Avenue  
Rothschild, WI 54474  
(Email: [Scott.Mosher@domtar.com](mailto:Scott.Mosher@domtar.com))

STATE OF WISCONSIN  
PUBLIC SERVICE COMMISSION

---

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 6630-CE-305

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

P.O. Address:  
Suite 1400  
111 E. Kilbourn Avenue  
Milwaukee, WI 53202-6613

Direct Contact Information:  
William J. Mulligan  
Telephone: 414.225.1429  
Facsimile: 414.278.3629  
Email: [wmulligan@dkattorneys.com](mailto:wmulligan@dkattorneys.com)

Kevin J. Lyons  
Telephone: 414.225.1402  
Facsimile: 414.278.3602  
Email: [klyons@dkattorneys.com](mailto:klyons@dkattorneys.com)

Elizabeth K. Miles  
Telephone: 414.225.1491  
Facsimile: 414.278.3691  
Email: [emiles@dkattorneys.com](mailto:emiles@dkattorneys.com)

STATE OF WISCONSIN  
PUBLIC SERVICE COMMISSION

---

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 6630-CE-305

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

P.O. Address:  
Suite 1400  
111 E. Kilbourn Avenue  
Milwaukee, WI 53202-6613

Direct Contact Information:  
William J. Mulligan  
Telephone: 414.225.1429  
Facsimile: 414.278.3629  
Email: [wmulligan@dkattorneys.com](mailto:wmulligan@dkattorneys.com)

Kevin J. Lyons  
Telephone: 414.225.1402  
Facsimile: 414.278.3602



Email: [klyons@dkattorneys.com](mailto:klyons@dkattorneys.com)

Elizabeth K. Miles

Telephone: 414.225.1491

Facsimile: 414.278.3691

Email: [emiles@dkattorneys.com](mailto:emiles@dkattorneys.com)

STATE OF WISCONSIN  
PUBLIC SERVICE COMMISSION

---

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 6630-CE-305

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.

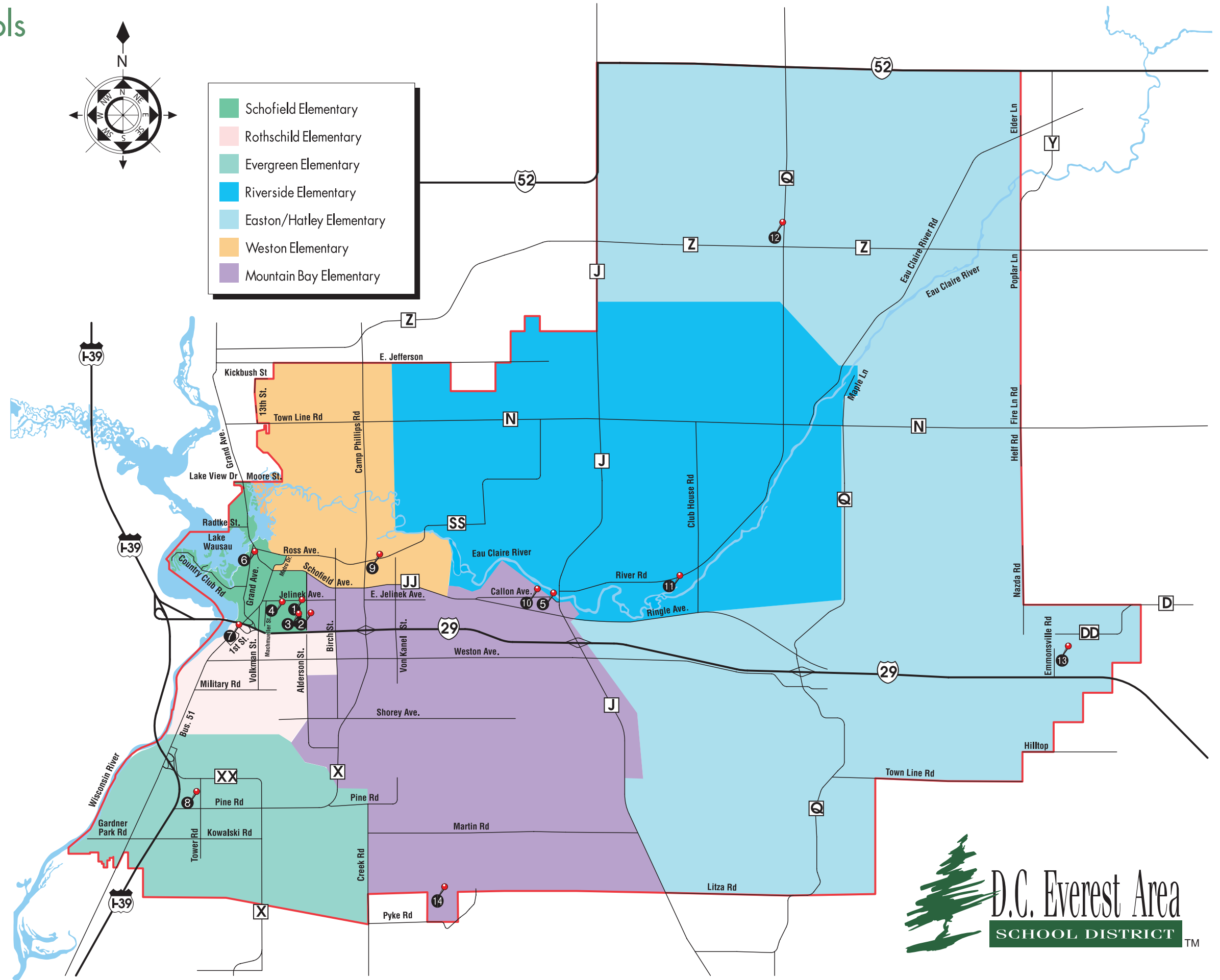
/s/Kristine A. Gilmore  
Kristine A. Gilmore

Subscribed and sworn to before me  
This 4<sup>th</sup> 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.

