



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4705/1
EHS&KP:amn

2023 ASSEMBLY BILL 682

November 27, 2023 - Introduced by Representatives GUSTAFSON, NEYLON, ANDRACA, DITTRICH, KRUG, MURPHY, O'CONNOR, RETTINGER, ROZAR, SPIROS and TITTL, cosponsored by Senators COWLES and STROEBEL. Referred to Committee on Energy and Utilities.

1 **AN ACT** *to repeal* 196.491 (2) (a) 3g., 196.491 (2) (a) 3r., 196.491 (2) (a) 12.,
2 196.491 (2) (a) 13., 196.491 (2) (b) 10. and 196.491 (2) (gm); *to renumber and*
3 **amend** 196.027 (1) (f); *to amend* 196.025 (1) (ar), 196.027 (3) (b), 196.378 (2)
4 (c), 196.491 (title), 196.491 (1) (b), 196.491 (2) (a) 3., 196.491 (2) (a) 3m., 196.491
5 (2) (a) 4., 196.491 (2) (a) 7., 196.491 (2) (ag), 196.491 (2) (b) 7., 196.491 (2) (b) 8.,
6 196.491 (2) (e), 196.491 (2) (f), 196.491 (2) (g), 196.491 (2r), 196.491 (3) (dm) and
7 196.795 (7) (a) 1. b.; *to repeal and recreate* 196.491 (2) (title), 196.491 (2) (a)
8 (intro.) and 196.491 (2) (b) (intro.); and *to create* 196.027 (1) (d) 3., 196.027 (1)
9 (f) 1. b., 196.491 (1) (fm), 196.491 (1) (s), 196.491 (2) (a) 1., 196.491 (2) (a) 2.,
10 196.491 (2) (a) 5., 196.491 (2) (a) 6., 196.491 (2) (a) 8., 196.491 (2) (a) 14., 196.491
11 (2) (b) 11., 196.491 (2) (c), 196.491 (2) (d), 196.491 (2) (i), 196.491 (2) (j), 196.491
12 (2) (jm), 196.491 (2) (k), 196.491 (2) (km), 196.491 (2) (L), 196.491 (2) (m) and
13 196.491 (5m) of the statutes; **relating to:** use of environmental trust bonds to
14 finance the costs of retiring electric generating facilities; integrated resource

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1 and reliability planning by electric utilities and cooperatives; closure of large
2 electric generating facilities; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill authorizes the use of environmental trust financing for the costs of retiring an electric generating facility, requires integrated resource and reliability planning by electric utilities and cooperatives, eliminates the requirement that the Public Service Commission prepare a biennial strategic energy assessment, and provides a process by which PSC determines whether a proposed closure of a large electric generating facility will affect electric reliability.

Environmental trust financing

Under current law, an energy utility is allowed to apply to PSC for an order allowing the utility to finance or recover the costs of the following activities by issuing bonds: 1) the construction, installation, or otherwise putting into place of environmental control equipment in connection with a plant that, before March 30, 2004, has been used to provide service to customers; and 2) the retiring of any existing plant, facility, or other property to reduce, control, or eliminate environmental pollution in accordance with federal or state law. Current law defines these activities as “environmental control activities.” If approved by PSC, the bonds, which are referred to as “environmental trust bonds,” are secured by revenues arising from charges paid by an energy utility’s customers for the utility to recover the cost of the activities, as well as the cost of financing the bonds.

This bill adds the retiring of any existing electric generating facility as an environmental control activity, the costs of which, including the unrecovered value, may be financed or recovered by an environmental trust bond. In addition, with respect to this new environmental control activity, the bill adds to the costs that may be financed or recovered the portion of an energy utility’s rate that is attributable to the rate of return for the facility authorized under PSC’s order in a rate-making proceeding and that is forgone as a result of the retirement. Under current law, the costs that may be financed or recovered include capital cost incurred or expected to be incurred in undertaking an environmental control activity and, with respect to retiring a plant, facility, or other property, the unrecovered value of property that is retired.

Under this bill, PSC may order an energy utility to use environmental trust bonds to finance an expenditure. Under current law, PSC may not order an energy utility to use environmental trust bonds to finance an expenditure unless the energy utility has applied to PSC to do so, and PSC may not refuse to allow an energy utility to recover costs for environmental control activities in an alternate manner because of the potential availability of environmental trust financing.

Integrated resource and reliability planning

This bill requires electric utilities and cooperative associations to submit biennial integrated resource and reliability plans to PSC that include certain information about their plans to construct the following: 1) large electric generating

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facilities with a capacity of 100 megawatts or more; 2) small electric generating facilities with a capacity of at least 12 but less than 100 megawatts; and 3) high-voltage transmission lines that are longer than one mile and operate at 100 kilovolts or more. As part of an integrated resource and reliability plan, an electric utility must identify alternatives to the proposed electric generating facilities, including alternative locations, fuel types, and methods of generation, and must explain the reasons for selecting the types of electric generating facilities proposed. An electric utility must also identify alternative routes for any high-voltage transmission lines proposed and indicate their effects on the environment and how the utility will avoid or minimize potential adverse effects. An electric utility's detailed projection for electricity demand and assessment of whether it has sufficient capacity to make electricity available to consumers at a reasonable price must also be included in the plan, as well as a description of existing and planned programs and policies for discouraging inefficient and excessive electricity use. After holding a hearing on a utility's plan, PSC may approve the plan if PSC finds that the plan will provide a reasonably adequate supply of electricity to meet the needs of the public and that the plan satisfies certain other criteria.

Strategic energy assessment

In addition, the bill eliminates the requirement that PSC prepare a biennial strategic energy assessment. Under current law, the strategic energy assessment evaluates the adequacy and reliability of the state's current and future energy supply and includes information on the following: 1) planned large electric generating facilities and high-voltage transmission lines; 2) plans for assuring an adequate ability to transfer electricity into the state; 3) the projected demand for electricity; 4) activities discouraging inefficient and excessive electricity use; 5) the extent to which effective competition contributes to a reliable, low-cost, and environmentally sound source of electricity; and 6) whether sufficient electricity is available at a reasonable price. Current law requires PSC to hold a hearing on a draft of the strategic energy assessment and prepare a final strategic energy assessment based on received comments.

Closure of large electric generating facilities

The bill requires electric utilities and cooperative associations to notify PSC at least 180 days prior to closing any large electric generating facility with a capacity of 100 megawatts or more, and requires PSC, after public comment and hearing, to issue a determination as to whether the proposed closure will have an effect on electric reliability. The bill requires PSC to make its determination by considering the utility or cooperative's most recent integrated resources and reliability plan and information collected from the electric utility or cooperative and from the public, as well as any other information PSC deems relevant. Under the bill, PSC must notify the electric utility or cooperative of its determination no less than 45 days prior to the planned closure.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.025 (1) (ar) of the statutes is amended to read:

2 196.025 (1) (ar) *Consideration of energy priorities.* Except as provided in pars.
3 (b) to (d), to the extent cost-effective, technically feasible and environmentally
4 sound, the commission shall implement the priorities under s. 1.12 (4) in making all
5 energy-related decisions and orders, including ~~strategic energy assessment~~
6 approval of integrated resource and reliability plans under s. 196.491 (2), rate setting
7 and rule-making orders.

8 **SECTION 2.** 196.027 (1) (d) 3. of the statutes is created to read:

9 196.027 (1) (d) 3. The retiring of any existing electric generating facility.

10 **SECTION 3.** 196.027 (1) (f) of the statutes is renumbered 196.027 (1) (f) 1. (intro.)
11 and amended to read:

12 196.027 (1) (f) 1. (intro.) “Environmental control cost” means ~~capital~~ all of the
13 following:

14 a. Capital cost, including the capitalized cost relating to ~~regulatory~~ assets,
15 incurred or expected to be incurred by an energy utility in undertaking an
16 environmental control activity and, with respect to an environmental control activity
17 described in par. (d) 2., ~~includes or 3.~~, the unrecovered value of property that is
18 retired, including any demolition or similar cost that exceeds the salvage value of the
19 property.

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1 2. “Environmental control cost” does not include any monetary penalty, fine,
2 or forfeiture assessed against an energy utility by a government agency or court
3 under a federal or state environmental statute, rule, or regulation.

4 **SECTION 4.** 196.027 (1) (f) 1. b. of the statutes is created to read:

5 196.027 (1) (f) 1. b. With respect to an environmental control activity described
6 in par. (d) 3., and subject to sub. (2) (b) 2. a., the portion of an energy utility’s rate that
7 is attributable to the rate of return for the facility authorized under the commission’s
8 order in a rate-making proceeding and that is forgone as a result of the retirement.

9 **SECTION 5.** 196.027 (3) (b) of the statutes is amended to read:

10 196.027 (3) (b) The commission may ~~not~~ order or otherwise directly or
11 indirectly require an energy utility to use environmental trust bonds to finance ~~any~~
12 a project, addition, plant, facility, extension, capital improvement, environmental
13 control equipment, retirement, or any other expenditure, ~~unless, except as provided~~
14 ~~in sub. (2) (c), the energy utility has made an application under sub. (2) (a) to finance~~
15 ~~such expenditure using environmental trust bonds. The commission may not refuse~~
16 ~~to allow an energy utility to recover costs for environmental control activities in an~~
17 ~~otherwise permissible fashion solely because of the potential availability of~~
18 environmental trust financing.

19 **SECTION 6.** 196.378 (2) (c) of the statutes is amended to read:

20 196.378 (2) (c) No later than April 15 annually, or another annual date specified
21 by the commission by rule, an electric provider shall submit a report to the
22 commission that identifies the electric provider’s renewable energy percentage for
23 the previous year and describes the electric provider’s compliance with par. (a) 2. and
24 the electric provider’s implementation plans for future compliance. Reports under
25 this paragraph may include certifications from renewable energy suppliers

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1 regarding the sources and amounts of renewable energy supplied to the electric
2 provider. The commission may specify the documentation that is required to be
3 included with reports submitted under this paragraph. The commission may require
4 that electric providers submit the reports in a proceeding, initiated by the
5 commission under this section relating to the implementation of s. 1.12, or in a
6 proceeding for ~~preparing a strategic energy assessment~~ an integrated resource and
7 reliability plan under s. 196.491 (2). No later than 90 days after the commission's
8 receipt of an electric provider's report, the commission shall inform the electric
9 provider whether the electric provider is in compliance with par. (a) 2.

10 **SECTION 7.** 196.491 (title) of the statutes is amended to read:

11 **196.491** (title) ~~Strategic energy assessment~~ **Integrated resource and**
12 **reliability planning; electric generating facilities and transmission lines;**
13 **natural gas lines.**

14 **SECTION 8.** 196.491 (1) (b) of the statutes is amended to read:

15 196.491 (1) (b) "Commencement of construction" means site clearing,
16 excavation, placement of facilities or installations, or any other substantial action
17 adversely affecting the natural environment of the site, but does not mean borings
18 necessary to determine foundation conditions or other preconstruction monitoring
19 to establish background information related to site or environmental suitability.

20 **SECTION 9.** 196.491 (1) (fm) of the statutes is created to read:

21 196.491 (1) (fm) "Installation" means, unless the context requires otherwise,
22 a small electric generating facility, a large electric generating facility, or a
23 high-voltage transmission line.

24 **SECTION 10.** 196.491 (1) (s) of the statutes is created to read:

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1 196.491 (1) (s) “Small electric generating facility” means electric generating
2 equipment and associated facilities designed for nominal operation at a capacity of
3 at least 12 but less than 100 megawatts.

4 **SECTION 11.** 196.491 (2) (title) of the statutes is repealed and recreated to read:

5 196.491 (2) (title) INTEGRATED RESOURCE AND RELIABILITY PLANNING.

6 **SECTION 12.** 196.491 (2) (a) (intro.) of the statutes is repealed and recreated to
7 read:

8 196.491 (2) (a) (intro.) On or before July 1 of each even-numbered year, or such
9 biennial period as the commission may approve, each electric utility shall file its plan
10 with the commission and with those persons or agencies listed in par. (b). Such plans
11 may be appropriate portions of a single regional plan or may be prepared jointly by
12 2 or more electric utilities, and shall do all of the following:

13 **SECTION 13.** 196.491 (2) (a) 1. of the statutes is created to read:

14 196.491 (2) (a) 1. Describe the general location, size, and type of installations
15 that are expected to be owned or operated in whole or in part by the utility and the
16 construction of which is expected to commence during the next 10 years, or such
17 longer period as the commission deems necessary, and shall identify all existing
18 installations intended to be removed from service during the period or upon
19 completion of such construction.

20 **SECTION 14.** 196.491 (2) (a) 2. of the statutes is created to read:

21 196.491 (2) (a) 2. Identify practical alternatives to the general location, fuel
22 type, and method of generation of the proposed electric generating facilities, and set
23 forth in detail the reasons for selecting the proposed general location, fuel type, and
24 method of generation.

25 **SECTION 15.** 196.491 (2) (a) 3. of the statutes is amended to read:

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1 196.491 (2) (a) 3. ~~Identify and describe~~ the location of proposed and alternative
2 sites for large electric generating facilities on which an electric utility plans to
3 commence construction within 3 years for which neither a certificate of public
4 convenience and necessity under sub. (3) nor a certificate under s. 196.49 has been
5 applied for but the commencement of whose construction is planned within 5 years,
6 or such longer period as the commission deems necessary, and indicate the impacts
7 of the proposed and alternative generating facilities on the environment and the
8 means by which potential adverse effects on such values will be avoided or
9 minimized.

10 **SECTION 16.** 196.491 (2) (a) 3g. of the statutes is repealed.

11 **SECTION 17.** 196.491 (2) (a) 3m. of the statutes is amended to read:

12 196.491 (2) (a) 3m. ~~Identify and describe~~ the location of tentative and
13 alternative routes for high-voltage transmission lines on which an electric utility
14 plans to commence construction within 3 years is intended to be commenced in the
15 next 5 years and indicate the effects of the transmission lines on the environment and
16 the means by which potential adverse effects will be avoided or minimized.

17 **SECTION 18.** 196.491 (2) (a) 3r. of the statutes is repealed.

18 **SECTION 19.** 196.491 (2) (a) 4. of the statutes is amended to read:

19 196.491 (2) (a) 4. ~~Identify and describe~~ Indicate in detail the projected demand
20 for electric energy over the next 5 years and the basis for determining the projected
21 demand, and assess whether the utility has sufficient electric capacity and energy
22 to make electric capacity and energy available to customers at a reasonable price
23 over that period.

24 **SECTION 20.** 196.491 (2) (a) 5. of the statutes is created to read:

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1 196.491 (2) (a) 5. Describe the electric utility's relationship to other electric
2 utilities and regional associations, power pools, and networks.

3 **SECTION 21.** 196.491 (2) (a) 6. of the statutes is created to read:

4 196.491 (2) (a) 6. Identify and describe all major research projects and
5 programs that will continue or commence in the next 5 years and set forth the
6 reasons for selecting specific areas for research.

7 **SECTION 22.** 196.491 (2) (a) 7. of the statutes is amended to read:

8 196.491 (2) (a) 7. Identify and describe activities existing and planned
9 programs and policies to discourage inefficient and excessive power use.

10 **SECTION 23.** 196.491 (2) (a) 8. of the statutes is created to read:

11 196.491 (2) (a) 8. Identify the total number of distributed generation facilities,
12 as defined in s. 196.496 (1), that are known to be located within the utility's service
13 territory and the total generation capacity, actual or projected, of those distributed
14 generation facilities.

15 **SECTION 24.** 196.491 (2) (a) 12. of the statutes is repealed.

16 **SECTION 25.** 196.491 (2) (a) 13. of the statutes is repealed.

17 **SECTION 26.** 196.491 (2) (a) 14. of the statutes is created to read:

18 196.491 (2) (a) 14. Provide any other information required by the commission.

19 **SECTION 27.** 196.491 (2) (ag) of the statutes is amended to read:

20 196.491 (2) (ag) The commission shall promulgate rules that establish
21 procedures and requirements for reporting information that is necessary for the
22 ~~commission~~ electric utilities to prepare ~~strategic energy assessments~~ integrated
23 resource and reliability plans under par. (a) and rules that identify any additional
24 information to be included in an integrated resource and reliability plan under par.
25 (a) 14.

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1 **SECTION 28.** 196.491 (2) (b) (intro.) of the statutes is repealed and recreated to
2 read:

3 196.491 (2) (b) (intro.) A copy of each integrated resource and reliability plan
4 shall, at the time it is filed with the commission, also be filed with each of the
5 following:

6 **SECTION 29.** 196.491 (2) (b) 7. of the statutes is amended to read:

7 196.491 (2) (b) 7. The director or chairperson of each regional planning
8 commission constituted under s. 66.0309 which has jurisdiction over any area where
9 ~~a facility~~ an installation is proposed to be located or which requests a copy of such
10 plan.

11 **SECTION 30.** 196.491 (2) (b) 8. of the statutes is amended to read:

12 196.491 (2) (b) 8. The lower Wisconsin state riverway board if the draft plan
13 includes ~~an assessment~~ of the construction, modification, or relocation of a
14 high-voltage transmission line, as defined in s. 30.40 (3r), that is located in the lower
15 Wisconsin riverway as defined in s. 30.40 (15).

16 **SECTION 31.** 196.491 (2) (b) 10. of the statutes is repealed.

17 **SECTION 32.** 196.491 (2) (b) 11. of the statutes is created to read:

18 196.491 (2) (b) 11. Standing committees of the legislature with jurisdiction over
19 energy and utilities under s. 13.172 (3).

20 **SECTION 33.** 196.491 (2) (c) of the statutes is created to read:

21 196.491 (2) (c) The agencies receiving copies under par. (b) 1. to 8. shall review
22 the plans and submit their comments to the commission within 180 days after their
23 receipt of the plans. Comments shall include all of the following:

24 1. A description of any statutory permits or approvals required by the agency.

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1 2. A description of the types and forms of information required for adequate
2 review of an application for each permit or approval.

3 3. A detailed discussion as to the areas in which the plans coordinate with the
4 agency's plans, policies, functions, and programs and the areas in which the plans
5 conflict and the significance of such conflicts.

6 4. To the extent practicable and consistent with its program responsibilities,
7 a discussion of the environmental impacts of the plan.

8 **SECTION 34.** 196.491 (2) (d) of the statutes is created to read:

9 196.491 (2) (d) The commission shall, within 10 days after the plan is filed, send
10 a copy of such plan, or the applicable portion thereof, to the county planner or, if none
11 exists, to the county clerk of each county affected by the plan, to the main public
12 library of each such county, and to any other county planner, county clerk, or public
13 library that requests copies of the plan or portions of the plan. The commission shall
14 send a copy of the applicable portion of the plan to the clerk of each municipality and
15 town in which a small or large electric generating facility is proposed to be located,
16 and shall notify each public library in such municipality or town that copies of the
17 plan are available upon request.

18 **SECTION 35.** 196.491 (2) (e) of the statutes is amended to read:

19 196.491 (2) (e) Any state agency, as defined in s. 16.310 (1), county,
20 municipality, town, or person may submit written comments on any plan to the
21 commission ~~on a strategic energy assessment within 90~~ 180 days after copies of the
22 ~~draft are issued under par. (b)~~ the plan is filed.

23 **SECTION 36.** 196.491 (2) (f) of the statutes is amended to read:

24 196.491 (2) (f) Section 1.11 (2) (c) shall not apply to ~~a strategic energy~~
25 ~~assessment~~ an integrated resource and reliability plan prepared under par. (a).

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1 **SECTION 37.** 196.491 (2) (g) of the statutes is amended to read:

2 196.491 (2) (g) ~~No sooner than 30 and no later than 90~~ Within 180 days after
3 ~~copies of the draft are issued~~ a plan is filed under par. (b), the commission shall hold
4 a hearing ~~on the draft which may not be a hearing under s. 227.42 or 227.44~~ on the
5 plan. The hearing shall be held in an administrative district, established by
6 executive order 22, issued August 24, 1970, which the commission determines will
7 be significantly affected by ~~facilities on which an electric utility plans to commence~~
8 ~~construction within~~ installations proposed in the plan to be constructed in the
9 following 3 years. The commission may thereafter adjourn the hearing to other
10 locations or may conduct the hearing by interactive video conference or other
11 electronic method. Notice of such hearing shall be given by class 1 notice, under ch.
12 985, published in the official state newspaper and such other regional papers of
13 general circulation as may be designated by the commission. At such hearing the
14 commission shall briefly describe the ~~strategic energy assessment~~ plan and give all
15 interested persons an opportunity, subject to reasonable limitations on the
16 presentation of repetitious material, to express their views on any aspect of the
17 ~~strategic energy assessment~~ plan. A record of the hearing shall be made and
18 considered by the commission as comments on the ~~strategic energy assessment~~ plan
19 under par. (e). The electric utility, any agency, county, municipality, or town, or any
20 person whose substantial rights may be adversely affected by the testing for or
21 construction of installations described in an integrated resource and reliability plan
22 shall, upon filing written notice setting forth its interest at least 10 days in
23 integrated resource and reliability, be afforded all the rights of a party in a contested
24 case.

25 **SECTION 38.** 196.491 (2) (gm) of the statutes is repealed.

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1 **SECTION 39.** 196.491 (2) (i) of the statutes is created to read:

2 196.491 (2) (i) A plan shall be approved if, based upon the record of the hearing
3 and the written comments submitted under pars. (c) and (e), the commission
4 determines that the plan meets all of the following conditions:

5 1. Provides for a reasonably adequate supply of electrical energy to meet the
6 needs of the public during the planning period.

7 2. Is in the public interest when considering engineering, economic, health,
8 safety, reliability, efficiency, and environmental factors and alternate methods of
9 generation or sources of supply.

10 3. Is reasonably coordinated with long-range plans and policies of other state
11 agencies or that a reasonable effort has been made to coordinate with such plans and
12 policies.

13 4. Provides for programs that discourage inefficient and excessive power use.

14 **SECTION 40.** 196.491 (2) (j) of the statutes is created to read:

15 196.491 (2) (j) If any portion of a plan does not meet the criteria under par. (i),
16 the commission shall disapprove the plan or portion thereof, or approve them subject
17 to such modifications as may be necessary to meet those criteria.

18 **SECTION 41.** 196.491 (2) (jm) of the statutes is created to read:

19 196.491 (2) (jm) The commission shall either approve or disapprove each plan
20 within 18 months after it is filed.

21 **SECTION 42.** 196.491 (2) (k) of the statutes is created to read:

22 196.491 (2) (k) Any portion of a plan that is not approved may be resubmitted
23 by the electric utility after entry of the order of disapproval and, if resubmitted, shall
24 be reviewed under this subsection in the same manner as a new integrated resource

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1 and reliability plan, except that the commission may reduce the time for comments
2 thereon to not less than 30 days.

3 **SECTION 43.** 196.491 (2) (km) of the statutes is created to read:

4 196.491 (2) (km) An electric utility may file an amendment to a previously
5 approved plan with the commission at any time. The commission may grant review
6 and approval under pars. (b) to (L) and may reduce the time for comments thereon
7 to not less than 30 days.

8 **SECTION 44.** 196.491 (2) (L) of the statutes is created to read:

9 196.491 (2) (L) After a plan has been approved, the commission may limit the
10 scope of the issues upon review of a subsequent plan to those directly related to
11 material changes.

12 **SECTION 45.** 196.491 (2) (m) of the statutes is created to read:

13 196.491 (2) (m) Any major contract relating to an installation for which neither
14 a certificate of public convenience and necessity under sub. (3) nor a certificate under
15 s. 196.49 has been applied for, other than a contract relating to acquisition of real
16 property, shall be reported in writing to the commission, indicating the general
17 nature and amount of that commitment, within 30 days after it has been entered
18 into.

19 **SECTION 46.** 196.491 (2r) of the statutes is amended to read:

20 196.491 (2r) LOCAL ORDINANCES. No local ordinance may prohibit or restrict
21 testing activities undertaken by an electric utility for purposes of preparing
22 integrated resource and reliability plans or determining the suitability of a site for
23 the placement of a facility an installation. Any local unit of government objecting
24 to such testing may petition the commission to impose reasonable restrictions on
25 such activity.

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1 **SECTION 47.** 196.491 (3) (dm) of the statutes is amended to read:

2 196.491 (3) (dm) In making a determination required under par. (d), the
3 commission may not consider a factual conclusion in ~~a strategic energy assessment~~
4 an integrated resource and reliability plan unless the conclusion is independently
5 corroborated in the hearing under par. (b).

6 **SECTION 48.** 196.491 (5m) of the statutes is created to read:

7 196.491 (5m) CLOSURE OF LARGE ELECTRIC GENERATING FACILITIES. (a) No electric
8 utility may permanently close a large electric generating facility unless the electric
9 utility submits notice of the closure to the commission no less than 180 days prior to
10 the planned closure.

11 (b) After receiving the notice under par. (a), the commission shall allow
12 interested parties 30 days to make comments and shall hold a hearing on the effect
13 of the proposed closure on electric reliability.

14 (c) After holding the hearing and after expiration of the public comment period
15 under par. (b), the commission shall make a determination as to whether the
16 proposed closure under par. (a) will have an impact on reliability of electric service.
17 In making this determination, the commission shall consider the electric utility's
18 most recent integrated resources and reliability plan under sub. (2), any information
19 the commission collected from the electric utility, information provided during the
20 public hearing and public comment period, and any other information the
21 commission deems relevant.

22 (d) The commission shall notify the electric utility of its determination as to
23 whether the proposed closure under par. (a) will have an impact on reliability of
24 electric service no less than 45 days prior to the planned closure.

25 **SECTION 49.** 196.795 (7) (a) 1. b. of the statutes is amended to read:

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SECTION 49

1 196.795 (7) (a) 1. b. Any public utility or member of a cooperative association
2 organized under ch. 185 which ~~reports or has reported information to the commission~~
3 ~~under the rules promulgated~~ files or has filed an integrated resource and reliability
4 plan under s. 196.491 (2) (~~ag~~).

5

(END)