



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 10**  
[2013 Senate Bill 35]

**Various Statutes Administered by  
the Public Service Commission**

2013 Wisconsin Act 10 (the Act) affects the powers of the American Transmission Company (ATC) and the review by the Public Service Commission (PSC) of applications for certificates of public convenience and necessity (CPCNs).

### *American Transmission Company Powers*

The American Transmission Company was created under the authority of s. 196.485, Stats., for the purpose of providing electric transmission functions in the service territories of the electric utilities in the eastern portion of this state, using the facilities that it acquired from those utilities and additional facilities that it would construct and own.

The Act authorizes ATC to provide transmission functions over facilities that it does not own.

### *Certificates of Public Convenience and Necessity*

Any person that constructs a large electric generating facility or a high-voltage transmission line must first receive a CPCN from the PSC. [s. 196.491 (3), Stats.] The Act makes the following changes to the PSC's review of applications for a CPCN.

Under *prior law*, the PSC was required, within 10 days of receiving an application, to provide a copy of the application to the clerk of each municipality in which the proposed facility will be located and to the main public library in each such county. Under *the Act*, the PSC must also provide copies of the application to the same entities within 10 days of making a determination that the application is complete. In addition, the Act requires that the PSC provide the copies in electronic format, and that it also provide paper copies if requested.

At least 60 days before submitting an application to the PSC, the applicant must submit certain information to the Department of Natural Resources (DNR). *Prior law* required that, if the application

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

was for a high-voltage transmission line, this information include a detailed project plan. *The Act* deletes the requirement that the preapplication submissions to the DNR include a detailed project plan.

Within 30 days after an application for a CPCN is filed, the PSC must determine whether the application is complete. If the application is not complete, the PSC may request additional information. When the application is refiled, the PSC again has 30 days to determine whether it is complete. Under *prior law*, if the PSC failed to determine whether an application is complete within 30 days of when it is filed, the application was considered to be complete. *The Act* clarifies that an application is considered complete if the PSC fails to determine whether it is complete within 30 days of when it is filed *or refiled*.

A specific procedure exists for the review of projects that require both a CPCN from the PSC and one or more permits from the DNR related to the effects of the project on navigable waters and wetlands. [s. 30.025, Stats.] The procedures are designed to coordinate the review of the PSC and the DNR. The CPCN statute requires that the DNR complete action on applications for permits within 120 days of determining that the applications are complete. However, s. 30.025 (4), Stats., requires that the DNR take final action on such permit applications within 30 days of the PSC taking final action on the CPCN application. *The Act* resolves this potential conflict, specifying that the DNR must take final action on such a permit application within 30 days of the final PSC action, regardless of whether 120 days have elapsed since the DNR determined that the application is complete.

*Effective date:* 2013 Act 10 took effect on April 26, 2013.

*Prepared by:* David L. Lovell, Senior Analyst

May 6, 2013

DLL:jb;jal