

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

OCT 04 1999

Ronald Sklansky
Director
(608) 266-1946



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-131

AN ORDER to repeal and recreate chapter PSC 111, relating to the replacement of advance plans with strategic energy assessments and revision of requirements for certificates of public convenience and necessity.

Submitted by **PUBLIC SERVICE COMMISSION**

08-29-99 RECEIVED BY LEGISLATIVE COUNCIL.

09-27-99 REPORT SENT TO AGENCY.

RS:JES;jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

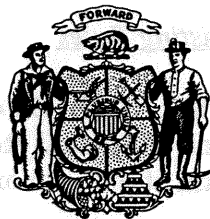
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 99-131

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. To avoid ambiguity and facilitate any future amendments to the rule, lists of items should be drafted in the standard format that includes the use of "following" in the introductory clause to the list, delineation of whether the list is exclusive or inclusive through the use of terms such as "any of" versus "all of" in the introductory clause and ending each item in the list with a period. This format was not followed in numerous lists in the rule, including lists in ss. PSC 111.01 (4) and 111.21 (1).

b. The rule should be drafted in the active voice. [See s. 1.01 (1), Manual.] Examples of provisions that are not in the active voice include s. PSC 111.03 (2) (a) and (b).

c. The second and third sentences in s. PSC 111.03 (3) (a) relate to the period covered by the initial historical data requirements. As such, they should be placed in s. PSC 111.03 (2) rather than s. PSC 111.03 (3).

d. Section PSC 111.11 (2) (intro.) should be rewritten so that it grammatically leads into the following subunits. This can be accomplished by stating: "Each electricity provider . . . shall submit all of the following data, except that information . . . factor group:". [See also ss. PSC 111.43 (intro.) and 111.53 (1) (d) (intro.).]

e. The defined terms "capacity sale including reserves," "capacity purchase including reserves" and "capacity swap including reserves" should be used in s. PSC 111.11 (2) (d) to (f),

respectively, rather than “firm capacity sale including reserves,” “firm capacity purchase including reserves” and “firm capacity swap including reserves.”

3. Conflict With or Duplication of Existing Rules

The definition of “NOx” in s. PSC 111.01 (12) conflicts with the definition of “NOx” in s. NR 400.02 (59m). The Department of Natural Resources’ definition of “NOx” excludes nitrous oxide and includes the plural form of nitrogen oxides.

4. Adequacy of References to Related Statutes, Rules and Forms

a. If the commission intends to use information that is submitted to it under the rule in implementing the state energy policy under s. 1.12, Stats., then the list of statutes interpreted by the rule that is presented in the analysis accompanying the rule should include ss. 1.12 and 196.025, Stats.

b. The cross-references to Wisconsin Administrative Code provisions in s. PSC 111.03 (2) should be written in the following format: “ss. PSC 111.11, 111.23 and 111.41.”

c. The references in s. PSC 111.06 (3) (a) 1. to 3. to the types of Wisconsin-specific information that an electric provider with multistate operations must provide to the commission are vague. Which provision in the rule does each of these requirements refer to?

d. The reference in s. PSC 111.09 to “public records laws” is vague. Can the commission be more specific?

e. Most of the references in the rule to the definitions of various types of capacity purchases, swaps or sales are incomplete. For example, the first reference in s. PSC 111.13 (1) should be to “s. PSC 111.11 (1) (a) and (c)” rather than “s. PSC 111.11 (1).” The first reference in s. PSC 111.25 (2) should be to “s. PSC 111.23 (1) (a)” rather than “s. PSC 111.23 (1).” Alternatively, the commission could place these definitions in s. PSC 111.01 and have them apply to all of ch. PSC 111.

f. The reference at the end of s. PSC 111.43 (2) (b) to “this subsection” should be to “this paragraph.”

g. The reference in s. PSC 111.43 (3) (b) to “this subsection” should be to “par. (a).”

h. The reference in s. PSC 111.43 (4) to “open-access transmission obligations under 18 CFR Part 37” is vague. Can the commission be more specific?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The commission should review the following undefined terms and determine whether a definition is necessary to ensure consistent application of the rule or to assist readers of the rule not familiar with jargon from the electric power industry:

- (1) "Station" in s. PSC 111.01 (10).
- (2) "Wholesale electricity provider" in s. PSC 111.05 (2).
- (3) "Firm," as used to modify "electric generating capacity," "capacity transfer" or "transmission path" or to describe the "firmness" of a "native load," such as in s. PSC 111.11 (1) (a) (intro.) and 1. and (c) and (2) (e).
- (4) "Sink" in s. PSC 111.11 (1) (a) 1.
- (5) "Demand factor group" in s. PSC 111.11 (2) (intro.).
- (6) "Transmission and distribution loss responsibility" in s. PSC 111.11 (2) (a).
- (7) "Native load" in s. PSC 111.11 (2) (e).

b. The definition of "self-provider" in s. PSC 111.01 (14) is ambiguous. It includes a person generating the specified amount of electricity for the person's own use or "external use." Under one reading, it appears to include all types of electric generation since there is no qualification of the "external use." Under this interpretation, the distinction between a self-provider and the first type of electricity provider under the definition of "electricity provider" in s. PSC 111.01 (4) (a) is not apparent. Also, since some provisions in the rule refer to "operator of a wholesale merchant plant," see ss. PSC 111.25 (2) and 111.31 (intro.), the commission should review the use of "self-provider" and "operator of a wholesale merchant plant," to ensure that these terms are being used as intended and that the distinction between these terms is clearly set forth in the rule.

c. The duration of a strategic energy assessment is potentially ambiguous, given the various two- and three-year periods specified in s. PSC 111.03 (1) (a) to (c). Also, the duration of the first strategic energy assessment is unnecessarily repeated in s. PSC 111.03 (1) (b) and (c). It appears that pars. (a) to (c) should specify that each strategic energy assessment covers three calendar years; the first assessment commences on January 1, 2000; and subsequent assessments commence on January 1 of succeeding even-numbered years.

d. The commission should review all of the periods specified in the rule for which current and historical data must be submitted for a strategic energy assessment to ensure that there are no conflicts between the general requirements in s. PSC 111.03 (1) (a) and (2) and the specific requirements in ss. PSC 111.11 to 111.43. An example of a potential conflict is the inclusion of the reference to the three-year period encompassing the strategic energy assessment in s. PSC 111.11 (2) (a) to (g). These references may be interpreted to be more specific than the general requirements and imply that no historical data would have to be submitted by an

electricity provider to the commission under these paragraphs. This interpretation is contrary to the requirements in s. PSC 111.03 (1) (a) and (2) (a) that data for the upcoming assessment as well as historical data must be submitted under s. PSC 111.11.

e. Section PSC 111.11 (1) (a) 3. differs from s. PSC 111.23 (1) (a) 3. in that it does not include the phrase "except for specified contingencies." Why is there a difference between the two provisions?

f. The use of "such as" in s. PSC 111.21 (1) (b) implies that there are more types of facilities than the three listed types. The commission should either identify the additional types of facilities or change "such as" in this paragraph.

g. The reference to "effluent discharges and emissions of particulates, ash, SO₂, CO₂, N₂O and Hg, per kWh of output" in s. PSC 111.21 (1) (f) and (4) (f) is open to interpretation. It is not clear if the list of materials modifies "effluent discharges." In a similar list in s. PSC 111.33, specific materials in the effluent discharges are clearly not listed. Also, since "effluent discharges" and "emissions" are not defined, it is not clear if they are limited to wastewater and airborne discharges, respectively, or include solid or hazardous waste or thermal pollution generated at a facility.

h. Does "commence" in s. PSC 111.21 (4) (intro.) refer to the commencement of construction or operation of a generating addition?

i. In s. PSC 111.25 (2), the phrase "if the effect of the swap harms an electricity providers supply situation" is somewhat vague. Should the "effect" simply refer to a decrease in the electricity provider's supply, similar to the phrasing used in the next sentence?

j. Section PSC 111.35 (1) is ambiguous. Does it refer to dollars spent by an electricity provider only on those energy conservation activities that affect all of the provider's customers in Wisconsin, or does it refer to the dollars spent by an electricity provider on any energy conservation activity that affects any of the provider's Wisconsin customers?

k. Section PSC 111.35 (2) directs an electricity provider to report "energy savings in . . . kW (Kilowatts)" "kW" is a measure of power and not energy, and, thus, it is not appropriate to request the reporting of energy savings in "kW."

l. Since s. 196.491 (1) (f), Stats., defines a "high-voltage transmission line" to be a transmission line designed for operation at a nominal voltage of 100 kilovolts (kV) or more, the reference in s. PSC 111.43 (1) (intro.) to each "high-voltage transmission line over 100 kV" has the effect of excluding from sub. (1) high-voltage transmission lines operating at 100 kV. Is that the commission's intent?

m. Since s. PSC 111.43 (2) (b) uses the phrase "long-term transmission study," the term defined in s. PSC 111.43 (2) (a) should be "long-term transmission study" rather than "long-term study" and the phrase should be used consistently.

n. Should s. PSC 111.43 (2) (c) refer to “documents or data not published by the commission” or to “documents or data not received by the commission”?

o. On its face, s. PSC 111.51 (1) establishes that construction on a large power plant or high-voltage transmission line may not commence until the commission issues a Certificate of Public Convenience of Need (CPCN) for any facility irrespective of whether the CPCN is for the facility for which application is being made. Subsection (1) should be modified to indicate that construction on a facility may not commence until the commission issues a CPCN for the facility.

p. The term “concerning” at the ends of ss. PSC 111.53 (1) (intro.) and 111.55 (intro.) is superfluous and should be deleted from these provisions.

q. Section PSC 111.53 (1) (a) contains two terms in addition to the statutorily defined “large electric generating facility” to identify electric generating facilities subject to the CPCN application requirements in the rule, “project” in par. (a) (intro.) and “plant” in par. (a) (2). The commission should either clarify the text if there is a reason for using all three terms or should just use the defined term. In addition s. PSC 111.53 (1) (a) 1. and 5. use the term “generating unit.” The rule does not, but should, specify the distinction between a generating facility and a generating unit.

r. The reference to the “permits required” in s. PSC 111.53 (1) (f) 1. is not clear. Are these “permits” limited to regulatory approvals labeled permits, such as an air pollution construction permit issued under s. 285.61, Stats., or does it refer to all types of approvals by regulatory agencies that are required as a condition of operating the facility? In addition, do permits include construction as well as operating permits?

s. The commission should review, and refine as necessary, its specification of the information that must be included in an application for a CPCN for a large electric generating facility or a high-voltage transmission line to ensure the clarity of these requirements. In particular, much of the information required under ss. PSC 111.53 (1) (f) 6. and 7. and 111.55 (10), appears to be open to interpretation. For example, does s. PSC 111.53 (1) (f) 6. d. refer to characterizing the quantity or quality of water resources at the site? What should the description of geology under s. PSC 111.55 (10) (b) include?

t. In s. PSC 111.53 (2), the phrase “as the commission may require” should be replaced by the phrase “required by the commission.”

**PROPOSED ORDER OF THE STATE OF WISCONSIN
PUBLIC SERVICE COMMISSION ADOPTING RULES**

- 1 The Public Service Commission of Wisconsin proposes an order to repeal and recreate PSC 111,
- 2 relating to the replacement of advance plans with strategic energy assessments and revision of
- 3 requirements for Certificates of Public Convenience and Necessity.

Analysis Prepared by the Public Service Commission of Wisconsin

Statutory authority: ss. 196.02(3), 196.491(2)(ag) and (3)(a)1., and 227.11, Stats.
Statute interpreted: ss. 196.491(2) and (3), Stats.

1997 Wisconsin Act 204 (Act 204) repealed the advance plan process for electric utilities. In its place, state law now requires that the Public Service Commission (Commission) biennially prepare a strategic energy assessment (SEA). The SEA will evaluate the reliability of Wisconsin's current and future electric supply. Public utilities, rural electric cooperatives, municipal utilities, merchant plant operators, and independent power producers are all involved in producing and providing electric power in Wisconsin, so each will be required to submit information for the SEA. New rules with respect to Certificates of Public Convenience and Necessity (CPCN) are proposed to conform the commission's rules to the revisions made in the CPCN process by Act 204.

Preparation of an SEA will commence with a forecast of peak electric demand over the biennial period of an SEA, plus one additional year. The forecast will then be compared against electric power supply, to determine if capacity will be available to meet future Wisconsin demand and to provide the additional reserve margin needed for contingencies.

Electricity providers will be required to submit the information necessary to prepare the forecast of peak electric demand. This information will consist of monthly actual non-coincident peak load for a period preceding the SEA, and of predicted peak load for the 3-year period encompassing the SEA. The peak load information will then be offset by programs in place to control peak load, such as direct load control and interruptible load, and by net purchases of firm capacity, i.e., capacity backed up by reserves. Any contracts by an electricity provider to sell firm capacity with reserves will increase peak load, while any contracts to purchase capacity with reserves will offset the peak forecast. Subchapter II covers this assessment of electric demand.

Next, each provider's electric power supply will be evaluated. Each electricity provider will be required to submit information showing how much generating capacity it has installed in Wisconsin or is using to provide electricity to ultimate end-users in Wisconsin. This level of installed generating capacity must then be offset by plans to retire units and sell capacity without reserves during the 3-year period encompassing the SEA. Any plans to upgrade existing units, add new units, and purchase more capacity without reserves will increase the electric power supply. The total amount of electric power supply will then be compared against the forecasted peak electric demand. Subchapter III covers the assessment of electric power supply.

Purchases and sales of power depend on the electric transmission system to complete the transaction. To the extent that Wisconsin relies on such capacity arrangements to provide firm power, an evaluation of the transmission system's adequacy must also be completed. Electricity providers will be required to submit data on any firm reservations for use of the transmission system, while transmission providers will be required to describe plans for constructing new transmission lines during the 3-year period encompassing the SEA, and to file copies of long-term transmission studies that examine plans for transmission lines within and into Wisconsin. Subchapter V covers transmission system operation data.

As part of its SEA, the Commission must assess the extent that competition is contributing to a reliable, low-cost electric system. In addition, the Commission must assess the regional bulk power market's effect on the adequacy and reliability of electric supply in Wisconsin, and the reasonableness of electric prices. To accomplish these ends, the proposed rules require information on system dispatch costs and average energy production costs. The Commission must also evaluate whether competition is contributing to an environmentally sound electric system, consider the public interest in environmental protection, identify and describe activities to discourage inefficient and excessive power use, and perform an environmental assessment of each SEA. Conservation information is also required to comply with the state energy goals and priorities under ss. 1.12 and 196.025, Stats., when the Commission makes determinations within the SEA. As a result, the proposed rules require information on pollutant emissions and conservation. The required cost, emissions, and conservation information is covered in Subchapter IV.

Subchapter VI relates to the filing of applications for CPCNs. Included in the subchapter are the minimum data requirements for any application to build a large electric generating facility or high-voltage transmission line.

1 SECTION 1. Chapter PSC 111 is repealed and recreated to read:

2 CHAPTER PSC 111

3 REQUIREMENTS FOR STRATEGIC ENERGY ASSESSMENTS
4 AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

5 SUBCHAPTER I, GENERAL

6 PSC 111.01 Definitions. The definitions specified in ss. 196.01 and 196.491(1), Stats.,

7 apply to this chapter. In addition, in this chapter:

8 (1) "Btu" means British thermal unit.

9 (2) "CO₂" means carbon dioxide.

10 (3) "CPCN" means a certificate of public convenience and necessity issued under

11 s. 196.491(3), Stats.

12 (4) "Electricity provider" means:

13 (a) Any person who owns, operates, manages or controls, or expects to own, operate,
14 manage or control generation larger than 5 MW in Wisconsin.

15 (b) Any person who provides retail electric service in Wisconsin.

16 (c) Self-providers. -CK =

17 (5) "FERC" means the federal energy regulatory commission.

18 (6) "Hg" means mercury.

19 (7) "kW" means kilowatt.

20 (8) "kWh" means kilowatt-hour.

21 (9) "MW" means megawatt.

22 (10) "Net rated capacity" means a generation unit's maximum electrical output, in MW,
23 exclusive of station use, under the ambient conditions expected during peak demand.

24 (11) "N₂O" means nitrous oxide.

ck

2-1st - include of exclude

5-clarify - time? - aggregate generation?

S-

any of the fol-

Need time frame? (see use)

oxides?

ex DNR Rule

NR 400.02 (59m)

including N₂O

(12) "NO_x" means nitrogen oxide.

(13) "SEA" means strategic energy assessment.

(14) "Self-provider" means any person planning or providing electric generation larger than 5 MW for the person's own or external use.

? include utility service?

or person who sells electric power

(15) "SO₂" means sulfur dioxide.

(16) "Transmission provider" means any person who owns, operates or controls, or expects to own, operate or control electric transmission facilities in Wisconsin.

PSC 111.03 Period covered by SEA; data; filing date. (1) THREE-YEAR PERIOD

ENCOMPASSING THE SEA. (a) Each SEA shall cover 2 calendar years. All data specified in subch. II, III, IV, or V shall cover this period, plus one succeeding calendar year.

(b) The first biennial SEA shall cover the period commencing January 1, 2000, and ending on December 31, 2001. Subsequent SEAs shall commence on January 1 of each even-numbered year.

(c) The 3-year period encompassing the initial SEA shall cover January 1, 2000, through December 31, 2002.

(d) The commission shall issue its draft of the SEA on or before July 1 of each even-numbered year, as required by s. 196.491(2)(b), Stats.

(2) HISTORICAL DATA REQUIREMENTS. (a) For the initial SEA, 5 years of historical data shall be provided for the items specified in ss. PSC 111.11, PSC 111.23, and PSC 111.41. For subsequent SEAs, 2 years of historical data shall be provided for the items specified in ss. PSC 111.11, PSC 111.23, and PSC 111.41.

(b) For all SEAs, 2 years of historical data shall be provided for the items specified in ss. PSC 111.31, PSC 111.33, PSC 111.35 (1) and (2), and PSC 111.43(4).

3

5-
5-2

5-
1 on period

5-
✓ Redundant

2

1 (3) DATE OF FILING. (a) The initial submission of data required under this chapter shall
2 occur no later than February 1, 2000. The 5-year period preceding the initial SEA shall cover
3 January 1, 1995, through December 31, 1999. Actual, historical data shall be provided through
4 December 31, 1998 and, to the extent actual data are unavailable for 1999, forecasted data and
5 the forecasting worksheets shall be provided.

6 (b) Subsequent submissions of data shall occur biennially, no later than February 1 of
7 each even-numbered year.

8 **PSC 111.05 SEA filing procedures.** (1) PRINTED AND ELECTRONIC FORMAT. Except
9 for the data required under s. PSC 111.35(3), data required under subch. II, III, or IV shall be
10 filed in printed, tabular form and in electronic spreadsheet format. Data required under
11 s. PSC 111.35(3) shall be filed in printed, tabular form. Data required under subch. V shall be
12 filed in printed, tabular form, unless specifically exempted, and in electronic spreadsheet format.
13 If the commission provides tabular reporting or electronic format specifications, data filings shall
14 comply with these specifications. All data filings shall be up to date and fully documented. All
15 data filings shall indicate and provide the source of the data.

16 (2) AGGREGATE FILINGS. Any electricity provider may file the data required under
17 subch. II, III, IV, or V in aggregate, combining ^{the provider's} its information with that of other electricity
18 providers. Any transmission provider may file the data required under subch. V in aggregate,
19 combining ^{the provider's} its information with that of other transmission providers. A wholesale electricity
20 provider may file data that is required under subch. II, III, IV, or V on behalf of one or more
21 municipal electric utilities or cooperatives.

1 (3) MULTI-STATE ELECTRICITY PROVIDERS. (a) Electricity providers with multi-state
2 operations may, if Wisconsin-specific information is not available, use a pro rata allocation of
3 Wisconsin demand to total company system demand, except for:

- 4 1. Data filings covering conservation activities.
5 2. Forecasts of Wisconsin peak demand.
6 3. The identification of transmission and generation facilities located in Wisconsin or
7 used specifically for Wisconsin purposes.

8 (b) Electricity providers with multi-state operations shall provide Wisconsin-specific
9 information in their data filings under par. (a) 1 to 3.

10 **PSC 111.07 Supplemental data requests for SEA; waivers.** Electricity providers or
11 transmission providers shall provide additional information, as the commission may request to
12 prepare its SEA. The commission may also waive data filing requirements under this chapter to
13 avoid undue hardship if preparation of the SEA can still be accomplished in a timely manner.

14 **PSC 111.09 Confidentiality.** The commission shall consider information submitted
15 under this chapter to be confidential, if the provider shows that the information is competitive
16 under s. 196.14, Stats., a trade secret under s. 19.36(5) or 134.90, Stats., or is otherwise exempt
17 from public records laws.

18
19 **SUBCHAPTER II, ASSESSMENT OF ELECTRIC DEMAND**

20 **PSC 111.11 Electric demand data. (1) DEFINITIONS.** In this section:

21 (a) "Capacity purchase including reserves" means a purchase of firm electric generating
22 capacity that has actually occurred or that is subject to an existing contract, including options to
23 purchase or contracts subject to contingencies, and that includes the following terms:

- 24 1. A firm transmission path from source to sink.

- 1 2. The seller has responsibility for reserves.
- 2 3. The seller is obliged to supply across peak conditions with no unilateral curtailment
- 3 option. *see p- 11, 116-1*
- 4 4. The seller will count the sale as an additional demand obligation.

5 (b) "Capacity sale including reserves" means a sale of firm electric generating capacity
6 that has actually occurred or that is subject to an existing contract, including options to sell or
7 contracts subject to contingencies, and that includes the terms specified in par. (a)2. to 4.

8 (c) "Capacity swap including reserves" means a swap of firm electric generating
9 capacity that has actually occurred or that is subject to an existing contract, including options to
10 swap or contracts subject to contingencies for which reserves are included as part of the firm
11 capacity transfer. *elec. gen*

12 (2) FACTORS AFFECTING ELECTRIC DEMAND. Each electricity provider, except operators
13 of wholesale merchant plants, shall submit all of the following data. Information for individual
14 arrangements less than 10 MW may be aggregated under the appropriate demand factor group. *except that*

15 *5-15-03* (a) Monthly peak demand data for the 3-year period encompassing the SEA, including
16 transmission and distribution loss responsibility. Any loss responsibility associated with the
17 delivery of purchased capacity shall be separately identified.

18 (b) The reduction in the summer and winter peak demand, for any of the 3 years
19 encompassing the SEA, due to direct load control programs that allow system operators to
20 manage customer loads.

21 (c) The reduction in the summer and winter peak demand, for any of the 3 years
22 encompassing the SEA, due to the interruption of customer load by tariff or contract.

Not in terms

1 (d) The effect on summer and winter peak demand, for any of the 3 years encompassing
2 the SEA, due to each firm capacity sale including reserves that affects peak demand.

3 (e) The effect on summer and winter peak demand, for any of the 3 years encompassing
4 the SEA, due to each firm capacity purchase including reserves that affects peak demand. Any
5 part of a purchase intended to compensate for transmission losses associated with delivery of the
6 purchase shall be separately identified. For each out-of-state firm capacity purchase cited under
7 this paragraph, the buyer shall demonstrate that the seller is treating its sale with the same
8 firmness as the seller's native load.

2/

5/

9 (f) The effect on summer and winter peak demand, for any of the 3 years encompassing
10 the SEA, due to each firm capacity swap including reserves that affects peak demand.

11 (g) The effect on summer and winter peak demand, for any of the 3 years encompassing
12 the SEA, due to any arrangements other than those specified in pars. (a) to (f), that also affect
13 peak demand in Wisconsin.

14 **PSC 111.13 Calculation of adjusted electric demand.** (1) DEFINITION. In this
15 section, "adjusted electric demand" means peak demand including transmission and distribution
16 system loss responsibility, less the effect of direct load control, interruptible load, capacity
17 purchases including reserves or capacity swaps including reserves as defined in

4 which ones
used 8/10/11
19/11

s. PSC 111.11(1), plus the effect of capacity sales including reserves as defined in
s. PSC 111.11(1).

18 (2) DATA SUBMISSION. Each electricity provider, except operators of wholesale
19 merchant plants, shall calculate adjusted electric demand for the 3-year period encompassing the
20 SEA and submit the results to the commission. Any transmission loss responsibility associated
21 with delivery of a particular capacity purchase including reserves, as defined in
22
23

2/ use of

1 s. PSC 111.11(1)(a), shall be separately identified. All miscellaneous demand factors that
2 decrease peak demand shall be deductions when calculating adjusted electric demand. All
3 miscellaneous demand factors that increase peak demand shall be additions when calculating
4 adjusted electric demand.

5
6 **SUBCHAPTER III, ASSESSMENT OF ELECTRIC POWER SUPPLY**

7 **PSC 111.21 Capacity data.** Each electricity provider shall submit all of the following
8 data for any generation in the state or generation used to supply an ultimate end user in the state.
9 Information for individual arrangements less than 10 MW may be aggregated under the
10 appropriate supply factor group:

11 (1) **CURRENT INVENTORY.** A complete current inventory of its installed electric
12 generating capacity, including:

- 13 (a) The name and location of each facility
14 (b) The type of facility, *all* such as peaking, intermediate, or base load. *we have other types?*
15 (c) The type of fuel used.
16 (d) The summer and winter net rated capacity.
17 (e) The operational status of the facility, as of the filing date.
18 (f) Effluent discharges and emissions of particulates, ash, SO₂, NO_x, CO₂, N₂O and Hg,
19 per kWh of output.

20 (2) **AGGREGATE GENERATING CAPACITY.** Summer and winter peak data on aggregate net
21 rated capacity as of the filing date.

22 (3) **UNIT RETIREMENTS.** A complete identification and description of each unit's net
23 rated capacity that the electricity provider intends to retire during the 3-year period
24 encompassing the SEA, including the month and year of expected retirement.

operation vs construction

1 (4) CAPACITY ADDITIONS. A complete identification and description of each generating
2 addition the electricity provider proposes to commence during the 3-year period encompassing
3 the SEA, including: *all*

- 4 (a) The in-service date.
- 5 (b) The location of the facility.
- 6 (c) The type of facility, such as peaking, intermediate, or base load.
- 7 (d) The type of fuel used.
- 8 (e) The summer and winter net rated capacity.
- 9 (f) Expected effluent discharges and emissions of particulates, ash, SO₂, NO_x, CO₂, N₂O

10 and Hg, per kWh of output.

11 (5) CAPACITY CHANGES AT EXISTING GENERATING UNITS. A complete identification and
12 description of each expected capacity change during the 3-year period encompassing the SEA,
13 including: *all*

- 14 (a) The in-service date.
- 15 (b) The location of the facilities.
- 16 (c) The function of the upgrade, improvement, or downgrade.
- 17 (d) The change in summer and winter net rated capacity.
- 18 (e) Expected changes in emissions identified in sub. (1)(f).

19 (6) MISCELLANEOUS SUPPLY FACTORS. A complete identification and description of each
20 supply factor that is not covered by subs. (1) to (5), but also affects electric power supply during
21 peak demand in Wisconsin for the 3-year period encompassing the SEA.

22 **PSC 111.23 Capacity purchase, sale and swap data affecting electric power supply.**

23 (1) DEFINITIONS. In this section:

firm?

(a) "Capacity purchase without reserves" means a purchase of electric generating capacity that has actually occurred or that is subject to an existing contract, including options to purchase or contracts subject to contingencies, and that includes the following terms:

1. A firm transmission path from source to sink.
2. The buyer has responsibility for reserves.
3. The seller has an obligation to supply across peak conditions with no unilateral curtailment option except for specified contingencies.
4. The seller will count the sale as an available capacity reduction.

(b) "Capacity sale without reserves" means a sale of electric generating capacity that has actually occurred or that is subject to an existing contract, including options to sell or contracts subject to contingencies, and that includes the terms specified in par. (a)2. to 4.

(c) "Capacity swap without reserves" means a swap of electric generating capacity that has actually occurred or that is subject to an existing contract, including options to swap or contracts subject to contingencies for which reserves are not included as part of the capacity transfer.

(2) CAPACITY PURCHASES, SWAPS OR SALES WITHOUT RESERVES. Each electricity

provider, except operators of wholesale merchant plants, shall submit summer and winter peak data listing all of the following data:

(a) The amount and type of each capacity purchase without reserves in Wisconsin, in net MW, including an identification of whether the purchase is on a system or unit basis. Any part of a purchase intended to compensate for transmission losses associated with delivery of the purchase shall be separately identified.

5
3
?

2

5
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

1 (b) The amount and type of each capacity sale without reserves, in net MW, including an
2 identification of whether the sale is on a system or unit basis.

3 (c) The amount and type of each capacity swap without reserves, in net MW, including
4 an identification of whether the swap is on a system or unit basis.

5 **PSC 111.25 Calculation of electric power supply.** (1) **DEFINITION.** In this section,
6 “electric power supply” means aggregate generating capacity plus capacity additions, capacity
7 upgrades or improvements at existing units, and capacity purchases without reserves as defined
8 in s. PSC 111.23, less unit retirements, capacity downgrades at existing units, and capacity sales
9 without reserves as defined in s. PSC 111.23.

10 (2) **DATA SUBMISSION.** Each electricity provider, except operators of wholesale
11 merchant plants, shall calculate electric power supply for the 3-year period encompassing the
12 SEA and submit the results to the commission. Any part of a capacity purchase without reserves,
13 as defined in s. PSC 111.23(1), that is intended to compensate for transmission losses associated
14 with delivery of that purchase, shall be excluded from the calculation of electricity power supply.

15 Each capacity swap without reserves, as defined in s. PSC 111.23(1)(c), shall be added to electric
16 power supply, if the effect of the swap improves an electricity provider’s supply situation. Each
17 capacity swap without reserves shall be deducted from electric power supply, if the effect of the
18 swap ^{subtracts supply?} harms an electricity provider’s supply situation. All miscellaneous supply factors that
19 decrease supply resources shall be deducted from electric power supply. All miscellaneous
20 supply factors that increase supply resources shall be added to electric power supply.

21
22 **SUBCHAPTER IV, ECONOMIC, ENVIRONMENTAL, AND CONSERVATION DATA**

23 **PSC 111.31 Economic data.** Each electricity provider, except self-providers and
24 operators of wholesale merchant plants, shall submit all of the following economic data:

1 (1) AVERAGE ENERGY PRODUCTION COST. The electricity provider's average energy
2 production cost for each type of generating unit, including nuclear, coal-fired, gas simple-cycle,
3 gas combined-cycle, diesel and renewable units. The electricity provider shall specify the
4 expected range of energy production cost by unit type for each year in the SEA forecast period.

5 (2) SYSTEM DISPATCH COST. Upon commission request, for those days when the market
6 energy price exceeded \$250 per megawatt-hour measured exclusive of capital costs or when the
7 market price exceeded \$2,000 per megawatt-hour measured inclusive of capital costs, the
8 electricity provider's hourly historical system dispatch costs, computed using available electric
9 generating capacity and those capacity purchases, sales, or swaps relevant at the time.

10 Note: This information is needed to determine, as required by s. 196.491(2)(a)12. and
11 13., Stats., if competition is contributing to the provision of sufficient capacity
12 and energy at a reasonable price.

13
14 **PSC 111.33 Pollutant data.** Each electricity provider shall submit, for each of the 2 } repeats
15 years preceding the SEA, the annual average level of ash, SO₂, NO_x, CO₂, N₂O, and Hg and 111.03(2)
16 effluent discharges per kWh of output. - threshold? ^{airborne?}
- water discharges? ^{solid haz. waste?}

17 **PSC 111.35 Energy conservation data.** Each electricity provider, except self-providers
18 and operators of wholesale merchant plants, shall provide all of the following energy
19 conservation activity data and information:

20 (1) SPENDING. Dollars spent on energy conservation activity affecting all Wisconsin
21 customers. - who's period? see 111.03(2) 2(2)(b)
- who affects all customers or is activities affect on customer?
11/21

22 (2) ENERGY SAVINGS. Energy savings in kWh and kW, excluding direct load control and
23 interruptible load impacts specified in ss. PSC 111.11(2)(b) and (c), reported for all Wisconsin
24 customers.

Not unit
of energy
- when
wast

1 (3) ENERGY CONSERVATION PROGRAM DESCRIPTIONS. A comprehensive description of
2 all planned activities to discourage inefficient and excessive power use.

3
4 SUBCHAPTER V, TRANSMISSION SYSTEM OPERATION DATA

5 **PSC 111.41 Transmission system reservations data from electricity providers.** For
6 each capacity resource reported under s. PSC 111.21, delivery of which requires transmission
7 system reservations, and for each capacity purchase reported under s. PSC 111.11 or
8 PSC 111.23, the electricity provider shall submit information on the transmission arrangements
9 to be used to deliver the capacity, including:

- 10 (1) The provider of transmission service.
- 11 (2) The period and type of each transmission reservation, and any other service attributes
12 defined by the provider of transmission service.
- 13 (3) The starting and ending dates of service.
- 14 (4) The transmission path, if point-to-point service is being used.
- 15 (5) The status of the request for transmission service.
- 16 (6) The MW of transmission service.
- 17 (7) Amount of incremental losses associated with transmission service, as determined by
18 the transmission provider.

19 **PSC 111.43 Data from transmission providers.** Each transmission provider shall
20 submit all of the following data. *except that* If the data have been previously filed with the commission, the
21 transmission provider may identify the applicable filing instead of providing duplicate data:

- 22 (1) NEW HIGH-VOLTAGE TRANSMISSION LINES. A complete description of each high-
23 voltage transmission line over 100 kilovolts that the transmission provider intends to own in

see 196.491(1)(F) ↑ want to exclude 100 kv lines?

1 whole or in part, on which construction is planned to commence within 3 years, including all of
2 the following:

- 3 (a) Endpoints of the line.
- 4 (b) Proposed corridors.
- 5 (c) Nominal operating voltage.
- 6 (d) Nominal voltage of construction class.
- 7 (e) Needed substation modifications.
- 8 (f) Estimated cost.

9 2 - done 4 54
10 1/2 intro 8/15/12 (2) PLANS FOR PRESERVING TRANSMISSION ADEQUACY. (a) In this subsection,
11 "long-term" study excludes:

- 11 1. Routine, commercial transfer capability and operations studies.
- 12 2. Customer-specific transmission studies.

13 (b) The results and assumptions of each long-term transmission study undertaken by
14 transmission providers, jointly or individually, within the past 2 years or subsequent to the data
15 filing for the last SEA, that examines future transfer capabilities across boundaries of reliability
16 council regions, subregions, or control areas or across the borders of Wisconsin. The results and
17 assumptions of each long-term study about the effect of transmission system reinforcement on
18 transfer capability shall be included in the data submitted under this subsection. Paragraph

19 (c) A complete FERC Form 715 for each of the most recent 2 years available. If any
20 responses on these forms refer to other documents or data not published by the commission, the
21 transmission provider shall include these documents or data with the filing. vs received?

22 (d) The results and assumptions of each long-term, local load serving study the
23 transmission provider used to establish the need for the high-voltage transmission lines described

1 in sub. (1), including all discussions of project need and alternatives that may be part of the
2 study.

3 (3) POWER FLOW CASES. (a) For each of the 3 years encompassing the SEA, the most
4 recent power flow base case undertaken by the reliability council in which the transmission
5 provider is located, for each of the following conditions:

- 6 1. Summer peak.
- 7 2. Winter peak.
- 8 3. Off-peak.

9 (b) The base cases in ~~this~~ ^{par. (a)} subsection need only be submitted if the commission requests
10 that they be filed.

11 (4) USE OF ITS TRANSMISSION SYSTEM. If the transmission provider charges a tariffed
12 amount for use of its transmission system, it shall submit monthly data on total transfer
13 capability, available transfer capability and confirmed reservations for the use of its transmission
14 system. Total transfer capability and available transfer capability shall be calculated in
15 accordance with the provider's open-access transmission obligations under 18 CFR Part 37. The
16 transmission provider shall submit reservation data under this subsection concerning only those
17 reservations that are firm and of monthly duration or longer. Any transmission margins applied
18 in the calculation of available transfer capability and any other use of the transmission system
19 relevant to the calculation of monthly available transfer capability, including use by the
20 transmission provider to meet existing commitments, shall also be reported.

21
22 SUBCHAPTER VI, CPCN APPLICATIONS

23 **PSC 111.51 CPCN applications for facilities – general.** (1) Construction on a facility
24 may not commence until the commission issues a CPCN. ^{for the facility}

1 (2) At least 60 days before filing a CPCN application for a large electric generating
2 facility, the applicant shall:

3 (a) Notify the department and the commission of its intent to apply for a CPCN.

4 (b) Consult with commission staff to determine what additional information will be
5 required as part of the CPCN application.

6 (3) The applicant shall file 10 copies of its CPCN application. The applicant shall
7 promptly provide additional copies as may be requested by the commission.

8 **PSC 111.53 CPCN applications for large electric generating facilities.** (1) Except as
9 provided in sub. (2), a CPCN application for a large electric generating facility is not complete
10 until the applicant has filed the following information with the commission, concerning:

11 (a) The operating characteristics of the proposed project, including:

12 1. A description of the generating unit, including type, size, and fuel.

13 2. The expected hours of operation and lifetime of the plant.

14 3. The names and addresses of owners and investors and the percent of ownership.

15 4. The fuel source and availability. If the project uses fossil fuel, the fuel's heating value
16 and chemical analysis, the type of transportation to be used, and the approximate capacity of
17 on-site storage shall be provided.

18 5. The project's estimated capacity factors, per generating unit, and the basis for the
19 estimates.

20 6. The estimated rate of discharge of pollutants for appropriate time intervals, as related
21 to applicable regulatory standards.

22 7. The unit heat rates over the range of operating capacity.

23 (b) The need for the proposed project in terms of demand and energy.

1 (c) The economic aspects of the proposed project, including:

2 1. The estimated capital cost of the plant and all related facilities, broken down by major
3 plant accounts. All cost escalation factors used in the estimate shall be identified.

4 2. The projected unit fuel cost, in cents per million Btu, both for the first year of
5 operation and levelized in nominal terms over the life of the unit or plant. All cost escalation
6 factors used in the estimate shall be identified.

7 3. The estimated annual production cost, calculated as operating, maintenance and fuel
8 costs for the first year of operation and levelized in nominal terms over the life of the facility.
9 All cost escalation factors used and other significant supporting data shall be included.

10 4. The estimated annual total cost, calculated as capital and production costs for the first
11 year of operation, in mills per net kWh generated, and levelized in nominal terms over the life of
12 the facility. All cost escalation factors used and other significant supporting data shall be
13 included.

14 5. The estimated useful life of facility, based on depreciation rates established by the
15 commission.

16 (d) The alternative sources of supply considered, including ^{all of} the information listed in
17 subs. 1. to 5. ^{except that} if cogeneration is not part of the proposed plant, the applicant shall explain why
18 cogeneration is not feasible as part of the information provided under subs. 3. and 4.

19 1. Energy conservation and efficiency.

20 2. Noncombustible renewable energy resources.

21 3. Combustible renewable energy resources.

22 4. Nonrenewable combustible energy resources, such as natural gas, oil or coal with a
23 sulfur content of less than one percent, and all other carbon-based fuels.

1 5. Purchased power.

2 (e) At least two proposed sites for the proposed plant, including a description of the
3 siting process and a list of the factors considered in choosing the alternatives.

4 (f) Site-related information for each proposed power plant site, including:

5 1. The permits required. *as license & other approvals*

6 2. The construction schedule and timeline, showing construction activities and
7 permitting expectations from the beginning of construction to the in-service date.

8 3. The availability of transportation for fuel delivery and requirements for gas pipeline
9 construction. If a certificate of authority under s. 196.49, Stats., is required to construct the gas
10 pipeline, the applicant shall identify the location, termini, length in miles, size of pipe, and
11 pressure.

12 4. Any required transmission line construction, agreements for use of the transmission
13 system to deliver plant power, transmission losses, and effects on system reliability. If a
14 certificate of authority under s. 196.49, Stats., is required to construct the transmission line, the
15 applicant shall identify for each transmission line the location of termini, length in miles, and
16 voltage.

17 5. Other auxiliary facilities, such as fuel storage and water storage.

18 6. Natural resources at each site, including:

19 a. Air quality. *which parameters?*

20 b. General soil associations.

21 c. Geology, noting active mines and quarries.

22 d. Water, including wetlands, rivers, streams and groundwater. *WQ vs. Quantity*

23 e. Vegetative cover, including wildlife habitat.

5 1 f. Endangered, threatened, and special concern species and communities.

2 7. Community-related information, including:

3 a. Site history.

4 b. Existing and proposed land uses at the sites.

5 c. Local infrastructure, including sewer, water, police, and fire protection.

6 d. Historical and archeological sites.

7 e. Potential health impacts.

8 f. Secondary impacts, including effects on revenue, jobs, and development.

9 g. Visual and noise impact.

10 8. Aesthetics.

11 9. If a CPCN is needed for construction of transmission lines as part of this application,
12 the required information under s. PSC 111.55.

13 (g) Any additional information the commission may request, including information
14 necessary for it to make the determinations listed in s. 196.491(3)(d), Stats., or to prepare an
15 environmental assessment or an environmental impact statement under s. 1.11, Stats.

16 (2) Applications for wholesale merchant plants need not include the information
17 identified in sub. (1)(b) to (d). In addition, applications for wholesale merchant plants, which are
18 to be owned, controlled, or operated by an affiliated interest of a public utility, shall include any
19 additional information as the commission may require in order to make a determination under
20 s. 196.491(3m)(a), Stats.

21 **PSC 111.55 CPCN applications for high-voltage transmission lines.** A CPCN
22 application for a high-voltage transmission line is not complete until the applicant has filed the
23 following information with the commission, concerning:

- 1 (1) The need for the proposed project, including all planning criteria, assumptions,
2 historical outage data, stability, and power-flow studies that address need.
- 3 (2) The physical design characteristics, including structure type, design span length,
4 conductor size and type, foundation type, operating voltage, and feasibility of future increases in
5 operating voltage.
- 6 (3) The basis for selection of physical design characteristics.
- 7 (4) The estimated magnetic field levels.
- 8 (5) The substation design or modifications to existing substations.
- 9 (6) The names and addresses of owners and investors, and percent of ownership. *of*
- 10 (7) The construction schedule and required permits.
- 11 (8) Any additional information the commission may request, including information
12 necessary for it to make the determinations listed in s. 196.491(3)(d), Stats., or to prepare an
13 environmental assessment or environmental impact statement under s. 1.11, Stats.
- 14 (9) Whether an open-access tariff has been filed with the FERC.
- 15 (10) Except as otherwise submitted under this section, alternative routes and the
16 pertinent factors considered in choosing the alternatives, including engineering, economic,
17 safety, reliability and environmental considerations. The applicant shall provide all of the
18 following information for each of the alternative routes:
 - 19 (a) Estimated construction cost and assumptions.
 - 20 (b) Geology. *} detail,*
 - 21 (c) Topography. *- how characterize?*
 - 22 (d) General soil associations.
 - 23 (e) Water resources, including wetlands, lakes, rivers, and streams.

5

- 1 (f) Vegetative cover, including wildlife habitat.
- 2 (g) Endangered, threatened, and special concern species and communities.
- 3 (h) Existing and proposed land uses along the routes.
- 4 (i) Land in public ownership.
- 5 (j) Areas of residential concentration.
- 6 (k) Active mines and quarries.
- 7 (l) Communication towers, VHF omnidirectional range plus tactical air navigation
- 8 (VORTAC) stations, and airports.
- 9 (m) Wild rivers, scenic rivers, and scenic roads.
- 10 (n) Historical and archeological sites.
- 11 (o) Designated natural areas.
- 12 (p) Opportunities for corridor sharing.

5
12
13

14 **EFFECTIVE DATE:** This rule shall take effect on the first day of the month following
 15 publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

16
17

(End)