

State of Wisconsin



2005 Assembly Bill 441

Date of enactment: **August 12, 2005**
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2005 WISCONSIN ACT 29

AN ACT *to amend* 196.491 (3) (e); and *to create* 196.491 (3) (a) 2m. of the statutes; **relating to:** applications for certificates of public convenience and necessity for certain electric generating facilities.

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

SECTION 1. 196.491 (3) (a) 2m. of the statutes is created to read:

196.491 (3) (a) 2m. If an application for a large electric generating facility is complete in all other respects, the commission shall determine that the application is complete under subd. 2. even if one or more of the following apply:

a. The application includes some but not all of the information necessary to evaluate or approve the construction of transmission facilities that may be associated with the proposed electric generating facility and a person other than the applicant will construct, or be responsible for the construction of, the transmission facilities.

b. The applicant proposes alternative construction sites for the facility that are contiguous or proximate, provided that at least one of the proposed sites is a brown-field, as defined in s. 560.13 (1) (a), or the site of a former

or existing large electric generating facility.

c. The applicant has not yet obtained all the permits or approvals required for construction.

SECTION 2. 196.491 (3) (e) of the statutes is amended to read:

196.491 (3) (e) If an application filed under par. (a) 1. does not meet the criteria under par. (d), the commission shall reject the application or approve the application with such modifications as are necessary for an affirmative finding under par. (d). ~~The commission may not issue a certificate of public convenience and necessity under this subsection until the department has issued all permits and approvals identified in the listing specified in par. (a) 3. a. that are required prior to construction.~~

SECTION 3. Initial applicability.

(1) The treatment of section 196.491 (3) (a) 2m. and (e) of the statutes first applies to applications filed with, pending before, or reopened or reconsidered by, the public service commission on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].