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Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Commerce, Utilities and Rail
(SC-CUR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

— Original Message —

From: D & L Roberson

To: lrminsul

Sent: Tuesday, October 18, 2005 6:25 AM

Subject: # WI: A Comparison of Impacts: Coal versus Wind Power

From RENEW Wisconsin

http://www.zmetro.com//community/us/wi/madison/renew/archives/2005/10/a_comparison_of.html

A Comparison of Impacts: Coal versus Wind Power

This month's e-newsletter from The Alternative Energy Institute included a lengthy comparison of coal versus wind. Sections of the article are excerpts from *Powering Our Future: An Energy Sourcebook for Sustainable Living*. Excerpts were modified to fit the article.

A. Pollution Emissions

Coal: Coal is one of the greatest contributors to acid rain, smog, and global warming. It is the most polluting energy source per unit of energy.

Each year, a single coal plant of average size (500 megawatts) emits:

- 3,700,000 tons of carbon dioxide, the equivalent of cutting 161 million trees. Carbon dioxide, primarily due to fossil fuel combustion, is the leading contributor to global warming.
- 10,200 tons of nitrogen oxides, a leading cause of smog and acid rain. In humans, nitrogen oxides also become trapped in the lungs, causing and aggravating respiratory problems.
- 10,000 tons of sulfur dioxide. Sulfur dioxide is a leading cause of acid rain, which deteriorates the health of forests and lakes. It also penetrates our lungs causing a number of respiratory conditions in humans.
- 720 tons of carbon monoxide, which is a highly poisonous gas. It enters the bloodstream through the lungs and disrupts the distribution of oxygen throughout the body. Carbon monoxide is fatal in sufficient concentrations.
- 500 tons of particulate matter, which causes bronchitis and premature death, among other health challenges.
- 220 tons of volatile organic compounds, which are an essential ingredient of smog.
- 225 pounds of arsenic, which causes cancer, even in small quantities.
- 170 pounds of mercury, which particularly affects the mental development of fetuses. One-sixth of American women of child-bearing age have unsafe mercury levels in their bodies.
- 14 pounds of lead, which is also highly poisonous.

These are most of the main pollutants, though there are many other toxic heavy metals and radiation particles that are also emitted by burning coal. Many of these substances can have severe, if not fatal effects, even in trace amounts.

Wind: Wind emits no air pollution, nor does it produce greenhouse gases, which are the cause of global warming. Some individuals living within a one-mile radius of large wind farms complain of headaches and sleeping problems, due to noise pollution. Wind turbines are mechanical devices that emit low-frequency sound waves. Large wind farms should be appropriately sited for this reason.

B. Solid Waste and Water Discharge

Coal: The average coal plant produces 193,000 tons of sludge and 125,000 tons of ash each year. Typically, these

8/15/2006

March 3, 2008

Senate Commerce, Utilities & Rail Committee
Room 313 South
State Capitol
PO Box 7882
Madison, WI 53707

Dear Chairman Plale and Committee Members:

It is time to seriously look at the consequences of industrial wind turbines being placed as close as 1,000 feet from Wisconsin resident's homes. For the past two years, I have been researching and speaking with people around the world whose lives have been destroyed for this very reason. Many towns and counties have formed "wind advisory committees" to study and research the affects of living near wind turbines. Eliminating local control for regulating wind turbines is outrageous!

In a document written by RENEW Wisconsin on October 18, 2005, "WI: A Comparison of Impacts: Coal versus Wind Power", RENEW Wisconsin states, "*Wind emits no air pollution, nor does it produce greenhouse gases, which are the cause of global warming. Some individuals living within a one-mile radius of large wind farms complain of headaches and sleeping problems, due to noise pollution. Wind turbines are mechanical devices that emit low frequency sound waves. Large wind farms should be appropriately sited for this reason.*" **WIND FARMS SHOULD BE APPROPRIATELY SITED FOR THIS REASON!** RENEW discovered individuals living within **ONE MILE** of large wind farms have health issues. Why are they continuing to promote a 1,000-foot setback from homes?

On another note, the "State Model Wind Ordinance" has neglected to protect the Niagara Escarpment. The Niagara Escarpment, listed in the Wisconsin Land Legacy Report, is **one of sixteen** ecological landscapes in the state. The purpose of this report is to identify the places believed to be **most important to meet the state's conservation and recreation needs over the next 50 years and is supported by Gov. Jim Doyle.** We are very fortunate to have this "ancient" Legacy Site in Wisconsin, which now needs protection.

Please oppose Senate Bill 544 and allow local governments to continue regulating wind energy systems. Thank you for your time and consideration in this matter.

Sincerely,



Rose Moehn
W4861 Moore Road
Hilbert, WI 54129

Attachment





midwest
renewable energy
association

February 26, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708


Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

The Midwest Renewable Energy Association would like to express our support for the Campaign for Sensible Wind Permitting. The proposed wind site reform legislation would provide a solid foundation for renewable energy growth in Wisconsin. We support the legislation for the following reasons:

1. Under current law, the Public Service Commission has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. The proposed legislation would not change the threshold that triggers PSC pre-emption authority.
2. Under current law, local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and no statute grants the PSC explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.
3. The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development, unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality and Wisconsin experience. As a consequence, approximately 400 MW of planned wind developments, representing \$800 million in investment and \$1,600,000 per year in payments to local governments, are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.
4. The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.
5. The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process provide developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.
6. Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

Sincerely,
Tehri Parker, Executive Director

7558 Deer Road ■ Custer, WI ■ 715.592.6595
www.the-mrea.org

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February 26, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Re: Please support legislation requiring that local regulation of a wind energy system be consistent with Public Service Commission rules.

Dear Senator Plale and Representative Montgomery:

On behalf of the Citizens Utility Board, I urge you to support legislation that would clarify the laws and rules regarding the permitting of wind energy systems.

The Citizens Utility Board of Wisconsin (CUB) is a member-supported nonprofit organization that advocates for reliable and affordable utility service. CUB represents the interests of residential, farm, and small business customers of electric, natural gas, and telecommunication utilities before the Legislature, regulatory agencies, and the courts.

This legislation would address problems with the current process for issuing permits for wind energy facilities. Unless local ordinances are to protect public health and safety, state law prohibits local jurisdictions from restricting wind development. Unfortunately, there are no agreed-upon standards for permitting wind energy systems. Given this uncertainty, several local jurisdictions have imposed unreasonable restrictions and requirements on wind energy projects that have unnecessarily delayed their development.

To date, these restrictive local ordinances have stalled about 400 megawatts of wind energy projects, representing \$800 million in investment and \$1,600,000 per year in payments to local governments.

Wind is likely the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. The single biggest constraint to increasing wind generation in Wisconsin is the permitting process, which is far more problematic here than in neighboring

states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

The proposed legislation would require the Public Service Commission (PSC) to promulgate rules setting forth permitting standards that would apply to all wind energy installations. Under current law, the Public Service Commission oversees the process of issuing permits for all power plants larger than 100 megawatts, whereas local governments have permitting authority over all power plants under 100 MW, including wind energy installations.

PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.

The proposed legislation would not change the threshold that triggers PSC pre-emption authority. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.

The proposed legislation would create a procedure for appealing local permitting decisions to the PSC for projects above 1 megawatt. This appeal process would provide developers and decision-makers alike with a well-defined framework and timetable for preparing, reviewing and deciding on applications to construct wind energy projects.

For these reasons, we urge you to support this legislation.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Higley". The signature is written in a cursive, flowing style.

Charlie Higley
Executive Director





119 South Main Street | PO Box 128 | Cottage Grove, Wisconsin 53527-0128
Ph: 608.839.1998 | Fax: 608.839.1995

www.nrc-inc.net

February 27, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery:

This letter is in support of the Wind Permitting Reform Legislation being proposed in Wisconsin. The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.

Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

Thank you for your attention on this very important Statewide topic.

Sincerely,

Natural Resources Consulting, Inc.

Jon H. Gumtow, PWS, PSS

Principal Scientist



Full Circle Farm

February 27, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery,

I am writing to support the proposed legislation to reform the wind siting rules in Wisconsin. I have seen how the current process is dysfunctional and needs reform if we are serious about the need for more renewable energy production.

I am a dairy farmer from Shawano County. I believe that everyone needs to do as much as possible to reduce our emissions of greenhouse gases. I am a strong supporter of conserving and increasing the efficiency of all fossil fuel usage. I also believe that we need to make bold moves into renewable energy. Wind energy has great potential.

I am writing to support any effort to make wind siting rules uniform across the state. I lived through the debacle of the Shawano County wind siting ordinance. The creation and adoption of this ridiculous ordinance is reason enough to make the wind siting process uniform across the state.

Shawano County's ordinance was stolen from public debate by those who did not want to hear all sides of the wind energy issue. They heard only the scare tactics of critics who taught others to hate all wind turbine sitings. They exaggerated details and distorted the truth. I have "survived" the process of applying for a 35kw wind turbine for our farm. It took about 5 meetings with the county's planning director to even know how to apply. Then I had to put up with 6 public hearings where I was called, "A sleazy real estate agent who didn't care about my neighbors." and I was told that, "...all of your neighbors are against you." (even though it was not true.) By the way, our organic dairy farm is in the Adamski family since 1900.

I had to request 14 different variances to the Shawano County ordinance. Complying with the ordinance would have been financially impossible. One section of the ordinance requires wind turbine applicants to test every private well within one mile of a proposed turbine for arsenic, nitrates, phosphorus, calcium, magnesium, iron, lead, atrazine, bacteria, total dissolved solids, and documentation of flow rates. There is no evidence of any wind turbine construction or operation ever causing any of these problems, yet it is a part of the ordinance.

I could detail reams of data about the frivolous obstacles created by this ordinance. The application process has made me aware of how barriers to entry, like this ordinance, can be used to stymie progress and to lock in institutions causing more serious problems.

The county's board of adjustment voted unanimously to grant all variances as I requested, and the county's PD&Z committee also voted unanimously to grant me a conditional use permit to construct the turbine. However, the ordinance still sits as the record in the county and is being upheld as the model that other wind turbine opponents use around the state and throughout the country.

I implore those deciding the outcome of this proposal to make wind siting rules uniform across the state to base their decisions upon the facts rather than just the opinions of those who think wind turbines are not pretty. The beauty of wind turbines is the fact that they can capture energy without emitting any greenhouse gases.

Sincerely,
Rick Adamski
W2407 Hofa Park Rd.
Seymour, WI 54165
920-833-6704
radamski@itol.com



CWEST

Coalition for Wisconsin Environmental Stewardship

February 28, 2008

MEMO

To: Wisconsin Legislators

RE: Opposition to LRB 4107/4 PSC Wind Energy Preemption Bill

CWEST is a new statewide organization whose mission includes *the promotion of policies which fully address the adverse impacts of large-scale industrial-type wind energy projects to nearby residents, property owners, local governments, and the environment.* We represent thousands of citizen activists throughout Wisconsin, who have put thousands of hours of time into researching the best practices for the siting of wind turbines.

LRB 4107/4 is perhaps the worst example of the state eliminating local control that has crossed your desk in many a year. This product of the PSC is saying to our members, "Too bad you have spent all these hours assisting local governments to design responsible local ordinances. These ordinances are not pro-wind enough, so we must preempt them."

Please note that our group does not oppose the siting of wind turbines, we merely seek to have them sited with the appropriate safeguards in place to protect the health, safety, and property rights of the neighbors.

LRB 4107/4 does NOT provide any safeguards for citizens, but is a sledgehammer approach to force windmill ghettos into any corner of Wisconsin that a wind developer deems attractive. The PSC, and only the PSC, will determine issues such as setback and noise levels. *The so-called "state model ordinance" that was developed earlier by the PSC is an example of how one-sided their position will be.*

This model ordinance was put together by 3 state workers, 6 representatives of utilities, 3 wind energy advocates, and 2 pro-wind environmental groups. No one representing the interests of community groups was invited to the party.

Now we see a draft put together over the last several weeks and again, despite the fact that our local chapters have been very vocal and very active, none of our stakeholders were invited by the PSC to help draft this language.

Clearly this is by design. The PSC is asking for authority to continue to step on the concerns of local citizens and if this bill becomes law, neighbors will be left with no recourse.

Just so you understand the concern: at 1000' setback, the **noise** from a wind turbine can exceed 50 db which, as a constant drone, could absolutely ruin the peace and quiet associated with rural life and dramatically reduce property values. But at 2600', noise ceases to be a major problem in most areas.

Shadow flicker can be a tremendous nuisance to neighbors or drivers if local governments are prevented from taking this flicker into account.

With the 1000' to residence setback, and a much smaller setback to property lines, neighbors' land would be effectively "taken" so that they **could never build** within the 1000' setback line and no provision for compensation is provided.

Current PSC position, as reflected in the "model ordinance" provides only 1000' setback, provides inadequate treatment of shadow flicker, and does not recognize the property rights issue at all.

The siting of wind turbine power plants is a major issue which will affect the landscape for generations to come. We respectfully ask that all action on LRB 4107/4 be delayed until a Legislative Council study can be conducted to truly address the issues we have raised.

We can protect the environment, meet Wisconsin's Renewable Portfolio Standards, site plenty of wind turbines, AND protect Wisconsin's strong tradition of citizen involvement in local decisions, IF we work together. **CWESt wants to be a part of the solution.**

For more information please contact our representative: Bob Welch 608-819-0150
info@thewelchgroup.org



February 28, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Dear Sen. Plale:

I am writing regarding the bill on Wind Permitting Reform.

Under current law, the Public Service Commission has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. The proposed legislation would not change the threshold that triggers PSC pre-emption authority. Local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and no statute grants the PSC explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.

The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality. As a consequence, approximately 400 MW of planned wind developments, representing \$800 million in investment and \$1,600,000 per year in payments to local governments, are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.

The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions. The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process provides developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.

Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest impediment to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

Sincerely,

Gerald K. Flakas
293 Fieldstone Road
Delafield, WI 53018



February 28, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Dear Sen. Plale:

I wish to write to you regarding the bill on Wind Energy Permitting Reform.

This bill is needed to help usher in an era of clean renewable energy that supports Wisconsin's economy and spreads the benefit of wind energy to a wider range of Wisconsin's citizens. Under current law, the Public Service Commission of Wisconsin has permitting authority for energy project 100 MW and over. At less than 100 MW, local authorities have permitting jurisdiction. For wind projects of less than 100 MW, local authorities have been creating a patchwork of rules, decisions, and road blocks that frequently rely on dubious claims and general ignorance of wind energy.

The proposed legislation will not interfere with local authorities' permitting under current state law. Current state law gives local authorities the ability to make permitting decisions based on public health and safety. However, when local authorities go beyond public health and safety or use misguided understandings of wind energy to make decisions, there is no recourse for project stakeholders to pursue, other than via expensive lawsuits. The result has been the effective moratorium on wind developments that do meet the standard of protecting public health or safety. The bill before the committee provides for process to develop siting standards for wind energy. The process of making the standards will be open to all stakeholders, both for and against wind. It is an example of democracy at its finest.

The current bill will allow for an appeals process to the Public Service Commission of Wisconsin for wind projects over 1 MW in capacity. The Public Service Commission will provide a forum for all project stakeholders to make a case for or against a permitting decision. This neutral forum will help direct a rational approach to a permitting decision that allows for scientific information to be considered, insulated against misinformation. The siting standards and appeals process will create an environment that is conducive to rational discourse, with fewer decisions being made on fear and misunderstanding.

As it stands now, Wisconsin is missing out on \$800 million of investment, and \$1,600,000 in annual payments to local governments. This is due to the misinformed decisions by many local permitting authorities who have instituted effective moratoriums on wind energy development. No other industry in the state has been so treated and I find it appalling that an industry promising clean renewable energy, jobs, and revenue is being prevented from growing in the state. Wisconsin has very few energy resources other than wind, solar, biomass and water. As a result Wisconsin must import vast quantities of energy, exporting billions of dollars from the economy each year. The multiplier effect of keeping these dollars in the state, by developing our own energy resources, will provide an additional boost to Wisconsin's economy. Wind energy aligns with State policy to deliver 10 percent of Wisconsin's electricity with renewable energy. The delays and cost overruns caused by the current permitting environment are robbing Wisconsin of a promising future. The bill before the committee will help rectify the situation while still allowing for a protection of public health and safety. The bill is an example of all the best that is Wisconsin.

Sincerely,

Richard Hasselman
3819 Winnemac Ave.
Madison, WI 53711





EcoEnergy Wind
211 S. Paterson St., Suite 380
Madison, WI 53703
Phone : 815-266-4272
Fax : 815-266-8972

2/28/2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capital
Madison, WI 53708

RE: Wind Permitting Reform

Dear Senator Plale:

I am writing to encourage the passage of the proposed legislation for wind permitting reform. Our business, and many others in Wisconsin, have grown and are prospering in a time of economic downturn. We have opened offices in Madison in 2007 and now have a staff of ten people working from Madison to develop renewable energy projects in Wisconsin.

This growth cannot continue in Wisconsin without some reasonable and uniform siting requirements for wind projects.

Our projects, and others face uncertainty in obtaining permits, and face an increasing number of townships and counties adopting regulations that prohibit economically viable wind projects (a violation of Wisconsin Statute 66.0401).

Wind is Wisconsin's greatest renewable energy asset in today's economy. Wind generated electricity is price competitive with other new power plants being constructed today in Wisconsin, AND it offers the benefit of no new emissions, water usage, and minimal land use.

Wisconsin can meet 20% of its electrical needs within the next fifteen years with the installation of an additional 4000MW of wind projects, taking fewer than 2000 acres out of agricultural use while providing the energy equivalent of the state's nuclear power plants.

Yes, we understand these projects have impacts, and we work to design the best possible projects to minimize any impacts to the communities other than the positive ones of jobs, tax revenues, and local and clean renewable power.

Thanks for your consideration of this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Slaymaker".

Wes Slaymaker, P.E.
VP Wind Development

www.EcoEnergyLLC.com

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February 28, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Sen. Plale and Rep. Montgomery:

I am writing to strongly support Wind Permitting Reform Legislation. Renewable energy is long overdue in much greater quantities than any mandates set by federal, state and local governments. The current permitting environment for wind energy development is stopping/slowing projects that need to move forward. As long as all groups and people interested have the ability to ask questions, and voice support, or opposition I strongly support legislation to standardize Wind Permitting across the state. I have been reading various articles where permits are being halted based on reasons that are not strong enough to stop such a vital energy production model-wind energy. This issue needs to be considered for the greater public good.

Thanks in advance for taking my comments under consideration,

Dan Knickmeier
4246 Jordan Drive
McFarland, WI 53558
608-835-8333
dknickmeier@charter.net



Amy Klusmeier
145 Division St., Apt B
Madison, WI 53704

February 28, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

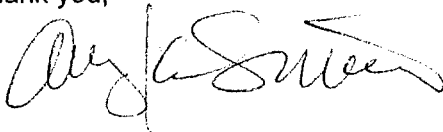
Dear Senator Plale and Representative Montgomery,

I am writing to urge you to support wind permitting reform legislation. The current permitting environment for wind facilities is dysfunctional. Though state law prohibits local jurisdictions from redistricting wind development, unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. As a consequence, approximately 400 MW of planned wind developments are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.

The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1MW. This appeal process provides developers and decision-makers with a tightly defined framework and timeline for preparing, reviewing and deciding on applications to construct commercial wind turbines.

Wind is the only clean energy resource that can meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic than in neighboring states. I recently drove from Des Moines to Minneapolis. I was shocked and delighted to see the landscape in northern Iowa and southern and central Minnesota filled with wind turbines. Clearly, these states are a step ahead of Wisconsin in generating clean, sustainable energy. I am proud to live in a state that is a leader in energy conservation; I would like Wisconsin to also become a leader in installing and generating clean energy. Please take an important step in this process and support wind permitting reform legislation.

Thank you,



Amy Klusmeier





1425 Corporate Center Drive
Sun Prairie WI 53590 - 9109

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Fax 608 - 837 - 0274
www.wppsys.org

February 29, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery:

I am writing to express Wisconsin Public Power Inc.'s (WPPI's) support for Assembly Bill 899, legislation that would rationalize wind siting processes within the state.

Under current law, the Public Service Commission (PSC) has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. AB 899 does not preempt local government's existing authority to permit wind facilities under 100 MW. However, it does require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations.

Standardization is critical. An inefficient and confusing patchwork of local ordinances is being developed across the state. Lacking clear guidance on a number of technical issues that can make or break the ability of a wind project to be developed, each community is left to its own resources to garner sufficient expertise to promulgate environmental, safety, financial and other standards. Under AB 899, the PSC, through an open rulemaking, will provide a fair and balanced process by which to develop consistent standards for the state as a whole. Supporters and opponents of wind facilities would have an equal opportunity to engage in this rulemaking.

As you may be aware, WPPI has been developing community-based wind projects for the past year. These projects consist of three to five wind turbines in a single community that will be connected to our member's electric distribution system. The concept is to support local renewable resources to serve local communities. These projects would be on the order of 4.5 to 7.5 MW in size. WPPI expects, in aggregate, to secure up to 25 MW of wind power through this program. WPPI's experience with community-based wind has demonstrated that it can be more difficult in the state of Wisconsin to permit two wind turbines than it is to site a large wind farm with more than 50 turbines. This makes no sense and illustrates the need for a more rational process.

As WPPI seeks to develop renewable resources to meet state mandates and to address concerns regarding global warming, wind is the renewable energy resource of choice. At least 90 percent of the energy needed to meet Wisconsin's 10 percent statewide renewable target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the existing permitting process. This is bad for the environment, bad for economic development within the state, and inconsistent with the state's policy objectives. WPPI appreciates your leadership on this issue and encourages rapid adoption of AB 899.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Paque", with a long horizontal flourish extending to the right.

Tom Paque
Vice President - Customer Services & Administration



MEMORANDUM

TO: Honorable Members of the Senate Committee on Commerce, Utilities and Rail

FROM: Monica Groves Batiza, Legislative Associate

DATE: February 29, 2008

SUBJECT: Testimony for Information Only on Senate Bill 544

The Wisconsin Counties Association (WCA) has been an active participant in the drafting of Senate Bill 544 (SB 544). After several meetings at the Public Service Commission (PSC) that included, but were not limited to, the Wisconsin Towns Association and RENEW Wisconsin we believe that the product you have before you today is a good faith compromise on a subject that is of significant impact to local governmental units throughout Wisconsin.

WCA recognizes the important role that wind energy plays in reaching Governor Doyle's renewable energy goal of 10 percent by 2015. We share a commitment to support alternative sources of energy and appreciate being called upon to lend our voices to such an important discussion.

Current law allows county governments the ability to adopt ordinances in opposition to the development of wind energy installations if there is a concern for health and safety. Under SB 544, the PSC is required to promulgate rules establishing common standards for political subdivisions to regulate the construction and operation of wind-powered generating projects. If a political subdivision chooses to regulate such projects, its ordinances may NOT be more restrictive than the PSC rules, and any aggrieved party may seek review by the PSC.

SB 544 is the result of an active collaboration between groups on all ends of this issue and is truly a compromise. Despite some serious initial concerns, WCA believes SB 544 is a good start to what may be an extensive dialogue on the subject of uniform statewide standards with respect to wind energy. We have asked our counties to look at the proposal within this context and participate constructively as the discussion continues.

Thank you for considering our comments. Please contact me if you have any questions.

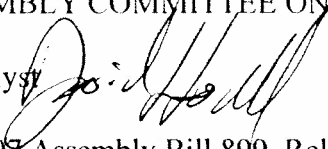




WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: MEMBERS OF THE SENATE COMMITTEE ON COMMERCE, UTILITIES, AND RAIL
MEMBERS OF THE ASSEMBLY COMMITTEE ON ENERGY AND UTILITIES

FROM: David L. Lovell, Senior Analyst 

RE: 2007 Senate Bill 544 and 2007 Assembly Bill 899, Relating to the Siting of Wind Energy
Facilities

DATE: February 29, 2008

This memorandum summarizes the provisions of 2007 Senate Bill 544 and 2007 Assembly Bill 899, relating to the siting of wind energy facilities.

CURRENT LAW

Current law limits the authority of a political subdivision (county, city, town, or village) to regulate the placement of solar and wind energy systems. Specifically, a municipality is prohibited from placing any restriction, either directly or in effect, on the installation of such a system, unless the restriction satisfies one of the following conditions:

- The restriction serves to preserve or protect the public health or safety.
- The restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
- The restriction allows for an alternative system of comparable cost and efficiency.

In addition, current law authorizes a political subdivision to adopt an ordinance to require the trimming of vegetation that blocks sunlight or wind from reaching a solar or wind energy system.

THE BILLS

Public Service Commission Rules

The bills direct the Public Service Commission (PSC) to promulgate rules relating to both the standards a political subdivision may impose on wind energy systems and the procedures a political subdivision must follow in reviewing permit applications.

The PSC rules must specify the maximum restrictions a political subdivision may impose on the installation or use of a wind energy system. The subject matter of the rules may include all of the following:

- Visual appearance and lighting.
- Electrical connections to the power grid.
- Setback distances.
- Maximum audible sound levels and proper means of measuring noise.
- Interference with radio, telephone, or television signals.
- Decommissioning.
- Matters consistent with the criteria in current law, described above.

The PSC rules must also specify the following procedural matters relating to applications for a permit to install a wind energy system:

- The information and documentation that must be included in a permit application to demonstrate that the proposed wind energy system complies with the substantive standards in the PSC rules.
- The information and documentation that must be included in a political subdivision's record of decision regarding the permit application.
- The procedures a political subdivision must follow in reviewing a permit application.

Municipal Regulation

Authority to Regulate

The bills state that a political subdivision may not regulate wind energy systems, or deny or impose a restriction on a permit to install a wind energy system unless it adopts an ordinance that is consistent with and no more restrictive than the PSC rules, described above.

The bills also state that a political subdivision may not place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the PSC rules described above, or that does not satisfy one of the conditions on such regulations in current law, described in the first section of this memorandum.

The bills specify that a county ordinance to regulate wind energy systems applies only in the unincorporated parts of the county. If a town enacts an ordinance, either before or after the county enacts an ordinance, the more restrictive terms of the two ordinances will apply within that town.

Procedures and Time Limits

The bills prescribe the following procedures and time limits for a political subdivision's review of an application for a permit to install a wind energy system:

- Within 45 days of receipt of an application, the political subdivision must determine whether the application is complete; if the political subdivision does not meet this deadline, the application is considered to be complete.
- If the political subdivision determines that the application is incomplete, it must notify the applicant of the specific deficiencies in the application; the applicant may supplement and resubmit the application.
- Within 90 days of determining that an application is complete, the political subdivision must approve or disapprove the application; if the political subdivision fails to meet this deadline, the application is considered to be approved.
- Within this 90-day review period, a political subdivision may extend the review period by up to an aggregate total of 90 days by any combination of the following:
 - An extension of up to 45 days if the political subdivision needs additional information.
 - An extension of up to 90 days if the applicant makes a material modification to the application.
 - An extension of up to 90 days for other good cause specified in writing by the political subdivision.

Approval; Record of Decision

The bills require that a political subdivision make a record of its decision-making in conformance with the PSC rules, including all of the following:

- A recording of any public hearing.
- Copies of documents submitted at any public hearing.
- Copies of any other documents provided to the political subdivision in connection with the application.

The bills require that the political subdivision base its decision to approve or disapprove an application on findings of fact that are supported by the record, in conformance with the PSC rules.

Review of Municipal Permit Decisions

In general, any decision of a political subdivision may be reviewed by an appeal to circuit court. However, such an appeal usually is not allowed until the person making the appeal has exhausted all opportunities for review or appeal within the political subdivision. Under the bills, these standard appeals procedures apply to any decision relating to a wind energy system with a generation capacity of less than one megawatt.

The bills create a separate appeals procedure applicable to decisions relating to a large wind energy system, defined as a system with a generation capacity of one megawatt or more, as follows:

- Any party aggrieved by a political subdivision's decision to approve, deny, or impose conditions on a permit to install a large wind energy system may appeal the decision to the PSC. The party is allowed but not required to seek review of the decision within the political subdivision prior to appealing to the PSC. The appeal must be filed with the PSC within 30 days of the political subdivision's final action on the permit application or, if review is sought within the political subdivision, within 30 days of the completion of that review process.
- Upon receiving an appeal, the PSC must notify the political subdivision. Within 30 days of receiving the PSC's notification, the political subdivision must provide a certified copy of its record of decision and any other relevant government documents the PSC requests.
- The PSC may confine its review to the municipality's record of decision or may expand the record if it determines that additional information is required.
- The PSC must issue a decision on the appeal within 90 days of receipt of all records it requests from the political subdivision, except that it may extend this deadline for good cause. The bills do not limit the amount of time by which the PSC may extend its review period.
- If the PSC determines that the political subdivision's decision does not comply with the PSC's rules or is otherwise unreasonable, the PSC's decision supersedes the political subdivision's decision and the PSC may order an appropriate remedy.
- An aggrieved party may not appeal to circuit court until the PSC review has been completed.
- A judicial review is of the PSC's decision, not of the political subdivision's decision.
- Injunctive relief is available only if certain conditions, which also apply to injunctive relief from PSC decision in general, are met.

Other Provisions

Testing Activities

The bills provide that a political subdivision may not prohibit or restrict any person from conducting tests to determine the suitability of a site for wind energy generation. Instead, they allow a political subdivision that objects to such testing to petition the PSC to impose reasonable restrictions on the testing.

Municipal Ordinances to Require Trimming of Vegetation

The bills do not modify a political subdivision's authority to enact an ordinance to require the trimming of vegetation that blocks sunlight or wind from reaching a solar or wind energy system. However, it clarifies that a county ordinance for this purpose applies only in towns that have not enacted such an ordinance.

Initial Applicability

The PSC's review process first applies to the decision of a political subdivision that is made after the effective date of the PSC's rules.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DLL:ksm





February 29, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery:


SUBJECT: Wind Permitting Reform Legislation

Dairyland provides wholesale electricity to 25 member distribution cooperatives and 19 municipal utilities in a service territory that encompasses 62 counties in four states – Wisconsin, Minnesota, Iowa and Illinois. These cooperatives and municipals, in turn, serve the needs of more than a half-million people. Eighteen of the member distribution cooperatives and 11 of the municipal utilities are within Wisconsin and represent about 70% of Dairyland’s service territory.

In order to meet the renewable energy requirements of Wisconsin, Minnesota, Iowa and Illinois, Dairyland has been very proactive regarding sources of renewable energy generation, including 18 MW of wind, 22 MW of hydroelectric, 14.4 MW of landfill gas, and 2.4 MW of methane digesters with additional projects planned for the near future.

Dairyland bases its renewable energy planning on economics, availability and siting. The primary advantage of planning wind projects is the ability to scale the projects to need. For example, a landfill gas to energy project is limited in size by the availability and life-span of the landfill gas, whereas the size of a wind project can be adjusted to fit need and has an indefinite life-span.

The Wisconsin Renewable Portfolio Standard requires Wisconsin utilities to increase their renewable energy content by 2% by 2010 and an additional 4% by 2015 to bring the state from a 4% average to 10% by 2015. To meet this requirement, Dairyland will need to rely on wind energy as a major source of renewable energy due to the limited size and availability of other renewable energy sources.

A Touchstone Energy® Cooperative 

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Representative Phil Montgomery
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The current uncertainty regarding wind permitting in Wisconsin forces Dairyland to seek wind projects where there is certainty regarding wind permitting. Dairyland's current wind projects are located in Minnesota and Iowa and all planned projects are located there also due to the wind permitting certainty. If Dairyland is mandated by the states to meet renewable energy requirements, then Dairyland needs to plan for those requirements with certainty. Dairyland and a wind developer were in active discussions regarding a wind project to be sited within Wisconsin only to see the project fall through due to a local zoning ordinance.

Dairyland supports the Wind Permitting Reform Legislation. The ability to plan projects in Wisconsin with certainty will help move the state towards meeting its goal of 10% renewable energy by 2015.

Sincerely,

DAIRYLAND POWER COOPERATIVE



Brian D. Rude
Director, External Relations

BDR:mkw



March 2, 2008

To the Senate,

We are farmers in the Town of Stockbridge, Calumet County, and are concerned that the legislature is considering having the Public Service Commission regulate the siting of wind turbines in the state.

Calumet County has a serious problem with the quality of safe drinking well water. The Calumet County Land and Water Conservation Dept. has been studying this problem for many years.

We feel that the siting of wind turbines needs to be controlled on the Township and County level by people who are familiar with the problems in the area.

Yours truly,
Art & Jean Hoerth
N4228 Moehrke Rd.
Chilton, WI 53014