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Details: Letters, May 12, 2009

(FORM UPDATED: 08/11/2010)

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

**2009-10**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Commerce, Utilities, Energy, &  
Rail (SC-CUER)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

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

**Brady, Kevin**

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**From:** Orłowski, Merith  
**Sent:** Tuesday, May 12, 2009 10:37 AM  
**To:** Brady, Kevin  
**Subject:** FW: SB185 Public Hearing

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**From:** Chris Olson [mailto:porchfire1@sbcglobal.net]  
**Sent:** Tuesday, May 12, 2009 7:01 AM  
**To:** Sen.Plale; Rep.Soletski  
**Cc:** Sen.Hopper; Rep.Montgomery; Rep.Bies; Sen.Lasee  
**Subject:** SB185 Public Hearing

Senator Plale & Representative Soletski,

I support SB185 proposal to encourage statewide uniform wind energy siting standards.

It just makes dollars and sense. We, as a state spent over \$18+ billion dollars last year on out of state fuel resources. We need to stop this bleeding of financial interest(s) from leaving the state and begin to invest here, and now. It's even less optimistic to think that Wisconsinites will be open to any new coal and/or nuclear plants to meet our rising energy demands.

Our neighboring states have seized their opportunities and recognized that wind energy is important and necessary to provide clean electricity, create jobs, and stop sending energy dollars out of state.

The small anti-wind groups fail to take into account our rising electricity demands and investment drain of energy dollars out of this great state (billions) and the responsibility to offer solutions at a statewide level to create jobs, keep the air clean, and provide a more sustainable approach to energy in Wisconsin.

We no longer create energy at a local level, so why don't our policies that govern such reflect a broader base? It doesn't make sense that energy may come from outside a jurisdiction and yet someone is allowed to create rules to govern any such practices within their own smaller community.

Electricity doesn't come from a switch, no more than milk comes from the store, and gas from the pump. We have to reconnect our demands with our communities. We need to stop denying ourselves what it takes for us to live and provide this great quality of life we have here in Wisconsin. We don't have the luxuries of other states that have coal, uranium, or natural gas as current energy fuel sources. Yet, we do have wind! Perhaps not greatest everywhere in the state, but with conservation incentives and the ability to implement more wind projects, we have the ability to severely reduce our financial energy divestment from this state. This benefits everyone, at every level.

We have an opportunity today to provide sensible and uniform solutions to siting wind energy systems that can keep our energy dollars and responsibilities statewide in Wisconsin.

Thank you for the opportunity to participate.  
Sincerely

Chris Olson  
46 E Redwood St  
Sturgeon Bay, WI 54235

[porchfire1@sbcglobal.net](mailto:porchfire1@sbcglobal.net)

5/12/2009



# WISCONSIN LABORERS' DISTRICT COUNCIL

AFFILIATED WITH A.F.L.-C.I.O. LABORERS' INTERNATIONAL UNION OF NORTH AMERICA  
4633 LIUNA Way, S-101, De Forest, WI 53532, Phone: (608) 846-8242, Fax: (608) 846-5460

THOMAS E. FISHER  
President/Business Manager

JOHN SCHMITT  
Secretary-Treas/Rec. Secretary



*Date:* May 12, 2009

*To:* Senator Jeff Plale, Chairman, and Members of the Senate Committee on Commerce, Utilities, Energy, and Rail  
Representative James Soletski, Chairman, and Members of the Assembly Committee on Energy and Utilities

*From:* Thomas E. Fisher, President and Business Manager

*Re:* Support for SB 185 / AB 256

On behalf of the Wisconsin Laborers' District Council I am writing in support of SB 185/AB 256, bills to create an efficient and uniform process for developing wind generation facilities in Wisconsin.

We believe the current fragmented process has repeatedly disrupted serious attempts at diversifying our state's energy portfolio and creating thousands of new jobs in Wisconsin. These are private sector development projects that if guaranteed a fair process would infuse much needed money into local economies and support further economic growth across all sectors.

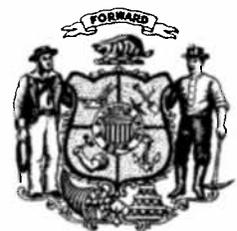
It has become increasingly apparent that the single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. SB 185 and AB 256 provide a fairer and more responsive process for the permitting of wind generating facilities.

On behalf of the thousands of unemployed construction workers across the state who stand to benefit directly from increased investment in wind energy that will occur as a result of SB 185 and AB 256, I urge your support.

Thank you.



# WISCONSIN STATE LEGISLATURE



# **BADGER ELECTRIC MOTOR**

Milwaukee  
5000 S. 2nd St.  
Milwaukee WI 53207  
(414) 483-8600

Appleton  
600 N. Bluemound Dr.  
Appleton WI 54914  
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Fax (414) 483-8645  
Service@badgerelectricmotor.com  
www.badgerelectricmotor.com

May 12, 2009

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

Representative James Soletski  
Chairman, Assembly Committee on Energy and Utilities  
Room 307 West, State Capitol  
Madison, WI 53708

re: Please Support SB 185 / AB 256

## Job Creation

- A commitment to wind energy development will serve as an economic catalyst for Wisconsin, creating jobs in manufacturing, construction, transportation, and O&M.
- According to the Renewable Energy Policy Project, Wisconsin could gain over 14,000 new jobs and attract \$1.6 billion in new investment from the wind industry.
- Wisconsin ranks fourth among states in terms of potential job gain, and fifth for potential investment, from turbine component manufacturing.<sup>1</sup>
- The current patchwork quilt of regulations has sent developers and utilities out of state forfeiting good-paying Wisconsin jobs on the extensive wind energy supply chain.

## Local Investment

- Wind energy is a significant financial opportunity for local governments.
- Municipalities and counties that host wind facilities larger than 50 MW receive a maximum payment from the state equal to \$2,000 per megawatt of capacity per year under the state utility credit (subject to per capita limits) and an additional \$2,000 per megawatt of capacity per year because wind facilities produce renewable energy.
- A 100 megawatt wind facility would contribute up to \$400,000 per year in local payments, which should help reduce the property tax burden of all landowners in the host jurisdictions.
- Wind facilities also provide income to local landowners who agree to have wind turbines placed on their land, generally in the form of lease payments.

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<sup>1</sup> Renewable Energy Policy Project. "Component Manufacturing: Wisconsin's Future in the Renewable Energy Industry." *January 2006*.

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www.badgerelectricmotor.com

## State Energy Policy

- Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements (10% by 2015).
- Somewhere between 75% and 95% of the energy needed to meet the 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.

## PSC Process

- The bill does not specify any setback or sound requirements.
- The PSC already has oversight on every other form of electrical generation so they are the logical agency with the expertise to handle this rule-making.
- The proposed legislation would require the PSC to promulgate rules; 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 bill requires that the PSC establish an advisory committee under section 227.13 of the statutes, to advise the commission on the rules.
- The PSC has the responsibility of implementing state energy policy while protecting public health and safety. *This legislation does not dictate what those standards must be.*
- The Commission will set those standards based on both Wisconsin wind generation experience and relevant scientific analysis available from other sources.

Sincerely,

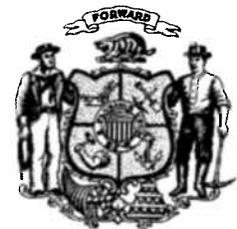


Paul Mater, President,  
Milwaukee & Appleton Service Centers

Badger Electric Motor, Inc  
5000 South 2<sup>nd</sup> Street  
Milwaukee, WI 53207  
414-483-8600 Phone  
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paul@badgerelectricmotor.com



# WISCONSIN STATE LEGISLATURE



SEVENTH  
GENERATION



ENERGY  
SYSTEMS

SEVENTH GENERATION  
ENERGY SYSTEMS

100 S. Baldwin St. Ste. 304  
Madison, WI 53703  
Phone: 608-467-4228  
Fax: 866-762-7496

Email:  
[info@seventhenergy.org](mailto:info@seventhenergy.org)

Web:  
[www.seventhenergy.org](http://www.seventhenergy.org)

May 12, 2009

SB 185?

Honorable Chairperson and Members of the Committee, thank you for the opportunity to comment on the proposed Wind Siting Reform bill. I represent Seventh Generation Energy Systems, a Wisconsin-based renewable energy company specializing in the installation of wind energy systems and wind data acquisition tools. We now have eleven employees and annual sales in excess of one million dollars.

Unfortunately, most of our revenue is generated from work done outside of Wisconsin. The reason is simple – a balkanized wind energy permitting landscape, in conjunction with several high-profile anti-wind ordinances, have stymied the efforts of large-scale and community-scale wind farm developers as well as homeowners and farmers who simply want to put up a small wind energy system for their own use and benefit.

Yet the demand for clean energy solutions has never been greater. The reasons are also simple – recent record high energy prices, a struggling economy, and favorable federal tax policies combined with Governor Doyle's leadership through the Global Warming Task Force, Renewable Portfolio Standard, Office of Energy Independence and the Wisconsin Focus on Energy program. Brought together, these factors afford the state a unique opportunity to grow the economy and enhance the environment.

However, there are barriers to this growth. One is the lack of skilled labor. It is a challenge for us to find and hire skilled technicians. But, we also believe the Wisconsin Technical College System will rise to this challenge and soon provide our industry with the best workers anywhere.

The biggest barrier at this point is the inconsistent and sometimes antagonistic zoning and permitting policies encountered throughout our 72 counties and thousands of local governments. No other factor creates more uncertainty, takes more time and needlessly wastes money than permitting of wind energy projects.

Through no fault of their own, local officials are caught unprepared for the onslaught of misinformation and Henny-Penny hysteria proffered by the organized anti-wind lobby. Make no mistake, the opponents of clean energy have cleverly latched on to the "public health and safety" stipulations of Wisconsin law to craft a never-ending slew of misleading reasons why wind mills should not be allowed. While these specious arguments have little merit, the dedicated men and women who administer local government are ill-equipped to separate fact from fiction during the heat of a permit hearing.

This is exactly why wind energy experts and regulators labored over the creation of the Wisconsin model wind ordinance – to establish a uniform set of siting criteria based on facts and best industry practices. Opponents of a statewide siting bill argue that local control will be diminished. By this rationale, there would be no National Electric Code, Plumbing Code or Building Code. Imagine the chaos that would exist if every township were obliged to craft its own codes. It should also be noted that these national codes were written by industry experts: electricians, plumbers and builders, not by laypersons or worse, luddites opposed to electric lighting and flush toilets.

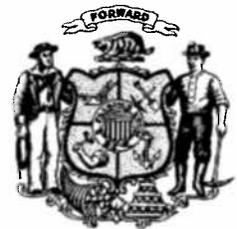
Wisconsin is once again poised to demonstrate its national leadership and continue its tradition of enacting progressive legislation by establishing a uniform standard for the siting of wind energy systems. We conclude by thanking the Committee for its time and offering our unconditional support for this legislation.

Respectfully submitted,

Dave Drapac  
Development Director



# WISCONSIN STATE LEGISLATURE





# **Wisconsin Builders Association**

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May 12, 2009

**TO:** Members of the Senate Committee on Commerce, Utilities, Energy, and Rail  
Members of the Assembly Energy and Utilities Committee

**FROM:** Brad Boycks  
Director of Government and Political Affairs  
Wisconsin Builders Association

**RE:** Assembly Bill 256 (AB 256) and Senate Bill 185 (SB 185) relating to the regulation of wind energy systems

The Wisconsin Builders Association (WBA), which represents 7500 members throughout Wisconsin supports delaying any action on AB 256/SB 185 until after the passage of the state budget. The issue of regulating wind energy systems is an important topic and we believe more time needs to be taken to fully examine this issue and get more input from those groups that support AB 256/SB 185 as drafted as well as those groups that are seeking changes.

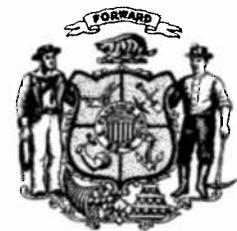
In particular, WBA is concerned with the placement of any wind energy system and their potential for interference with any current residential development. WBA is also concerned that AB 256/SB 185 does not go far enough to take into consideration local planning and where growth areas for residential construction may take place in the future.

At this time WBA would request that the members of the Senate Committee on Commerce, Utilities, Energy, and Rail and Assembly Energy and Utilities Committee take additional time to meet with those representing interests on both sides of this legislation and work towards a compromise that all parties can support in the future.





# WISCONSIN STATE LEGISLATURE



Testimony on the Proposed Uniform Wind Ordinance Bill for Wisconsin  
SB 185/AB 256 –May 12, 2009

My name is Betty Wolcott. I live near Osseo, Wisconsin, where I work with others in maintaining a natural area called The Woodlands. For most of my life I have been an advocate for healthy and sustainable human-Earth relationships, thanks to my dear mother. My congregation, the Sisters of St. Francis of Assisi, is committed to stopping global warming with a focus on energy conservation and efficiency.

I am a member of Trempealeau County's Wind Energy Advisory Committee and I'm proud of the ordinance we developed for the purpose of protecting the public health and safety. It was hopeful to work with citizens who cared enough to do the difficult research—research that extended over two years for some and for many of us over six months. We learned that people who live near large wind turbine installations without adequate setback distances can suffer from sound, low frequency vibration, headaches, sleep disturbances and shadow flicker to name a few effects. In addition to physical impacts are the psychic and spiritual effects of losing the peace and beauty of a cherished landscape. In response to these and many other concerns, we crafted an ordinance for Trempealeau County that we believe gives the public reasonable protections.

I am concerned that a Uniform Wind Ordinance Bill would deny citizens their right to have a voice and decision-making power in projects that greatly impact their lives and their unique environments. This bill refers to areas where people live as "political subdivisions" but we are really talking about diverse communities of land, water, trees, people and all kinds of wildlife.

This legislation is about removing restrictions to the development of commercial wind systems. I believe it feeds the illusion that we can solve energy needs and global warming by installing more wind turbines. Many of us here and abroad are asking for more facts about wind energy. How efficient is it when the back up power is figured in? What are the cuts in greenhouse gas emissions? What are the health and safety impacts on people and the environment? I feel we are dealing with a technology that is fast becoming outmoded. Smaller, more localized energy sources are being promoted as more practical, efficient and less invasive.

All across the world we are hearing from more and more people—including some leading environmentalists, experts in energy, ecology, and conservation – that the cheapest, most effective and safest way to assure an adequate energy supply is to increase energy efficiency across all sectors of the economy. The rewards are great: energy is saved, there is reduction of greenhouse gas emissions, the results are lasting and there is minimal disruption of the environment. We can pour all the clean energy we want into drafty homes and buildings and we can keep on using inefficient technologies and appliances and we will not reach our clean energy or greenhouse gas emissions goals.

Weatherizing homes and businesses, retrofitting, and changing to efficient machines and appliances will provide many with needed work, save energy and again be for the long term. Of course we need some financial help to do that and while some will be provided in the stimulus bill it isn't nearly enough to do what needs to be done. Until we do the conservation and efficiency work we won't have data as to the amount of energy we really need to produce.

One further consideration that needs attention is the fact that weather patterns are changing due to climate change and wind currents are becoming more erratic and unpredictable. Recently wind speeds of 60mph were predicted and we were advised to tie everything down that could be blown around. This offers great challenges for large wind turbines.

People in local communities ask that their voices be respected; they know their areas and they know they are not the same across the State. They need to be more fully engaged in solving our energy/global warming challenges. Having seen the devastating effects of global warming as he travels the world, Ban Ki Moon, Secretary General of the United Nations, advises: "We should remember the best minds are the farmers, doctors, and community leaders at the local level who have worked out ingenious solutions to urgent challenges."

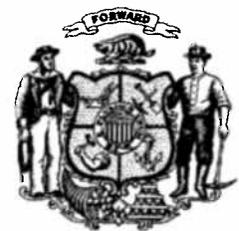
I believe we have a responsibility to future generations to leave them a world that runs more efficiently on less energy and that places a priority on health, safety, sustainability, diversity, birdsong and a beautiful clear sky. This will take the goodwill, involvement, and wisdom of everyone. An ordinance that gives a single commission the authority to approve the rules, regulate, and direct the appeals process is unworthy of our great state. Please do not vote for this bill. Thank you.

Betty Wolcott, OSF  
N47475 Woodland Lane  
Osseo, WI 54758  
May 12, 2009





# WISCONSIN STATE LEGISLATURE





May, 12, 2009

**Statement in opposition to the proposed uniform wind ordinance for Wisconsin – SB185 and AB256**

My name is Irene Senn. I serve as the Director of the Office of Justice, Peace & Integrity of Creation for the Sisters of St. Francis of Assisi, a congregation of women religious based in St. Francis, WI. The congregation has taken a stand to work individually and collectively to address the threat of global warming / climate change. Given this stance, we are committed to efforts that reduce energy consumption and to renewable energy sources that emit minimal or no greenhouse gases.

We recognize that the proposed uniform wind ordinance would be appreciated by energy companies and developers, and that the current economic situation would be enhanced by growth in the green energy sector. However, the economy must always be respectful of the ecology and its needs. Wind energy, while a positive alternative to fossil fuel power, must not be seen as a panacea.

Research shows that even such seemingly benign renewable energy sources as wind power have possible adverse effects on human health and safety and on the local environment. These certainly must be taken into account when considering wind power as an alternative.

We are concerned that such state legislation would take authority away from local governmental bodies that are most in touch with the needs and desires of the local citizenry. Therefore we stand in opposition to any state legislation that would give authority to the Public Service Commission to create minimal restrictions as to such matters as sound, vibration, and setback distances.

Irene Senn  
Director, Office of Justice, Peace & Integrity of Creation

3221 S. Lake Dr.  
St. Francis, WI 53235-3799  
414-744-1160 (tel)  
414-744-7193 (fax)  
[www.lakeosfs.org](http://www.lakeosfs.org)

# Re: Installation of Wind Turbines and Local Authority in WI

The move by a committee of Wisconsin State Legislators to propose legislation that would mandate a uniform wind ordinance for the entire state is wrong. Such an ordinance would remove the rights of county governments to decide local zoning and land use issues. It disregards the careful research completed by many counties and incorporated in the wind ordinances they developed. A uniform ordinance dismisses the impacts of large wind turbine installations within the varied terrain and wind flows in Wisconsin. It dismisses health and safety issues as these relate to people, wildlife and the land. Local people have spent months and even years researching and getting firsthand knowledge about the very real impacts of large wind installations on their lives and areas. I strongly oppose an ordinance that denies local people their voice and power and disregards the state's varied landscapes and wind flows.

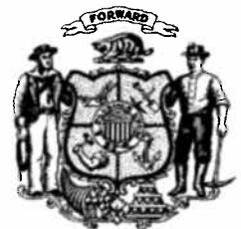
Signed:

Print Name	Signature	Address	Tele. #
Mary Jo Donaldson	<i>Mary Jo Donaldson</i>	2020 Heights Drive Eau Claire 54601	
LORAYNE ANDRE	<i>Lorayne Andre</i>	2120 Heights Dr. Eau Claire 54701	
Therese Ruth	<i>Therese Ruth</i>	2120 Heights Dr. Eau Claire WI	
Suzanne Huberman	<i>Suzanne Huberman</i>	2021 Heights Dr. Eau Claire 54601	547 01
Sister Geraldine	<i>Sister Geraldine</i>	351 University Dr Eau Claire WI	54701
Sister Helen	<i>Sister Helen</i>	3420 Heights Drive Eau Claire WI	54701
Manjorie Hill	<i>Manjorie Hill</i>	1190 Priory Rd. Eau Claire, WI (715) 834-3176	
Sister Mary Jane Cournoyer	<i>Sister Mary Jane Cournoyer</i>	1190 Priory Rd. Eau Claire, WI (715) 834-3176	
Petronelle Martz	<i>Petronelle Martz</i>	1190 Priory Rd. Eau Claire WI 715-834-3176	
Sister Dale Weiland	<i>Sister Dale Weiland</i>	1190 Priory Rd. Eau Claire WI 715-834-3176	
BARBARA WEILAND	<i>Barbara Weiland</i>	1190 Priory Rd. Eau Claire, WI (715) 834-3176	
Sister Monica	<i>Sister Monica</i>	1190 Priory Rd. Eau Claire WI 715-834-3176	
Judith A. Kramer	<i>Judith A. Kramer</i>	1190 Priory Rd. Eau Claire WI 54701 834-3176	
MICHELLE GAVIN HEDCAN	<i>Michelle Gavin Hedcan</i>	1190 Priory Rd. Eau Claire, WI	54701
Sister Ruth Feeney	<i>Sister Ruth Feeney</i>	1190 Priory Rd Eau Claire, WI	54701
Alta Bragg	<i>Alta Bragg</i>	3651 Oak Tree Lane Eau Claire WI 54701	54702
Paul Savides	<i>Paul Savides</i>	66741 Ash Rd. Mondovi, WI 54755	715-875-4203
Suzan Gordon	<i>Suzan Gordon</i>	364 County Club Dr. Eau Claire WI 54701	552-1799
Pat Desjardin	<i>Pat Desjardin</i>	1140 Pleasant Hill Rd Eau Claire WI 54703	715 874 4408

Print Name	Signature	Address	Tele. #
Bernarda Heit	<i>Bernarda Heit</i>	Eau Claire, WI 54701	715 834 3176
Roberta Wegner	<i>Roberta Wegner</i>	Eau Claire, WI 54703	715-855-7974
Marie Anderson	<i>Marie Anderson</i>	N13108 Hill Rd. Fairchild WI 54741	(715) 334-3656
DARRELL ANDERSON	<i>Darrell Anderson</i>	N13108 Hill Rd Fairchild WI 54741	(715) 334-3656
Mary Lee Hegnauer	<i>Mary Lee Hegnauer</i>	N17888 Red Oak Blvd Wis. 54616	608 525 6201
Ron Henry	<i>Ron Henry</i>	N48604 US Hwy 53 Oseo WI 54758	715-577-768



# WISCONSIN STATE LEGISLATURE



Testimony given to State Legislators dated 5-12-09

My name is Ric Van Sistine. I am a lifetime resident of the State of Wisconsin. My wife Beckie and I have lived on a heritage family farm in the Town of Woodville, Calumet County for over 35 years. We love Wisconsin and the people that call Wisconsin home!

**I am here today to express my strong opposition to the wind siting reform bill (SB185 & AB256). This bill makes a mockery of good government in action and is an insult to Wisconsin residents.**

Many local governments (towns and counties) have spent countless hours and thousands of dollars researching the issues involved with properly siting commercial sized wind generation complexes.

I am a member of the Plan Commission for the Town of Woodville and we made it a priority to study this issue before it became emotionally charged in our town. After a timely process of review, research and recommendation the Town Board unanimously approved a Wind Energy Systems Licensing Ordinance. Our attorney complemented the Town on taking a leadership roll and establishing reasonable guidelines. To pass this siting reform bill would be a slap in the face and make a mockery of the painstaking process many towns like Woodville, and counties like Calumet, have already undertaken to protect the health, safety, and well being of our citizens.

This bill makes a mockery of State programs like Smart Growth Planning, the Land Legacy Report, and the Working Lands Initiatives. These programs have taken years to develop and thousands of hours of citizen's involvement. Is it really Smart Growth Planning to allow private commercial wind energy companies to scatter giant wind generators helter-skelter throughout rural Wisconsin? .

The Land Legacy Report identifies the Niagara Escarpment as a Wisconsin treasure to be protected. This siting bill would ultimately lead to the destruction of the viewscape from Fond du Lac to Door County and potentially causes irreparable damage to the Niagara Escarpment.

The Working Lands Initiative places a high priority on preserving productive farmland. The wind energy companies have admitted that one commercial wind generator takes one acre of valuable farmland out of production. If you factor in how fields are chopped up by service roads, and consider the probability of tougher safety regulations as these generators age, one could argue a much greater loss of farmland. It's beyond me how DATCAP considered these commercial ventures as compatible with farming.

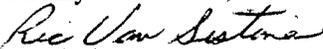
Finally, this bill is an insult to the citizens of Wisconsin. Many Wisconsin citizens have already been given a life sentence and forced to live in the middle of a commercial wind energy complex. There are serious health and safety issues, as well as, property rights, environmental and conservation issues. Besides the tax payers are paying for all this commercial development. Despite much political favoritism and billions in tax payer's subsidies, wind energy still only accounts for about 1% of U.S. electricity production, and that only happens when the wind blows. It's expensive unreliable power.

I would respectfully suggest you revisit the 10% mandate and the Draft Model Wind Energy Ordinance that are driving this irresponsible and costly rush to renewable energy in Wisconsin. Why not work with the local governments and Wisconsin citizens who have tirelessly researched this issue. Please take the time to study the results of the existing wind energy complexes and the affects on local citizens.

Please don't pass this wind siting reform bill. It makes a mockery of local government in action and is an insult to the citizens of Wisconsin.

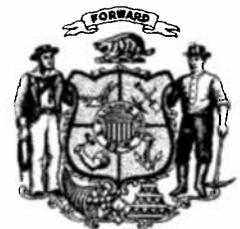
Thank you.

Respectfully submitted,

  
Ric Van Sistine  
N6851 Elm Rd  
Hilbert, WI 54129



# WISCONSIN STATE LEGISLATURE



May 12 2009  
11:00 AM  
Room 411 South, State Capital

SB 185?

HI!

I believe wind production of electricity is necessary.

I back uniform siting standards which I believe are necessary for significant wind production increases. Standards must truly **allow** wind systems to be built. It won't happen if the standards are too restrictive. As with other means of producing electricity, there are drawbacks to wind. But when one considers the alternatives, wind is clearly one necessary part of a healthy future mix.

Likely, my background and experience is unique in this room. I can tell you that:

As a former town chair I understand the patchwork regulation issue. (Every 36 sq. mi. area . . . .)

As someone who has lived off the electric grid for more than 25 years, I understand quite a bit about living with wind and solar power at the small-scale hands-on practical level.

As a rural resident I am well aware that there are more urban votes than there are rural votes, that when additional infrastructure is wanted (a freeway or maybe just a bypass, a bike trail, a new route for gas pipelines or the electric grid, expansion of an airport, perhaps a wind farm) rural areas are likely to be carved up.

As a food and timber producer I am aware of shrinking productive lands, of shrinking numbers of farmers, of how important it is to the remaining farmers that local farm implement dealers and other farm support services have a sufficient farmer **base** to remain in business.

As a farmer I understand that wind power is a **nimby** issue. Many farmers place a truly high value on clean air, quiet - interspersed with bird songs, trees and other growing things. We love where we live. It is part of our compensation, part of how we justify our less lucrative, more physically demanding jobs. Sufficient income is necessary, yet what we love must be protected - else why would we farm?

With all that in mind why would I support uniform standards that would allow wind system siting and electrical production in rural areas – even in my own back yard?

It's a matter of balance. Do we or do we not allow, site and build wind systems with their various drawbacks in rural areas? **WRONG QUESTION!** That's not the choice here. **THE CHOICE IS:** do we want to continue and increase production of electricity with dirty coal plants and the CO2 problems they create here and worldwide? OR do we want to look for better answers, such as producing more of our electricity with much cleaner wind power?

Even though I am a rural resident, a farmer, and even though I feel the nimby issue myself, I have to applaud and support statewide uniform siting standards that will allow wind electrical systems to be built. As with other means of producing electricity, there are drawbacks to wind. But when one considers the alternatives, wind is clearly one necessary part of a healthy future mix. Uniform siting standards could allow us to move forward with wind.

It is clear we must make changes. If you feel hesitant here please ask yourself:  
If not now, when?  
If not us, who?

Please implement uniform siting legislation so we can move forward. *I trust you will take into the negative issues raised at this hearing and take any steps necessary to eliminate or mitigate them particularly the human health and*  
Thank you *common issues.*

Karen Upper

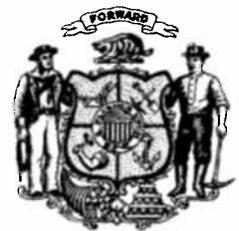
8454 State St 19

Box 810, WI 53508

608 438-1111



# WISCONSIN STATE LEGISLATURE



May 12, 2008, Joint Hearing: AB 256 and SB 185

Testimony of Glen R. Schwalbach, P.E.

I am a member of a planning commission and a town supervisor for a town in Brown County. I am not representing this town today because the short time between the release of the bill and the date of the hearing made it difficult to be properly and formally authorized to do such. Other towns may have the same problem.

The proposed bill has partially set the stage for a sensible process for approving wind energy systems under 100 megawatts.

The make-up of the advisory committee will be a key element. I do suggest the legislation provide more direction to the advisory committee and the PSCW as to the scope of issues which are to be addressed in the promulgation of the rules.

The list of subjects in the bill is not meant to be all-inclusive but there are some significant ones which should be listed so that they are not dismissed later. They include ice shedding, tower and prop structural failure consequences, wireless internet communication impacts, and stray or induced voltage effects. Also, the bill should require soil testing by a certified tester and foundation design to be done or verified by a Wisconsin licensed Professional Engineer to suit the soil conditions. Experience shows these latter two requirements are often considered by small developers to be addressed by the turbine supplier's specifications but such is not adequate. Groundwater impacts should also be listed.

The proposed bill assumes the PSCW rules will be appropriate for all situations and locations in the state. Some areas do have unique issues such as karst conditions in the geology of certain parts of the state. There should be a process whereby a town or county can include more restrictive requirements in their ordinance as long as the PSCW "signs off" on these exceptions before the ordinance is put into effect.

The legislation should go beyond just safety and health issues and direct the PSCW to promulgate rules to preserve property values and prevent an unfair cost burden on neighboring landowners. This issue is often considered too difficult to easily solve so it is ignored. But certain aspects do have a resolution. For example, setbacks should be such that neighboring landowners should not be precluded from having their own wind energy system, putting up buildings or developing their land as they would have been allowed to do before their neighbor erected wind turbines. Ignoring these real impacts would be despicable.

The bill should require wind developers and others seeking contracts for land-use to provide a standard PSCW-approved landowners' guide for land negotiations similar to what a mortgage company or realtor is required to provide. There are references available to easily develop such a guide.

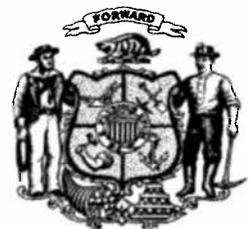
The legislation should address the reality that government subsidies, tax credits, net metering and premium energy payments have severely distorted the market for wind energy investments. One result is that inexperienced or under-capitalized individuals will get in the game. The PSCW should have authority to pre-qualify developers before they are allowed to approach a county, town or landowner.

Another result of the distorted market is the over-building of wind energy systems. At some point, there will be very marginal installations due to cost of associated electric distribution or transmission requirements or lack of the wind resource in a particular area. The PSCW's review process for 100 megawatts and larger systems will usually address such concerns but this bill does not prevent the potential for such waste for smaller systems. The PSCW could set some upper limits for various situations.

And, finally, the drafters of this bill should consider whether there are any implications of the proposed legislation in cases where cities or villages have extraterritorial rights over a neighboring town's land use.



# WISCONSIN STATE LEGISLATURE





## Memorandum

**To:** All Legislators  
**From:** Tom Larson, Director of Regulatory and Legislative Affairs  
**Date:** May 12, 2009  
**Re:** SB 185 – Wind energy systems

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The Wisconsin REALTORS® Association (WRA) supports the goal of creating statewide standards for siting wind energy systems, but opposes SB 185 for the following reasons:

- **Ignores local land-use plans** – Under the bill, local units of government are unable to consider local comprehensive plans in determining whether to approve a proposed wind energy system. This effectively repeals current law, which prohibits a local unit of government from approving a proposed wind energy system if it will unreasonably interfere with the community's land-use plan. See Wis. Stat. § 66.0403(5)(a)1. Moreover, SB 185 would be in direct conflict with the State's efforts to place greater importance on local planning as part of Wisconsin's Smart Growth Law, which requires all local units of government to make land-use decisions that are consistent with a local comprehensive plan by 2010. See Wis. Stat. § 66.1001(3).

Local comprehensive plans are the tools best suited to dictate where all types of development, including wind energy system development, should and should not occur. Through planning, local communities are able to balance the often competing land-use demands related to transportation, farming, homes, environmental preservation, and economic development. Failing to consider local comprehensive plans as part of the approval process for siting wind energy systems will lead to greater land-use conflicts between these systems and other types of land uses.

**Recommendation** – Authorize local units of government to consider local comprehensive plans as part of the PSC's rules relating to the installation and use of wind energy systems.

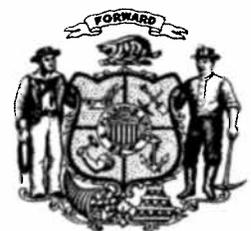
- **Fails to adequately notify ALL affected property owners.** Under the bill, only those property owners directly adjacent to the proposed wind farm receive notice. Because commercial windmills can exceed 300 feet in height, other property owners near, but not directly adjacent to the proposed wind energy system, may be equally affected by the proposed wind energy system development. These property owners, like those adjacent to the proposed wind energy system, should be notified about the proposed wind energy system so that they can become informed about the proposed wind energy system and the state standards developed by the PSC which will likely address any concerns about possible impacts on the value of their property. By better educating all affected property owners, there will be less opposition to the siting of new wind energy systems. Less public opposition to the siting of wind energy systems would be a direct benefit to the entire state as we continue to look for ways to enhance our renewable energy resources.

**Recommendation** – In addition to notifying adjacent landowners, require public notice to be given so that all property owners and other members of the public can obtain additional information about proposed wind energy systems.

If you have any questions, please contact me at (608) 240-8254.



# WISCONSIN STATE LEGISLATURE



# Wisconsin Wildlife Federation

May 12, 2009

## Wisconsin Wildlife Federation Testimony Supporting an Amendment to SB 185 and AB 256 Requiring Regulations Protecting Migratory Birds From Wind Turbine Impacts

Chairs Plale and Soletski and members of the Senate and Assembly Utilities Committees, thank you very much for the opportunity to testify before you today on Senate Bill 185 and Assembly Bill 256. My name is Lil Pipping from Elkhart Lake, Wisconsin and I am representing the Wisconsin Wildlife Federation. I am the Immediate Past President and a member of the Federation's Board of Directors. The Federation is comprised of 168 hunting, fishing and trapping groups located throughout the State of Wisconsin.

At the present time we are in opposition to SB 185 and AB 256. The Wisconsin Wildlife Federation is a very strong supporter of wind energy and would definitely wish to see greatly expanded wind energy development in the state. The development of alternative energy sources including wind generation is critically important to the reduction of greenhouse gas emissions. If constructed properly, the continued construction of wind generation facilities in Wisconsin will be an important contribution to the important effort to reduce greenhouse gas emissions in the state.

However SB 185 and AB 256 have a major flaw. The bills do not require either the Public Service Commission or the Department of Natural Resources to establish wind generation siting standards for local and state governments to protect the major flyways for migratory birds and bats in the State of Wisconsin. I have attached the formal Wisconsin Wildlife Federation resolution adopted in December 2008 requesting the regulation of wind turbines near major migratory paths for birds and bats.

It is very important to increase the amount of wind energy generated in the state, however all methods of generating energy may have serious negative impacts on the environment and wind power is **no exception**. The key to avoiding substantial impacts on birds and bats is to locate wind turbines away from the major corridors used by all types of migratory birds and bats use for their migrations. The Federation recognizes that there will be bird and bat losses in the state from wind turbines, however it is critically important to avoid major bird and bat mortality from wind generation.

This is not a theoretical problem. A wind farm was proposed a year ago within a half-mile of Lake Michigan in Manitowoc County. The near shore area of Lake Michigan is a major international bird flyway. A wind generation facility in

that location would likely have resulted in significant bird loss. The Department of Natural Resources could not direct the wind energy company to move the closest wind turbines further away from the lake. Rather they sent the company a purely advisory letter informing the company that there were endangered bird species using that corridor and that if any of the endangered birds were killed, the company would be subject to prosecution under the state and federal endangered species act. The company in this case voluntarily stopped the project. However this type of informal process is not an effective way to protect these critically important populations of migratory birds and bats. It also is not fair for the companies involved. Once the turbines are in the ground, it would be very costly for a company to relocate all or a portion of their wind turbines.

We respectfully request that these bills be amended to require that either the Public Service Commission or the Department of Natural Resources adopt siting standards that will protect migratory birds and bats from significant mortality from wind generation facilities and that wildlife conservation groups such as the Audubon Society and the Wildlife Federation be included in the development of the standards.

Thank you again for your support of wildlife conservation in Wisconsin.

Submitted by:  
Lil Pipping  
Past President  
Wisconsin Wildlife Federation

## **Wisconsin Wildlife Federation Resolution** **on the Impacts of Wind Generation on Wildlife**

**Background.** The Wisconsin Wildlife Federation has previously expressed its strong concern on the issue of climate change and its impact on fish and wildlife and their habitat. In order to minimize the adverse impacts of climate change on habitat, the Federation has called for major reductions in the emission of greenhouse gases.

The development of alternative energy sources including wind generation is critically important to the reduction of greenhouse gas emissions. If constructed properly, the continued construction of wind generation facilities in Wisconsin will be an important contribution to the important effort to reduce greenhouse gas emissions in the state.

However, if improperly located, wind generation facilities can negatively impact wildlife and wildlife habitat including: migration corridors, staging/concentration areas and breeding and brood-rearing areas.

Wind generation facilities in Wisconsin are inadequately regulated for their impacts to wildlife and the environment. As an example wind generation facilities under 100 megawatts which may include as many as 27 individual wind towers, are exempt from regulation on a state level.

The US Fish and Wildlife Service and the Wisconsin Department of Natural Resources have developed guidance on the avoidance and minimization of wildlife impacts from wind generation facilities. However, such guidance is merely advisory on any state unregulated wind generation facilities in Wisconsin.

This federal and state agency guidance calls for the avoidance of the placement of wind turbines in documented locations of potentially impacted wildlife species protected under the state and federally protected Endangered Species Act, the avoidance of the location of turbines in known bird or bat migration pathways or in areas where birds or bats are highly concentrated and the avoidance of placement in landscapes known to attract significant populations of raptors. The DNR guidance also calls for the protection of officially designated wildlife areas, such as state natural areas, parks and forests and other private and public conservation properties.

**Resolution.** The Wisconsin Wildlife Federation, at its December 13, 2008 meeting, held in Stevens Point, Wisconsin resolves as follows:

1. That all commercial wind generation facilities in Wisconsin be regulated on a state level to avoid the placement of wind turbines in locations inconsistent with the standards set forth by the US Fish and Wildlife Service and Wisconsin Department of Natural Resources guidance.

2. That the Wisconsin Natural Resources Board establish the DNR guidance on siting wind generation facilities as official Board policy and that the Board specifically adopt policies regarding the placement of wind turbines on DNR owned lands.
3. That the Department of Natural Resources, in conjunction with the US Fish and Wildlife Service, academic institutions and nonprofit organizations, proactively survey and designate areas in the state where wind generation facilities have the high likelihood of significant damage to wildlife.
4. That while being supportive of the development of wind generation facilities in Wisconsin, that the staff of the Wisconsin Wildlife Federation evaluate and oppose, if appropriate, wind generation facilities in Wisconsin that have the potential for significant adverse impact on wildlife and wildlife habitat in the state.
5. That this resolution be widely distributed to policymakers in Wisconsin including the Governor, the Legislature, the Natural Resources Board, the DNR Secretary, and the Public Service Commission and to others involved in the development of wind energy in the state.

Submitted by the Federations Environment Committee  
By Jake Macholl, Chair

Approved Unanimously by WWF Board on December 13, 2008 in Stevens Point,  
Wisconsin.



# WISCONSIN STATE LEGISLATURE





SB 185?

May 12, 2009

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

Representative James Soletski  
Chairman, Assembly Committee on Energy and Utilities  
Room 307 West, State Capitol  
Madison, WI 53708

Dear Senator Plale and Representative Soletski,

Wind Capital Group welcomes Senator Plale's initiative to further renewable energy and looks forward to a productive collaboration with the government, business community, and most important, the people of Wisconsin to ensure America's future energy independence. The development of wind energy is good for the environment, will create thousands of jobs, and inject millions of dollars into local Wisconsin communities through tax base and landowner lease payments. According to the Department of Energy, a 100 MW wind farm will create 1700 American jobs across the supply-line, many of them right here in Wisconsin and Wind Capital Group is excited about the opportunity brought about by Senator Plale's initiative to bring wind energy home to the great state of Wisconsin.

Wind Capital Group, with offices in Fitchburg, is actively working to expand renewable energy in the State. WCG recently placed orders for TWO power transformers from Waukesha Electric for its new 150MW Lost Creek Ridge Wind Farm. The more than \$2.2 million order will help retain jobs in Wisconsin and demonstrates the important contribution Wisconsin makes to increasing the nation's energy independence and addressing global warming.

Sincerely,

Dean Baumgardner  
Executive Vice President  
Wind Capital Group

[www.windcapitalgroup.com](http://www.windcapitalgroup.com)

1430 Washington Ave. • Suite 300 • St. Louis, MO 63103  
314-685-3000 - Office • 314-685-3000 - Fax

2920 Marketplace Dr. • Suite 101 • Madison, WI 53719  
608-819-2400 - Office • 608-819-2401 - Fax



# WISCONSIN STATE LEGISLATURE



5-12-09

SB 185?

My name is Chuck Schneider. I am the Chairman of the Town of Brothertown which is in south western Calumet County. I have very serious concerns about the bill under consideration by this committee which would take local control away from Counties and Towns in the State of Wisconsin giving the Public Service Commission complete control of the siting of industrial wind turbines. This would cause significant hardships, health issues and reduce the quality of life for the rural residents of this beautiful State.

I live about 2 miles from the Blue Sky Green Fields 88 Turbine project in northern FDL County. I hear from many people in that area that have major issues with the turbines. In Calumet County where I live, we had an Ad hoc committee do an extensive study to come up with recommendations to the County Board to get the proper setbacks to protect our citizens. This Ad hoc committee has more knowledge about proper siting than probably any group in the State.

The PSC is an appointed commission, and as such are accountable only to the Governor, not the citizens of Wisconsin. Their intent is to force a "one size fits all" mentality on every township and village in the state. Do we want the bureaucrats in Madison controlling everything a township does? Typically the closer a government is to the people, the better it represents them.

We already have no control over landfills, large animal operations, and limited control over quarries. Because of these issues and the varying population density of the towns in WI. A 1 size fits all rule would be a real travesty.

The PSC has had the same rules for more than 10 years and in that same time the turbines have grown from 250 feet to over 450 ft.

Once they take local control away on wind turbine siting, what is the next 'right' they will take away. I urge you to think and be very careful when you make your decision.

Thank you very much for the opportunity to speak to you. I urge you to consider the serious, long term consequences of this bill, and I urge you to vote against it.

*Chuck Schneider*



# WISCONSIN STATE LEGISLATURE



May 12, 2009

Dear Members of the Senate Committee on Commerce, Utilities, Energy, and Rail:  
Dear Members of the Assembly Committee on Energy and Utilities:

I strongly oppose the wind siting reform bill (SB185 & AB256) that may soon be coming to vote which would give the Public Service Commission control of the siting of all industrial wind turbines and would take away local control.

The negative effects of industrial wind which are supported by scientific facts and real life experience, are being ignored due to our state government's enthusiasm to embrace renewable technology, and "Big Wind" frantically trying to tap into the pockets of financially strapped taxpayers.

Hard-working taxpayers and local officials worked diligently and created wind siting regulations based on facts. My husband was a citizen member on the Wind Energy Advisory Committee. We have worked long and hard researching with others in our community as many towns and counties did around this state, and as we all continue to do.

Wisconsin citizens and local officials uncovered the deceptions of the wind industry and regulations were written based on facts. It was evident that even larger setbacks were necessary, but communities compromised the regulations due to threats of lawsuits from the wind energy companies, who were using the state statute and the unsubstantiated draft model ordinance as weapons.

The draft model ordinance was crafted with excessive influence from the wind industry and not based on scientific data. Despite the outcry across the state, the PSC continues to ignore the harmful and negative effects and side with the wind industry, claiming projects are being stalled due to locally generated obstacles and anti-wind hysteria.

Well the devil is in the details. The wind industry cannot disprove the facts, and could not bamboozle local governments. So they got a coalition together of those who will benefit financially from wind energy and ran to the state to try to get their way like a child running from one parent to another.

Those in support of this bill want you to disrespect our local officials, deliberately ignore the facts, and disregard the regulations that were created to protect our health and safety, so they can shoe horn turbines in where they cannot safely fit, for their financial gain.

Wind is not the only renewable, but it does seem to be the politically correct one. Other industries can benefit Wisconsin's environment and economy. Manitowoc County alone has companies that could benefit from tax incentives if Wisconsin promotes efficiency and conservation. Across Wisconsin, thousands of long terms jobs could benefit. Put greater focus on digesters for our farmers, hydro and lift the nuclear moratorium and create many long term jobs.

Using excessive authority to site industrial turbines in locations dangerously too close to homes, clearly encouraged by the lobbying of those who will benefit financially, would be negligent and does not build strong Wisconsin community support.

To conclude: they are fundamentally asking that you eradicate the rights of citizens and local governments for their financial gain. It is imperative that you respect our local officials and their responsible planning. They worked diligently with these people that are here today to thoroughly address their concerns and study the issue in an objective manner. In the end they faced the facts and ignored the bullying and threats of lawsuits, and put their people's well being before financial interests. Something proud Wisconsin people do.

Lynn Korinek  
1316 Rockledge Rd.  
Mishicot, WI 54228  
920-755-4644





# WISCONSIN STATE LEGISLATURE





122 State St., Ste. 310 info@WisconsinEnvironment.org  
Madison, WI 53703 (608) 251-1218 (ph)  
www.WisconsinEnvironment.org (608) 287-0865 (fax)

May 12, 2009

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

Representative James Soletski  
Chairman, Assembly Committee on Energy and Utilities  
Room 307 West, State Capitol  
Madison, WI 53708

re: Please Support SB 185 / AB 256

Dear Senator Plale and Representative Soletski,

Developing our state's wind capacity can help us reduce our dependence on fossil fuels, create jobs and protect our environment for future generations.

When it comes to clean energy, the Badger State has a unique combination of assets to thrive with a clean energy economy. We have vast potential from wind and solar power, the laboratories to develop new energy technologies, the manufacturing base to build them and the farms to grow the next generation of fuels.

We are already on the right track. In 2006, the legislature adopted Act 141 requiring us to derive 10% of our energy from renewable sources while using energy more wisely. As a result, each year we save close to \$200 million dollars in reduced energy costs, the amount of energy from 4 million barrels of oil.

And we have only scratched the surface. The American Wind Energy Association ranks Wisconsin as a "top 20 state" for potential to harness power from the wind. A University of Massachusetts study found that a significant investment in clean energy infrastructure could create over 37,000 new jobs here in Wisconsin.

Our historic dependence on fossil fuels is contributing to global warming, polluting our air and waterways and threatening public health. Fortunately, our current commitments to clean energy and efficiency are beginning to address these problem by displacing the need to burn fossil fuels, reducing emissions of these pollutants.

According to the U.S. Department of Energy, Wisconsin's renewable electricity generation and energy efficiency efforts currently prevent about 4 million metric tons of carbon dioxide emissions per year, the leading global warming pollutant. This impact is roughly equivalent to making more than one out of every 10 cars and trucks in the state pollution free (800,000 vehicles)

Continuing to develop local wind capacity is critical to reducing our contribution to global warming, protecting our air and water quality, and improving public health. In addition, Wisconsin's push toward clean energy is spurring economic growth, especially in wind component manufacturing and through local wind farms.

Last month, – amidst news of layoffs and job cuts at local factories in other industries – the Energy Composites Corp. announced plans to construct a new wind turbine blade manufacturing plant in Wisconsin Rapids. The new plant will employ at least 400 people, many likely transitioning from lost jobs in the paper industry. Connie Loden, president of the Heart of Wisconsin Business & Economic Alliance, told the *Wisconsin Rapids Tribune*: "It's going to have a positive impact across the entire business community, and on a municipal level," adding to the city's tax revenues and providing wages that can be spent at local businesses.

This news couldn't have come at a better time. In just a two month period, from December 2008 to February 2009, more than 50,000 Wisconsinites lost their jobs. Recovering from this recession will be a long-term task. However, Wisconsin has the resources right here at home to lay the foundation for a prosperous future. The key is clean energy, and wind has a leading role to play.

Wisconsin has the potential to accomplish a great deal more. Wisconsin Environment supports SB 185/ AB 256 as an important step for deepening Wisconsin's commitment to clean energy.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Kohler", followed by a horizontal line.

Dan Kohler  
Wisconsin Environment Director



# WISCONSIN STATE LEGISLATURE



# TOWN OF CLAY BANKS

Door County, Wisconsin

*Myron Johnson, Chairman*  
*Mark Heimbecher, Supervisor*  
*Patrick Olson, Supervisor*

*Jessica Bongle, Clerk*  
*Trudy Kruger, Treasurer*

May 12, 2009

Senator Jeff Plale, Chairman  
Committee on Commerce, Utilities, Energy and Rail

Representative James Soletski, Chairman  
Committee on Energy and Utilities

Dear Senator Plale, Representative Soletski and Distinguished Committee Members:

**We are all in favor of green energy, but at what cost?**

Senator Plale's spokesman, Mr. Kevin Brady, was quoted in the Daily Reporter as saying, 'there is a major business factor driving the wind farm bill'. **In contrast, I state emphatically, there are serious issues connected to the application of wind energy and its correlation to the public health, safety and well being of our communities.**

Proposed Senate Bill #185 and Assembly Bill #256 will give the Public Service Commission the power to set common standards and regulations in the construction and operation of wind energy systems. **Conversely, we only have to look at recent decisions made by the PSC, on wind energy systems over 100 megawatts, to recognize the vast impact and regrettable, unintended consequences their planning and decisions have had on Wisconsin communities.**

**I then ask the question again, we are all in favor of green energy, but at what cost?**

I write this letter as an elected official with 32 years of Town Chairman experience. As good as your intentions may be, your proposed legislation removes powers granted to town government under Wisconsin State Statutes. This power so perceived by previous legislatures as important and fundamental, provides authority to town government, under State Statute 61.34(1) to '...act for the government and good order of the village (town), for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation....

Further, State Statute 66.0401 titled, 'Regulation Relating to Solar and Wind Energy Systems', (1)'.....No county, city, town or village may place any restriction, either indirectly or in effect on the installation or use of..... a wind energy system,..... unless the restriction satisfies one of the following conditions: (a) 'Serves to preserve or protect the public health and safety'. This Statute clearly re-enforces State Statute 61.34(1) on the rights of towns to protect their public health, safety and welfare, in this instance, Wind Energy Systems.

Based on the premise of 'a major business factor', per Mr. Brady, you are now considering legislation that will throw the baby out with the bathwater. For this one issue, you are proposing to negate the authority and responsibilities of local government by granting the PSC the power to determine what is best for the health, safety and welfare of our communities. You are proposing to remove local government authority, granted to us under State Statutes. Yes, you have the power to do so but can you

rightfully justify your actions? Are you willing to compromise the health, safety and welfare of our communities, for **'a major business factor'**?

**Again, we are all in favor of green energy, but at what cost?**

Let's take another look at it. How often have we heard the saying, 'one size does not fit all'? One common standard in wind energy construction and operation is not a doable one 'fit all' solution. **There are vast differences in our communities, i.e. land topography, land use, populations, ages of populations, home densities, etc.** These are all variables that must be considered. The impact of wind energy systems on one community can be vastly different than on another.

Let's be realistic, wind energy in Wisconsin is like having snow mobile races in Florida. It can be done but it isn't practical. Even Mr. Brady in his statement to the Daily Reporter confided wind energy in Wisconsin is not a **'top destination'** for wind power but should be considered the **'next tier'**. **Rest assured the State of Wisconsin cannot financially afford ill-conceived policies and mandates and certainly cannot afford a greater debt load on an energy policy that is considered a 'next tier' solution.**

Fortunately, there are **'primary tier'** energy solutions available to the State. I am referring to a new generation of nuclear power plants. This new technology is a great case in point on what can be accomplished. It is safe, clean and simple and will not require the vast infrastructure other options do. It is a reliable, efficient energy source not dependent on when or if the wind blows. The cost savings on transmission lines and infrastructure would be tremendous. It is also an inexpensive form of energy. <http://www.physorg.com/news145561984.html> (Please see the attached information on the next generation nuclear power plants.)

The State should enact a policy on alternative energy based on fiscal responsibility and a comprehensive, realistic energy plan. How do we accomplish this? Private enterprise can make the conversion to alternative energy and a revitalized economy without mandates and interference from government. Government can and should provide incentives for research and new technology to new business entrepreneurs, existing manufacturing and industry. That should be the extent of government involvement. With our present economic crisis, this is the opportune time to let these forces work.

**Yes, we are all in favor of green energy, but at what cost?**

We do have choices. The present Wisconsin energy policy is neither realistic nor attainable. Let's stop and think through this process, changing the law to empower the PSC to control all construction of wind power is not going to provide reliable, affordable energy. You could saturate the State of Wisconsin with wind energy systems and still not have a reliable source of energy. In addition, the cost to the State for the infrastructure needed to support these systems will be reprehensible.

I ask for your vote against SB 185 and AB 256. **What is the cost?** One can become blinded by good intentions, however, if you listen to those speaking today, you will understand the importance of self-determination. You will further support the empowerment of local government to determine their futures and the health, safety and welfare of the public.

Thank you for this opportunity to appear before you today.

Sincerely,



Myron Johnson, Chairman  
Town of Clay Banks

# Town of Clay Banks

RESOLUTION 09-05-01

## OPPOSE SB #185 – WIND SITING REFORM

WHEREAS, State Statutes provides authority to town government to adopt village powers. under State Statute 61.34(1) to ‘...act for the government and good order of the village (town), for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation.... ; and

WHEREAS, State Statute 66.0401 titled, ‘Regulation Relating to Solar and Wind Energy Systems’. states, ‘No county, city, town or village may place any restriction, either indirectly or in effect on the installation or use of..... a wind energy system,..... unless the restriction satisfies one of the following conditions: (a) ‘Serves to preserve or protect the public health and safety’; and

WHEREAS, Senate Bill #185 requires the Public Service Commission to establish common standards to regulate the construction and operation of wind energy systems under 100 megawatts in size even though there are vast differences in our communities, i.e. land topography, land use, populations, ages of populations, home densities, etc., and

WHEREAS, We only have to look at recent decisions made by the PSC, on wind energy systems over 100 megawatts, to recognize the vast impact and regrettable, unintended consequences their planning and decisions have had on Wisconsin communities; and

WHEREAS, Senate Bill #185 takes away the determination and right of local government to protect the public health, safety and welfare of the community as authorized by Statute.

THEREFORE, BE IT RESOLVED, The Town of Clay Banks opposes Senate Bill #185. and

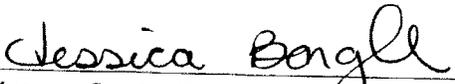
FURTHER, we support the right of local government, under present State Statutes. to protect the public health, safety and welfare of our communities.

Adopted this 9th day of May 2009.

  
\_\_\_\_\_  
Myron Johnson, Chairman

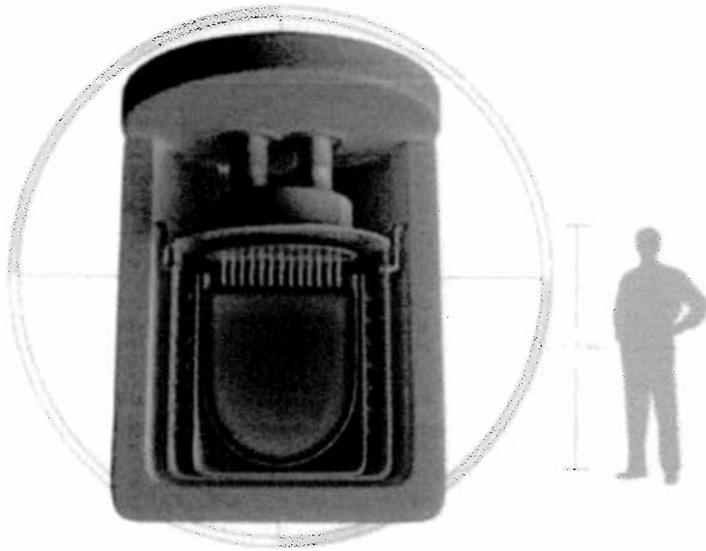
  
\_\_\_\_\_  
Mark Heimbecher, Supervisor

  
\_\_\_\_\_  
Patrick Olson, Supervisor

  
\_\_\_\_\_  
Attest: Jessica Bongle, Clerk  
Town of Clay Banks

# Mini Nuclear Power Plants Could Power 20,000 Homes (Update)

November 12th, 2008 in Technology / Energy



Hyperion's miniature nuclear modules could be easily transported and buried underground, with the ability to power up to 20,000 homes.

**(PhysOrg.com) -- Underground nuclear power plants no bigger than a hot tub may soon provide electricity for communities around the world. Measuring about 1.5 meters across, the mini reactors can each power about 20,000 homes. (Please see below for an update)**

The small energy modules were originally designed by Otis "Pete" Peterson and other scientists at Los

Alamos National Laboratory in New Mexico. Now, the technology is being commercially developed by Hyperion Power Generation, which recently announced that it has taken its first orders and plans to start mass production within five years.

"Our goal is to generate electricity for 10 cents a watt anywhere in the world," said John Deal, CEO of Hyperion. "[The nuclear plants] will cost approximately \$25 million each. For a community with 10,000 households, that is a very affordable \$2,500 per home."

Because of their small size, the mini power plants can be assembled relatively quickly and transported by truck, rail or ship to remote locations, even places that currently do not have electricity. The power plants provide an alternative to current nuclear plants, which are large, expensive, and take about 10 years to build. Also, large-scale power plants don't fit the needs of small populations or areas without available land. Hyperion's modules can be connected together to provide energy for larger populations, as well.

In addition, the Hyperion modules have no moving parts to wear down, and never need to be opened on site. Even if opened, the small amount of enclosed fuel would immediately cool, alleviating safety concerns. "It is impossible for the module to go supercritical, 'melt down,' or create any type of emergency situation," the company states on its Web site. Because the Hyperion plants would be buried underground and guarded by a security detail, the company explains that they'll be out of sight and safe from illegitimate uses. Further, the material inside wouldn't be appropriate for proliferation purposes.

"You would need nation-state resources in order to enrich our uranium," Deal said. "Temperature-wise it's too hot to handle. It would be like stealing a barbecue with your bare hands."

The reactors need to be refueled about every seven to ten years. After five years of generating power, Hyperion says that the module produces a total waste of about the size of a softball, which could be a candidate for fuel recycling.

Hyperion now has more than 100 orders for its modules, mostly from the oil and electricity industries. The first order came from a Czech infrastructure company called TES, which specializes in water plants and

power plants. TES ordered six modules and optioned another 12, with the first planned to be located in Romania.

Hyperion plans to build three manufacturing plants, with the goal of producing 4,000 mini nuclear modules between 2013 and 2023. Next year, the company will submit an application to build the modules to the Nuclear Regulatory Commission.

While acknowledging that the commercial development of mini nuclear plants is a lofty goal, Hyperion believes that the potential benefits of the technology make the effort well worthwhile. Along with bringing electricity to remote locations, the Hyperion modules could also be used to provide clean water for the 25% of the world's population that currently does not have access to clean water. The modules can provide power to pump, clean, and process water, which in turn can help decrease disease, poverty, and social unrest.

**Update (November 12, 2008):** The Nuclear Regulatory Commission (NRC) contacted *PhysOrg.com* to state that the NRC has no plans to review the Hyperion design in the near future, although the NRC and Hyperion have had preliminary talks. Because the Hyperion design is unique, the NRC expects that it will take significant time to ensure safety requirements. In a response to a letter from October 2008, the NRC stated:

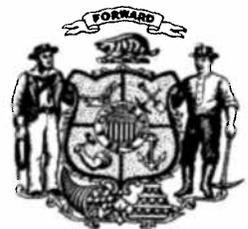
“Hyperion Power Generation is in the early stages of development of this design, and very little testing information is available for this design concept. Hyperion Power Generation has indicated that it will submit technical reports to support a pre-application review in late FY 2009. The NRC cannot engage in any meaningful, formal technical interaction with the potential applicant until we receive those reports. Because of the very limited amount of test data and lack of operating experience available for a uranium hydride reactor, the NRC staff anticipates that a licensing review would involve significant technical, safety, and licensing policy issues.”

More information: [www.hyperionpowergeneration.com](http://www.hyperionpowergeneration.com)

via: [The Guardian](#)



# WISCONSIN STATE LEGISLATURE



## Testimony SB 185 / AB256

May 12, 2009

To: All Committee Members

In these exceptionally hard economic times we have an industry that is flourishing in Wisconsin. The wind turbine industry has in 2008 enjoyed exceptional growth by a factor of 9. Does this sound like an industry that is stalled out, restricted in any way, or one that needs help from Lawmakers in Madison? They want it all, but all has yet to be determined. A 9 fold increase is not enough. This industry is being driven by greed.

All Americans are suffering the consequences of the greed driven business practices of the banking industry and Wall Street. While Governments, businesses, and families, are experiencing major budget shortfalls the wind industry wants more, more from the taxpayers, more from the ratepayers. These greed driven business practices are sure to have a negative impact on the long term renewable energy goals in Wisconsin.

The unprecedented growth in installed wind capacity in 2008 indicates there is no need for and type of siting reform. Many communities are welcoming wind turbines with open arms. There is no need to force residents to live under turbines. Wind developers must continue to work with local Governments for approval of wind turbine projects.

A one size fits all rule developed by the PSC and wind developers will not adequately address the diverse land use in Wisconsin. Only local control of land use can protect the health and safety of residents, agricultural activity, and property rights. The PSC and wind developers asked for siting control last year. One year later the PSC has not brought anything to the table for review, instead they continue to ask for a blank check.

Any siting rules must be written and approved by elected officials, with input from professionals in noise, health, safety, agriculture, property rights, and property values. This new set of rules would then be given to the PSC to implement and police.

Thank you for your time, consideration, and service to Wisconsin.



Jim Bembinster  
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Evansville, WI 53536



# WISCONSIN STATE LEGISLATURE





To: Chairperson Jeffrey Plale  
Members of the Senate Committee on Commerce, Utilities, Energy and Rail  
Chairperson Jim Soletski  
Members of the Assembly Committee on Energy and Utilities

From: R.J. Pirlot, Director of Legislative Relations

Date: May 12, 2009

Subject: **Support for SB 185 and AB 256**, requiring that local regulation of a wind energy system be no more restrictive than Public Service Commission rules.

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Wisconsin Manufacturers & Commerce (WMC) is the largest representative of Wisconsin employers. Our membership is a broad cross-section of the state's economic activity and our members employ approximately one-quarter of the state's workforce. Because electricity keeps our stores open, factories running, and payrolls being made, WMC is keenly interested in the state's energy policies, with an eye towards helping to keep access to electricity reliable and affordable.

The Public Service Commission has permitting authority over all power plants in excess of 100 MW, including wind energy power plants. Local units of government have permitting authority over all power plants under 100 MW, including wind energy power plants. Unfortunately, agreed-upon standards do not exist for local units of government exercising their permitting authority for such power plants. Some local units of government have imposed expensive, time-consuming and scientifically-unjustified restrictions on the development of wind energy power plants. As a result, installation of over 600 MW of wind energy power plants is stalled in Wisconsin.

AB 256 and SB 185 would require the Public Service Commission, by rule, to promulgate uniform standards to apply to wind energy power plant sitings. Local units of government would then apply these uniform standards as they consider wind energy power plant sitings.

Wisconsin faces several challenges with respect to energy and, ultimately, the state's long-term economic health. Energy, a basic component of our economy, cannot be taken for granted. Our state's energy use is growing and we now import, over existing power lines, roughly 15 percent of our electricity. For most Wisconsin manufacturers, a key issue is maintaining certainty over energy supply reliability, while meeting energy demands in the most efficient and cost-effective manner possible.

WMC is devoted to making Wisconsin a great place in which to work, live and do business. While many, many factors contribute to a good business climate — such as low taxes, a predictable and consistent regulatory climate, reasonable health care costs — no one can argue that access to reliable, competitively-priced electricity is an absolute necessity for our jobs and our economy.

As such, WMC respectfully requests you support Assembly Bill 256 and Senate Bill 185.



Testimony at a Public Hearing of the Committee on Energy  
and Utilities (Assembly) on AB-256  
May 12, 2009

companion  
to SB 185.

I am speaking today in opposition to AB-256 that proposes to remove control over the placement of large wind energy systems from local governments. For a sixteen-month period, ending in November of 2008, I served as the acting chair of the Town of Union (Rock County) Plan Commission as it developed its Ordinance No. 2008-06, Wind Energy Systems Licensing Ordinance. Extensive work of a volunteer citizen Wind Turbines Study Committee, the Union Plan Commission, and the Town of Union Board was made necessary because the Wisconsin Public Service Commission had failed in its responsibilities to fully investigate or consider the impacts on human health that result from proximity to large wind turbines. I am concerned that, if decisions on the rules governing placement of large wind turbines is given to this same negligent Public Service Commission, great harm to Wisconsin residents will result. We already have enough evidence of harm to human health resulting from sound from large wind turbines now operating in Wisconsin.

I must admit that when I first began to inform myself about this issue, I was skeptical of the seemingly hysterical reports of effects of sound from the turbines. After all, seen from a distance, they seem rather elegant, slow-moving providers of green energy. However, as I have learned more and have visited properties surrounded by large wind turbines, I have come to understand that what looked like hysteria was more likely desperation expressed by citizens who were suffering serious effects, had been failed by their government, and were either going to have to move (if possible) or suffer these effects for the next thirty years.

I am strongly in favor of alternative energy sources. My wife and I have installed a geothermal heating/cooling system on our rural property and are investigating investment in photovoltaic and wind energy systems. However, I think that there has been too little attention paid to the personal property aspects of large wind energy systems. While I believe that the state should allow great latitude for what one does on his/her own property, I also believe that the state should carefully consider what effects a property owner can produce on neighboring properties. In effect, the Wisconsin Public Service Commission has chosen to ignore these effects on neighboring properties, and our township was required to expend extensive money and volunteer time to develop an ordinance that protects our residents' health and safety and property rights.

Now comes proposed legislation to override local control at the locations where wind turbines would be sited and to give control over the standards to the Public Service Commission. Wind turbine vendors, utilities, and utility-supported renewable energy groups support the proposed legislation. But the Public Service Commission has already had its opportunity to develop responsible standards, and failed to do so. In its *Draft Model Wind Ordinance for Wisconsin*, put forth to provide guidance for local governments, the Public Service Commission recommended that it was safe to locate a 400-foot wind turbine within 1,000 feet of a neighbor's residence. When the Town of Union's Wind Turbines Study Committee sought to determine how PSC knew that this 1,000-foot setback would protect the neighbor's health and safety, it required a Freedom of Information Act request to learn that the PSC was taking the word of an out-of-state utility and had made no independent determination. Now it appears that the PSC has abandoned its own guidelines and has withdrawn the *Draft Model Wind Ordinance for Wisconsin* from its website. In 2007, the Public

Service Commission received and ignored a communication from board-certified experts in acoustics and community noise with critiques of the Public Service Commission's recommendations and offers of unpaid assistance. This inadequate approach to the development of its recommendations suggests that the Public Service Commission will be insufficiently protective of the property or health of Wisconsin residents.

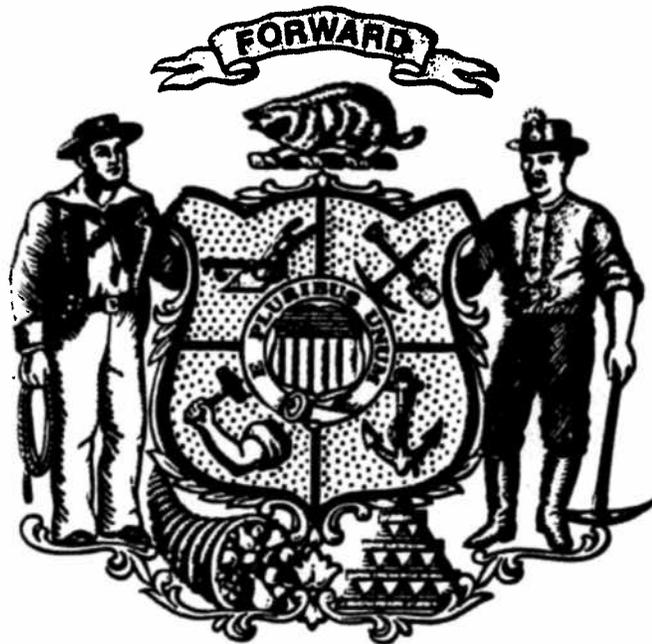
When asked about health and safety effects of wind turbines, EcoEnergy (the company proposing to locate wind turbines in our township) as well as our local utility simply have denied that there are any concerns, using statements such as "The noise from wind turbines is about the same as a refrigerator running in the room." or "The noise from wind turbines is masked by the sound of the wind blowing." These often-repeated statements are demonstrably false and would be laughable if they weren't so disrespectful of the people suffering from sleep deprivation and other chronic health effects resulting from bad placement of wind turbines in Wisconsin. If they believe what they're saying, they can't have listened to their own turbines. They are counting on the ignorance of landowners, editorial writers, and, frankly, legislators to allow them to make such deceitful claims. (Yet, while denying any adverse effects from placement of wind turbines, EcoEnergy uses the word "mitigation" a lot—betraying their recognition of the need to counteract the effects of wind turbines on humans in their vicinity.)

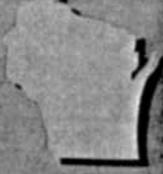
The language used to promote this bill—such as, "uniform siting standards," "protecting and creating 'green collar' jobs," and "a sensible wind energy policy"—sounds desirable and sensible, but, given the behavior of the key players who have lobbied for this bill, the justifications given are simply spin. These parties have not behaved responsibly or in good faith in the past and cannot be expected to give adequate care to the welfare of Wisconsin citizens.

Finally, this legislation is not just a bad idea, but is unnecessary and meddling in local affairs. There are already enough safeguards in place to limit unreasonable local ordinances. Unduly restrictive local ordinances can be challenged in court. If the wind turbine companies and utilities have a case to make, they would only have to make it in court one time to affect similar cases. Further, many ordinances, including ours, contain "good neighbor agreement" options that would allow setbacks closer than the ordinance stipulates if the affected landowners agree. The parties in support of this proposed legislation are trying for a short cut by trying to put the Public Service Commission—an agency they have already co-opted—in charge so they don't have to address the troublesome issues of health, safety, and property rights. I would ask that the committees considering this legislation not report it out or the legislators to vote against this attempt to override local control over the welfare of citizens. I thank the Committee for the opportunity to speak today on this important issue.

Douglas Zweizig  
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# WIEG

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To: Senate Committee on Commerce, Utilities, Energy and Rail

From: Todd Stuart, Executive Director  
Wisconsin Industrial Energy Group, Inc.

Re: Testimony in support of SB 185/AB 256

Date: May 12, 2009

Thank you for the opportunity to present testimony on this important subject. The following comments are submitted on behalf of the members of Wisconsin Industrial Energy Group, Inc. (WIEG) in support of Senate Bill 185 and Assembly Bill 256.

WIEG is a non-profit association of 30 large energy consumers that advocates for policies supporting affordable and reliable energy. Since the early 1970s, WIEG has been the premiere voice of Wisconsin ratepayers and an engine for business retention and expansion. Our member companies spend over \$200 million annually on electricity, and collectively employ more than 50,000 Wisconsin residents, who are themselves state taxpayers and utility ratepayers. WIEG members represent most major Wisconsin manufacturing industries, including paper, food processing, metal casting and fabricating.

Industrial customers are very concerned about the reliability of electricity at affordable rates. Rates have been rising in Wisconsin and elsewhere, but industrial rates rose faster in Wisconsin since 2000 than in any other state in the Midwest, and we have seen 7% average annual increases over the last decade. We went from some of the most competitive electric rate in the country to among the highest rates in the Midwest.

By our estimate, Wisconsin is currently facing over \$15 billion in utility-related infrastructure costs over the next decade. Over half of this figure is due to government mandates for renewable energy and environmental compliance for air emissions standards. That estimate does not include dealing with the cost of future carbon regulations. There will be extreme pressure on electric rates in the next few years. Large rate increases would seriously harm our competitiveness and would lead to the further loss of factories and jobs.

WIEG Testimony  
Senate Bill 185  
May 12, 2009

WIEG supports SB 185 as all legal battles over these projects are passed on to ratepayers. To the extent we can minimize legal costs associated with wind energy projects, we can make renewable energy more affordable for Wisconsin. When utilities build these projects or purchase them from a developer, the legal costs are wrapped in to the final price. In other words, the utility can recover the additional costs in their rates but the customer must ultimately pay for them.

Wind is the only renewable energy resource that can be installed in the scale needed to meet the utilities' current renewable energy requirements. Nearly all of the energy needed to meet 2005 Wisconsin Act 141 and its 10% Renewable Portfolio Standard (RPS) will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which in our understanding is far more problematic here than in neighboring states.

Roy Thilly, president & ceo of WPPI Energy and the chairman of the Governor's Task Force on Global Warming was quoted as saying "the way things stand now, it's easier to build a 100-megawatt wind farm in this state than it is to put up two or three turbines." That is unacceptable considering we will face a significant challenge meeting the 10% renewables mandate.

In order to be in compliance with the 10% renewables mandate, utilities must install or purchase about 2,000 megawatts of new wind generation capacity according to the new Strategic Energy Assessment issued by the PSC. At current prices, 2,000 megawatts of wind would cost between \$4 and \$5 billion. That is the capital equivalent of two Power the Futures, the largest construction project in our state's history.

If as a state we are going to have a renewable mandate as energy policy, then we can't have a patchwork quilt of siting regulations. The delays and cost overruns from difficult local permitting battles all over the state will be passed along to consumers in even higher electric rates. Governor Doyle worked with the Legislature earlier in this decade to streamline the siting process for conventional power plants and powerlines. It is now time to do similar regulatory reform efforts for renewable power, particularly wind development.

Again, the state's utilities can recover the additional costs in their rates but the customer must ultimately pay for them. Wisconsin's economy will be at risk of job losses and electricity demand destruction, especially in the manufacturing sector, if the coming rate increases are not managed effectively.

In conclusion, WIEG advocates for policies that drive affordable and reliable energy. Energy, economic development and environmental policy are all inextricably linked together. WIEG members are already facing fierce global competition and tremendous upward pressure on energy rates. These are very real costs that will have very real economic consequences. We need wind siting reform to help ease the cost of wind development in the state. Thank you for your attention and I can address any questions that you may have at this time.