



**Testimony of
Charlie Higley, Executive Director
Citizens Utility Board**

Before the Senate Committee on Government Operations,
Public Works, and Telecommunications

Tuesday, February 26, 2013

SB 35 Would Reduce Public Disclosure of Proposed Transmission Lines

Good morning Chairman Farrow and members of the committee, and thank you for the opportunity to provide comments of the Citizens Utility Board on SB 35.

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

SB 35

CUB is opposed to SB 35 because it would reduce disclosure and the flow of information about proposed transmission lines to communities and landowners potentially affected by the project.

Section 5 would delay when communities and landowners would receive information about proposed transmission lines. Instead of receiving information when companies apply for permission to build a transmission line from the Public Service Commission, the public would receive information about the transmission line much later in the process. This would make it more difficult for the public to find out about proposed transmission lines that could affect their homes and businesses.

Section 6 would eliminate the requirement for the project developer to provide a “detailed project plan” to the Department of Natural Resources at least 60 days before the project developer submits an application to build the project with the Public Service Commission. Though the project developer is still supposed to meet with the DNR to figure out which environmental permits are needed, not having to provide a detailed project plan is another reduction in the flow of information to the public about proposed transmission lines.

Frankly, I don't really like complaining about legislation. But here's a bill that could limit disclosure to the public about transmission lines, and CUB wasn't given a heads up about this legislation.

We assume the American Transmission Company has requested this bill. Yet, they never contacted CUB and explained why the bill is needed. Nor did any of the other utilities that support this bill.

(over)



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Of course we would be very concerned about changes to public disclosure of utility projects. And CUB wasn't the only stakeholder left in the dark. Even several utilities were unaware of this legislation.

In my opinion, much hand wringing and opposition could have been dealt with if ATC took the time to inform stakeholders about the legislation. Instead, CUB first became aware of the legislation late on Thursday, Feb. 21. Other stakeholders, too, saw the legislation just late last week. This is poor behavior by ATC, because it shows no respect for other stakeholders on utility issues.

Mr. Chairman, this also increases the burden on you and members of your committee—why should you have to deal with grumpy stakeholders when ATC could have informed them about the purpose of the legislation?

Second, all of our concerns were heightened when we learned that this committee will vote on the legislation on Thursday, Feb. 28, two days after this hearing. CUB is concerned that this bill is being pushed through the Legislature too quickly. It was introduced on Feb. 20, a public hearing is being held today, and this committee is supposed to vote on it in two days. This is too fast; legitimate concerns may not be addressed with such a rushed schedule.

And, CUB isn't the only stakeholder with concerns. We would all be much better served if bills were not rushed through the process.

Thank you for this opportunity to provide comments on SB 35. I would be happy to answer any questions.

Committee members,

My name is Joan Kent. I am co-chair of the town of Stark's Energy Planning and Information Committee and a member of the board of Save Our Unique Lands (SOUL).

Today you are considering a bill—SB35—which backers will probably call “housekeeping.” But I suggest it is further attempt to fast-track high-voltage transmission lines in Wisconsin. Since the mid-90s, when the Advance Plan for energy was eliminated in this state, the Legislature has tweaked laws to decrease ratepayers' participation, thereby greasing the skids for transmission companies' proposals.

But people throughout the state, who will be asked to pay for \$5 billion in transmission lines in the coming decade, are now questioning whether this is the best course for Wisconsin, noting that the energy need growth rate is flat and predicted to remain so for 25 years. Wisconsin has already spent billions to upgrade its transmission, resulting in a more than adequate system and increases that made Wisconsin's electric bills the highest in the Midwest.

The PSC has ignored requests by more than 3,000 people and nearly 100 municipalities to do cost-benefit comparison between the eight lines proposed or announced, with alternatives including an adequately funded Focus on Energy program. Some legislators and industrial energy users are asking the legislature to slow down the process and create a mechanism for ratepayer inclusion in energy planning. Town leaders and ratepayers are asking legislators to call a moratorium on new high-voltage lines. We contend, as some other states have proven, that considering alternatives will result in lower usage, lower rates and more long-term jobs.

This bill goes in the wrong direction by giving utilities more flexibility in the review process and more power in the market place, while a growing number of Wisconsin residents and local governments wait for the state to respond to their reasonable requests.

In closing, I also would like to ask why Thursday's consideration of this bill is scheduled for executive session.

Thank you for your consideration of our concerns.



WISCONSIN
FARMERS UNION



TO: Members of the Senate Committee on Government Operations, Public Works,
and Telecommunications
FROM: Kara Slaughter, Wisconsin Farmers Union – 514-4541;
kslaughter@wisconsinfarmersunion.com
DATE: February 26, 2013
RE: Senate Bill 35, Relating to powers and duties of an electric transmission company and
permitting for electrical transmission

Thank you for this opportunity to testify on Senate Bill 35. Wisconsin Farmers Union **opposes the portions of this bill that eliminate or reduce public notice requirements**, and we urge you to amend these provisions before proceeding with the bill.

PSC notice to local governments of Certificate of Public Convenience should continue take place within 10 days of application, rather than within 10 days of completion as the bill proposes.

There can be a significant delay between the time of initial application and the time that the PSC deems an application to be complete. The interim period is the most useful time for a city, village, or town to provide meaningful input regarding the proposed transmission line. Likewise, affected landowners have a valid interest in knowing sooner rather than later whether a transmission project could affect their farm or business, so that they can plan their operations accordingly. The current law is not overly burdensome, and the public's interest in full disclosure should take priority.

Applicants for a Certificate of Public Convenience should continue to be required to submit a detailed project plan to the Department of Natural Resources.

Similar to the provision above, landowners have a valid interest in understanding the implications of major construction and transmission projects that could affect their farms and businesses. Plans submitted to the DNR help neighboring landowners to be well-informed about proposed projects. Again, the goal is for members of the public to be able to provide meaningful input about proposed projects, and to plan their own operations.

Once again, thank you for the opportunity to testify regarding this Bill, and we urge members of this committee to prioritize public notice and meaningful citizen participation.

List of Adopted Information Request Resolutions

during the Public Information Phase of Badger-Coulee proposal (to ~end of October 2012)^{^^}

Green = Up to Date

Burnett County	Town of Roosevelt	P	Monroe County	Town of Wellington	P	Vernon County	Town of Stark	A, P
Columbia County	Town of Arlington	P		Town of Jefferson	A, P		Town of Liberty	A, P
	Village of Poynette	P		Town of Wells	P		Town of Hamburg	P
Dane County	Town of Springfield	P		Town of Sheldon	P		Town of Viroqua	A, P
	Town of Dane	P		Town of Portland	P		Town of Bergen	A, P
	Town of Berry	P**		Town of Leon	P*		Town of Kickapoo	P
	Village of Dane	A**		Town of Sparta	P*		Town of Whitestown	A, P
Grant County	Town of Wingville	P		Town of Ridgeville	A, P		Town of Dayton	P
	Town of South Lancaster	P		City of Sparta	A		Town of Hillsboro	P
	Town of Ellenboro	P		Monroe County	A		Town of Webster	A, P
Iowa County	Town of Wyoming	P	Oconto County	Town of Lena	P		Vernon County	A
Jackson County	Town of Manchester	P	Price County	Town of Prentice	P		Town of Clinton	A, P
	Town of North Bend	P*		Town of Knox	P		Town of Hillsboro	A**
	Town of Irving	P*		Town of Harmony	P		Town of Greenwood	A, P
	Town of Northbend	P*		Town of Georgetown	P		Town of Union	A*
	Town of Garden Valley	P*		Town of Catawba	P		Town of Christiana	A
	Town of Millston	P	Richland County	Town of Ithaca	P		Town of Coon	A
	Jackson County	P		Town of Buena-Vista	P		Town of Forest	A
Juneau County	Town of Wonewoc	P		Town of Eagle	P		Town of Sterling	P
	Seven Mile Creek	P		Town of Forest	A, P		Town of Wheatland	P
	Town of Lyndon	P		Town of Bloom	A*			
	Town of Orange	P		Village of Cazenovia	P			
	Town of Fountain	P		Richland County	A			
	Town of Lindina	P	Rusk County	Town of Murry	P			
	Town of Kildare	P		Big Falls	P			
	Village of Lyndon Sta.	P		Town of Hawkins	P			
	Juneau County	P*	Sauk County	Town of Woodland	A**			
	Town of Lisbon	P		Town of Dellona	A			
	Village of Camp Douglas	P		Sauk County	A*			
	Town of Lemonwier	P		City of Reedsburg	A**			
La Crosse County	La Crosse County	A		Town of Spring Green	P			
	Town of Farmington	A**		Town of Delton	P			
	Town of Burns	P		City of Baraboo	A**			
	Town of Onalaska	P		Town of Baraboo	P			
Marinette County	Town of Amberg	P		Town of La Valle	A, P			
	Town of Pembine	P		Town of Troy	P			
			Sawyer County	Town of Meteor	P			
			Taylor County	Town of Ford	P			

All white designations can be strengthened with a follow-up "PSC Information Request Resolution"

A = Information Request style to ATC & WI DNR mapping & listing sensitivities

A* = Containing most of the aspects of the "A" type.

A** = Containing some aspects of the "A" type and siting preferences.

P = PSC Information Request Resolution - Municipality up to date

P* = Has most aspects of the PSC Information Request Resolution.

^^ A final evaluation letter is sent to ATC at the end of the Public Information Phase with energy solution priorities and siting concerns.

Contact EPIC at type@mwt.net or 608-625-2339 with questions.

Feb. 26, 2013

Senator Paul Farrow and members of the Committee on Government Operations, Public Works, and Telecommunications,

Our Town committee was charged in 2010 with the task of understanding regional high voltage transmission expansion. We have met bimonthly and engaged in utility planning meetings on state, regional and national levels. We see Senate Bill 35 as progeny of a fifteen year-old experiment in Wisconsin to streamline high-capacity, interstate transmission permitting. From our perspective as energy planners, the momentum created by this streamlining is effectively pushing other energy options entirely off the road.

Regional utilities have announced plans that would have us paying 5 billion dollars for additional high-capacity transmission over the next 10 years. Though electricity use is dropping and more than 90% of the targeted transmission congestion costs have been eliminated by recent additions, regional utilities are insistent upon making **transmission** Wisconsin's #1 energy investment for our foreseeable future. An increasing number of citizens and legislators are realizing its time to weigh this assumption.

Our Committee examined the proposed changes in DNR review process in SB35 and also talked with DNR staff. We agree that the changes would address inconsistencies left over from previous legislation. In this small respect they involve some "housekeeping," but in the larger domain of high voltage transmission review process, SB35 is not designed to bring the house into order or full functionality.

I'd like to point out one example of policy oversight using the attached flow chart.

The review process begins when landowners within 1500' of potential corridors are sent notice by the applicant. For the next 20-30 months, in three steps, the number of potential routes is narrowed down. This is the most effective time period for the DNR to share information about environmental sensitivities with the applicant. Most of the difficult winnowing takes place in these months.

Here's the policy shocker. Neither current law nor SB35 contain a requirement that the applicant must consult with the DNR at the start of the public process. Currently, the applicant is only legally bound to initiate communication 60 days before their final corridor selections go to the PSC. Under SB35, one meeting must occur and is only defined as "before" the application goes in.

Is the arrangement as bad as this? No, at least not yet. Thankfully, DNR staff fill-in the gap by putting in extra time, anticipating problems and asking questions. If the DNR is to do their job, interaction must start before notifications are sent to the landowners with additional checkpoints before each stage of narrowing. Even worse, under current law and under SB35, should the applicant decide to minimally engage, the DNR is completely out of the loop when the majority of corridor selections are made.

Two more items about the bill and a summary.

The DNR can only protect resources in the review process through permits for things like crossing rivers, streams wetlands and avoiding endangered species. Under current law, there are, essentially, no natural settings that are ineligible for high voltage transmission permitting. The main card the DNR can play is to negotiate trade-offs – this place is really sensitive-- so I guess we're happier if you go over there. Wisconsin needs **special** permits for parks, nature reserves, historical sites, wetlands, natural areas and possibly some cultural and commercial areas. DNR staff need to be doing the fieldwork, not utility company designees.

Should ATC have its state-defined powers expanded to include transmission services and the buying and selling the same through any affiliated business? We have invested ATC with great authority. It straddles state and federal domain and is the second largest business of its kind--with the power to condemn land. Expanding upon these powers is likely to encumber the state eventually. ATC can figure out ways to achieve its private goals without changing its definition and obligations to the state.

We would like to, physically, hand to you copies of Resolutions adopted by more than 90 municipalities across all of Wisconsin including 7 counties. They ask the PSC to carefully compare the benefits of \$5 billion spent towards transmission expansion to the benefits of \$ 5 billion invested in energy efficiency combined with demand response, distributed generation and other solutions. States who are doing this are ranking transmission low for very compelling reasons. We all need to learn about them.

In short, no more speeding up with bills like SB35. It's time to slow down and change laws so Wisconsin can do long-term energy planning as we did before 1998, but even better.

Thank you for this opportunity to share our recommendations with you.

Rob Danielson, Secretary
Energy Planning & Information Committee [EPIC]
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<http://fieldpost.org/StarkEnergy/Resources.htm>

PHASE	CURRENT	With SB 35
<p>Pre-Application Public Information Stage</p>	<p>Applicant notifies landowners within 1500' of potential corridors and affected local governments. No PSC or DNR notifications.</p> <p>Potential corridors are narrowed down in three stages over many months.</p> <p><i>The interaction between the DNR and the applicant during this lengthy period is not legally defined .</i></p>	<p>Applicant notifies landowners within 1500' of potential corridors and affected local governments. No PSC or DNR notifications.</p> <p>Potential corridors are narrowed down in three stages over many months.</p> <p><i>The interaction between the DNR and the applicant during this lengthy period is not legally defined .</i></p>
<p>~60 days before the Application is Submitted</p>	<p>A minimum of 60 days before the application can be submitted to the PSC, the applicant provides a detailed project plan to the DNR.</p> <p>Within 30 days, the DNR provides a list of permits that may be required.</p> <p>SS30.025 also requires the applicant to meet with the DNR. The agency describes permits that may be required and "information" the applicant needs to provide by a certain time.</p> <p>The applicant uses this information to help complete their application.</p>	<p><i>No minimum time requirement. Stated only as "before" the application is submitted.</i></p> <p><i>No detail plan is required.</i></p> <p>SS30.025 requires the applicant to meet with the DNR. The agency describes permits that may be required and "information" the applicant needs to provide by a certain time.</p> <p>The applicant uses this information to help complete their application.</p>
<p>Application is Submitted to PSC</p>		

Submitted to be entered into testimony at:

Wisconsin Senate Committee on Government Operations, Public Works and
Telecommunications
Public Hearing on Senate Bill 35
February 26, 2013
State Capital – Madison, Wisconsin

Senators,

Over ninety municipalities and a thousand citizens have asked through resolutions and petitions that the Wisconsin Public Service Commission (PSC) and utilities compare alternatives to transmission line expansion, yet they have received no response. This lack of analysis, along with a myriad of other state and federal laws, was cited in the challenge to the PSC's approval of CapX2020 and other decisions brought before it.

Senators Shilling and Schultz requested a citizen meeting with the PSC to help get this information and to provide some insight into the decision making process. The initial request was denied the very same week that the PSC chairman presented a keynote speech on the PSC's role in protecting the future of for-profit utilities at an annual meeting.

This type of non-responsive behavior towards the citizens of this state, the repetitious challenges to PSC decisions that do not follow state energy priorities and the growing clamor for increased ability for citizens to be involved in this process, clearly indicates it is time to put the public back in the Public Service Commission.

SB35 – a bill that would have substantial impact on electric infrastructure applications and rights -- is being brought before this committee.

We would like to pose some questions and a request to the committee members about their consideration of SB35:

- With demand and projected growth well below our infrastructure's capabilities to reliably serve our needs, why forward a bill that increases transmission builder rights and benefits? Shouldn't our policies instead be focused on ensuring that energy planning and decisions fully capture the total financial and environmental costs of alternatives along with their impact on local jobs, Wisconsin ratepayer costs and carbon reduction?
- Do we fully understand how SB35 will limit the rights of municipalities, the DNR and even state regulators? At a time when ratepayers, municipalities, and citizen and industrial groups are asking for more input into energy planning, why reduce the time and ability of municipalities to represent the interests of their communities?
- How will SB35 affect the legal right for Wisconsin to require the Midwest Independent System Operator (MISO) to take into account state energy laws and priorities?

- Similarly, but not directly related to SB35, do Wisconsin laws governing PSC decision making need refinement to ensure compliance with the letter and spirit of the laws, to avoid repeated challenges to PSC decisions regarding the state energy priorities and to avoid potential bias in making decisions?

Our request... We ask that the committee members should promote legislation to provide the information asked for in the resolutions by local governments and advise the Wisconsin PSC to halt the addition of the CapX2020 project until that information is made available to the legislature and people of Wisconsin. We ask that the voice of the people of the State of Wisconsin be heard in this process.

Sincerely,

Brad Steinmetz, Chair
Town of Stark
Vernon County

Beverly Vaillancourt, Chair
Town of LaValle
Sauk County

David Klicko, President
Village of Lyndon Station
Juneau County