



SB394

725 Lois Drive
Sun Prairie, Wisconsin 53590
(608) 837-2263
Fax (608) 837-0206
www.meuw.org

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- Sturgeon Bay
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- Two Rivers
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- Waterloo
- Waunakee
- Waupun
- Westby
- Whitehall
- Wisconsin Dells
- Wisconsin Rapids
- Woneewoc

MEUW TESTIMONY IN SUPPORT OF SENATE BILL 394
RELATING TO SECURITY OF CERTAIN UTILITY RECORDS

Submitted by

Scott Meske, Governmental Affairs Director,
Municipal Electric Utilities of Wisconsin

Senate Health, Utilities, Veterans and Military Affairs
Wednesday, February 27, 2002

On behalf of the 82 members of the Municipal Electric Utilities of Wisconsin, we appreciate the opportunity to submit this testimony in support of Senate Bill 394.

As background, MEUW communities (listed at left) distribute more than 11 percent of the state's electricity to nearly 250,000 families, farms, small business and industrial customers. They all own and operate the local electric distribution system in their communities. They have been doing so for the better part of the last 100 years, providing low-cost, reliable power on a not-for-profit basis.

In the simplest of terms, SB 394 is just common sense legislation that addresses a potentially serious loophole in the current system. In passing such legislation, Wisconsin would be in line with other states that have recently passed similar laws or are in the process of doing so. These include Iowa, Washington, North Carolina and Ohio. Security of public utilities, their facilities, and their employees is vital to the core infrastructure of this country. Although no law can prevent every disastrous situation, Senate Bill 394 gives utilities the ability to do the right thing...in the interest of everyone's safety and well-being.

We strongly urge you to support Senate Bill 394.



10 E. Doty Street, Suite 511
Madison, WI 53703
Telephone (608) 280-7300
Fax (608) 280-7359

February 27, 2002

**TESTIMONY PREPARED FOR SENATE UTILITIES COMMITTEE
SENATE BILL 394**

Xcel Energy: Brian R. Zelenak, Manager, Regulatory Policy

Good afternoon. Thank you for the opportunity to testify today regarding Senate Bill 394. My name is Brian. Zelenak. I am the Manager of Regulatory Policy at Xcel Energy.

Unfortunately, due to the events of September 11, 2001 legislators across the country and in Wisconsin are having to consider legislation to enhance security at all levels. Maintaining a secure and reliable source of energy to fuel our homes and drive our business is vital to the safety and security of our residents and economic well being of our state. We have all seen and experienced what a single tragic event can do to our psyche and economy.

Senate Bill 394 proposes to withhold from public inspection information about utilities security measures taken. Xcel Energy supports this effort. Wisconsin utilities witnessed this issue first hand in the weeks following Sept. 11 when the PSCW convened a meeting of all utilities to discuss utility actions and preparedness. The PSCW forwarded a request from the regional U.S. Department of Energy (DOE) for information regarding actions utilities were taking to secure their infrastructure. While the meeting was encouraging and useful to all present to discuss the emergency procedures utilities had taken and were taking, Xcel Energy was reluctant to divulge much, if any, information beyond a very high level written response to the DOE. Obviously, security issues surrounding confidentiality were on our mind.

Currently the PSCW has a process in place to determine the confidentiality of information filed with their agency. There are explicit statutory provisions for maintaining confidentiality for information deemed either a "trade secret" (Wis Stat. § 196.14) or information that would "aid a competitor" (Wis Stat. § 134.90). However, there is no such statutory reference applicable to information the Commission may deem a security risk.

In addition to keeping the security "measures taken" filed with the PSCW confidential, Xcel Energy believes that the current SB 394 should be expanded to allow the Commission to make a determination that the release of information other than security "measures taken" may be considered a public security risk and exempt that information from public disclosure through a specific statutory reference similar to Wis Stats. § 196.14 and § 134.90.

On behalf of Xcel Energy, I would like to thank you for the opportunity to offer the Company's view on this important matter. I would be happy to answer any questions the committee may have.

Vote Record

Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: 3/6/02

Bill Number: SB 394

Moved by: Cowles

Seconded by: Moen

Motion: Intro + adoption of Sen sub I

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Rodney Moen, Chair ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Roger Breske ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Robson ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Meyer ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Peggy Rosenzweig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Cowles ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: 3/6/02

Bill Number: SB 394

Moved by: Cowles

Seconded by: Moen

Motion: passage as amended

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Rodney Moen, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Meyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Peggy Rosenzweig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Cowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Motion Carried

Motion Failed