

2003 DRAFTING REQUEST

Bill

Received: **05/30/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Jennifer Halbur**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Withdrawal of transmission company from independent system operator or regional transmission company

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 06/02/2003	csicilia 06/02/2003		_____			
/1			chaskett 06/02/2003	_____	lemery 06/02/2003		
/2	mkunkel	csicilia	jfrantze	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/04/2003	06/04/2003	06/04/2003	_____	06/04/2003		
/3	mkunkel 06/05/2003	csicilia 06/05/2003	chaskett 06/05/2003	_____ _____ _____	sbasford 06/05/2003	sbasford 06/06/2003 sbasford 06/06/2003	

FE Sent For: *none needed*

<END>

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/?	mkunkel 06/02/2003	csicilia 06/02/2003		_____		↓ per Roger in Cowles's office	
/1			chaskett 06/02/2003	_____	lemery 06/02/2003		
/2	mkunkel	csicilia	jfrantze	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/04/2003	06/04/2003	06/04/2003	_____	06/04/2003		
/3	mkunkel 06/05/2003	csicilia 06/05/2003	chaskett 06/05/2003	_____	sbasford 06/05/2003		

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/1			chaskett 06/02/2003	_____	lemery 06/02/2003		
/2	mkunkel	csicilia	jfrantze	_____	mbarman		

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	06/04/2003	06/04/2003	06/04/2003	_____	06/04/2003		

FE Sent For:

<END>

13 cjs $\frac{6/5}{03}$

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Wanted: As time permits

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Requester's email: Sen.Cowles@legis.state.wi.us

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/?	mkunkel 06/02/2003	csicilia 06/02/2003					
/1		1/2 cis 6/4 03	chaskett 06/02/2003		lemery 06/02/2003		

Handwritten signatures and dates: Jo 6/4, Jo/RS 6/4

FE Sent For:

<END>

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Received: 05/30/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Robert Cowles (608) 266-0484

By/Representing: Jennifer Halbur

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - electric

Extra Copies: RJM

Submit via email: YES

Requester's email: Sen.Cowles@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

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/?	mkunkel	1 cjs 6/2 03	1 cph 6/2	self 6/2			

FE Sent For:

<END>

- 2779



MEMBER:
Environmental Resources Committee
Health, Utilities, Veterans and
Military Affairs Committee
Joint Committee for Review of
Administrative Rules

May 22, 2003

To: Mark Kunkel
From: Jennifer Halbur
Re: Drafting Request

Per our conversation, I have attached language Senator Cowles would like to have drafted.

Please contact me at 266-0484 if you have any questions.

Office:
Room 123 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
608-266-0484

Toll-Free Hotline: 1-800-334-1465
TDD Hotline: 1-800-228-2115
Fax: 608-267-0304

District:
300 W. St. Joseph Street
Green Bay, WI 54301-2320
920-448-5092
Fax: 920-448-5093

Confidential
May 19, 2003

MISO Amendment

Create new sec. 196.485 (3m)(b)3., as follows:

“3. Upon a determination of the commission that such withdrawal is in the public interest, and subject to any other required regulatory approvals, withdraw from the Midwest independent system operator or any other independent system operator or regional transmission organization of which it is or becomes a member.”

Repeal sec. 196.485(3m)(a)1.e.

O-NOTE

Stays
-2779/1

Today by
4:30pm

2003 BILL

RM
NOT
RUN

Reg cat

1 AN ACT to amend 196.485 (3m) (a) 1. e.; and to create 196.485 (3m) (b) 3. of the
2 statutes; relating to: membership duties of transmission company responsible
3 for electric transmission in this state.

Analysis by the Legislative Reference Bureau

This bill allows the American Transmission Company (ATC) to withdraw as a member of the Midwest Independent System Operator (MISO). The ATC is a limited liability company created under state law that operates and maintains electric transmission facilities that were transferred to it by certain electric utilities. The MISO is an organization that is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) and that facilitates electric transmission in a region of the country that includes this state.

Current law requires the ATC to apply for membership in and remain a member of the MISO for a period of time specified in an agreement conditionally approved by FERC that established the MISO. This bill allows the ATC to withdraw as a member of the MISO (or any similar organization), but only if the Public Service Commission (PSC) determines that the withdrawal is in the public interest. Also, the withdrawal is subject to any approvals required under federal or state law.

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

BILL

1 **SECTION 1.** 196.485 (3m) (a) 1. e. of the statutes is amended to read:

2 196.485 **(3m)** (a) 1. e. ~~Remain~~ Except as provided under par. (b) 3., remain a
3 member of the Midwest independent system operator, or any independent system
4 operator or regional transmission organization that has been approved under federal
5 law to succeed the Midwest independent system operator, for at least the 6-year
6 transition period that is specified in the agreement conditionally approved by the
7 federal energy regulatory commission that establishes the Midwest independent
8 system operator.

9 **SECTION 2.** 196.485 (3m) (b) 3. of the statutes is created to read:

10 196.485 **(3m)** (b) 3. Subject to any approval required under federal or state law,
11 withdraw from the Midwest independent system operator or any other independent
12 system operator or regional transmission organization of which the transmission
13 company is or becomes a member, if the commission determines that the withdrawal
14 is in the public interest.

15

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2780/Idm

MDK:cjs:6

June 2, 2003

Stamps

- 2779/100

Sen. Cowles
Rep. Jensen:

This bill ~~(which is an Assembly companion to Senator Cowles' request)~~ allows the ATC to withdraw from the MISO. However, I'm not sure what changes, if any, are necessary to the following statutes, which aren't affected by this bill:

1. Under s. 196.485 (3m) (a) 1. d., the ATC must transfer operational control of its transmission facilities to the MISO. If the ATC withdraws from the MISO, does it, or must it, regain operational control over its transmission facilities? Should the statute be revised to address this issue?
2. Under s. 196.485 (4) (am), certain electric utilities are required to become members of the MISO and transfer operational control over their transmission facilities to the MISO.
3. Under s. 196.485 (1m) (b) and (c), the exclusive duty to provide transmission service transfers from the ATC to the MISO when the MISO begins operations.

If you want any changes to the bill, please let me know.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2779/1dn
MDK:cjs:cph

June 2, 2003

Sen. Cowles:

This bill allows the ATC to withdraw from the MISO. However, I'm not sure what changes, if any, are necessary to the following statutes, which aren't affected by this bill:

1. Under s. 196.485 (3m) (a) 1. d., the ATC must transfer operational control of its transmission facilities to the MISO. If the ATC withdraws from the MISO, does it, or must it, regain operational control over its transmission facilities? Should the statute be revised to address this issue?
2. Under s. 196.485 (4) (am), certain electric utilities are required to become members of the MISO and transfer operational control over their transmission facilities to the MISO.
3. Under s. 196.485 (1m) (b) and (c), the exclusive duty to provide transmission service transfers from the ATC to the MISO when the MISO begins operations.

If you want any changes to the bill, please let me know.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

J-note

2

Today
by
2 PM

stays

RM has
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2003 BILL

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Reger cat.

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IB

1 AN ACT to amend 196.485 (3m) (a) 1. e.; and to create 196.485 (3m) (b) 3. of the
2 statutes; relating to: membership duties of transmission company responsible
3 for electric transmission in this state.

Analysis by the Legislative Reference Bureau

This bill allows the American Transmission Company (ATC) to withdraw as a member of the Midwest Independent System Operator (MISO). The ATC is a limited liability company created under state law that operates and maintains electric transmission facilities that were transferred to it by certain electric utilities. The MISO is an organization that is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) and that facilitates electric transmission in a region of the country that includes this state.

Current law requires the ATC to apply for membership in and remain a member of the MISO for a period of time specified in an agreement conditionally approved by FERC that established the MISO. This bill allows the ATC to withdraw as a member of the MISO (or any similar organization), but only if the Public Service Commission (PSC) determines that the withdrawal is in the public interest. Also, the withdrawal is subject to any approvals required under federal or state law.

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

1

INSERT 1A:

Also, current law specifies that the ATC has the exclusive duty to provide electric transmission service in this state, until the MISO begins operations, at which time the MISO has that exclusive duty.

2

INSERT 1B:

If the ATC withdraws from the MISO under the bill, the exclusive duty to provide electric transmission service in this state reverts to the ATC.

Finally, the bill changes the definition of "independent system operator". Under current law, that term is defined to mean an independent system operator that requires federal approval to operate transmission facilities in this state or a region including this state. Under ~~this~~ bill, the term has the same meaning as under current law, except that it means an independent system operator that also exercises control over transmission facilities in this state.

3

INSERT 2-1:

4

SECTION 1. 196.485 (1) (d) of the statutes is amended to read:

5

196.485 (1) (d) "Independent system operator" means an independent system

6

operator that requires the approval of a federal agency to operate transmission

7

facilities in this state or a region and that exercises control over the operation of

8

transmission facilities in this state.

9

History: 1997 a. 204; 1999 a. 9, 75; 2001 a. 104.

SECTION 2. 196.485 (1m) (b) of the statutes is amended to read:

10

196.485 (1m) (b) After beginning operations, the transmission company shall,

11

except for transmission service provided by an electric utility that has not

12

transferred its transmission facilities to the transmission company, have the

13

exclusive duty to provide transmission service in those areas in which transmission

14

facilities have been contributed. The duty under this paragraph shall terminate on

15

the date, as determined by the commission under sub. (2) (d), that the Midwest

16

independent system operator begins operations, except that the duty shall revert to

1 the transmission company if the transmission company withdraws from the Midwest
2 independent system operator under sub. (3m) (b) 3.

3 History: 1997 a. 204; 1999 a. 9, 75; 2001 a. 104.

3 **SECTION 3.** 196.485 (1m) (c) of the statutes is amended to read:

4 196.485 (1m) (c) After beginning operations, the Midwest independent system
5 operator shall, except for transmission service provided by an electric utility that has
6 not transferred control over its transmission facilities to the Midwest independent
7 system operator, and except as provide in par. (b), have the exclusive duty to provide
8 transmission service in the transmission area and shall ensure that each
9 transmission facility in the transmission area that is under its operational control
10 is planned, constructed, operated, maintained and controlled as part of a single
11 transmission system.

History: 1997 a. 204; 1999 a. 9, 75; 2001 a. 104.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2779/2dn

MDK:/:....

cjs

Senator Cowles:

Is it necessary to make any changes to s. 196.491 (3m) (a) 1., stats., which conditions PSC approval for public utility affiliate wholesale merchant plants on the utility's transfer of control of transmission facilities to an ISO?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2779/2dn
MDK:cjs:jf

June 4, 2003

Senator Cowles:

Is it necessary to make any changes to s. 196.491 (3m) (a) 1., stats., which conditions PSC approval for public utility affiliate wholesale merchant plants on the utility's transfer of control of transmission facilities to an ISO?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Kunkel, Mark

From: Lee Cullen [cullen@cwpb.com]
Sent: Wednesday, June 04, 2003 12:44 PM
To: Mark.Kunkel@legis.state.wi.us
Cc: brett.healy@legis.state.wi.us; jennifer.halbur@legis.state.wi.us
Subject: Re: ATC bill

Dear Mark - thanks. I don't think that s. 196.491(am(a)1., relating to PSCW approval of affiliated merchant plants, needs to be changed, because all the state's major public utilities have already transferred their transmission facilities to MISO (in the case of the EWU utilities, as we discussed in regard to your previous question #2, this happened pre-ATC formation). So they have already fulfilled this condition.

The text of the bill looks good. I would change the Analysis as follows: add to the second & fourth sentences of the second paragraph the phrase "except for transmission service provided by an electric utility that has not transferred its transmission facilities to the transmission company." This phrase is from current s. 196.485(1m)(b), and reflects the fact that ATC would not provide transmission service in all areas of the state (e.g. DPC and X-Cel).

Lee Cullen
Cullen Weston Pines & Bach LLP
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Madison, WI 53703
E-Mail- cullen@cwpb.com
Office- (608) 251-0101
Fax- (608) 251-2883
www.cwpb.com

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>>> "Kunkel, Mark" <Mark.Kunkel@legis.state.wi.us> 06/04/03 11:40AM >>>
<<03-2779/2>> <<03-2779/2dn>>

Lee:

Please see the drafter's note, which raises a point that one of our editors caught. Let me know if it raise an issue that needs to be addressed.

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

Kunkel, Mark

From: Lee Cullen [cullen@cwpb.com]
Sent: Wednesday, June 04, 2003 3:03 PM
To: Mark.Kunkel@legis.state.wi.us
Cc: brett.healy@legis.state.wi.us; jennifer.halbur@legis.state.wi.us
Subject: MISO Bill

Mark - thanks for discussing the issue of not inadvertently giving MISO statewide authority if it only controlled transmission facilities in part of the state. While we are comfortable with the "to the extent that..." solution in the definition, I understand your concerns about precision. There may be a better definitional solution. Please call me if you wish to discuss.

We had also discussed inserting in Section 2 of the bill the following sentence:

Upon such withdrawal the transmission company shall assume any power or duty previously granted by state law to the MISO.

Lee Cullen
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Kunkel, Mark

From: Lee Cullen [cullen@cwpb.com]
Sent: Wednesday, June 04, 2003 6:38 PM
To: Mark.Kunkel@legis.state.wi.us
Subject: RE: Question

Mark - isn't the legal basis for MISO losing its powers that it no longer controls transmission facilities to which the powers apply, as set forth in your quote from Chapter 32, as well the 196.385(3)(a)? In other words, the loss of power arises from a Wisconsin statutory premise that no longer exists.

Probably won't hear back tonight from the consensus group. Will contact you first thing in the am.

Lee Cullen
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Madison, WI 53703
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Fax- (608) 251-2883
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>>> "Kunkel, Mark" <Mark.Kunkel@legis.state.wi.us> 06/04/03 05:38PM >>>
I don't know if I can say that in the analysis because I don't think the statutes say that. If the reason that MISO loses the power to control is based on some legal basis other than the statutes, the analysis should say, or allude to, that other legal basis. And for my own due diligence, I would like to have, maybe at least in the file, a copy or a reference to that legal basis.

If I'm not being clear about this, I can discuss it with you in a bit.

-----Original Message-----

From: Lee Cullen [mailto:cullen@cwpb.com]
Sent: Wednesday, June 04, 2003 5:40 PM
To: Mark.Kunkel@legis.state.wi.us
Subject: Re: Question

Mark - waiting for input from the consensus group. If we reinsert the sentence included in my last e-mail into the new section, could we add a sentence to the Analysis that states that, if ATC withdraws, MISO loses and ATC assumes MISO's state-law powers and duties. That would make the legislative intent clear to the effect that MISO would not have any powers in areas where it did not control transmission facilities.

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>>> "Kunkel, Mark" <Mark.Kunkel@legis.state.wi.us> 06/04/03 03:40PM >>>
Lee:

Maybe you don't need to modify the definition of ISO because, as shown in the emphasized statutory language below, condemnation power is limited to purposes related to the transmission lines of an ISO. Therefore, an ISO can't condemn for power over lines that it does not control.

What do you think?

-- Mark

182.017(1)

(1) Right-of-way for. ... [A]n independent system operator, as defined in s. 196.485 (1) (d), ... may, subject to ss. 30.44 (3m), 30.45, 86.16 and 196.491 (3) (d) 3m. and to reasonable regulations made by any city, village or town through which its transmission lines or systems may pass, construct and maintain such lines or systems with all necessary appurtenances in, across or beneath any public highway or bridge or any stream or body of water, or upon any lands of any owner consenting thereto, and for such purpose may acquire lands or the necessary easements; and may connect and operate its lines or system with other lines or systems devoted to like business, within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light.

32.02(5) (b)

(b) Any Wisconsin corporation engaged in the business of transmitting or furnishing heat, power or electric light for the public or any foreign transmission provider for the construction and location of its lines or for ponds or reservoirs or any dam, dam site, flowage rights or undeveloped water power.

Note that "foreign transmission provider" has a definition under current law that include the element of controlling transmission facilities. See s. 32.02 (5) (a) 2., stats.

Kunkel, Mark

From: Lee Cullen [cullen@cwpb.com]
Sent: Thursday, June 05, 2003 9:12 AM
To: Mark.Kunkel@legis.state.wi.us
Cc: brett.healy@legis.state.wi.us; jennifer.halbur@legis.state.wi.us
Subject: MISO Amendment

Dear Mark - what I've heard back in response to your inquiry is that we do not need to modify the ISO definition, because the relevant condemnation statutes are already premised on the provider owning or controlling transmission lines ("...its transmission lines..."), and because we are adding the sentence that says that, if there is a withdrawal, ATC assumes powers and duties previously exercised by the MISO. Can we reflect this reading in the Analysis?

Lee Cullen
Cullen Weston Pines & Bach LLP
122 West Washington Ave., Suite 900
Madison, WI 53703
E-Mail- cullen@cwpb.com
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Fax- (608) 251-2883
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Kunkel, Mark

From: Lee Cullen [cullen@cwpb.com]
Sent: Thursday, June 05, 2003 9:27 AM
To: Jennifer.Halbur@legis.state.wi.us
Cc: Mark.Kunkel@legis.state.wi.us
Subject: RE: MISO Amendment

Jennifer - there will be a /3 today, and that should be the final.

Lee Cullen
Cullen Weston Pines & Bach LLP
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Madison, WI 53703
E-Mail- cullen@cwpb.com
Office- (608) 251-0101
Fax- (608) 251-2883
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>>> "Halbur, Jennifer" <Jennifer.Halbur@legis.state.wi.us> 06/05/03 09:13AM >>>
Lee,

Does this mean that the /2 language is okay? I would like to get the bill turned in and have a bill number on it before the Senate hearing on Wednesday the 11th. Let me know if you are still working on potential changes to the draft.

Thank you,

Jennifer

-----Original Message-----

From: Lee Cullen [mailto:cullen@cwpb.com]
Sent: Thursday, June 05, 2003 9:12 AM
To: Mark.Kunkel@legis.state.wi.us
Cc: brett.healy@legis.state.wi.us; jennifer.halbur@legis.state.wi.us
Subject: MISO Amendment

Dear Mark - what I've heard back in response to your inquiry is that we do not need to modify the ISO definition, because the relevant condemnation statutes are already premised on the provider owning or controlling transmission lines ("...its transmission lines..."), and because we are adding the sentence that says that, if there is a withdrawal, ATC assumes powers and duties previously exercised by the MISO. Can we reflect this reading in the Analysis?

Lee Cullen
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Stays

RM has been run

Today by 3:00pm

2003 BILL

with responsibilities

INSERT IA

powers and

1 AN ACT to amend 196.485 (1) (d), 196.485 (1m) (b), 196.485 (1m) (c) and 196.485
 2 (3m) (a) 1. e.; and to create 196.485 (3m) (b) 3. of the statutes; relating to:
 3 ~~the~~ duties of transmission company ~~responsible~~ for electric
 4 transmission in this state.

Analysis by the Legislative Reference Bureau

This bill allows the American Transmission Company (ATC) to withdraw as a member of the Midwest Independent System Operator (MISO). The ATC is a limited liability company created under state law that operates and maintains electric transmission facilities that were transferred to it by certain electric utilities. The MISO is an organization that is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) and that facilitates electric transmission in a region of the country that includes this state.

Current law requires the ATC to apply for membership in and remain a member of the MISO for a period of time specified in an agreement conditionally approved by FERC that established the MISO. Also, current law specifies that the ATC has the exclusive duty to provide electric transmission service in this state until the MISO begins operations, ~~at which time the MISO has that exclusive duty.~~ This bill allows the ATC to withdraw as a member of the MISO (or any similar organization), but only if the Public Service Commission (PSC) determines that the withdrawal is in the public interest. Also, the withdrawal is subject to any approvals required under federal or state law. If the ATC withdraws from the MISO under the bill, the

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exclusive duty to provide electric transmission service in this state reverts to the ATC.

Finally, the bill changes the definition of "independent system operator." Under current law, that term is defined to mean an independent system operator that requires federal approval to operate transmission facilities in this state or a region including this state. Under the bill, the term has the same meaning as under current law, except that it means an independent system operator that also exercises control over transmission facilities in this state.

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

1 SECTION 1. 196.485 (1) (d) of the statutes is amended to read:
2 196.485 (1) (d) "Independent system operator" means an independent system
3 operator that requires the approval of a federal agency to operate transmission
4 facilities in this state or a region and that exercises control over the operation of
5 transmission facilities in this state.

6 SECTION 2. 196.485 (1m) (b) of the statutes is amended to read:
7 196.485 (1m) (b) After beginning operations, the transmission company shall,
8 except for transmission service provided by an electric utility that has not
9 transferred its transmission facilities to the transmission company, have the
10 exclusive duty to provide transmission service in those areas in which transmission
11 facilities have been contributed. The duty under this paragraph shall terminate on
12 the date, as determined by the commission under sub. (2) (d), that the Midwest
13 independent system operator begins operations, except that the duty shall revert to
14 the transmission company if the transmission company withdraws from the Midwest
15 independent system operator under sub. (3m) (b) 3. - INSERT 2-15 ✓

16 SECTION 3. 196.485 (1m) (c) of the statutes is amended to read:
17 196.485 (1m) (c) After beginning operations, the Midwest independent system
18 operator shall, except for transmission service provided by an electric utility that has

BILL

1 not transferred control over its transmission facilities to the Midwest independent
2 system operator, and except as provide in par. (b), have the exclusive duty to provide
3 transmission service in the transmission area and shall ensure that each
4 transmission facility in the transmission area that is under its operational control
5 is planned, constructed, operated, maintained and controlled as part of a single
6 transmission system.

7 **SECTION 4.** 196.485 (3m) (a) 1. e. of the statutes is amended to read:

8 196.485 (3m) (a) 1. e. ~~Remain~~ Except as provided under par. (b) 3., remain a
9 member of the Midwest independent system operator, or any independent system
10 operator or regional transmission organization that has been approved under federal
11 law to succeed the Midwest independent system operator, for at least the 6-year
12 transition period that is specified in the agreement conditionally approved by the
13 federal energy regulatory commission that establishes the Midwest independent
14 system operator.

15 **SECTION 5.** 196.485 (3m) (b) 3. of the statutes is created to read:

16 196.485 (3m) (b) 3. Subject to any approval required under federal or state law,
17 withdraw from the Midwest independent system operator or any other independent
18 system operator or regional transmission organization of which the transmission
19 company is or becomes a member, if the commission determines that the withdrawal
20 is in the public interest.

21 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2779/3ins
MDK:.....

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except that the exclusive duty does not apply to electric transmission service
provided by electric utilities that have not transferred their transmission facilities
to the ATC. After the MISO begins operations, current law provides that the MISO
has the duty, not the ATC.

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As under current law, the exclusive duty does not apply to electric transmission
service provided by electric utilities that have not transferred their transmission
facilities to the ATC. Finally, the bill provides that if the withdrawal occurs, the ATC
assumes any power or duty granted by state law before the withdrawal to the MISO.

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INSERT 2-15:

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. If the transmission company makes such a withdrawal, the transmission company
shall assume any power or duty granted by state law before the withdrawal to the
Midwest independent system operator

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