

**2005 DRAFTING REQUEST**

**Bill**

Received: 03/10/2005

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Phil Montgomery (608) 266-5840**

By/Representing: **Adam Raschka**

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: **Rep.Montgomery@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Certificates of public convenience and necessity for electric generating facilities

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**Instructions:**

See Attached

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**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>
/?							
/1	mkunkel 03/15/2005	kfollett 03/15/2005	pgreensl 03/15/2005	_____	lemery 03/15/2005		
/2	mkunkel 05/13/2005	kfollett 05/13/2005	jfrantze 05/13/2005	_____	lnorthro 05/13/2005	lemery 05/17/2005	

FE Sent For:

<END>

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/1	mkunkel 03/15/2005	kfollett 03/15/2005	pgreensl 03/15/2005		lemery 03/15/2005		

FE Sent For:

12/16/05  
5/13  
2005/13  
5/13  
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/?	mkunkel	1/16/05 3/15	3/15 ps	3/15 swb			

FE Sent For:

<END>

**Kunkel, Mark**

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**From:** Raschka, Adam  
**Sent:** Tuesday, March 08, 2005 3:02 PM  
**To:** Kunkel, Mark  
**Subject:** Potential Oak Creek Fix

Mark,

Attached is the memo we spoke over early today. Rep. Montgomery appreciates your expedited drafting of this potential legislation.



Potential Oak Creek  
Fix.doc

Please give me a call if you have any questions.

Adam

**Adam Raschka**  
**Office of State Representative Phil Montgomery**  
**608-266-5840**

TO: Mark Kunkel, LRB  
FR: Rep. Montgomery  
RE: Legislative Remedy to Clean WI, SC Johnson, Calpine Corp. and the Town of Caledonia  
VS. PSCW, WIDNR and We Energies

This case arises from the Final Decision of the Commission then consisting of Burneatta Bridge, Ave Bie and Robert Garvin approving a Certificate of Public Convenience and Necessity ("CPCN"), pursuant to § 196.491(3), Wis. Stats. (the "CPCN statute"), for the construction of two electric generating units in Oak Creek.

The proposed facility is referred to as the Elm Road Generating Station ("ERGS"). Wisconsin Energy Corporation, Wisconsin Electric Power Company ("WEPCO"), and W.E. Power, LLC (collectively "WE") filed the CPCN application on January 31, 2002. The Final Decision approving the CPCN, with certain modifications and conditions, was entered November 10, 2003.

Challenges pursuant to Chapter 227 were consolidated before Dane County Circuit Court Judge David Flanagan. Judge Flanagan issued an Order vacating the Commission's decision on November 29, 2004 ("*Order*"). The Commission and WE timely filed Notices of Appeal. Other appeals and cross appeals have been filed. The Commission and WE petitioned this Court for bypass and expedited appeal. The petitions were granted by Supreme Court on January 5, 2005. It is anticipated that Wisconsin's Supreme Court will overturn Flanagan's decision and reinstate the CPCN. But in the event that does not happen, it is prudent to prepare legislative language to correct any conflicting statutes. The need for new, lower-cost baseload power is crucial to the economic vitality of the State of Wisconsin.

On November 29, 2004, Circuit Court Judge Flanagan in his Circuit Court decision identified his decision into two categories: (1) challenges to the "completeness" of the application; and (2) challenges to the Final Decision and Order.

As to "completeness" of the application, the Court accorded no deference to the Commission's interpretation of its own rule or its factual findings and held the application deficient as a matter of law for three reasons:

- (1) the application did not contain all regulatory permits required for construction and operation of the plant;
- (2) the application did not include finalized agreements for the use of transmission lines; and
- (3) the application did not present sufficiently "distinct locations" to constitute "two proposed sites."

Based upon these findings, the Court vacated the Final Decision, requiring that the entire process begin anew.

As to the Final Decision and Order approving the facilities under § 196.491(3), the Court found three fatal flaws:

- (1) the Commission violated the Energy Priorities Law by failing to explain adequately why coal was selected over natural gas and failing to specifically discuss oil or low sulfur coal;
- (2) the Commission failed to “determine” the design, cost, and location of related transmission line improvements; and
- (3) the Commission violated § 196.491(3)(e) by issuing a CPCN before DNR issued all required construction permits.

Based upon these findings, the Court vacated the Final Decision and remanded to the Commission.

The Circuit Court also held the Commission erred by approving the sizing of common systems to accommodate possible future expansion.

In the event that a legislative remedy is necessary, I have drafted the following language. Please use this memo as a baseline for further drafting.

### **Completeness**

196.491(3)(a)2.

2. The commission shall determine whether an application filed under subd. 1. is complete and, no later than 30 days after the application is filed, notify the applicant about the determination. If the commission determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that the commission has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application under this subdivision. If the commission fails to determine whether an application is complete within 30 days after the application is filed, the application shall be considered to be complete

### **Section 196.491(3)(a)2m. is created to read:**

196.491(3)(a)2m. An application for a large electric generating facility that is complete in all other respects shall be deemed complete under subd. 2 even though one or more of the following apply:

a. The application includes some but not all of the information necessary to evaluate or approve any transmission facilities construction that may be associated with the proposed electric generating facility and those transmission facilities are to be constructed by or are the responsibility of a utility that is not the applicant.

b. The applicant addresses any requirement to propose alternative sites for construction of the large electric generating station by proposing two sites that are contiguous or proximate provided that at least one of the proposed sites is located on a brownfield or at a former or existing large electric generating facility.

c. The applicant has not yet obtained the permits or approvals that are required for construction.

Initial applicability:

The treatment of **Sec. 196.491(3)(a)2m.** first applies to an application filed with, pending before, or reopened or reconsidered by the Public Service Commission on or after the effective date of this act.

## Timing of Permits

**Section 196.491(3)(e) of the statutes is amended to read:**

196.491(3)(e) If an application filed under par. (a)1. does not meet the criteria under par. (d), the commission shall reject the application or approve the application with such modifications or conditions as are necessary for an affirmative finding under par. (d) The commission may not issue a certificate of public convenience and necessity under this subsection until the department has issued all permits and approvals identified in the listing specified in par. (a) 3. a. that are required prior to construction, except that the commission may satisfy this requirement by conditioning the applicant's authority to construct under the certificate of public convenience and necessity on subsequent receipt by the applicant of the permits and approvals that are required for construction.

Initial Applicability

The treatment of section **196.491(3)(e)** first applies to an application filed with, pending before, or reopened or reconsidered by the Public Service Commission on the effective date of this act.



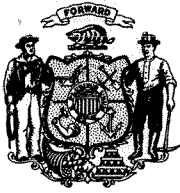
**OR**

**Section 196.491(3)(e) of the statutes is amended to read:**

196.491(3)(e) If an application filed under par. (a)1. does not meet the criteria under par. (d), the commission shall reject the application or approve the application with such modifications as are necessary for an affirmative finding under par. (d).—~~The commission may not issue a certificate of public convenience and necessity under this subsection until the department has issued all permits and approvals identified in the listing specified in par. (a) 3. a. that are required prior to construction.~~

**Initial Applicability**

The treatment of section **196.491(3)(e)** first applies to an application filed with, pending before, or reopened or reconsidered by the Public Service Commission on the effective date of this act.



Bu Thurs  
3/17

## 2005 BILL

Gen

- 1 AN ACT ...; relating to: applications for certificates of public convenience and
- 2 necessity for certain electric generating facilities.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a person may not construct an electric generating facility with a capacity of 100 megawatts or more (facility) unless the Public Service Commission (PSC) has issued a certificate of public convenience and necessity (CPCN) for the facility. Current law imposes deadlines on the PSC's consideration of an application that are based on the date that the PSC determines that the application is complete. (If the PSC fails to determine whether an application is complete, current law specifies a date that the application is considered to be complete, and the deadlines are based on the date that the application is considered to be complete.) Current law also specifies the criteria for the PSC to determine whether to issue a CPCN. One of the criteria is whether the design and location of the facility is in the public interest interest based on, among other things, alternative locations.

Current law also requires that, before a person may apply to the PSC for a CPCN for a facility, the person must provide plans for the proposed facility to the Department of Natural Resources (DNR), which must identify the DNR permits and approvals required for the facility. Current law imposes deadlines on both the applicant and the DNR with respect to applying and considering applications for such permits and approvals. The PSC may not issue a CPCN for a facility until the applicant has obtained all of the DNR permits and approvals identified by the DNR.

This bill imposes requirements on the PSC's determination regarding whether an application for a CPCN is complete. Under the bill, if an application is complete

**BILL**

X in all other respects, the PSC must determine that the application is complete even if one or more of the following apply: 1) the application includes some but not all of the information necessary to evaluate or approve the construction of transmission facilities that may be associated with the facility and a person other than the applicant will construct, or be responsible for the construction of, the transmission facilities; 2) the applicant proposes 2 alternative construction sites that are contiguous or proximate, provided that at least one of the proposed sites is an industrial or commercial site the expansion or redevelopment of which is complicated by environmental contamination or is the site of a former or existing facility; or 3) the applicant has not yet obtained all the permits or approvals required for constructing the facility.

X The bill also eliminates the prohibition on issuance of a CPCN until the applicant has obtained all of the DNR permits and approvals identified by DNR. As a result, the PSC may issue a CPCN for a facility before an applicant obtains such permits and approvals.

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

1           **SECTION 1.** 196.491 (3) (a) 2m. of the statutes is created to read:

2           196.491 (3) (a) 2m. If an application for a large electric generating facility is  
3 complete in all other respects, the commission shall determine that the application  
4 is complete under subd. 2. even if one or more of the following apply:

5           a. The application includes some but not all of the information necessary to  
6 evaluate or approve the construction of transmission facilities that may be  
7 associated with the proposed electric generating facility and a person other than the  
8 applicant will construct, or be responsible for the construction of, the transmission  
9 facilities.

10           b. The applicant proposes 2 alternative construction sites for the facility that  
11 are contiguous or proximate, provided that at least one of the proposed sites is an  
12 industrial or commercial site the expansion or redevelopment of which is  
13 complicated by environmental contamination or is the site of a former or existing  
14 large electric generating facility.

**BILL**

1 c. The applicant has not yet obtained all the permits or approvals required for  
2 construction.

3 **SECTION 2.** 196.491 (3) (e) of the statutes is amended to read:

4 196.491 (3) (e) If an application filed under par. (a) 1. does not meet the criteria  
5 under par. (d), the commission shall reject the application or approve the application  
6 with such modifications as are necessary for an affirmative finding under par. (d).  
7 ~~The commission may not issue a certificate of public convenience and necessity under~~  
8 ~~this subsection until the department has issued all permits and approvals identified~~  
9 ~~in the listing specified in par. (a) 3. a. that are required prior to construction.~~

History: 1975 c. 68, 199; 1979 c. 221, 361; 1983 a. 53 s. 114; 1983 a. 192, 401; 1985 a. 182 s. 57; 1989 a. 31; 1993 a. 184; 1995 a. 27 ss. 9116 (5), 9126 (19); 1995 a. 227, 409; 1997 a. 27, 35, 204; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 33, 89.

10 **SECTION 3. Initial applicability.**

11 (1) The treatment of section 196.491 (3) (a) 2m. and (e) of the statutes first  
12 applies to applications filed with, pending before, or reopened or reconsidered by, the  
13 ~~Public Service Commission~~ on the effective date of this subsection.

14 (END)

---

**1. Analysis by LRB. The description of the current law should be amended to make the distinction between construction and operation permits. Please consider the following four edits:**

- a. page 1, par. 2, line 2: replace "plans" with "*a plan*" -- it is a more accurate reference to the requirement to submit either an engineering plan or a project plan ✓
- b. page 1, par. 2, line 3: add the words "construction or operation of" after the word "for" and before the words "the facility" near the end of the line ✓
- c. page 1, par. 2, line 7: add the words "as required prior to construction" following the word "DNR" at the end of the sentence. ✓
- d. page 2, par. 2, line 2: add the word "construction" after the word "DNR" and before the word "permits" The last sentence in page 1, paragraph 2 of the analysis. It seems that this description of current law accepts Judge Flanagan's incorrect interpretation of the law. This could be addressed by striking that sentence and replacing it with the following sentence: "*Current law specifies the conditions under which the PSC may issue a CPCN.*"
- e. a concern with the wording in page 2, paragraph 2. This says that current law prohibits issuance of a CPCN until the applicant has obtained all of the DNR permits and approvals required by DNR. There may be a sentence in 196.491(3)(e) that could be interpreted to say that, but that isn't current law because there are other provisions in the statutes and regulations that provide differently, and in practice things have worked differently. This could be addressed by revising paragraph 2 on page 2 to read as follows: "*The bill also clarifies current law by eliminating language which is inconsistent with other provisions of the law that says that issuance of a CPCN is prohibited until the applicant has obtained all of the DNR construction permits and approvals identified by DNR. This clarifies that the PSC may issue a CPCN for a facility before an applicant obtains such construction permits and approvals. Other provisions in current law require that all necessary DNR construction permits and approvals be obtained before construction begins.*"
- f. In page 2, paragraph 1, first sentence, the summary should say: "*This bill clarifies current law and imposes requirements on the PSC's determination regarding whether an application for a CPCN is complete.*"

- d - note:  
- must describe the provision that is being eliminated in the bill  
- add point about clarification?

## 2. The bill draft:

- a. Remove the number "2" in line 10 of 196.491(3)(1)2m.b. That may be enough to counter notion that this statute itself requires 2 (or any other number) of alternative sites. We want it to be explicit that any such requirement came from elsewhere ("the applicant proposes to satisfy any requirement to offer alternative sites"); all this statute is supposed to do is make it clear that such a requirement (whatever its source, e.g., WEPA or PSCW rules) can be satisfied by contiguous or proximate sites if at least one of these is "a:".
- b. BROWNFIELD. Go back to this statutorily defined term with the addition of the language "*or is the site of a former or existing large electric generating station*".



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2402/1  
MDK:kjf:pg

## 2005 BILL

1 AN ACT *to amend* 196.491 (3) (e); and *to create* 196.491 (3) (a) 2m. of the  
2 statutes; relating to: applications for certificates of public convenience and  
3 necessity for certain electric generating facilities.

### *Analysis by the Legislative Reference Bureau*

Under current law, a person may not construct an electric generating facility with a capacity of 100 megawatts or more (facility) unless the Public Service Commission (PSC) has issued a certificate of public convenience and necessity (CPCN) for the facility. Current law imposes' deadlines on the PSC's consideration of an application that are based on the date that the PSC determines that the application is complete. (If the PSC fails to determine whether an application is complete, current law specifies a date that the application is considered to be complete, and the deadlines are based on the date that the application is considered to be complete.) Current law also specifies the criteria for the PSC to determine whether to issue a CPCN. One of the criteria is whether the design and location of the facility is in the public interest based on, among other things, alternative locations.

Current law also requires that, before a person may apply to the PSC for a CPCN for a facility, the person must provide a plans for the proposed facility to the Department of Natural Resources (DNR), which must identify the DNR permits and approvals required for construction or operation of the facility. Current law imposes deadlines on both the applicant and the DNR with respect to applying and considering applications for such permits and approvals. ~~The PSC may not issue a CPCN for a facility until the applicant has obtained all of the DNR permits and approvals identified by the DNR.~~ Current law specifies the conditions under which the PSC may issue a CPCN.

## BILL

This bill clarifies current law and imposes requirements on the PSC's determination regarding whether an application for a CPCN is complete. Under the bill, if an application is complete in all other respects, the PSC must determine that the application is complete even if one or more of the following apply: 1) the application includes some but not all of the information necessary to evaluate or approve the construction of transmission facilities that may be associated with the facility and, a person other than the applicant will construct, or be responsible for the construction of, the transmission facilities; 2) the applicant proposes two alternative construction sites that are contiguous or proximate, provided that at least one of the proposed sites is an industrial or commercial site the expansion or redevelopment of which is complicated by environmental contamination or is the site of a former or existing facility; or 3) the applicant has not yet obtained all the permits or approvals required for constructing the facility.

~~The bill also eliminates the prohibition on issuance of a CPCN until the applicant has obtained all of the DNR permits and approvals identified by DNR. As a result, the PSC may issue a CPCN for a facility before an applicant obtains such permits and approvals.~~ "The bill also clarifies current law by eliminating language which is inconsistent with other provisions of the law that says that issuance of a CPCN is prohibited until the applicant has obtained all of the DNR construction permits and approvals identified by DNR. This clarifies that the PSC may issue a CPCN for a facility before an applicant obtains such construction permits and approvals. Other provisions in current law require that all necessary DNR construction permits and approvals be obtained before construction begins."

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

1 SECTION 1. 196.491 (3) (a) 2m. of the statutes is created to read:

2 196.491 (3) (a) 2m. If an application for a large electric generating facility is  
3 complete in all other respects, the commission shall determine that the application  
4 is complete under subd. 2. even if one or more of the following apply:

5 a. The application includes some but not all of the information necessary to  
6 evaluate or approve the construction of transmission facilities that may be  
7 associated with the proposed electric generating facility and a person other than the  
8 applicant will construct, or be responsible for the construction of, the transmission  
9 facilities.

10 b. The applicant proposes 2 alternative construction sites for the facility that  
11 are contiguous or proximate, provided that at least one of the proposed sites is a brownfield, as defined in s.  
12 560.13 (1) (a), or at a former or existing large electric generating facility.  
~~an industrial or commercial site the expansion or redevelopment of which is~~



BILL

1 ~~complicated by environmental contamination or is the site of a former or existing~~  
2 ~~large electric generating facility.~~

3 c. The applicant has not yet obtained all the permits or approvals required for  
4 construction.

5 SECTION 2. 196.491 (3) (e) of the statutes is amended to read:

6 196.491 (3) (e) If an application filed under par. (a) 1. does not meet the criteria  
7 under par. (d), the commission shall reject the application or approve the application  
8 with such modifications as are necessary for an affirmative finding under par. (d).  
9 ~~The commission may not issue a certificate of public convenience and necessity under~~  
10 ~~this subsection until the department has issued all permits and approvals identified~~  
11 ~~in the listing specified in par. (a) 3. a. that are required prior to construction.~~

12 SECTION 3. Initial applicability.

13 (1) The treatment of section 196.491 (3) (a) 2m. and (e) of the statutes first  
14 applies to applications filed with, pending before, or reopened or reconsidered by, the  
15 public service commission on the effective date of this subsection.

16 (END)

2

O-NOTE

2005 BILL

RM Has been run

Today 1:00 if possible

*[Faint handwritten notes]*

Reger

INSERT 1A

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3 necessity for certain electric generating facilities.

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Current law provides that

Current law also requires that, before a person may apply to the PSC for a CPCN for a facility, the person must provide plans for the proposed facility to the Department of Natural Resources (DNR), which must identify the DNR permits and approvals required for the facility. Current law imposes deadlines on both the applicant and the DNR with respect to applying and considering applications for such permits and approvals. The PSC may not issue a CPCN for a facility until the applicant has obtained all of the DNR permits and approvals identified by the DNR.

INSERT 2A:  
DNR has issued to the

construction or operation of

that that

END OF INSERT 2A

abandoned, LRB-2402/1 MDK:kjf:pg underused title, or underused

BILL

INSEPT 2A (moved from p. 1)

This bill imposes requirements on the PSC's determination regarding whether an application for a CPCN is complete. Under the bill, if an application is complete in all other respects, the PSC must determine that the application is complete even if one or more of the following apply: 1) the application includes some but not all of the information necessary to evaluate or approve the construction of transmission facilities that may be associated with the facility and a person other than the applicant will construct, or be responsible for the construction of, the transmission facilities; 2) the applicant proposes two alternative construction sites that are contiguous or proximate, provided that at least one of the proposed sites is an industrial or commercial site the expansion or redevelopment of which is complicated by environmental contamination or is the site of a former or existing facility; or 3) the applicant has not yet obtained all the permits or approvals required for constructing the facility.

The bill also eliminates the prohibition on issuance of a CPCN until the applicant has obtained all of the DNR permits and approvals identified by DNR. As a result, the PSC may issue a CPCN for a facility before an applicant obtains such permits and approvals.

the construction

INSEPT 2B

provision under current law that the PSC may not issue construction

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

1 SECTION 1. 196.491 (3) (a) 2m. of the statutes is created to read:

2 196.491 (3) (a) 2m. If an application for a large electric generating facility is  
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4 is complete under subd. 2. even if one or more of the following apply:

5 a. The application includes some but not all of the information necessary to  
6 evaluate or approve the construction of transmission facilities that may be  
7 associated with the proposed electric generating facility and a person other than the  
8 applicant will construct, or be responsible for the construction of, the transmission  
9 facilities.

a brown field, as defined

10 b. The applicant proposes two alternative construction sites for the facility that  
11 are contiguous or proximate, provided that at least one of the proposed sites is an  
12 industrial or commercial site the expansion or redevelopment of which is

adversely affected

in s. 560.13(1)(a)

**BILL**

1 ~~complicated by environmental contamination or is~~ <sup>9/01</sup> the site of a former or existing  
2 large electric generating facility.

3 c. The applicant has not yet obtained all the permits or approvals required for  
4 construction.

5 **SECTION 2.** 196.491 (3) (e) of the statutes is amended to read:

6 196.491 (3) (e) If an application filed under par. (a) 1. does not meet the criteria  
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13 (1) The treatment of section 196.491 (3) (a) 2m. and (e) of the statutes first  
14 applies to applications filed with, pending before, or reopened or reconsidered by, the  
15 public service commission on the effective date of this subsection.

16 (END)

O-Note

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2402/2ins  
MDK:.....

1

**INSERT 1A:**

2

has identified are required prior to construction (construction permits and

3

approvals). Current law also requires the PSC to take final action on an application

4

for a CPCN by a deadline that begins to run on the date that the application is

5

considered complete. If the PSC fails to take final action by the deadline, current law

6

provides that the PSC is considered to have issued the CPCN. In cases where ~~the~~

7

DNR has not issued the construction permits and approvals before the deadline, the

8

PSC has taken final action on an application for a CPCN by providing that the CPCN

9

only takes effect when DNR issues such permits and approvals.

10

**INSERT 2B:**

11

*NOTE* The bill does not otherwise affect the requirements for the construction permits and

12

approvals.

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

LRB-2402/2dn

MDK: *kgf*

*Date*

Rep. Montgomery:

This version makes the requested changes, except for different changes I made to the analysis. I think it is necessary to describe the provision in current law that the bill repeals (i.e., s. 196.491 (3) (e).) However, to give additional context to what the bill does, I added a description of the other statute that is arguably inconsistent with that provision (i.e., s. 196.491 (3) (g)), and I described how the PSC has responded to both provisions of current law.

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

LRB-2402/2dn  
MDK:kjf:jf

May 13, 2005

Rep. Montgomery:

This version makes the requested changes, except for different changes I made to the analysis. I think it is necessary to describe the provision in current law that the bill repeals (i.e., s. 196.491 (3) (e).) However, to give additional context to what the bill does, I added a description of the other statute that is arguably inconsistent with that provision (i.e., s. 196.491 (3) (g)), and I described how the PSC has responded to both provisions of current law.

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## Emery, Lynn

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**From:** Raschka, Adam  
**Sent:** Tuesday, May 17, 2005 3:23 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2402/2 Topic: Certificates of public convenience and necessity for electric generating facilities

It has been requested by <Raschka, Adam> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2402/2 Topic: Certificates of public convenience and necessity for electric generating facilities