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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**



Rice Lake Utilities

Electric • Water • Wastewater

*320 West Coleman Street
Rice Lake, WI 54868
715-234-7004
Fax: 715-236-7934*

Testimony of Scott Reimer
May 12, 2009

Thank you Chairman Plale and Chairman Soletski for holding this hearing today and for allowing me to share with you, some thoughts on why municipal electric utilities are supporting Senate Bill 185 and Assembly Bill 256, the Wind Siting Reform Bill.

I am Scott Reimer, President of the Municipal Electric Utilities of Wisconsin, and General Manager of Rice Lake Utilities, a municipally-owned electric, water and wastewater utility in Northwest Wisconsin.

Rice Lake is a community of about 8,400 people and serves 5,500 electric customers that generate nearly \$12 million in electric revenues each year. As a non-profit public entity, we make payments in lieu of taxes to the City of Rice Lake annually of more than \$205,000 from the electric utility and \$132,000 from the water utility. Combined contributions since 1987 total over \$6.5 million to our municipality.

We are proud to be governed by our local utility commission and city council. We also respect the Public Service Commission's oversight of the utility industry in Wisconsin, which includes all 82 municipally-owned electric utilities.

Senate Bill 185/Assembly Bill 256 is an interesting piece of legislation for a municipal utility. We pride ourselves on being governed locally by commissions, councils and boards. The decisions they make affect each of the residents of that community. Local control and governance is the main reason municipal electric utilities exist today. We are local, municipal entities by nature and vary in size from our largest in Manitowoc to our smallest in Merrilan. We are an industry where smaller utilities typically struggle to meet the ever-increasing legal and regulatory demands placed on them. It is typical for municipal electric utilities to have purchased power supply contracts and in those contracts contain the renewable portfolio requirements. Rice Lake has an all requirements power supply contract through Xcel Energy and thus we are truly at their mercy for the demand, energy as well as the renewable portion of the requirement yet Rice Lake Utilities is treated the same as Xcel Energy in terms of regulatory and legislative actions, which includes the renewable portfolio standards. Wind energy resources in Wisconsin

may be limited however they can still play a big role in helping us meet the necessary renewable energy goals that have already been set.

It's important to note that while this legislation does not tout the merits of wind energy in Wisconsin; it surly brings to the forefront the importance of having it as an option when it comes time to make those decisions and would allow the decisions to be made . If utilities, regulatory bodies and our customers are serious about increasing renewable energy output in Wisconsin, there needs to be some certainty that wind energy will get a fair shake.

This legislation puts into place a standard procedure by which companies interested in advancing wind power, utilities, local governments and residents can work together to bring critical jobs and renewable energy to Wisconsin, something all municipal electric utilities are supporting in their own areas and communities. In Rice Lake we have conducted a wind energy assessment and are currently partnering with our local University of Wisconsin, Barron County Campus in constructing a wind monitoring station to evaluate wind activity in our community. It is our intentions to install a turbine which would further assist the State in moving towards its goal of 25% by 2025.

In summary, municipally owned electric utilities are supportive of standardizing wind siting rules and we urge the committees to pass SB 185/AB 256.

Thank you and if there are any questions I can answer for you I would be happy to do so at this time.

Sincerely

Scott Reimer, General Manager

Rice Lake Utilities





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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

WPPI Energy supports SB 185 and AB 256 and urges immediate action by the Wisconsin legislature.

This legislation is critical to correct the patchwork quilt of local regulations that has chased wind developers and utilities away from Wisconsin and taken real economic development opportunities and good-paying Wisconsin jobs in the wind energy supply chain with them.

Less than one month ago, over 600 potential wind supply chain companies met in Wisconsin to pursue opportunities in this industry. This highly successful conference demonstrates that there are large, medium and small companies in our state that understand part of their future growth is with green jobs. This job growth will occur across our economy, from manufacturing jobs to port workers and electricians to truck drivers.

But today we are at risk of sending these jobs to neighboring states -- states that offer a helping hand to wind developers instead of a cold "not in our back yard" shoulder.

This bill is also critical to helping our state's utilities meet obligations under our state's Renewable Portfolio Standard. The availability of wind energy was critical to helping WPPI Energy cost effectively meet our 10 percent RPS requirement, which we will do this year, five years ahead of schedule.

Page 2
May 12, 2009

Wind is the only renewable energy resource that can scale up with the speed and flexibility to help meet the utilities' current renewable energy requirements (10 percent by 2015).

It is important to note that this bill would address a key recommendation from Governor Doyle's Global Warming Task Force.

The bill would also demonstrate a commitment to wind energy development that could serve as an economic catalyst for Wisconsin, creating jobs in manufacturing, construction, transportation, and O&M.

We understand that this type of siting decision is often made at the local level. But this bill would preserve local government decision-making and create a venue for all siting stakeholders to work together to develop consistent statewide standards and definitions.

By doing so, we preserve local decision-making and streamline these important siting decisions in a way that will ensure this state can meet its renewable energy needs and support more economic development and job creation in the green economy.

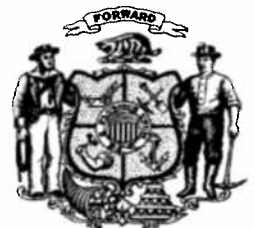
We thank you for your leadership in introducing this bill and urge you to move it through the legislative process as quickly as possible.

Sincerely,

Daniel R. Ebert
V.P. Public Policy and External Relations



WISCONSIN STATE LEGISLATURE





MICHELS CORPORATION

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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: Support of SB 185 / AB 256

Dear Senator Plale and Representative Soletski:

Michels Corporation supports SB 185 and AB 256 and appreciates your authorship of the bills. Michels Corporation recently constructed the Forward Energy Center in Brownsville, WI. This 129 MW project was permitted by the PSC. During the height of construction, there were over 200 people employed as laborers, operators, ironworkers, and electrical workers, in addition to many support personnel, who worked together to get this project built on-time.

The untold story of economic benefit goes all the way down to the local BP gas station that daily sold hundreds of extra sodas and coffees during construction and Cunningham's Feed Mill restaurant and bar in Knowles having full lunch tables virtually every day during the 6-month peak construction period.

Our state energy policy dictates we must get 10% of our energy from renewable sources by 2015. Michels, and our work force, would much rather work close to home and see these project built in Wisconsin rather than Minnesota or Illinois where the power then would have to be shipped back into this state. We want the direct economic benefits of these projects to be enjoyed by Wisconsin businesses and workers not those in a neighboring state.

Michels supports this important legislation that will help Wisconsin meet our renewable energy goals by building clean energy production right here in Wisconsin. Thank you.

Sincerely,

A. David Stegemen
Vice President of Business Administration

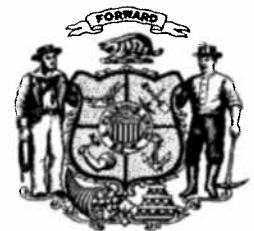
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WISCONSIN STATE LEGISLATURE





May 12, 2009

Senate Committee on Commerce, Utilities, Energy, and Rail
Sen. Jeff Plale, Chairman
313 South, State Capitol
P.O. Box 7882
Madison WI 53707-7882

Assembly Energy and Utilities Committee
Rep. James Soletski, Chairman
307 West, State Capitol
P.O. Box 8953
Madison WI 53708

Committee members,

The Coalition for Clean, Responsible Energy for Wisconsin's Economy (CREWE) supports SB 185/AB 256 regarding wind siting reform.

CREWE is a non-profit business coalition organized to support the implementation of the Governor's Task Force on Global Warming recommendations, believing that Wisconsin citizens and businesses can benefit from this economic development while mitigating the impact of rising energy costs, increasing our energy independence and addressing climate change. Wind generation clearly has the potential to set a firm foundation for our green economy, ranging from the creation of good-paying and stable jobs manufacturing wind turbines to on-site construction installing the turbines.

Presently, wind is likely the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. Many wind experts believe 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. CREWE supports requiring the Wisconsin Public Service Commission to develop uniform standards for the siting of large and small wind energy systems. Uniformity in the standards and permitting process will mean adherence to rules and procedures that won't change while a wind project is under development or application is under review; wind developers will avoid permitting and legal expenses that make projects uneconomical; and projects will be de-



Clean, Responsible Energy for Wisconsin's Economy

veloped with shorter timetables.

Specific benefits to ratepayers, taxpayers, and the environment are:

- Heightened probability of meeting Wisconsin's current renewable energy goal of 10% by 2015 as well as any successor target, including the task force's recommended enhanced RPS, after that;
- Increased revenues flowing to local governments and landowners, more orders for Wisconsin component manufacturers, and more jobs created in construction, transportation and O&M; and
- Increased opportunities for building community-scale wind installations, such as the six-turbine, 9 megawatt wind project proposed in the Town of Springfield in Dane County.

Currently, all wind energy proposals fewer than 100 megawatts (MW) are reviewed at the local level. Though state law prohibits local jurisdictions from restricting wind development unless the regulations serve to protect public health and safety, there are no agreed-upon standards for satisfying that requirement. Consequently, wind developers often encounter regulatory requirements that delay projects and increase their costs or make construction infeasible.

A number of jurisdictions have adopted ordinances that make it difficult if not impossible for developers to comply with all the restrictions. Over 600 megawatts of planned wind developments are stalled across Wisconsin, due to midstream changes in regulations and procedures. CREWE believes now is the time to remedy this situation before it causes lasting damage to Wisconsin's ability to attract future wind developments and wind component manufacturers.

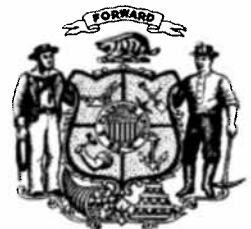
CREWE asks that you vote in favor of SB 185/AB 256.

Sincerely,

Thad Nation, Executive Director,
Clean, Responsible Energy for Wisconsin's Economy



WISCONSIN STATE LEGISLATURE



W.E.S. Engineering LLC

706 S. Orchard St
Madison, WI 53715

May 12, 2009

Wisconsin
Senate and Assembly Utility Committee

RE:SB 185/AB 256

Representatives of the people of Wisconsin:

I am expressing my support for the passage of Senate Bill 185/Assembly Bill 256, which will allow Wisconsin businesses like mine to design and construct wind energy projects around the State where there are good wind resources. These projects are community based projects with benefits for the local communities, including revenues, employment and energy generated from a Wisconsin resource without any carbon emissions, water usage, or other harmful emissions.

I have worked in the past on several community wind projects in Wisconsin with 2 to 5 turbines that are unable to be constructed, even with a large majority of support in the community and County. The very vocal NIMBY opposition to wind energy projects cannot be allowed to prevent even a single large turbine to be installed in an entire County(s) in Wisconsin, such as currently is the case in a number of Wisconsin Counties, including Trempealeau, Shawano, Manitowoc, Calumet, Door, and a number of Towns in the State can be added to that list as well.

Wind turbines are not perfect, but when compared to most other cost competitive sources of electricity I believe the facts will speak for themselves that its the safest and least harmful, and the explosive worldwide growth in wind turbines shows its support throughout for these reasons.

Thank you for your time.

Sincerely,

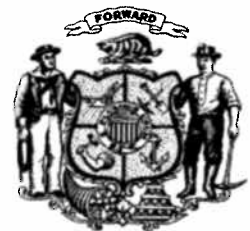


Wes Slaymaker, P.E.

Owner/Project Engineer
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WISCONSIN STATE LEGISLATURE



Michael and Renee Exum
W17532 County Rd. C
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May 12, 2009

Senate Committee on Commerce, Utilities, Energy & Rail
Assembly Energy and Utilities Committee

Re: SB 185 and AB 256

We oppose SB 185 and AB 256 relating to Large Wind Energy Siting Reform.

In 2007, landowners in our township (the Town of Union), were approached by EcoEnergy (in partnership with Acciona of Spain) about placing large wind turbines on their farms. In August 2007, the Town of Union Board enacted a temporary stay on wind turbine development in order to allow time to write a local ordinance protecting the health and safety of residents (per Wis. Stat. 66.0401). When the Town of Union Wind Turbine Study Committee began its work to prepare a draft ordinance, they turned to Wisconsin's Public Service Commission and its *Draft Model Wind Ordinance for Wisconsin* for guidance. The Town sought to learn from and build upon their work. However, to our surprise, the PSC was unwilling to share their findings. Our Town had to file a Freedom of Information request to learn the common sense question: "what research and documentation did the State use to support their recommendation that a 1000' Wind Turbine setback from a residence is safe for the people living there?" We were alarmed to discover, through our Freedom of information request, that there was **no** legitimate research supporting the 1,000 foot setback—that the distance had been provided by a Florida utility.

While the PSC relied upon recycled ordinance guidelines provided by an out-of-state utility, our local Town government collected and evaluated hundreds of studies and reports (available for all to read at our local library) that cautioned about the negative effects of wind turbines on human health. Based upon this research, the Town Committee wrote a report and a draft ordinance. The Plan Commission worked with this draft ordinance and its supporting materials for eight months. The Town's process was completely transparent – all meetings were widely announced and open to the public, special efforts were made to invite stake holders, such as utility companies and Renew Wisconsin. All meeting records and research findings were made available to the public (created an easily accessible collection in the local library). The Town's ordinance writing process and resulting ordinance (which has been cited and requested across the country) epitomized the best aspects of what a democracy should be – open, transparent and all-inclusive.

Some legislators, and groups such as Renew Wisconsin, are advocating that local governments such as ours should not be allowed the opportunity to democratically enact local health and safety guidelines for the placement of wind turbines in our communities. These groups advocate centralizing decision-making power in the hands of a few people at the Public Service Commission (PSC). I think that an examination and comparison of the process and product of the Public Service Commission and that of our local Town Government would show that our process and our product are demonstrably superior to that of the PSC in this case.

Our process focused on the central issue from the perspective of Wisconsin residents -- **the duty of government to protect its citizens**—in this case, to protect the health and safety

of citizens from the negative effects of large wind turbines being installed too closely on a neighboring property. The residents in need of protection are those on neighboring properties who may be affected by the noise or hazard that come with the installation of a large wind turbine. These residences are provided protection by the half-mile setback and by required sound studies to ensure that sound levels will not be harmful. Our ordinance does not unduly limit what people may do on their own property. **The Town of Union ordinance allows for landowners hosting turbines, as well as neighboring landowners who choose to do so, to agree to a lesser setback than a ½ mile from their home.** Hence, the ½ mile setback is not required, should the landowner choose otherwise.


A flaw in the PSC and Renew Wisconsin approach is that they pay too little attention to the personal property aspects of large wind energy systems. While we believe that the state should allow great latitude for what one does on his/her own property, we also believe that the state should regulate 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 has permitted large wind energy systems to commit a nuisance, "a nontrespassory invasion of another's interest in the private use and enjoyment of land." When Wisconsin residents' sleep is interrupted by the operation of wind turbines and when they have to leave their property to avoid the effects of shadow flicker, then it would seem that the characteristics of a nuisance are manifested.

Lastly, irrespective of one's position on "Wind Energy," we ask you to consider the impact on democracy itself if the "Wind Siting Reform" bill were to pass. We feel our Town's process and product are the essence of what a democracy should be. Our process was inclusive, transparent and open to all, our product - our research, supporting documents and the ordinance itself - are all freely available to anyone. We and other Town citizens honestly performed our civic responsibilities in writing the ordinance with diligence and at great expense. The bill, if passed, would limit access for local citizens, the citizens most directly impacted by wind turbines, to fully participate in the decision making process. This undermines the essence of what makes a healthy democracy possible, equal access and voice for all citizens to participate in the democratic process. We urge you, for the protection of our democratic principles and health interests of state residents, to vote against the Wind Siting Reform bill.

We are strongly in favor of alternative energy sources. We heat our home with biomass and we commute to work on biodiesel. However, we are concerned that environmental organizations and state government, in their zeal to reduce our dependence on carbon-based fuels, are overlooking (and perhaps minimizing) the damaging effects of locating large wind turbines too close to populations. In efforts to reduce our carbon footprint, we should be sure not to "trade" one set of social problems for another. The Wind Siting Reform Bill under consideration erodes our democratic principles (by limiting citizen participation) and creates unnecessary health risks for citizens by ignoring legitimate research supporting health risks associated with wind turbine siting. We can simultaneously solve our energy issues AND preserve our health and democratic principles - unfortunately the proposed Wind Siting Reform bill does neither.

Thank you for taking the time to read our letter. If you have any questions or would like more information, we would be glad to meet with you at your convenience to expand on or provide evidence for these observations.

Sincerely,



Renee Exum
Michael Exum



Wisconsin Towns Association

Richard J. Stadelman, Executive Director

W7686 County Road MMM

Shawano, Wis. 54166

Tel. (715) 526-3157

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Email: wtowns1@frontiernet.net

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

And Assembly Committee on Energy and Utilities

From: Richard J. Stadelman, Executive Director

Re: SB 185 and AB 256 relating to regulation of wind energy systems and rule-making authority of PSC

Date: May 12, 2009

Wisconsin Towns Association is opposed to SB 185 and AB 256 relating to granting Public Service Commission (PSC) rule-making authority in relation to wind energy systems. Our Association believes that the bills go too far to take away local control in an area of law that town and county officials are responsible, i.e. public health and safety.

Current Wisconsin Statutes at Sec. 66.0401 provides as follows:

(1) Authority to restrict systems limited. No county, city, town, or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1) (m), unless the restriction satisfies one of the following conditions:

(a) Serves to preserve or protect the public health or safety.

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(c) Allows for an alternative system of comparable cost and efficiency.

This current law is a reasonable standard for courts to judge whether local units of government have adopted reasonable ordinances. Local officials should be allowed to make this decision what standards should be required for wind energy systems in their own communities. Under this statute the courts can review whether a local ordinance is necessary to protect public health or safety.

SB 185 and AB 256 would take this local decision making to protect public health and safety from the hands of local officials and establish a statewide standard for all communities, without regard to the circumstances in each community. One state wide standard should not be imposed in the case of "public health or safety" when the impacts of wind energy systems vary so greatly across the state.

Another reason our Association does not support these bills at this time is that the PSC is charged with the responsibility of generating more alternative energy sources by 2015. However, under this bill the PSC becomes the arbitrator in cases between the local government and the wind energy developers. Many of our members believe that the arbitrator in disputes over siting of wind energy systems should not be the same agency charged with responsibility with encouraging more alternative energy.

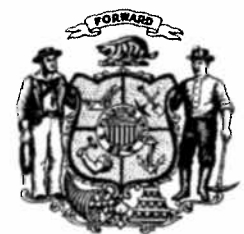
Wisconsin Towns Association believes a better process to resolve disputes in the siting of wind energy systems would be to retain the current standard under Sec. 66.0401 of Wisconsin Statutes as stated above, but then create a negotiation process and arbitration process between the local government and the wind energy developers. The negotiation process could address the standards required by the local government, with waivers granted upon agreement and showing that public health or safety will not be harmed. In the event negotiation can not resolve the dispute, we propose an arbitration process of three arbitrators selected as follows: one by the wind energy system developer, one by the local government, and the third a neutral person selected by the first two arbitrators. We would propose that the negotiations be limited to a fixed amount of time to give the developers some certainty of resolution of the dispute. We believe that the negotiation process would also allow for consideration of neighbors most directly impacted (specifically some financial consideration for having a wind energy next door to them).

Wisconsin Towns Association is willing to participate in any discussions that the state legislature may want to initiate through either a committee or informal process to develop an alternative to SB 185 and AB 256 which will allow for protection of the public health or safety and at the same time resolve the disputes that may come up between the local government's reasonable regulations and the wind energy developers. The model we are proposing is similar to models with landfill siting negotiations and livestock facility siting, with the exception that the arbitration is done at the local level. Our Association strongly believes that PSC is not the appropriate agency to resolve disputes in wind energy siting when the PSC has the charge of developing more alternative energy in our state.

Thank you for your consideration of our Association in this matter.



WISCONSIN STATE LEGISLATURE



ROBERT H. OWEN, JR., P.E.
Consulting Engineer & Meteorologist

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May 12, 2009

Sen Jeff Plale
Rep. James Soletski
State Capitol
Madison, WI 53708

Re: May 12 Hearing on SB 185/AB 256; Letter Testimony in Support

Dear Sen. Plale and Rep. Soletski:

As a Wisconsin wind energy meteorologist, I appreciate the opportunity to file this letter in support of the above-referenced legislation, which is before you for hearing today.

This legislation is needed to allow Wisconsin to more fully participate in clean energy development that will tend to protect us from much higher future electric prices and encourage more wind-related manufacturing businesses to locate in and employ residents of Wisconsin.

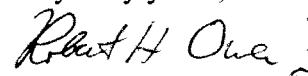
This legislation takes reasonable steps toward state wind siting uniformity that will free up over \$1 billion in private investment in wind farms and create jobs in Wisconsin.

Indulging NIMBY interests who try to abuse local zoning decisions to thwart state energy policy is a sure prescription for unnecessary electric rate hikes and export of good jobs to other states. It also tends to thwart the development of smaller wind projects which may be particularly good fits for the communities in which they are sited. Community wind is the number one casualty of NIMBY wind zoning decisions. Large projects are unaffected.

Community wind is likely to grow in economic importance in the next decade in Wisconsin as the transmission costs of other wind options (especially in states west of Wisconsin) mount. While worthwhile, offshore wind may tend initially to be more costly than community wind.

Giving the PSC authority over siting standards and appellate authority from local decisions on wind projects will tend to unleash community wind in Wisconsin, to the economic benefit of all residents.

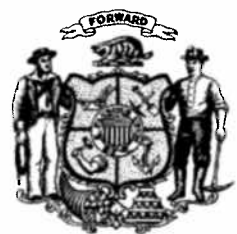
Very truly yours,



Robert H. Owen, Jr.



WISCONSIN STATE LEGISLATURE



PlanetTurbine.com Inc.

Turning Blue Sky into Green Power

May 12, 2009

Senator Plale and Members of the Senate's Commerce, Utilities, Energy and Rail Committee. Thank you for the opportunity to provide comments on SB 185 regard regulation of wind energy systems.

This topic of this is hearing is wind turbine generation. The issue before you is what regulate and what not to regulate. Know that we believe that wind turbine generation has the potential of changing the direction of our nation's and our state's economic picture. Our fear is that the State Legislature may choose to act in a manner that hinders federal dollars from finding their way into the hands of Wisconsin property owners who want to do their part to reduce global warming but who generally are unwilling to reduce their energy usage.

We are here today to ask that any legislation enacted provide protection of the small wind turbine industry from government regulations that are wholly unrelated to public health. Two examples of government ordinances which have stripped property owners of their rights without compensation, are attached (one of which contains editorial handwritten notations). Point being that individuals who own property in these two locations no longer have equal access to opportunity to make use of wind, even if wind is present to move the blades of a small wind turbine [100 kw or less] which are situated on a monopoles which is less than 80'.

Aesthetics' was clearly on the mind of those who drafted and enacted both of the ordinances we have provided. The county ordinance presented, is the granddaddy of overly zealous regulation which goes well beyond public health issues, despite current law which bans such regulation. Aesthetics is evidently on your mind Sen. Plale, and that of your constituents, given language of the bill which opens the door to local units of government and to the Public Service Commission and to regulate wind turbines based on their "visual appearance."

Visual appearance is a subjective determination. If I were to show you three different turbine makes and models, your opinions is likely to differ from the next person. Guide wires, do like those? We don't, and we don't sell any at our Reedsburg based company - PlanetTurbine.com. We don't sell lattice type towers either!

Would having to look out your front window at your neighbor's 125 foot turbine in his backyard give you heartburn? We think so, and we don't believe society likes tall towers, so the towers we offer are 80 feet or less in height.

For government to regulate what something looks like is, in our opinion, no different than blatant, intentional discrimination against a person who looks different due to a disability, or whose color of skin is different mine, or whose size or shape or weight is outside of the norm for their age. Simply because some members of society don't like something, as long as that some thing does not jeopardy our health or that of wildlife, does not give government a right to regulate the some thing out of existence.

We would be unable to serve any landowner who wanted to put more than one turbine on their contiguous property, whether that owner owned 5 acre or 5000 acres in Trempealeau County, because of the various setbacks and required information. I don't think we or any landowner will be able to obtain for government review a statement from all TV, radio, and telephone service producers, but that is one of their many requirements!

We don't have a problem with imposing certain regulations which are based on scientific studies that supply reliable evidence of a public health problem. Such studies are useful for they allow objective measurable standards to be set which must then be met. We do have a problem, however, with allowing regulations to be imposed which have no objective standards, because that allows for determinations to come to be made which are subjective in nature, and such determinations as to wind turbine generation, under this bill, would do that very thing, by allowing government to impose unreasonable demands for information from property owners, for under the bill if a property owner is unable to supply information demanded by the unit of government, the government can deem an application incomplete. But the rub here is that prospective 1 megawatt wind turbine operators under the bill could turn to the PSC to seek relief, where prospective operators of a small wind turbine would have only the court to look to for relief. A prospective client looking to spend \$30,000 for a 3 kw turbine or half a million for a 100 kw turbine, with a portion of cost rebated by Focus on Energy or looking to receive the 30% federal income tax credit, is not going to have money to litigate the matter in the courts!

We don't object to defining large wind turbine systems for we believe distinctions do need to be made in the law between large and small. And if any regulations are to be imposed by any unit of government, the regulations must be substantiated by human or public health problem that is by reliable studies.

Opening the doors to small wind turbine energy generation will create jobs that have good pay, like electrical, utility service/maintenance, sales, cement mixers and pourers. In the future, water treatment systems, schools, health care facilities, subdivisions, and business parks, can reduce peak period energy draws, reduce energy bills, thus freeing up funds for other uses, if they include a small wind turbines 100 kW or less, in their design plans. If you allow all units of government in the state to overregulate small wind turbine installation by enacting ordinances which consider wind turbines to be a "BUILDING" thus requiring a building permit, or a conditional use permit, the outcome will be delays in accessing dollars that otherwise would be available to school boards, sewer commissions, health care provider boards, businesses and individual property owners – all who have a sincere desire to do their part and who want to be "green."

Our company's motto: "Life, liberty and energy independence." Our vision: "Turning Blue Sky into Green Power."

We are full service small wind turbine company. We sell SMALL wind turbines, which are pre-matched to a suited mono-pole or tower, typically under 80' in height. Our tallest tower is no different from the recreational lighting towers which are situated around outdoor football fields, baseball parks, and swimming pools. These towers are designed to support estimated 1000 pounds of lighting fixtures – and they are not regulated. But if such a tower were to land in a swimming pool while connected to the

electrical grid, there would be no living thing remaining. There are no regulations now as to the tallest type of tower we make available, or the tallest flagpoles we have constructed – such as the 130 and 150 flagpoles at Mueller’s Sports which is adjacent to the Sauk Prairie airport, the Tanger Mall at the Dells, or at the auto dealership on the south beltline. Our product has been selected to fit the pocketbooks of middle income Americans who own a 4’x4’ piece of property on which they want to install a small turbine [100 kw or smaller]. Unit of government should not be allowed to preclude a landowner from turning opportunity into a benefit that could provide for their family needs and at the same time, produce a benefit to others in their community. Landowners should not face unnecessary or unreasonable delays, due to envy of others or upon faulty misconceptions, many of which you can read about on our website.

PlanetTurbine.com conducts site assessments. And if a landowner wants accurate data to attain optimum performance given wind speed/wind direction, we will position an anemometer. This is costly, but a step which can supply accurate data to determine reliable projections as to return on investment. And we have a propriety calculator, which allows us to produce an individualized projection as to return on investment. Our company will take away the hassle or eliminate the pain of installing a small wind turbine, as we will supply the mandated utility notice forms, and we submit paperwork for required permits. Each of the customers who have ordered a turbine from us have stated they would like their turbines up and operating in 90 days and generating them a return in 90 days. We can meet that expectation if not held back by government regulation.

We can turn on the flow of federal dollars into Wisconsin that will come to be available next spring when individuals and businesses who install a turbine this year, file their income tax next year. We believe we can produce flow of dollars (35% of project cost as a rebate from Focus on Energy) available to non-profits. We stand ready to create good paying jobs here in the state, and beyond our borders, if the door to opportunity is not closed to us or property owners we intend serve. Though a sister company BULKLIGHTS.com we offer LED lighting, which has the capability of reducing energy bills by 30 to 70 percent. We reduced Minoqua’s energy bill in 2009 by \$30,000 from \$36,000 to \$6,000.00 and we produced a similar reduction in energy cost for the City Monona under Mayor Robb Kahl’s leadership. Our company has 20 plus years of experience putting up flagpoles and flags, so we understand wind loads and site concerns far better than any of the 13 MREA certified assessors who were afforded less than 30 days of training. This state is relying on those 13 persons, all of who were instructed that towers should be 100 to 125’ in height. If MREA is allowed to continue to retain exclusive rights to site assessor curriculum and certification of site assessors, which by the way was never authorized by the State Legislature, funds that would otherwise find their way into the hands of those prepared to produce economic growth in the state, will not timely be available!

The name of your committee includes the words “ENERGY” and “COMMERCE.” In closing we ask that you live up to your name, and enact legislation that guarantees that that does not object commerce and that allows small wind turbine generation to meet the energy needs of this generation and the next without harming the environment.

Thank you for listening. We urge you all to check out our goods and services on our website when you have the time to do so. Questions.

David J. Gonzalez, President

Yoichi Kyori, Senior Engineer/Purchasing Director

Sheryl Albers, Esq.

PlanetTurbine.com, Inc. [A Wisconsin based corporation]

E7556 State Hwy. 33

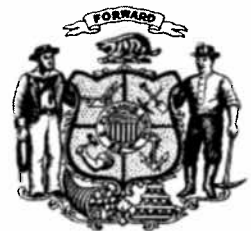
Reedsburg, WI 53959

Phone 608-524-2834 FAX 608-524-8238

Attachments: 1) Town of Wyoming, Iowa County, State of WI "Building Ordinance"
2) Trempealeau County, Wind Turbine siting Ordinance Chapter 21



WISCONSIN STATE LEGISLATURE



SB 185?

To the Legislature:

May 12, 2009

Emerging Energies of Wisconsin, LLC, supports the current efforts of wind siting reform before the State of Wisconsin. It is our understanding that we have the good fortune to hold a conditional use permit for the last wind project issued by a town board in the State of Wisconsin (Town of Glenmore, March 26, 2007). It is truly amazing to us that an adjacent county denied unanimously, a request for a similar project with similar design characteristics (e.g. setbacks).

Six years ago, Emerging Energies began an effort to permit a wind farm in Manitowoc County. In a serious effort to be a good neighbor to the community we began at the County Parks & Planning Department. We requested a permit and we were asked to wait until an ordinance had been developed. Inconvenient as it was, we truly wanted to have a good relationship so we accepted the request and waited the six months. Once the ordinance had been developed we tailored the design of our Mishicot Wind Project to meet the ordinance without exception. We applied for a permit and were immediately suspended by the enactment of a moratorium. During the period of the moratorium a new wind ordinance was developed, one which would not allow a wind turbine project such as ours to exist in the county. At the end of the moratorium period, our permit request was heard by the Parks and Plan Board of Adjustment from Manitowoc County. At the recommendation of Manitowoc County Corp Council, Steve Rollins, the Board of Adjustment applied the original ordinance since that was what was in place at the time of application. After a three-month hearing process we were granted a unanimous approval. Within the appeal period, residents opposed to wind started an action against the county's decision to apply the original ordinance. Circuit Judge Willis remanded our permit request back to the Board of Adjustment for further consideration against the newer wind ordinance. After considerable effort and expense, we were heard once again by the exact same board members for the same wind project and received a unanimous denial in January, after four months of hearing and deliberation.

The forward thinking efforts of the State of Wisconsin to enable clean renewable energy are being prevented in significant quantities in the best wind areas of our state by people who have been scared by fear mongering opponents. At this time we plead with the state to enable a process that will allow reasonable projects to move forward and satisfy the state's Renewable Portfolio Standard.

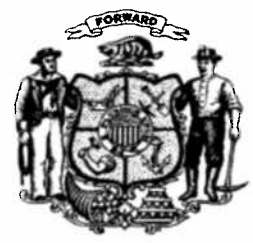
Thank you for your time and consideration of our request.

Regards,

William Rakocy
Emerging Energies of Wisconsin LLC
3664 Lakeview Rd W
Hubertus WI 53033
414.491.0852



WISCONSIN STATE LEGISLATURE



May 12, 2009

Wisconsin
Senate and Assembly Utility Committee

RE:SB 185/AB 256

Representatives of the people of Wisconsin:

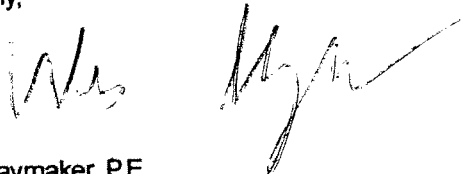
I am expressing my support for the passage of Senate Bill 185/Assembly Bill 256, which will allow Wisconsin businesses like mine to design and construct wind energy projects around the State where there are good wind resources. These projects are community based projects with benefits for the local communities, including revenues, employment and energy generated from a Wisconsin resource without any carbon emissions, water usage, or other harmful emissions.

I have worked in the past on several community wind projects in Wisconsin with 2 to 5 turbines that are unable to be constructed, even with a large majority of support in the community and County. The very vocal NIMBY opposition to wind energy projects cannot be allowed to prevent even a single large turbine to be installed in an entire County(s) in Wisconsin, such as currently is the case in a number of Wisconsin Counties, including Trempealeau, Shawano, Manitowoc, Calumet, Door, and a number of Towns in the State can be added to that list as well.

Wind turbines are not perfect, but when compared to most other cost competitive sources of electricity I believe the facts will speak for themselves that its the safest and least harmful, and the explosive worldwide growth in wind turbines shows its support throughout for these reasons.

Thank you for your time.

Sincerely,

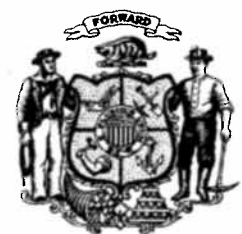


Wes Slaymaker, P.E.

Owner/Project Engineer
www.WESengineering.com
wes@WESengineering.com
608-259-9304



WISCONSIN STATE LEGISLATURE





Alliant Energy Corporation
Corporate Headquarters
4902 North Biltmore Lane
P.O. Box 77007
Madison, WI 53707-1007
www.alliantenergy.com

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

From: Bill Jordahl, Manager Public Affairs
Alliant Energy

Re: **Wind Siting Bills (AB 256, SB 185)**

Date: May 12, 2009

Good morning, Chairmen Plale and Soletski and Members of the Committees. I am Bill Jordahl, and I am here representing Alliant Energy in support of Assembly Bill 256 and Senate Bill 185 creating uniform wind energy siting standards and an appeals process at the PSCW. I want to thank the Chairs for their leadership on this important issue and for allowing me the opportunity to address the committee today.

Wind energy is an important part of Alliant Energy's generation portfolio now and as we look to the future. With plans currently on the table we are on pace to achieve 12% renewable generation in our generation mix by 2012.

We currently own and operate the Cedar Ridge Wind Farm in the townships of Eden and Empire in Fond du Lac County. The 68 megawatt wind farm, with 41 wind turbines, went online last December and since it began operation, it has produced more renewable energy than expected.

We have filed applications with both the PSCW and the Minnesota Public Utilities Commission (MPUC) for the Bent Tree Wind Farm, a 200 megawatt wind farm in Freeborn County, Minnesota. The energy generated by Bent Tree will serve our Wisconsin customers. We anticipate decisions from both Commissions sometime this summer.

We also currently purchase a total of 32 megawatts of wind power from the Montfort Wind Energy Center in Montfort and the Forward Wind Energy Center in Brownsville.

AB 256 and SB 185 are important to build on our already strong commitment to wind energy as we grow our renewable energy portfolio, to meet our Wisconsin Renewable Portfolio Standard (RPS). We assess sites here in Wisconsin and in the region to expand our wind portfolio and in light of the recommendations, supported by our company, from the Governor's Global Warming Task Force to increase Wisconsin's RPS to 25% by 2025, we support a standard process for wind siting in Wisconsin. We believe that with a clear siting process promulgated by the PSCW in place, developers and energy companies will be able to work ahead of time with landowners who might be affected, and we are confident that as time goes on wind siting will become less and less difficult. Without this legislation, as Renewable Portfolio Standards continue to grow the issues and concerns addressed in AB 256 and SB 185 will continue to grow as well.

Thus, Alliant Energy urges committee members to vote in favor of AB 256 and SB 185.





22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

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

FROM: Monica Groves Batiza, Legislative Associate

DATE: May 12, 2009

SUBJECT: Statement on Senate Bill 185 and Assembly Bill 256

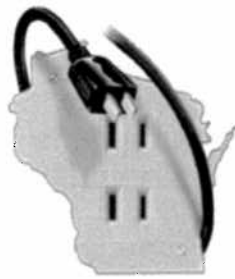
Over the last two years, the Wisconsin Counties Association (WCA) has participated in ongoing discussions with the Public Service Commission (PSC), Senator Plale and other interested parties about uniform wind siting standards. Legislation that would set such standards, Senate Bill 185 (SB 185) and its companion, Assembly Bill 256 (AB 256), is the result of this collaboration.

Wind energy is a topic that has garnered a great deal of interest and emotion among our members. Some feel strongly that the state should not play a role in deciding standards that local governments use in setting their ordinances, while others feel that they are not equipped to make the complicated decisions involved in hosting a wind project. However, both sides agree that county government representatives should play an active role in assisting the state in deciding what should be included in a uniform model ordinance.

Recognizing the important role that wind energy plays in reaching Governor Doyle's renewable energy goal of 10 percent by 2015, along with the strong legislative support for wind siting reform, WCA supports a continued voice at the table in this important discussion and any efforts to increase input from local government. We look forward to working with the PSC, towns, utilities and others on developing a comprehensive set of standards.

Thank you for considering our comments. Please contact me if you have any questions.





CustomersFirst! *Plugging Wisconsin In*

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

FROM: Matt Bromley, Executive Director, *Customers First!* Coalition

DATE: 05/12/09

RE: Support for SB 185 / AB 256 – Regulation of Wind Energy Systems

A Coalition

to Preserve

Wisconsin's

Reliable

and Affordable

Electricity

The *Customers First!* Coalition is an alliance of customer, business and labor organizations, environmental and low income groups, municipal and cooperative electric utilities and an investor owned utility. Together, we work to promote public policies that preserve Wisconsin's affordable and reliable electricity.

The *Customers First!* Coalition supports Senate Bill 185 and Assembly Bill 256 sponsored by Senator Plale and Representative Soletski to require the Public Service Commission of Wisconsin to establish uniform, statewide standards for the regulation of wind energy systems. The legislation will help hold down costs for electricity ratepayers as the State moves towards meeting its renewable energy goals. SB 185 / AB 256 will:

- Provide a more efficient, time-certain permitting process that will help avoid delays that can add greatly to the cost of a wind energy project – costs that are ultimately passed on to the customer.
- Establish uniform standards for local governments to use when siting wind energy systems. This will provide greater certainty in the permitting process, and lessen the likelihood of legal challenges to local ordinances avoiding potentially high litigation costs – again, costs that would ultimately be passed on to the customer.
- Promote a more geographically dispersed wind resource portfolio for Wisconsin utilities that will help overcome the inherent variability of wind speed, and provide more reliable, efficient, and cost-effective energy production.
- Lessen the need for miles of costly transmission lines and upgrades to bring in out-of-state wind power for use in Wisconsin homes and businesses.
- Help achieve the state's renewable energy goals while being sensitive to ratepayers. No other form of currently available renewable generation is as cost-effective and technically feasible as wind.

14 West Mifflin Street

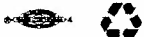
Suite 310

Madison, WI 53703

608.286.0784

www.customersfirst.org

For more information, contact Matt Bromley, Executive Director, *Customers First!* Coalition, Ph: 608-286-0784; mbromley@customersfirst.org





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.





LEAGUE OF WOMEN VOTERS® OF WISCONSIN
EDUCATION FUND

122 State Street, #201A
Madison, WI 53703-2500

Phone: (608) 256-0827
Fax: (608) 256-1761

<http://www.lwwwi.org>
lwwwisconsin@lwwwi.org

May 12, 2009

TO: Assembly Committee on Energy and Utilities
Senate Committee on Commerce, Utilities, Energy, and Rail

RE: Support SB 185 Uniform Wind Siting Criteria

The League of Wisconsin Voters supports adoption of Uniform Wind Siting Criteria, SB 185.

Wind might be the best renewable energy resource our nation has. Wind power is growing at 25-30% per year in the U.S., but not in Wisconsin. This is not for lack of wind development projects. Currently wind development is reviewed under standards and timelines that often differ from one jurisdiction to another. This is one barrier that legislators can address to promote the siting of more wind systems in our state.

SB 185 requires the Public Service Commission (PSC) to promulgate administrative rules on standards on siting, installation and operation of wind-powered generation projects. The PSC already reviews wind projects over 100 megawatts.

The rules would deal with visual appearance, setback distances, decommissioning, shadow flicker, electrical connections to the power grid and interference with radio, telephone or television signals. These are issues that apply to all wind projects. They are also technical issues that are best addressed by the lead state agency regulating electric generation, the PSC.

Under these bills, uniform standards would be used throughout the state by local units of government. Local communities benefit from the expertise of the PSC in setting the standards and applicants benefit from a level playing field of standards with the certainty of a prescribed timeline.

Importantly, local governments would retain their authority to protect public health and safety. They also can continue as the primary reviewer of large wind systems. Local jurisdictions can enact an ordinance to review construction or operation of a wind system as well as enforce restrictions that must incorporate the uniform standards. In this way, applications for large wind systems, projects ranging from at least one megawatt to 100 megawatts, are subject to local government review. After completing the local process, aggrieved parties, whether wind developers or other affected parties, have the right to appeal to the PSC to review the local government decision to approve, reject or impose restrictions on the wind project. The PSC decision is subject to Chapter 227 review.

The League finds that there is a fair balance of transparency between local and state bodies who will need to act on siting issues in SB 185.

As the lead agency for wind systems under this legislative bill, the PSC will need to assure that extensive educational outreach efforts are undertaken. Local units of government will want to understand and learn how to implement these new uniform state standards. Applicants will want to know how their projects will be reviewed by local governments.

We urge the Legislature to adopt SB 185 to remove one more barrier to siting additional wind turbines.

Thank you for the opportunity to present the position of the League of Women Voters of Wisconsin on enhancing wind generation in Wisconsin.





The Boldt Company
2525 N Roemer Road
P.O. Box 419
Appleton, WI 54912-0419

920-739-6321 phone
www.boldt.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

Boldt Construction

- In 2008 Boldt erected over 500 wind turbines
- In 2008 Boldt erected the Blue Sky Wind turbines in Wisconsin
- In 2008 Boldt erected the Cedar Ridge Wind turbines in Wisconsin
- In 2008 Boldt erected the Butler Ridge Wind turbines in Wisconsin

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.¹
- 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.


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.

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,



John Greidanus
 VP-Power Development
 Boldt Construction
 262-448-7166



Renewegy, LLC

3650 Jackson Street
Oshkosh, Wisconsin, USA 54901-1216

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

Gentlemen,

Please support SB 185 / AB 256. Renewegy, LLC is a high technology company in Oshkosh investing heavily into the development and manufacture of Light Commercial Wind Turbines right here in the great state of Wisconsin. Unfortunately, due to the inconsistency of ordinances across the state, we will struggle to install our new wind turbines in Wisconsin. Although we would like to manufacture our turbines in Wisconsin, it will be much more difficult without SB 185 / AB 256 passed.

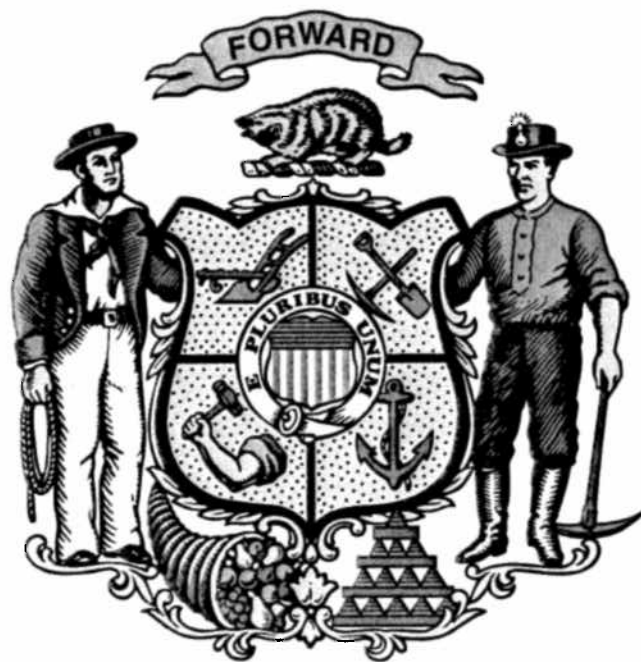
We realize there is significant public support both for and against wind turbines across the state. Change is difficult for all of us, however, it's imperative that we work together to create a sensible and consistent set of rules that we all can live by. We believe that is what SB 185 / AB 256 sets out to do by leveraging the PSC to create such rules.

We stand ready to adopt the new legislation and the ultimate set of rules which are issued by the PSC. We also stand ready to increase our hiring and bring more engineering and manufacturing jobs into the state of Wisconsin when your work results in a more consistent environment for the installation of wind turbines.

Sincerely,



Jeff Ehlers
President
Renewegy, LLC
3650 Jackson Street
Oshkosh, Wisconsin 54901
www.renewegy.com



MEUW Testimony in Support of Senate Bill 185/AB 256

By Scott J. Meske, MEUW Associate Director; May 12, 2009

TO: Senate Commerce, Energy, Utilities and Rail Committee Members, and Assembly Energy & Utilities Committee Members:

Wisconsin's community owned electric utilities are concerned about meeting state and federal renewable energy standards designed to help move the country away from over-dependence on future coal development. The Municipal Electric Utilities of Wisconsin (MEUW) that represents 82 Wisconsin communities that own and operate an electric utility supports Senate Bill 185, which creates a standard process to site wind power developments.

Community owned utilities support renewable energy development to help meet state and federal renewable energy standards, address climate change and promote economic development and job creation here in Wisconsin. The most cost effective renewable option for Wisconsin today is wind energy. But a patchwork of local government ordinances across the state threatens to undermine the ability to site new wind farms and create quality jobs our state so desperately needs. Senate Bill 185 will provide a fair and transparent process by which wind developers and local governments can work together in the wind siting process.

There are very few alternatives left for Wisconsin energy consumers and providers. If Wisconsin says 'no wind wanted here;' we then subject our electric customers to the whims of the transmission grid, and the development of renewable energy sources in other states – both alternatives will drive up the cost of electricity. SB 185/AB256 is about the new process of involving local decisions into an issue of critical state wide importance for everyone. By promoting Wisconsin's wind energy resources we can reduce our reliance on imported fuel, reduce greenhouse gas emissions, and create high skill, high wage jobs here in Wisconsin.

Public power communities are regulated locally by their city councils, village boards or utility commissions; and on the state level by the Public Service Commission of Wisconsin. Most of Wisconsin's municipal electric utilities have been operating for more than a century, and draw their electricity from a diverse mix of sources. Wind energy development is a critical component to future economic development opportunities both locally and statewide.

The Municipal Electric Utilities of Wisconsin (MEUW) represents 82 Wisconsin communities that own and operate an electric utility, and urges the Committees to pass Senate Bill 185 and Assembly Bill 256.

Thank you.

Algoma
Arcadia
Argyle
Bangor
Barron
Belmont
Benton
Black Earth
Black River Falls
Bloomer
Boscobel
Brodhead
Cadott
Cashton
Cedarburg
Centuria
Clintonville
Columbus
Cornell
Cuba City
Cumberland
Eagle River
Elkhorn
Elroy
Evansville
Fennimore
Florence
Gresham
Hartford
Hazel Green
Hustisford
Jefferson
Juneau
Kaukauna
Kiel
La Farge
Lake Mills
Lodi
Manitowoc
Marshfield
Mazomanie
Medford
Menasha
Merrillan
Mount Horeb
Muscodas
New Glarus
New Holstein
New Lisbon
New London
New Richmond
Oconomowoc
Oconto Falls
Pardeeville
Plymouth
Prairie du Sac
Princeton
Reedsburg
Rice Lake
Richland Center
River Falls
Sauk City
Shawano
Sheboygan Falls
Shullsburg
Slinger
Spooner
Stoughton
Stratford
Sturgeon Bay
Sun Prairie
Trempealeau
Two Rivers
Viola
Waterloo
Waunakee
Waupun
Westby
Whitehall
Wisconsin Dells
Wisconsin Rapids
Wonewoc





WISCONSIN FARMERS UNION



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

Wisconsin Farmers Union Support for SB 185 / AB 256

Wisconsin Farmers Union urges passage of Senate Bill 185 and Assembly Bill 256. The provisions will provide uniform statewide wind siting standards so as to encourage widespread development of wind electric generation in rural areas.

Today's technology gives farmers the opportunity to realize new income potential. New developments provide farmers the ability to supply a substantial portion of the Wisconsin's electricity from wind by installing their own turbines or leasing their land for wind power generators. A consistent statewide set of requirements will streamline the process of permitting wind turbines, thereby bringing additional economic activity to rural communities.

WFU understands the importance of creating government oversight of statewide utility standards. SB 185 / AB 256 call for the Public Service Commission to craft rules for wind permitting procedures through public comment and deliberation. These responsible measures allow all parties, along with a new advisory commission, to provide input in the regulation of wind siting.

A complicated permitting process is the single greatest obstacle in Wisconsin's effort to become a leader in homegrown renewable energy. This legislation creates a uniform siting standard that could attract \$1.6 billion of economic activity through increased investment in wind energy – a lucrative incentive that cannot be ignored in the current economic downturn. With the 2008 farm bill provisions allowing wind turbines to be sited on Conservation Reserve Program (CRP), doors are opening for many options to meet increased renewable energy standards. Wisconsin needs to be able to step up to meet those requirements; farmers and landowners must be protected in any wind siting legislation and we believe SB 185/AB 256 does just that.

WFU appreciates your consideration and urges swift passage of SB 185 / AB 256.

Sincerely,
Sue Beitlich, President



AgWind Energy Partners. LLC

May 12, 2009

P.O. Box 40

Galesville, WI 54630

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.¹
- 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.

Had this bill been in place in 2006, when AgWind began to explore the possibility of creating a Wind Generating Facility in Trempealeau County, Wisconsin; there is a high likelihood the county would be reaping certain benefits of such an effort, as we speak.

¹ Renewable Energy Policy Project. "Component Manufacturing: Wisconsin's Future in the Renewable Energy Industry." January 2006.

Farming Wind is the business.....

Ron Winn (608) 498-5977 - Jim Naleid (608) 779-9091 - info@agwind.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.

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.

Respectfully submitted,
AgWIND ENERGY PARTNERS, LLC



James C. Naleid
Managing Director



Madison Audubon Society * Wisconsin Audubon Council

Regulation of wind energy systems and granting rule-making authority (AB 256/SB 185)

12 May 2009: Assembly Committee on Energy and Utilities - Hearing

Madison Audubon Society and the Wisconsin Audubon Council together represent more than 10,000 members statewide.

We would like to emphasize that Audubon is in favor of wind energy. Locally, Madison Audubon has supported wind projects proposed near one of our wildlife sanctuaries. The National Audubon Society is on the record in favor of wind energy – if it is properly sited. This includes adequate siting standards for the potential impacts on wildlife: birds and bats. Despite our testimony on a very similar bill last year, this bill (AB 256/SB 185) has not been changed to address wildlife. **We request that the bill 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**, and that wildlife conservation groups such as the Audubon Society and the Wisconsin Wildlife Federation be included in the development of the standards.

From about 1995 to 1999, Madison Audubon served on a statewide advisory committee to help set such guidelines for wildlife. This was led by the DNR and PSC and composed of utilities, consultants, and biologists. After a great deal of study and dozens of meetings, the process ceased without notice and with no guidance established.

While wind turbines can probably be put up in most areas of the state with little impact to birds or bats, there are known migration corridors, sensitive areas, and other sites that would be unsuitable for wind towers. These include the Apostle Islands and the Bayfield peninsula (where at least two projects are proposed), the Lake Michigan shoreline (a well known major migratory corridor), and Horicon Marsh (an example of a very poorly-sited windfarm). Despite the fact that everyone involved knew that Horicon is a world-class resource (a Globally Important Bird Area and Wetland of International Importance), because there weren't established guidelines for wildlife, it was sited too close to the marsh. Audubon fought this at the time, calling for a statewide moratorium on wind development until guidelines were in place. This did not happen, and Wisconsin still does not have standards, which we believe are essential to protect wildlife, or even guidelines.

To repeat, the bottom line for our wildlife resources is location, location, location. Wind towers are very expensive to install. It would be far better to site them well to begin with rather than have to remove any because they're killing birds that are protected under the Migratory Bird Treaty Act. Adequate siting standards must be addressed in any legislation that is promulgated.

In conclusion, Audubon does want to see more wind development in Wisconsin, but only if our wildlife resources are taken into account. Thank you for this opportunity to speak.



May 12, 2009

Senate Committee on commerce, Utilities, Energy, and Rail

Room 313 South, State Capitol

Madison, WI 53708

Senate Committee on Energy and Utilities

Room 307 West, State Capitol

Madison, WI 53708

I am opposed to SB185 & AB256 that may soon be coming to vote.

I have become involved in wind energy because it was forced upon our community. Many neighbors got together and approached the county to change the county ordinance for wind energy. The ordinance was revised, I am not completely happy about it but, at least the new ordinance is respectful of my property line.

The wind energy companies have demonstrated no regard for the people who have lived in the area and made the community their home. Not one government official in my county has requested blade throw or debris throw information from the manufacturers for consideration of safe setback distances.

Look what the PSC has done with the siting of turbines in the Fond du lac/Dodge County area. The setbacks measure from houses and not property lines. Just look at my brother-in-law's farm. He has 219 acres of farm land. Navitas has taken about 12 acres, Emerging Energies wants to take 27 more acres. The worst part is that one turbine is being proposed such that any future expansion of this farm would be directly into the 1000 foot radius of the turbine. But luckily enough we now have an ordinance that does not allow the placement of this turbine. Even the set back distance of 1000 feet is not enough distance. A Vestas manual recommends a safe distance of 1300 feet. How do you think we feel when the turbine manufacturer would recommend the evacuation of every one of his farm building's and house in the event of a turbine fire. GE recommends 1000 foot safe distance for ice throw on turbines this size. Performing blade throw calculations my self finds a maximum throw distances in excess of 1000 ft. I have handed my calculations in to my representative, Ted Zigmunt.

The energy companies come here today saying that they cannot site wind turbines and oh my what a crisis this is. But look at what the wind energy companies have done to make siting better. Nothing! All they have done is tried to continue to push this bill. Since the last time we have had this bill proposed the PSC has not done anything to develop wind turbine siting criteria in an open forum.

The first part of this bill is clearly developed just for the benefit of the wind energy companies. How many times can they reapply "unlimited". Secondly, why do they need this bill to include taking away the local community zoning ordinances at the same time that an advisory committee is formed to create the new rules for siting?

Those that developed the language for this bill must think the residents of Wisconsin are fools. Who would sign a blank check. Especially when we have seen the results of what the PSC thinks is proper turbine siting in the Fond du lac/Dodge county area.

The second part of this bill creates an advisory committee. Once again I feel the committee is stacked against the people. The drafters of this bill want the energy companies and the environmental organizations to be on the committee, but not those signed up for wind turbines. RENEW and Clean Wisconsin are funded by the energy companies so what is the difference between the people that are signed up with an energy company and the "self-proclaimed" environmental groups RENEW and Clean Wisconsin who receive money from the energy companies.

These organizations have put out what they consider a draft model ordinance. Many well educated Wisconsin residents served on committees formed in a variety of counties that created what they think is an appropriate ordinance and voted on by local governments units. These ordinances have been created in an open government format where factual information is discussed.

My request is that you scrap the first section of this bill. Create a fair advisory committee and have the PSC develop factually based siting rules. If those people do a responsible job, then counties would have a good product to consider adopting or using when developing their own ordinances.

I will leave you all with this last thought. Wisconsin government and the federal government have large debts; government job cuts are coming. Do you know that between the federal and state governments wind energy gets approximately \$23 per MWatt-hr of subsidy money while Nuclear receives approximately \$1.75 per Mwatt-hr and fossil receives approximately \$0.75 per Mwatt-hr.

A 1.5 Mwatt turbine is costing the tax payer about \$55,000 dollars per year. Just think about this as you look at those turbines. You are looking at one government employee job lost for each turbine installed. Worst yet that government employee would at least spend our money in this country, who knows what country gets our subsidy money.

Do you have any questions?

Respectfully,

Jeff Roberts



12113 Tannery Road

Mishicot, WI 54228



May 12, 2009

Wind Turbine Hearings
Madison WI.

My name is James Mueller. I live at N8710 Pine Road, St. Cloud WI 53079. My residence is located in the Blue Sky Green Field Wind Project in Fond du Lac County.

When the Town of Marshfield was approached about constructing these wind turbines I attended meetings discussing the benefits of these turbines and how they would impact our lives. Both Navitas and WE Energies made presentations. In these presentations we had been told that there are very minimal concerns regarding the safety or inconveniences with the turbines in our township.

Noise levels are no louder than a refrigerator in your home. Maximum noise would be no more than 50 decibels. The chances of interference on radio and television would be very low and if any type of interference would happen, WE Energies would take responsibility for it. Flickering would also be minimum and will not have any ill effects for people living within the project.

The project also brought extra revenue for our township and area farmers. With milk and crop prices being so low it would be a help financially to our community. I personally did not oppose the construction of the wind turbines in our township.

We watched as these turbines were constructed in the neighbor hood. The first turbines were turned on north of home and immediately we started having problems. I sent an e-mail to Steve Perrigo on February 18, 2007 explaining the interference on our TV set with the television stations we watch in Green Bay. It destroyed the picture in both analog and digital signals. Since then it has affected the Milwaukee stations and our radio stations.

I have an e-mail from Terry Carroll dated March 7, 2008 that states at the end of 12 months or possibly earlier WE Energies will determine a long term method to restore our TV reception. It is now May of 2009 and we still have problems. I have spoke with or have had Steve Perrigo, Terry Carroll, Richard Oconnor and Mike Kelly in my house from WE Energies. WE Energies hired Dave Ransom to resolve the problem. The answer to the problem would be cable television. It is within about 2,000 feet of my home, but WE Energies refuses to bring it to my residence because of the expense. They spend \$400 million dollars on the wind project, but won't take the responsibility to fix this problem.

I have written and asked for WE Energies to put on paper the promise to take care of our TV reception problems as long as the turbines are turning or until there is a solution to stop the interference. The legal department at WE Energies sends letters stating they are

looking to resolve the problems, but won't commit to taking care of this problem as stated before the turbines were constructed.

WE Energies signed a Joint Development Agreement with the Township on Marshfield on January 8, 2007. If you read this agreement most of the ordinances such as setbacks to our property, ground clearances and signal interference used for this agreement were from the Draft Model Wind Ordinance for Wisconsin dated October 22, 2003. These guidelines were set up by wind energy proponents. It was not to protect the people whom live in the projects such as the Blue Sky Green Field Wind Energy Project.

Also in the draft model of the wind ordinance the noise of the wind turbines are not to exceed 50 decibels for any period of time, when measured at any residence, school, hospital, church, or public library existing on any wind energy site. This is the same promise on noise levels Navitas and WE Energies said these turbines would not exceed.

However in the Joint Development Agreement WE Energies changed the noise ordinance not to "Average" over 50 decibels. Not only has WE Energies misrepresented the noise of these turbines, they have also have changed the draft model on the wind ordinances for the state of Wisconsin.

An analogy of this would be for example the average speed limit in Wisconsin is 55 miles per hour. Since the speed limits in the city are 25 miles per hour that now means we can drive 85 miles an hour in the country without worrying about being ticketed.

When people go to look at turbines during the daytime the air is dry and the wind turbines are relatively quiet. About 90% of the time the turbines are under 50 decibels. The other 10% is another story. This happens at night when the air is damp or during the winter when there is not any vegetation to muffle the noise. If the turbine blades are at the wrong angle it sounds like a jet above your home. This goes on for hours. It goes thru your walls of your home and you will not sleep. It happened 4 nights in two weeks during March this year.

I called and explained this noise to Mark Noah at WE Energies. I also told him we have no problem if the wind turbines stay under the 50 decibels. This could possibly be corrected by stopping and restarting the wind turbines or just changing the angle of the blades. The wind turbines are computerized and with technology today should be feasible.

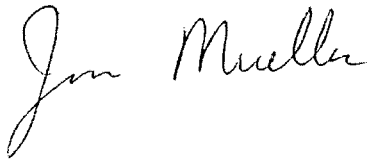
I was told the noise was within the Joint Development Agreement and I should talk to the town officials since they signed the agreement. I then asked if there was a number I could call when the noise is unbearable so WE Energies would understand the noise problem. Mark then told me to call their hotline and they would respond within 24 hours. Absolutely no intention to resolve this problem!

Others are now understanding the problems the people in our township are facing. Counties and townships are becoming more restrictive to protect their people from the

high noise levels, flickering, loss of TV, radio and cell phone signals. Others suffer from health issues. We need to have more responsibility by the companies that own and operate these projects. Our local government was created to protect our interest. Please don't give this right away from us. What is the purpose of local government when big companies can come in and have the state take our rights away?

What's the saddest part of all of this? The closest wind turbine is 2,400 feet from my house. The next closest are 2,700 feet. Can you imagine being within 1,000 of a turbine? I truly feel sorry for those people.

Sincerely,

A handwritten signature in cursive script that reads "Jon Mueller". The signature is written in black ink and is positioned to the right of the word "Sincerely,".



Testimony concerning Senate Bill 185, Wisconsin State Legislature may 12, 2009

This seemingly simple bill in fact raises some very complicated issues.

The most important of these is that it sets a dangerous precedent of overriding local government in favor of big business and big money. Municipalities across this state were mandated to create local land use plans under the Smart Growth program. Most townships took on this task in good faith, engaged its citizens and elected officials to study the issue and after years of work finalized and adopted their plans. To ignore their dedication and wisdom is to thwart the democratic process.

More recently counties and towns have used the same process of citizen involvement to create rules regulating wind energy in their communities and after many months, even years of research a number of well written ordinances have emerged. For the state legislature at the request of corporate investors to now step in and basically ignore these plans before they have even been utilized, is frustrating, disturbing and downright disrespectful. These huge wind turbine installations are industrial complexes and need to be regulated as such. Local governments know best how they will fit safely into their land use plans.

Another issue arises as to the effectiveness of large scale wind projects at all. The experience thus far in this and other countries is that they have no effect on CO2 emissions, in fact even making things worse while causing substantial damage to human health and the environment. While being promoted as being free and clean energy it is in fact neither. Coal plants spew out pollutants as they stand idling in back up and ratepayers will soon find out just how expensive this power will be. Tens of billions of dollars need to be invested in high voltage transmission lines to transport this power we cannot store. And the federal subsidy dollars will be extracted in the form of higher taxes.

The way to fix this problem is not by using bigger technology from the past century but rather to create a whole new set of ideas. Power that never has to be created is free; conservation has proven to help by decreasing demand and small wind and solar units can save even more. We have the technology to produce energy that is consumed on site: no large wind turbines; no giant transmission lines; no huge blackouts; less cost to consumers and much greater energy security.

I have served on numerous citizen committees in my county. It is rewarding work and helps us all learn and grow and become closer neighbors. It is however, extremely divisive and discouraging to have to contend with legislation such as this bill. Please do not trump these ordinances and render our efforts useless. Yesterday it was feedlots, today the placement of wind turbines...what is next?

Testimony submitted by:

Nancy J. Horton
N23440 McCabe Lane
Ettrick WI





John Muir Chapter

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Support SB 185 / AB 256, Uniform Wind Siting Standards Before the Senate Committee on Commerce, Utilities, Energy, and Rail and the Assembly Committee on Energy and Utilities

By Jim Connors, Volunteer Lobbyist, Sierra Club-John Muir Chapter
05/12/2009, 11:00 am, 411 South, State Capitol

Thank you for accepting comments today on behalf of the 15,000 members of the Sierra Club- John Muir Chapter in Wisconsin. The Sierra Club urges you to vote for SB 185 concerning the development of science-based, uniform wind siting standards. SB 185 calls for the creation of fair, statewide standards for the development of clean, renewable wind energy in our state.

Reducing the threat of global warming to our environment and economy is the number one priority issue of the John Muir Chapter. In order to reduce global warming, we must reduce Wisconsin's over-reliance on fossil fuels such as coal, which emits millions of tons of greenhouse gases into our atmosphere each year. Investing in renewables, including wind, solar, biomass and geothermal energy, and expanding energy efficiency and conservation programs, are integral to effectively addressing this problem.

As a member of the Governor's Global Warming Task Force, we are now working hard to implement the recommendations released last year, including wind siting reform (pg 107). Wind siting standards are critically needed in Wisconsin in order to fairly resolve impasses that are currently stalling the development of over 600 MW of wind power operating capacity. These include small, distributed wind power projects that help small farmers to remain on their land during these challenging economic times.

Failing to develop wind siting standards is an option that would not benefit the state of Wisconsin. The federal government, with its commitment to addressing global warming, may be in a position to develop policies that supercede the authority of state and local governments that lack these renewable energy standards. The lack of uniform wind siting regulation will also force WI utilities to import renewable energy from out of state to meet current and enhanced Renewable Portfolio Standards. This will mean more transmission lines and less green, family supporting jobs for Wisconsin workers.

No energy source comes without drawbacks, but we feel that impacts of the responsible development of wind energy are far less than the massive negative impacts of global warming pollution. The Sierra Club further believes that potential negative impacts to wildlife of wind energy systems can be substantially mitigated through careful siting, cooperation and communication between developers and stakeholders, and the use of modern technology.

As a grassroots organization, the John Muir Chapter is pleased to see that this bill will allow local units of government to review wind energy projects (under 100 MW). Uniform statewide standards that will be developed as a result of the passage of SB 185 will address issues of concern to local communities, including visual appearance, setback distances, decibel levels, and interference with radio, television and telephone signals. The John Muir Chapter is also reassured to see that SB 185 includes opportunities for stakeholders to provide input on uniform statewide wind energy standards, and mechanisms for appeals are available.

In summary, we hope you will support this common sense legislation, which will allow Wisconsin to start down the path towards a renewable energy future.