

State of Wisconsin



2013 Senate Bill 35

Date of enactment: **April 24, 2013**
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2013 WISCONSIN ACT 10

AN ACT *to amend* 196.485 (1) (ge), 196.485 (3m) (b) 2., 196.491 (3) (a) 1., 196.491 (3) (a) 2., 196.491 (3) (a) 3. a. and 196.491 (3) (a) 3. b. of the statutes; **relating to:** powers and duties of an electric transmission company and certificates of public convenience and necessity and permits for certain electric generating facilities and high-voltage transmission lines.

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

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

196.485 (1) (ge) "Transmission company" means a corporation organized under ch. 180 or a limited liability company organized under ch. 183 that has as its sole purpose the planning, constructing, operating, maintaining and expanding of transmission facilities ~~that it owns, and the providing of transmission service,~~ to provide for an adequate and reliable transmission system that meets the needs of all users that are dependent on the transmission system and that supports effective competition in energy markets without favoring any market participant.

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

196.485 (3m) (b) 2. Subject to any approval required under state or federal law, purchase or acquire transmission facilities in addition to the transmission facilities contributed under sub. (5) (b) or purchase or acquire the right to provide transmission service over transmission facilities that it does not own.

SECTION 4. 196.491 (3) (a) 1. of the statutes is amended to read:

196.491 (3) (a) 1. Except as provided in sub. (3b), no person may commence the construction of a facility unless the person has applied for and received a certificate of public convenience and necessity under this subsection. An application for a certificate issued under this subsection shall be in the form and contain the information required by commission rules and shall be filed with the commission not less than 6 months prior to the commencement of construction of a facility. Within 10 days after filing an application under this subdivision, the commission shall send ~~—~~ an electronic copy of the application to the clerk of each municipality and town in which the proposed facility is to be located and to the main public library in each such county. At the request of such a clerk or main public library, the commission shall also send a paper copy of the application.

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

196.491 (3) (a) 2. The commission shall determine whether an application filed under subd. 1. is complete and, no later than 30 days after the application is filed, notify the applicant about the determination. If the commission determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

the commission has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application under this subdivision. If the commission fails to determine whether an application is complete within 30 days after the application is filed or refiled, the application shall be considered to be complete. Within 10 days after the commission determines that an application is complete or the application is considered to be complete, the commission shall send an electronic copy of the complete application to the clerk of each municipality and town in which the proposed facility is to be located and to the main public library in each such county. At the request of such a clerk or main public library, the commission shall also send a paper copy of the application.

SECTION 6. 196.491 (3) (a) 3. a. of the statutes is amended to read:

196.491 (3) (a) 3. a. At least 60 days before a person files an application under subd. 1., the person shall provide the department with an engineering plan if the facility is a large electric generating facility ~~or a detailed project plan if the facility is a high-voltage transmission line~~. The engineering ~~or project~~ plan shall show the location of the facility, a description of the facility, including the major components of the facility that have a significant air, water or solid waste pollution potential, and a brief description of the anticipated effects of the facility on air quality, water quality, wetlands, solid waste disposal capacity, and other natural resources. Within 30 days after a person provides an engineering ~~or project~~ plan, the department shall provide the person with a listing of each department permit or approval which, on the basis of the

information contained in the engineering ~~or project~~ plan, appears to be required for the construction or operation of the facility.

SECTION 7. 196.491 (3) (a) 3. b. of the statutes is amended to read:

196.491 (3) (a) 3. b. Within 20 days after the department provides a listing specified in subd. 3. a. to a person, the person shall apply for the permits and approvals identified in the listing. The department shall determine whether an application under this subd. 3. b. is complete and, no later than 30 days after the application is filed, notify the applicant about the determination. If the department determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that the department has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application under this subd. 3. b. If the department fails to determine whether an application is complete within 30 days after the application is filed, the application shall be considered to be complete. The ~~Except as provided in s. 30.025 (4), the~~ department shall complete action on an application under this subd. 3. b. for any permit or approval that is required prior to construction of a facility within 120 days after the date on which the application is determined or considered to be complete.

SECTION 8. Initial applicability.

(1) The treatment of section 196.491 (3) (a) 1., 2., and 3. b. of the statutes first applies to applications filed or refiled on the effective date of this subsection.