

ORDER OF THE DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to create Chapter Adm 46 of the Wisconsin Administrative Code relating to High-Voltage Transmission Line Fee.

Analysis prepared by the Department of Administration:

Statutory Authority: ss. 16.004(1), 16.969(2), and 227.11(2)(a), Stats.

Statute Interpreted: s. 16.969, Stats.

Under 1999 Wisconsin Act 9, the Legislature required persons receiving a Certificate of Public Convenience and Necessity from the Public Service Commission for a high voltage transmission line designed for operation at a nominal voltage of 345 kilovolts or more, to pay to the Department of Administration an annual impact fee and a one time environmental impact fee. The Department of Administration is required to develop rules to collect those fees based on a statutory formula, and distribute them to the cities, towns, villages or counties as identified by the Public Service Commission, through which the high voltage transmission lines are routed. The distribution is allocated by the Public Service Commission according to the amount of investment associated with the high voltage transmission line to each such city, town, village and county. The rule will establish payment schedules and procedures as well as the means for distributing the fees collected to the appropriate county, town village or city.

Final Regulatory Flexibility Analysis:

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

TEXT OF RULE:

SECTION 1: Adm 46 is created to read.

Chapter Adm 46

High-Voltage Transmission Line Fee

Adm 46.01 Authority. Sections 16.004 (1), and 16.969 (2), Stats., authorize the department to promulgate rules for payment of annual and one -time environmental impact fees by persons issued a certificate for construction of high-voltage transmission lines.

Adm 46.02 Purpose. The purpose of this chapter is to establish a process for billing, collecting and distributing annual and one -time environmental impact fees to be paid to the department by persons issued a certificate by the commission for the construction of high voltage transmission lines.

Adm 46.03 Definitions. In this chapter:

(1) "Certificate" means a certificate of public convenience and necessity issued under s. 196.491 (3) (a) Stats.

(2) "Commission" means the public service commission.

(3) "Department" means the department of administration.

(4) "Eligible municipality" means a county, town, village or city through which a high-voltage transmission line is routed, as identified by the commission under s. 196.491 (3) (gm), Stats.

(5) "High-voltage transmission line" has the meaning given in s. 16.969 (1) (b) Stats.

(6) "Initial year of construction" means the calendar year in which construction of a high-voltage transmission line begins, as determined by the commission.

(7) "Person" includes all individuals, partnerships, associations, limited liability companies and bodies politic or corporate.

Adm 46.04 Annual impact fee, invoice and payment. (1) INITIAL YEAR OF CONSTRUCTION. In the initial year of construction, no more than 60 days after construction has begun and the commission transmits to the department the determination of the cost of construction for a high-voltage transmission line, identification of eligible municipalities, and allocation of the associated amount of investment, the department shall invoice the person issued a certificate the annual impact fee in an amount equal to 0.3 % of the cost of the high-voltage transmission line as determined by the commission under s. 196.491(3) (gm), Stats. The department shall prorate the annual impact fee in the initial year of construction based upon the proportion of the year remaining after the date construction begins. Payment of the fee in the initial year of construction shall be due 45 days after the date the invoice is mailed by the department.

(2) SUBSEQUENT YEAR INVOICE AND PAYMENT. On or before March 1 in each calendar year after the initial year of construction, the department shall invoice a person issued a certificate in an amount equal to 0.3 % of the cost of the high-voltage transmission line as determined by the commission under s. 196.491(3) (gm), Stats. Payment of the fee in subsequent years shall be due on or before May 1 of each year.

(3) FEE ADJUSTMENT. The department shall adjust any subsequent annual impact fee as necessary upon receipt from the commission of adjusted costs of construction after completion of the construction of a high-voltage transmission line.

Adm 46.05 One-time environmental impact fee. (1) In the calendar year in which construction of a high-voltage transmission line begins, a person issued a certificate shall pay a one-time environmental impact fee in the amount of 5 % of the cost of the high-voltage transmission line, as determined by the commission under s. 196.491(3) (gm), Stats. The department shall invoice this fee no more than 60 days after the commission transmits the required information to the department under s. Adm 46.04. Payment of the fee shall be due 60 days after receipt of the invoice.

(2) The department shall adjust the one-time environmental impact fee as necessary upon receipt from the commission of adjusted costs of construction after completion of the construction of a high-voltage transmission line if the adjusted costs exceed the initial cost determination made by the commission under 196.491(3)(gm), Stats.

Adm 46.06 Distribution of fees. (1) ANNUAL IMPACT FEES. No more than 60 days after receipt of the fee under s. Adm 46.04, the department shall distribute the fee to each town, village and city that is an eligible municipality in proportion to the amount of investment allocated to each eligible municipality by the commission under s. 196.491 (3) (gm), Stats.

(2) ONE-TIME ENVIRONMENTAL IMPACT FEE. No more than 60 days after receipt of the fee under s. Adm 46.05, the department shall distribute 50 % of the fee to each county that is an eligible municipality, and 50% of the fee to each town, village and city that is an eligible municipality, in proportion to the amount of investment allocated to each by the commission under s. 196.491 (3) (gm) Stats.

Adm 46.07 Late Payments. Annual impact fee payments received by the department more than 45 days after the date the invoice is mailed in the initial year of assessment, or after May 1 in subsequent years, shall be assessed interest at a rate, and in the same manner, as required by the commission for customer deposits for residential service as specified in s. PSC 113.0402(9)(b).

This rule shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated: _____

George Lightbourn, Secretary
Department of Administration