

## Chapter PSC 111

### REQUIREMENTS FOR STRATEGIC ENERGY ASSESSMENTS, CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, AND FIXED FINANCIAL PARAMETERS FOR CERTAIN RATE BASE ELECTRIC GENERATING FACILITIES

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**History:** Chapter PSC 111 as it existed on June 30, 2000 was repealed and a new chapter PSC 111 was created, Register, June, 2000, No. 534, effective July 1, 2000.

#### Subchapter I — General

**PSC 111.01 Definitions.** The definitions specified in ss. 196.01 and 196.491 (1), Stats., apply to this chapter. In addition, in this chapter:

- (1) “Btu” means British thermal unit.
- (2) “CO<sub>2</sub>” means carbon dioxide.
- (3) “CPCN” means a certificate of public convenience and necessity issued under s. 196.491 (3), Stats.

(3g) “Commence construction” means site clearing, excavation, placement of facilities, or other substantial action adversely affecting the natural environment of the site or physical modification to equipment at the site that would not be required if the proposed project was not approved, but does not include borings necessary to determine foundation conditions or other preconstruction monitoring or surveying to establish background information related to site or environmental suitability.

(3r) “Department” means the Wisconsin department of natural resources.

(4) “Electricity provider” means any of the following:

(a) Any person who owns, operates, manages or controls, or expects to own, operate, manage or control generation larger than 5 MW in Wisconsin.

(b) Any person who provides retail electric service in Wisconsin.

(c) Self-providers.

(5) “FERC” means the federal energy regulatory commission.

(6) “Hg” means mercury.

(7) “kW” means kilowatt.

(8) “kWh” means kilowatt-hour.

(9) “MW” means megawatt.

(10) “Net rated capacity” means a generation facility’s maximum electrical output, in MW, net of electricity use internal to the generation facility, under the ambient conditions expected during peak demand.

(11) “N<sub>2</sub>O” means nitrous oxide.

(12) “NO<sub>x</sub>” means all oxides of nitrogen except nitrous oxide.

(13) “SEA” means strategic energy assessment.

(14) “Self-provider” means any person, other than an operator of a wholesale merchant plant, who meets all of the following:

(a) The person owns, operates, manages or controls, or expects to own, operate, manage or control generation larger than 5 MW.

(b) The person uses or will use all or a portion of the generation to satisfy the person’s own demand.

(c) The person sells or will sell any excess generation only to an electric public utility.

(15) “SO<sub>2</sub>” means sulfur dioxide.

(16) “Transmission provider” means any person who owns, operates or controls, or expects to own, operate or control electric transmission facilities in Wisconsin.

(17) “Wholesale electricity supplier” means any entity that is a wholesale generation and transmission cooperative or a municipal electric company under s. 66.0825, Stats.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; correction in (17) made under s. 13.93 (2m) (b) 7., Stats., Register September 2005 No. 597; CR 07–044: cr. (3g) and (3r) Register May 2008 No. 629, eff. 6–1–08.

**PSC 111.03 Period covered by SEA; data; filing date.** (1) SEVEN-YEAR PERIOD ENCOMPASSING THE SEA. (a) The SEA is biennial, covering 2 calendar years. All data required in subch. II, III, IV or V to be filed for the 7-year period encompassing the SEA shall cover this 2-year period, plus 5 succeeding calendar years, or fewer succeeding calendar years if a shorter time period is stated.

(b) The first SEA shall cover the period commencing January 1, 2000, and ending on December 31, 2001.

(c) Subsequent SEAs shall commence on January 1 of each even-numbered year.

(d) The commission shall issue its draft of the SEA on or before July 1 of each even-numbered year, as required by s. 196.491 (2) (b), Stats.

(2) HISTORICAL DATA REQUIREMENTS. (a) For the initial SEA, the data specified in ss. PSC 111.11, 111.23 and 111.41 shall also include 5 years of historical data. For subsequent SEAs, the data specified in ss. PSC 111.11, 111.23 and 111.41 shall also include 2 years of historical data.

(b) For all SEAs, the data specified in ss. PSC 111.31, 111.33, 111.35 (1) and (2) and 111.43 (4) shall also include 2 years of historical data.

(c) The 5 years of historical data for the initial SEA shall cover January 1, 1995, through December 31, 1999 and contain actual, historical data through December 31, 1998. To the extent actual data are unavailable for 1999, the initial SEA shall contain forecasted data and the forecasting worksheets.

**(3) DATE OF FILING.** (a) The initial submission of data required under this chapter shall occur no later than February 15, 2000.

(b) Subsequent submissions of data shall occur biennially, no later than September 15 of each odd-numbered year.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; CR 03–086: am. (1) (a), (b) and (3) (b) Register September 2005 No. 597, eff. 10–1–05.

**PSC 111.05 SEA filing procedures. (1) PRINTED AND ELECTRONIC FORMAT.** Except for the data required under s. PSC 111.35 (3), data required under subch. II, III or IV shall be in printed, tabular form and in electronic spreadsheet format. Data required under s. PSC 111.35 (3) shall be in printed, tabular form. Data required under subch. V shall be in printed, tabular form, unless specifically exempted, and in electronic spreadsheet format. If the commission provides tabular reporting or electronic format specifications, data filings shall comply with these specifications. All data filings shall be up to date and fully documented. All data filings shall indicate and provide the source of the data.

**(2) JOINT FILINGS.** (a) Any electricity provider may file the data required under subch. II, III, IV or V jointly, combining its information with that of other electricity providers. Any transmission provider may file the data required under subch. V jointly, combining its information with that of other transmission providers. Except as provided in par. (b), information in joint filings may not be aggregated in a manner that obscures provider-specific data.

(b) A wholesale electricity supplier may file data that is required under subch. II, III, IV or V on behalf of one or more municipal electric utilities or cooperatives.

**(3) MULTI-STATE ELECTRICITY AND TRANSMISSION PROVIDERS.** (a) Except as provided in par. (b), electricity and transmission providers with multi-state operations may, if Wisconsin-specific information is not available, file prorated data based on an allocation of Wisconsin demand to total company system demand.

(b) Electricity and transmission providers with multi-state operations shall provide Wisconsin-specific information for all of the following:

1. Conservation activities, as required under s. PSC 111.35.
2. Forecasts of Wisconsin peak demand, as required under s. PSC 111.13.
3. Transmission and generation facilities located in Wisconsin or used specifically for Wisconsin purposes, as required under s. PSC 111.21 or 111.43.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00.

**PSC 111.07 Supplemental data requests for SEA; waivers.** Electricity providers or transmission providers shall provide additional information, as the commission may request to prepare its SEA. The commission may also waive data filing requirements under this chapter to avoid undue hardship if preparation of the SEA can still be accomplished in a timely manner.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00.

**PSC 111.09 Confidentiality.** The commission shall consider information submitted under this chapter to be confidential, if the provider shows that the information is competitive under s. 196.14, Stats., a trade secret under s. 19.36 (5) or 134.90, Stats., or is otherwise exempt from public records laws under subch. II of ch. 19, Stats.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00.

## Subchapter II — Assessment of Electric Demand

**PSC 111.11 Electric demand data. (1) DEFINITIONS.** In this section:

(a) “Capacity purchase including reserves” means a purchase of firm electric generating capacity that has actually occurred or that is subject to an existing contract, including options to purchase or contracts subject to contingencies, and that includes all of the following terms:

1. A firm transmission path from source to destination.
2. The seller has responsibility for reserves.
3. The seller is obliged to supply across peak conditions with no unilateral curtailment option.
4. The seller will count the sale as an additional demand obligation.

(b) “Capacity sale including reserves” means a sale of firm electric generating capacity that has actually occurred or that is subject to an existing contract, including options to sell or contracts subject to contingencies, and that includes the terms specified in par. (a) 2. to 4.

**(2) FACTORS AFFECTING ELECTRIC DEMAND.** (a) Each electricity provider, except operators of wholesale merchant plants, shall submit all of the following data:

1. Monthly peak demand data for the 7-year period encompassing the SEA, including responsibility for power losses. Any loss responsibility associated with the delivery of purchased capacity shall be separately identified.
2. The reduction in the summer and winter peak demand, for any of the years encompassing the SEA, due to direct load control programs that allow system operators to manage customer loads.
3. The reduction in the summer and winter peak demand, for any of the years encompassing the SEA, due to the interruption of customer load by tariff or contract.
4. The effect on summer and winter peak demand, for any of the years encompassing the SEA, due to each capacity sale including reserves that affects peak demand.
5. The effect on summer and winter peak demand, for any of the years encompassing the SEA, due to each capacity purchase including reserves that affects peak demand. Any part of a purchase intended to compensate for transmission losses associated with delivery of the purchase shall be separately identified. For each out-of-state capacity purchase including reserves cited under this paragraph, the buyer shall demonstrate that the seller is treating its sale with the same priority as the electrical demand that the seller is legally obligated to serve.
6. The effect on summer and winter peak demand, for any of the years encompassing the SEA, due to any arrangements other than those specified in subs. 1. to 5., that also affect peak demand in Wisconsin.

(b) An electricity provider may aggregate information for individual arrangements less than 10 MW in its data filing under par. (a) 1., 2., 3., 4., 5. or 6.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; CR 03–086: am. (2) (a) 1. to 6. Register September 2005 No. 597, eff. 10–1–05.

**PSC 111.13 Calculation of adjusted electric demand. (1) DEFINITION.** In this section, “adjusted electric demand” means peak demand including responsibility for power losses, less the effect of direct load control, interruptible load, or capacity purchases including reserves as defined in s. PSC 111.11 (1) (a), plus the effect of capacity sales including reserves as defined in s. PSC 111.11 (1) (b).

**(2) DATA SUBMISSION.** Each electricity provider, except operators of wholesale merchant plants, shall calculate adjusted electric demand for the 7-year period encompassing the SEA and submit

the results to the commission. Any transmission loss responsibility associated with delivery of a particular capacity purchase including reserves, as defined in s. PSC 111.11 (1) (a), shall be separately identified. All miscellaneous demand factors that decrease peak demand shall be deductions when calculating adjusted electric demand. All miscellaneous demand factors that increase peak demand shall be additions when calculating adjusted electric demand.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 03-086: am. (2) Register September 2005 No. 597, eff. 10-1-05.

### Subchapter III — Assessment of Electric Power Supply

**PSC 111.21 Capacity data. (1) DATA ABOUT GENERATING FACILITIES.** Each electricity provider shall submit all of the following data for any generation in the state or generation used to supply an ultimate end user in the state:

(a) A complete current inventory of its installed electric generating capacity, including all of the following:

1. The name and location of each facility.
2. The type of load of the facility, including peaking, intermediate, or base load.
3. The type of fuel used.
4. The summer and winter net rated capacity.
5. The operational status of the facility, as of the filing date.
6. Emissions of particulates, ash, SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, N<sub>2</sub>O and Hg, per kWh of output.

(b) Summer and winter peak data on aggregate net rated capacity as of the filing date.

(c) A complete identification and description of each unit's net rated capacity that the electricity provider intends to retire during the 7-year period encompassing the SEA, including the month and year of expected retirement.

(d) A complete identification and description of each generating addition the electricity provider proposes to commence constructing during the 7-year period encompassing the SEA, including all of the following:

1. The in-service date.
2. The location of the facility.
3. The type of load of the facility, including peaking, intermediate, or base load.
4. The type of fuel used.
5. The summer and winter net rated capacity.
6. Expected levels of emissions identified in par. (a) 6., per kWh of output.

(e) A complete identification and description of each expected capacity change at existing generating units during the 7-year period encompassing the SEA, including all of the following:

1. The in-service date.
2. The location of the facilities.
3. The function of the upgrade, improvement, or downgrade.
4. The change in summer and winter net rated capacity.
5. Expected changes in emissions identified in par. (a) 6., per kWh of output.

(f) A complete identification and description of each supply factor that is not covered by pars. (a) to (e), but also affects electric power supply during peak demand in Wisconsin for the 7-year period encompassing the SEA.

**(2) AGGREGATING DATA ON SMALL GENERATION FACILITIES.** An electricity provider may aggregate information for individual generating facility less than 10 MW in its data filing under sub. (1) (a), (b), (c), (d), (e) or (f).

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 03-086: am. (1) (c), (d) (intro.), (e) (intro.) and (f) Register September 2005 No. 597, eff. 10-1-05.

### PSC 111.23 Capacity purchase and sale data affecting electric power supply. (1) DEFINITIONS.

In this section:

(a) "Capacity purchase without reserves" means a purchase of electric generating capacity that has actually occurred or that is subject to an existing contract, including options to purchase or contracts subject to contingencies, and that includes all of the following terms:

1. A firm transmission path from source to destination.
2. The buyer has responsibility for reserves.
3. The seller is obliged to supply across peak conditions with no unilateral curtailment option, except for particular contingencies that are specified in the contract.
4. The seller will count the sale as an available capacity reduction.

(b) "Capacity sale without reserves" means a sale of electric generating capacity that has actually occurred or that is subject to an existing contract, including options to sell or contracts subject to contingencies, and that includes the terms specified in par. (a) 2. to 4.

**(2) CAPACITY PURCHASES OR SALES WITHOUT RESERVES.** Each electricity provider, except operators of wholesale merchant plants, shall submit for the 7-year period encompassing the SEA, summer and winter peak data listing all of the following data:

(a) The amount and type of each capacity purchase without reserves in Wisconsin, in net MW, including an identification of each of the following:

1. Whether the purchase is on a system or unit basis.
2. How much of the purchase, if any, is intended to compensate for transmission losses associated with delivery of the purchase.

(b) The amount and type of each capacity sale without reserves, in net MW, including an identification of whether the sale is on a system or unit basis.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 03-086: am. (2) (intro.) Register September 2005 No. 597, eff. 10-1-05.

### PSC 111.25 Calculation of electric power supply. (1) DEFINITION.

In this section, "electric power supply" means aggregate generating capacity plus capacity additions, capacity upgrades or improvements at existing units, and capacity purchases without reserves as defined in s. PSC 111.23 (1) (a), less unit retirements, capacity downgrades at existing units, and capacity sales without reserves as defined in s. PSC 111.23 (1) (b).

**(2) DATA SUBMISSION.** Each electricity provider, except operators of wholesale merchant plants, shall calculate electric power supply for the 7-year period encompassing the SEA and submit the results to the commission. Any part of a capacity purchase without reserves, as defined in s. PSC 111.23 (1) (a), that is intended to compensate for transmission losses associated with delivery of that purchase, shall be excluded from the calculation of electricity power supply. All miscellaneous supply factors that decrease supply resources shall be deducted from electric power supply. All miscellaneous supply factors that increase supply resources shall be added to electric power supply.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 03-086: am. (2) Register September 2005 No. 597, eff. 10-1-05.

### Subchapter IV — Economic, Environmental, and Conservation Data

**PSC 111.31 Economic data.** Each electricity provider, except self-providers and operators of wholesale merchant plants, shall submit all of the following economic data:

**(1) AVERAGE ENERGY PRODUCTION COST.** The electricity provider's average energy production cost for each type of generating unit, including nuclear, coal-fired, gas simple-cycle, gas combined-cycle, diesel and renewable units. The electricity provider shall specify the expected range of energy production cost by unit

type for each year in a 3–year period encompassing the SEA and one succeeding calendar year.

**(2) SYSTEM DISPATCH COST.** Upon commission request, for those days when the market energy price exceeded \$250 per megawatt–hour measured exclusive of capital costs or when the market price exceeded \$2,000 per megawatt–hour measured inclusive of capital costs, the electricity provider’s hourly historical system dispatch costs, computed using available electric generating capacity and those capacity purchases or sales relevant at the time.

**Note:** This information is needed to determine, as required by s. 196.491(2)(a)12. and 13., Stats., if competition is contributing to the provision of sufficient capacity and energy at a reasonable price.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; CR 03–086: am. (1) Register September 2005 No. 597, eff. 10–1–05.

**PSC 111.33 Pollutant data.** Each electricity provider shall submit, for the 7–year period encompassing the SEA, the annual average level of emissions identified in s. PSC 111.21 (1) (a) 6., per kWh of output.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; CR 03–086: am. Register September 2005 No. 597, eff. 10–1–05.

**PSC 111.35 Energy conservation data.** Any electricity provider, except self–providers and operators of wholesale merchant plants, that provides rate–based energy efficiency programs to Wisconsin customers directly or by contracting, shall provide all of the following energy conservation activity data and information for the 7–year period encompassing the SEA:

**(1) SPENDING.** Dollars spent on energy conservation activity affecting any Wisconsin customer.

**(2) ENERGY AND DEMAND SAVINGS.** Energy savings in kWh and demand savings in kW, excluding direct load control and interruptible load impacts specified in s. PSC 111.11 (2) (a) 2. and 3., reported for any Wisconsin customer.

**(3) ENERGY CONSERVATION PROGRAM DESCRIPTIONS.** A comprehensive description of all planned activities to discourage inefficient and excessive power use.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; CR 03–086: am. (intro.) Register September 2005 No. 597, eff. 10–1–05.

## Subchapter V — Transmission System Operation Data

**PSC 111.41 Transmission system reservations data from electricity providers.** For each capacity resource reported under s. PSC 111.21, delivery of which requires transmission system reservations, and for each capacity purchase reported under s. PSC 111.11 or 111.23, the electricity provider shall submit information on the transmission arrangements to be used to deliver the capacity, including all of the following:

**(1) SERVICE PROVIDER.** The provider of transmission service.

**(2) PERIOD AND TYPE OF SERVICE.** The period and type of each transmission reservation, and any other service attributes defined by the provider of transmission service.

**(3) DATES.** The starting and ending dates of service.

**(4) PATH.** The transmission path, if point–to–point service is being used.

**(5) STATUS OF REQUEST.** The status of the request for transmission service.

**(6) SIZE OF RESERVATION.** The size of the transmission service reservation, in MW.

**(7) LOSSES.** Amount of incremental losses associated with transmission service, as determined by the transmission provider.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00.

**PSC 111.43 Data from transmission providers.** Each transmission provider shall submit all of the following data, except that if the data have been previously filed with the commis-

sion, the transmission provider may identify the applicable filing instead of providing duplicate data:

**(1) NEW HIGH–VOLTAGE TRANSMISSION LINES.** A complete description of each high–voltage transmission line that the transmission provider intends to own in whole or in part, on which construction is planned to commence within 7 years, including all of the following:

(a) Endpoints of the line.

(b) Proposed corridors.

(c) Nominal operating voltage.

(d) Nominal voltage of construction class.

(e) Needed substation modifications.

(f) Estimated cost.

**(2) PLANS FOR PRESERVING TRANSMISSION ADEQUACY.** (a) In this subsection, “long–term” study excludes all of the following:

1. Routine, commercial transfer capability and operations studies.

2. Customer–specific transmission studies.

(b) The results and assumptions of each long–term study undertaken by transmission providers, jointly or individually, within the past 2 years or subsequent to the data filing for the last SEA, that examines future transmission transfer capabilities across boundaries of reliability council regions, subregions, or control areas or across the borders of Wisconsin. The results and assumptions of each long–term study about the effect of transmission system reinforcement on transfer capability shall be included in the data submitted under this paragraph.

(c) A complete FERC Form 715 for each of the most recent 2 years available, and any documents or data cited on Form 715 that are not published by the Wisconsin commission.

(d) The results and assumptions of each long–term, local load serving study the transmission provider used to establish the need for the high–voltage transmission lines described in sub. (1), including all discussions of project need and alternatives that may be part of the study.

**(3) POWER FLOW CASES.** (a) For each of the 7 years encompassing the SEA, the most recent power flow base case undertaken by the reliability council in which the transmission provider is located, for each of the following conditions:

1. Summer peak.

2. Winter peak.

3. Off–peak.

(b) The base cases in par. (a) need only be submitted if the commission requests that they be filed.

**(4) USE OF THE TRANSMISSION SYSTEM.** If the transmission provider charges a tariffed amount for use of its transmission system, monthly data, for the 7–year period encompassing the SEA, on total transfer capability, available transfer capability and confirmed reservations for the use of the transmission system. Total transfer capability and available transfer capability shall be calculated in accordance with the provider’s obligations, under 18 CFR Part 37, to calculate these values. Reservation data under this subsection shall concern only those reservations that are firm and of monthly duration or longer. Data shall include any transmission margins applied in the calculation of available transfer capability and any other use of the transmission system relevant to the calculation of monthly available transfer capability, including use by the transmission provider to meet existing commitments.

**History:** Cr. Register, June, 2000, No. 534, eff. 7–1–00; CR 03–086: am. (1) (intro.), (3) (a) (intro.) and (4) Register September 2005 No. 597, eff. 10–1–05.

## Subchapter VI — CPCN Applications

**PSC 111.51 CPCN applications for facilities – general.** **(1) COMMENCEMENT OF CONSTRUCTION.** Construction on a facility may not commence until the commission issues a CPCN for the facility.

(2) **ACTIONS BEFORE FILING A CPCN APPLICATION.** Before filing an engineering plan for a large electric generating facility or a detailed project plan for a high-voltage transmission line, as defined in s. 196.491 (3) (b), Stats., the applicant shall do all of the following:

(a) Notify the department and the commission of its intent to apply for a CPCN.

(b) Consult with commission staff, in cooperation with staff from the department, on the scope of the proposed project, the alternatives that must be considered in the application, and additional information that the commission may require as part of the CPCN application.

(3) **COPIES OF THE APPLICATION.** The applicant shall file 10 copies of its CPCN application. The applicant shall promptly provide additional copies as may be requested by the commission.

(4) **COMPLETENESS DETERMINATION AND DISTRIBUTION OF APPLICATION.** (a) The commission shall notify an applicant of whether its CPCN application is complete within 30 days of its filing. If the commission does not notify an applicant within 30 days then the application shall be considered complete. An applicant may supplement and refile an incomplete CPCN application.

(b) 1. Within 10 days after a CPCN application has been filed, 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 county in which the proposed facility is to be located. A statement shall be included on the initial page of the electronic document explaining that this is an initial application, that it is likely to be changed, and that updates may be obtained from the applicant that filed the application or the commission's website ([psc.wi.gov](http://psc.wi.gov)).

2. As soon as is practicable, but no more than 30 days after the commission has determined that a CPCN application is complete, the commission shall send a paper 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 county in which the proposed facility is to be located.

3. The commission may fulfill subs. 1. and 2. by directing the applicant to send copies of the complete application to the locations identified in those subdivisions.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 07-044: am. (2) (intro.) and (b), cr. (4) Register May 2008 No. 629, eff. 6-1-08.

**PSC 111.53 CPCN applications for large electric generating facilities. (1) CONTENTS OF A CPCN APPLICATION.** Except as provided in sub. (2), a CPCN application for a large electric generating facility is not complete until the applicant has filed all of the following information with the commission:

(a) The operating characteristics of the proposed facility, including all of the following:

1. The number of generating units to be included in the facility.

2. A description of each generating unit, including type, size, and fuel.

3. The expected hours of operation and lifetime of the facility.

4. The names and addresses of owners and investors and the percent of ownership.

5. The fuel source and availability. If the facility uses fossil fuel, the fuel's heating value and chemical analysis, the type of transportation to be used, and the approximate capacity of on-site storage shall be provided.

6. The facility's estimated capacity factors, for each generating unit, and the basis for the estimates.

7. The estimated rate of discharge of pollutants for appropriate time intervals, as related to applicable regulatory standards.

8. The heat rates over the range of operating capacity for each generating unit.

(b) The need for the proposed facility in terms of demand and energy.

(c) The economic aspects of the proposed facility, including all of the following:

1. The estimated capital cost of the generating facility and all related facilities, broken down by major plant accounts. All cost escalation factors used in the estimate shall be identified.

2. The projected unit fuel cost, in cents per million Btu, both for the first year of operation and levelized in nominal terms over the life of the unit or facility. All cost escalation factors used in the estimate shall be identified.

3. The estimated annual production cost, calculated as operating, maintenance and fuel costs for the first year of operation and levelized in nominal terms over the life of the facility. All cost escalation factors used and other significant supporting data shall be included.

4. The estimated annual total cost, calculated as capital and production costs for the first year of operation, in mills per net kWh generated, and levelized in nominal terms over the life of the facility. All cost escalation factors used and other significant supporting data shall be included.

5. The estimated useful life of facility, based on depreciation rates established by the commission.

(d) The alternative sources of supply considered, including information about all of the following alternatives:

1. Energy conservation and efficiency.

2. Any alternative whose energy source has a higher priority ranking under s. 1.12 (4) (b) to (d), Stats., than the fuel proposed to be used for the facility.

3. For any facility that will use a combustible energy resource but not provide cogeneration, an explanation regarding why cogeneration is not feasible.

4. Purchased power.

(e) A description of the alternatives considered, a description of the siting process, and a list of the factors considered in choosing and ranking the alternatives.

(em) Information demonstrating how brownfields, as defined in s. 16.287 (1) (a), Stats., and interpreted by the commission, were considered as site alternatives.

(f) Except as provided in sub. (2) (b), site-related information for each of two proposed power plant sites, including all of the following:

1. The regulatory approvals required for construction and operation of the facility.

2. The construction schedule and timeline, showing construction activities and permitting expectations from the beginning of construction to the in-service date.

3. The availability of transportation for fuel delivery and requirements for gas pipeline construction. If a certificate of authority under s. 196.49, Stats., is required to construct the gas pipeline, the location, termini, length in miles, size of pipe, and pressure.

4. Any required transmission line construction, agreements for use of the transmission system to deliver plant power, transmission losses, and effects on system reliability. If a certificate of authority under s. 196.49, Stats., is required to construct the transmission line, the location of termini, length in miles, and voltage for each transmission line.

5. Other auxiliary facilities, including fuel storage and water storage.

6. Natural resources at each site, including all of the following:

a. Air quality.

b. General soil associations.

c. Geology, noting active mines and quarries.

d. Water, including wetlands, rivers, streams and groundwater.

e. Vegetative cover, including wildlife habitat.

f. Endangered, threatened, and special-concern species and communities.

7. Community-related information, including all of the following:

a. Site history.

b. Existing and proposed land uses at the sites.

c. Local infrastructure, including sewer, water, police, and fire protection.

d. Historical and archeological sites.

e. Potential health impacts.

f. Secondary impacts, including effects on revenue, jobs, and development.

g. Visual and noise impact.

8. Aesthetics.

9. If a CPCN is needed for construction of transmission lines as part of this application, the required information under s. PSC 111.55.

(g) Any additional information the commission may request, including information necessary for it to make the determinations listed in s. 196.491 (3) (d), Stats., or to prepare an environmental assessment or an environmental impact statement under s. 1.11, Stats.

**(2) EXCEPTIONS TO FILING REQUIREMENTS.** (a) An application for a wholesale merchant plant need not include the information identified in sub. (1) (b) to (d). In addition, an application for a wholesale merchant plant that will be owned, controlled, or operated by an affiliated interest of a public utility, shall include any additional information required by the commission in order to make a determination under s. 196.491 (3m) (a), Stats.

(b) Based on the pre-application consultation required under s. PSC 111.51 (2) (b), an application for a generation facility may include the detailed information listed under sub. (1) (f) for only one site if none of the needed infrastructure improvements would constitute a major action significantly affecting the quality of the human environment under s. 1.11 (2) (c), Stats., and the application is for any of the following:

1. Construction of a cogeneration facility located at the steam host's existing industrial plant, if the cogeneration facility will be a qualifying facility under 18 CFR 292.205.

2. Modifying, rebuilding, replacing or repowering, as defined under s. 79.005 (4), Stats., an existing generating facility at its current location.

3. Construction of a generating facility proposed to be located on an existing brownfield site, as defined in s. 16.287 (1) (a), Stats., and interpreted by the commission, or on the site of a former or existing large electric generating facility.

**Note:** See sub. (1) (e) concerning information that must be included about both the site in sub. (2) (b) and any alternatives.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 07-044: am. (1) (e) and (f) (intro.), cr (1) (em), (2) (b) 1. and 3., renum. (2) (b) 1. to be (2) (b) (intro.) and am., r. and recr. (2) (b) 2. Register May 2008 No. 629, eff. 6-1-08; **correction to (1) (em), (2) (b) 3. made under s. 13.92 (4) (b) 7., Stat., Register January 2012 No. 673.**

**PSC 111.55 CPCN applications for high-voltage transmission lines.** A CPCN application for a high-voltage transmission line is not complete until the applicant has filed all of the following information with the commission:

**(1) NEED.** The need for the proposed project, including all planning criteria, assumptions, historical outage data, stability, and power-flow studies that address need.

**(2) DESIGN.** The physical design characteristics, including structure type, design span length, conductor size and type, foundation type, operating voltage, and feasibility of future increases in operating voltage.

**(3) BASIS FOR DESIGN SELECTION.** The basis for selection of physical design characteristics.

**(4) EMF LEVELS.** The estimated magnetic field levels.

**(5) SUBSTATION DESIGN.** The substation design or modifications to existing substations.

**(6) OWNERS AND INVESTORS.** The names and addresses of owners and investors, and percent of ownership.

**(7) CONSTRUCTION SCHEDULE AND APPROVALS.** The construction schedule and required regulatory approvals.

**(8) ADDITIONAL INFORMATION.** Any additional information the commission may request, including information necessary for it to make the determinations listed in s. 196.491 (3) (d), Stats., or to prepare an environmental assessment or environmental impact statement under s. 1.11, Stats.

**(9) TARIFF FILINGS.** Whether an open-access tariff has been filed with the FERC.

**(10) PROPOSED ROUTES.** Except as otherwise submitted under this section, proposed routes and the pertinent factors considered in choosing them, including engineering, economic, safety, reliability and environmental considerations. All of the following information shall be filed for each of the proposed routes:

(a) Estimated construction cost and assumptions.

(b) Geology.

(c) Topography.

(d) General soil associations.

(e) Water resources, including wetlands, lakes, rivers, and streams.

(f) Vegetative cover, including wildlife habitat.

(g) Endangered, threatened, and special concern species and communities.

(h) Existing and proposed land uses along the routes.

(i) Land in public ownership.

(j) Areas of residential concentration.

(k) Active mines and quarries.

(L) Communication towers, VHF omnidirectional range plus tactical air navigation (VORTAC) stations, and airports.

(m) Wild rivers, scenic rivers, and scenic roads.

(n) Historical and archeological sites.

(o) Designated natural areas.

(p) Opportunities for corridor sharing.

(q) Information demonstrating how the transmission line siting priorities in s. 1.12 (6), Stats., were considered.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; CR 07-044: am. (10) (intro.), cr. (10) (q) Register May 2008 No. 629, eff. 6-1-08.

**PSC 111.56 Expedited review.** An applicant requesting expedited review of a high voltage transmission line application under s. 196.491 (3b), Stats., shall include all of the following in its application:

**(1)** All the information required under s. PSC 111.55, except that the detailed information required under s. PSC 111.55 (10) is required only for the route the applicant proposes to construct.

**(2)** Information and documentation describing in detail why the application should receive expedited review.

**History:** CR 07-044: cr. Register May 2008 No. 629, eff. 6-1-08.

## Subchapter VII — Fixed Financial Parameter Applications

**PSC 111.61 Purpose.** The purpose of this subchapter is to implement s. 196.371, Stats.

**History:** CR 05-079: cr. Register May 2006 No. 605, eff. 6-1-06.

**PSC 111.62 Applicability. (1)** A public utility may apply for an order fixing financial parameters under s. 196.371, Stats.

**(2)** An electric generating facility proposed to be constructed by a public utility cannot qualify for fixed financial parameters

unless the public utility submits an application for fixed financial parameters before or simultaneously with the application for a certificate, as defined in s. 196.371 (1), Stats.

(3) An electric generating facility proposed to be purchased by a public utility cannot qualify for fixed financial parameters unless the public utility submits an application for fixed financial parameters before or simultaneously with the application for authority to purchase the electric generating facility.

**History:** CR 05-079: cr. Register May 2006 No. 605, eff. 6-1-06.

**PSC 111.63 Information required.** A public utility desiring fixed financial parameters shall provide all of the following information in its application:

(1) The economic useful life of the facility, including technology type and commercial operation date.

(2) The proposed return on equity and rate of return for the facility, including supporting materials such as relevant studies or testimony.

(3) The proposed capital structure and financing mechanism for the facility.

(4) The capital cost of the facility. For a purchased facility, the capital costs shall include the purchase price and the cost of any modifications or improvements to the facility that are necessary at time of the purchase.

(5) The proposed method for determining the costs that may be recovered in rates.

(6) Any other proposals or information regarding the recovery of the costs that the public utility determines are necessary for providing certainty to the public utility, investors and ratepayers in future rate-making proceedings.

(7) The cost of debt plus issuance costs, and related credit ratings for any short-term or long-term project financing which may already have occurred.

(8) Any other information that may be required by the commission.

**History:** CR 05-079: cr. Register May 2006 No. 605, eff. 6-1-06.

**PSC 111.64 Procedure.** The hearing on an application for fixed financial parameters shall be held in conjunction with the review of the application for a certificate, as defined in s. 196.371 (1), Stats., and, if applicable, in conjunction with any affiliated interest approval.

**History:** CR 05-079: cr. Register May 2006 No. 605, eff. 6-1-06.

**PSC 111.65 Order.** The commission may issue an order authorizing fixed financial parameters if the commission determines that the order will provide a sufficient degree of certainty to the public utility, investors, and ratepayers with respect to future recovery of the facility's capital costs and that the order is otherwise in the public interest. In making the determination, the commission shall consider the return on equity, rate of return and capital structure appropriate to maintain the financial integrity of the public utility and shall consider the total cost of the proposed financing mechanism, compared to alternative financing options.

**History:** CR 05-079: cr. Register May 2006 No. 605, eff. 6-1-06.

### Subchapter VIII — Pre-Construction Notices

**PSC 111.71 Notification of additional work areas.** After the commission has issued a CPCN under s. 196.491, Stats., the applicant shall, before establishing any lay down area, staging area or access route that was not identified and described in the project application, notify the commission of the location of the lay down area, staging area or access route, and demonstrate that the use of the lay down area, staging area or access route will not affect any threatened or endangered species, historic resources, wetlands, waterways or other sensitive resources.

**History:** CR 07-044: cr. Register May 2008 No. 629, eff. 6-1-08.