



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 378**  
[2009 Assembly Bill 857]

**Miscellaneous Provisions Under  
Jurisdiction of the Public Service  
Commission**

2009 Wisconsin Act 378 consists of three unrelated provisions under the jurisdiction of the Public Service Commission (PSC).

### **Municipal Electric Companies**

Municipal electric companies are corporations formed by any combination of municipalities of this state that own facilities for the generation, transmission, or distribution of electricity “to effect joint development of electric energy resources or production, distribution and transmission of electric power and energy in whole or in part for the benefit of the contracting municipalities.” [s. 66.0825, Stats.] A municipal electric company may cooperate with persons or public agencies in this or other states on projects that serve the purposes of the corporation.

Prior law defined “municipality” as a city, village, or town. The Act expands this definition to include electric utilities owned or operated by a city, village, or town. It also specifies that a municipal electric company may be formed by any combination of municipalities of this state *or of this state and other states*. The Act also allows a municipal electric company to cooperate with persons or public agencies in this or other states *or in any foreign nation* on projects that serve the purposes of the corporation.

### **Electric Transmission Lines**

Any person that proposes to construct a high-voltage transmission line (an electric transmission line that is at least one mile long and that operates at a nominal voltage of at least 100 kilovolts) must obtain a certificate of public convenience and necessity (CPCN) from the PSC. An exception to this requirement exists for transmission lines that operate at a nominal voltage of less than 345 kilovolts if the transmission line is built within an existing transmission line corridor. Further, the PSC is not required to prepare an environmental impact statement regarding the construction of such a transmission line, though it may be required to prepare an environmental assessment. Finally, if construction or

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

utilization of such a transmission line is precluded or inhibited by a local ordinance, the construction and utilization of the line may nevertheless proceed.

Under prior law, the condition of being built within an existing transmission line corridor was characterized with the phrase “if all related construction activity takes place entirely within the area of an existing electric transmission line right-of-way.” The Act replaces this phrase with the phrase “if the centerline of the new high-voltage transmission line is located within 60 feet of the centerline of an existing electric transmission line operating at a nominal voltage of 69 kilovolts or more.” Further, the Act requires that the applicant demonstrate to the PSC that: (1) the project will not have undue adverse environmental impacts; and (2) the new line requires the acquisition in total of one-half mile or less of rights-of-way from landowners who did not grant rights-of-way for the existing line.

The statutory changes described in the preceding paragraph do not apply with regard to a transmission line proposed to be built by a cooperative association.

### **Recording of Interest in Real Estate**

In general, a person who acquires an interest in real property for valuable consideration (purchases the interest) without notice that there is a prior adverse interest in that property takes the interest free and clear of the prior interest. In addition, a person may not commence an action relating to an interest in real property unless, within the last 30 years, that interest has been registered with the Register of Deeds of the county in which the property is located. Exceptions from both of these provisions apply to interests in property held by a railroad corporation, public service corporation, electric cooperative, the state, or a political subdivision of the state.

The Act adds interstate natural gas pipeline companies to the list of entities exempt from these provisions.

### **Relation Between 2009 Wisconsin Acts 378 and 379**

Note that 2009 Assembly Bill 857 and Senate Bill 615 were companion (i.e., identical) bills and that the Legislature passed both bills and the Governor signed them as 2009 Wisconsin Acts 378 and 379, respectively. Because the two Acts are identical, there is no conflict between them and so no practical effect of this duplication.

***Effective date:*** The Act takes effect on June 2, 2010.

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