



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4265/1
EHS:amn

2021 SENATE BILL 1086

March 9, 2022 - Introduced by Senator SMITH. Referred to Committee on Natural Resources and Energy.

1 **AN ACT to create** 196.49 (4m) and 196.491 (3) (d) 9. of the statutes; **relating to:**
2 the use of reclaimed nonmetallic mining sites for construction of solar projects
3 requiring a certificate of public convenience and necessity or a certificate of
4 authority from the Public Service Commission.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from beginning construction of a large electric generating facility (LEGF) unless the Public Service Commission grants a certificate of public convenience and necessity (CPCN) for the proposed facility. An LEGF is defined as a facility with a nominal operating capacity of 100 megawatts or more. In addition, a public utility may not engage in certain construction, expansion, or other projects unless PSC grants a certificate of authority (CA) for the proposed project. Current law prohibits PSC from issuing either a CPCN or a CA unless it determines that brownfields are used to the extent practicable. This bill requires that, for solar projects, PSC may not issue a CPCN or CA unless it determines that reclaimed nonmetallic mining sites are used to the extent practicable. The bill specifies that the reclamation must have occurred no earlier than 2010. Under the bill, a solar project is the construction or installation of solar photovoltaic panels or other devices used for collecting solar energy in order to generate electricity.

