

PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of American Transmission Company, as an Electric Public Utility, for Authority to Construct a New, Double-Circuit 138 kV Transmission Line (approximately 6 to 9.5 miles) and Related Facilities from the Existing 138 kV Transmission System to a New Wisconsin Electric Power Company-Owned Distribution Substation in the Town of Eden to be named Creekview Substation, all in Fond Du Lac County, Wisconsin (Creekview Interconnection Project)

137-CE-177

FINAL DECISION

On February 16, 2015, pursuant to Wis. Stat. § 196.491 and Wis. Admin. Code chs. PSC 4 and 111, American Transmission Company LLC (ATC or applicant) filed with the Commission an application for a Certificate of Public Convenience and Necessity (CPCN) to construct new 138 kilovolt (kV) transmission facilities. (*See, e.g.,* [PSC REF#: 238868](#).) The project, known as the Creekview Interconnection project, includes the connection of a new 138 kV transmission line to a new Wisconsin Electric Power Company (WEPCO) owned distribution substation in the town of Eden to be named Creekview Substation. ATC proposed two alternatives for the new transmission line, ranging in length from 6.5 to 9.3 miles long. The CPCN application is APPROVED, subject to conditions and as modified by this Final Decision.

Introduction

The Commission deemed the application in this docket complete on March 19, 2015. ([PSC REF#: 233499](#).) A Notice of Proceeding was issued on April 23, 2015. ([PSC REF#: 235320](#).) Wisconsin Stat. § 196.491(3)(g) requires that the Commission take final action within 180 days after it deems a CPCN application complete unless the Chairperson of the Commission grants an extension. On July 22, 2015, the Chairperson granted a 180-day extension. ([PSC REF#: 272272](#).)

The Commission is required to take final action on or before March 14, 2016, or the application would have been approved by operation of law. *See* Wis. Stat. § 196.491(3)(g).

The Commission served a notification on April 23, 2015, indicating that it would prepare an environmental assessment (EA) pursuant to Wis. Stat. § 1.11 and Wis. Admin Code chs. NR 150 and PSC 4. ([PSC REF#: 235319](#).) The Commission issued a preliminary determination letter and draft EA on July 9, 2015. ([PSC REF#: 271796](#), [PSC REF#: 271811](#).)¹ With publication of the draft EA, a 15-day comment period began, with comments received through July 24, 2015. (*See, e.g.*, [PSC REF#: 271796](#) at 5.) On July 29, 2015, the Commission issued its final EA for the project. ([PSC REF#: 272966](#).)

The Commission held hearings for public comment in Eden, Wisconsin, on September 3, 2015. (*See* [PSC REF#: 272333](#).) At these hearings, the Commission accepted both oral and written testimony from members of the public. ([PSC REF#: 274855](#), [PSC REF#: 275199](#).) The Commission also requested and received comments from members of the public through its Internet web site. ([PSC REF#: 275768](#).)

The parties, for purposes of review under Wis. Stat. §§ 227.47 and 227.53, are listed in Appendix A. The Commission conducted this proceeding as a Class 1 contested case proceeding, pursuant to Wis. Stat. § 196.491(3)(b), 227.01(3)(a), and 227.44. The Commission discussed this application at its open meeting on October 15, 2015.

¹ On July 13, 2015, the Commission re-issued the draft EA with the Wisconsin Department of Agriculture, Trade, and Consumer Protection's (DATCP) Agricultural Impact Statement (AIS) attached. ([PSC REF#: 271930](#).)

Findings of Fact

1. ATC is a Wisconsin public utility engaged in providing electric service in Wisconsin. Pursuant to Wis. Stat. § 196.491(3), the Commission maintains jurisdiction over ATC's CPCN application for the project. (*See, e.g.*, [PSC REF#: 231711](#) at 1.)

2. ATC's project includes the connection of a new 138 kV transmission line to a new WEPCO-owned distribution substation in the town of Eden to be named the Creekview Substation as described in the EA and ATC's application, and as modified by this Final Decision. (*Id.* at 1-2; [PSC REF#: 272966](#) at 2.) ATC's estimated cost of the proposed project is between \$17 million and \$26 million, depending on the route selected. ([PSC REF#: 231711](#) at 20.)

3. Construction and operation of the facilities at the estimated cost will not impair the efficiency of ATC's service, will not provide facilities unreasonably in excess of probable future requirements, and when placed in operation, will not add to the cost of service without proportionately increasing the value or available quantity thereof.²

4. The facilities this Final Decision approves are necessary to provide adequate and reliable service to present and future electric customers.³

5. The facilities this Final Decision approves will adequately address the present needs of ATC's electric system and are necessary to satisfy the reasonable needs of the public for an adequate supply of electrical energy.⁴

² (*See* [PSC REF#: 238868](#) at Appendix D; [PSC REF#: 237605](#) at 11:3-13:6; [PSC REF#: 272966](#) at 3-5; [PSC REF#: 271810](#).)

³ (*See* n.2, *supra.*)

⁴ (*See* n.2, *supra.*)

7. The facility design, location, and route this Final Decision approves are in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability, and environmental factors.⁵

8. The facilities this Final Decision approves will not have undue adverse impacts on environmental values including ecological balance, public health and welfare, historic sites, geological formations, aesthetics of land and water, and recreational use.⁶

9. The facilities this Final Decision approves will not unreasonably interfere with the orderly land use and development plans for the area. ([PSC REF#: 231711](#) at 46; [PSC REF#: 238868](#) at Appendix A; [PSC REF#: 237604](#) at 16:18-23; [PSC REF#: 237601](#) at 7:2-8:5.)

10. The facilities this Final Decision approves will not have a material adverse impact on competition in the relevant wholesale electric service market. ([PSC REF#: 237605](#) at 12:12-14.)

11. Energy conservation, renewable resources, and other energy priorities listed in Wis. Stat. §§ 1.12 and 196.025 are not cost-effective, technically feasible, or environmentally sound alternatives to ATC's project. ([PSC REF#: 231711](#) at 15-17; [PSC REF#: 238868](#) at Appendix D:34.)

12. The approved transmission line route utilizes priority siting corridors listed in Wis. Stat. § 1.12(6) to the greatest extent feasible, consistent with economic and engineering considerations, reliability of the electric system, and protection of the environment. ([PSC REF#: 271809](#); [PSC REF#: 272966](#) at 17; [PSC REF#: 273336](#); [PSC REF#: 274855](#); [PSC REF#: 275199](#); [PSC REF#: 275768](#).)

⁵ (See, e.g., [PSC REF#: 231711](#); [PSC REF#: 272966](#).)

⁶ (See n.5, *supra*.)

13. The approved transmission line route will affect local farmland, and DATCP has issued an AIS. ([PSC REF#: 272966](#) at Attachment 1.)

14. The approved transmission line route will affect waterways and wetlands, and will require permits from the Wisconsin Department of Natural Resources (DNR) for construction in waterways and wetlands, construction site erosion control, and stormwater handling. (*See, e.g.,* [PSC REF#: 272966](#) at 2, 12-14.)

15. The approved transmission line route may affect endangered and threatened species, and ATC will need to consult with the DNR Bureau of Natural Heritage Conservation to ensure compliance with the state's endangered species law. (*Id.* at 14.)

16. The facilities approved by this Final Decision are not located in the Lower Wisconsin State Riverway. (*See, e.g.,* [PSC REF#: 272966](#).)

17. Approval of the project is in the public interest and is required by the public convenience and necessity. (*Id.*; [PSC REF#: 238868](#).)

Conclusions of Law

The Commission has jurisdiction under Wis. Stat. §§ 1.11, 1.12, 44.40, 196.02, 196.025, 196.395, and 196.491, and Wis. Admin. Code chs. PSC 4 and 111, to issue a CPCN authorizing the applicant to construct and place in operation the proposed electric transmission facilities described in this Final Decision and to impose the conditions specified in this Final Decision.

Opinion

The Commission has a responsibility to ensure that Wisconsin receives adequate, reliable, and economical electric service, now and in the future. ATC's proposed project is driven by the need to enhance the electric transmission and distribution system to address voltage issues, upgrade

aging infrastructure, and accommodate the growing load in Eden, Campbellsport, and surrounding communities. (See [PSC REF#: 231711](#) at 9-11; [PSC REF#: 272966](#) at 3; [PSC REF#: 237601](#) at 3.)

The Commission's proceeding on this CPCN application developed an extensive record from the public and parties on all of the issues that the Commission must consider in reviewing a proposed project. Members of the public commented both in writing and through appearances at the public hearing about the impact that this project may have on them and their communities.

([PSC REF#: 274855](#); [PSC REF#: 275199](#); [PSC REF#: 275768](#).) The Commission acknowledges the thoughtful and helpful comments from the public in this proceeding. This information assisted the Commission in its review of the application, in understanding the different perspectives toward the proposed project, and in making its determinations on the application.

Project Description, Purpose, and Cost

ATC proposes connecting a new WEPCO-owned distribution substation, to be called the Creekview Substation, in the town of Eden, to the existing electric transmission system using a new 138 kV transmission line. (See [PSC REF#: 231711](#) at 1.) The length of the transmission line needed for interconnection is either 6.5 or 9.3 miles depending on the route selected. (See *id.* at 2; [PSC REF#: 272966](#) at 2, 5.) The new line would be a double-circuited transmission line constructed with steel monopole structures, and would be capable of accommodating the attachment of distribution underbuild in segments along existing roadways. (See [PSC REF#: 231711](#) at 3.) The proposed Creekview Substation would be located near the intersection of Greenway Road and County Trunk Highway (CTH) F in the town of Eden, regardless of the route selected. ([PSC REF#: 238868](#) at Appendix A.)

ATC proposed two transmission interconnection route alternatives to connect to its existing 138 kV transmission system network to WEPCO's new Creekview Distribution Substation.

(See [PSC REF#: 231711](#) at 2.) ATC's preferred interconnection transmission line route, also known as the West Route, involves constructing approximately 6.5 miles of single-structure, double-circuit 138 kV transmission line to connect the proposed substation to the existing 138 kV X-96 line. (*Id.*) ATC's alternative interconnection transmission line route, also known as the North Route, involves constructing approximately 9.3 miles of single-structure, double-circuit 138 kV transmission line to connect the proposed substation to the existing 138 kV X-97 line. (*Id.*) No alternative sites were presented for the proposed Creekview substation. ([PSC REF#: 238868](#) at Appendix A.)

ATC's estimated cost of the proposed project in 2017 dollars is between \$17 million and \$26 million, depending on the route chosen. (See [PSC REF#: 231711](#) at 20.)

Project Need

ATC states that the project is needed to serve a new WEPCO substation, which is required to address the aging WEPCO distribution system in the area and to meet the growing load demand in Eden, Campbellsport, and the surrounding communities. (See [PSC REF#: 231711](#) at 9-11; [PSC REF#: 272966](#) at 3; [PSC REF#: 237601](#) at 3.)

In 2011, WEPCO notified ATC of the need for the new interconnection to address voltage issues on the existing distribution system by filing a Load Interconnection Request Form (#40197). ([PSC REF#: 231711](#) at 8.) In the request, WEPCO indicated that over the past ten years voltage issues had been modeled and observed as a result of load increases in the region. (*Id.* at 9.) In response to WEPCO's request, ATC developed the Creekview Best Value Planning Scoping Document (CBVPSD) to evaluate options for addressing WEPCO's needs. (See *id.* at 8; [PSC REF#: 230833](#) at Appendix D, Exhibit 1.) ATC determined that a new 138 kV interconnection into the area was the best value solution for addressing voltage issues within the

distribution system. ([PSC REF#: 231711](#) at 9.) The need for the project is justified in greater detail in the application and the testimony of ATC witness Heather Andrew. Commission staff reviewed the information, and does not disagree that the project is needed and will enhance the existing distribution system and allow for the replacement of aging infrastructure. The need for the project was not contested in this proceeding.

The Commission finds that this project is needed. The primary driver for the Creekview project is the need to update and expand the local 24.9/8 kV distribution infrastructure and ensure WEPCO's ability to meet the growing load from the Eden and Campbellsport communities. WEPCO currently serves its residential and agricultural customers with 24.9 kV and 8 kV facilities in the northwestern section of its southeastern Wisconsin service area. Some of the 8 kV facilities in the northwestern section are over 60 years old. The Creekview Distribution Substation will allow WEPCO to convert its existing 8 kV facilities to 24.9 kV and meet code requirements. In addition, the project would mitigate stray voltage concerns. Additionally, construction of this project would allow for upgrades to several nearby WEPCO substations including Eden, Campbellsport, Addison, Theresa, and Lomira. With the addition of the Creekview project, these substations could be upgraded from 8 kV to 24.9 kV, which would facilitate future expansions and upgrades to the local distribution system.

Transmission System Alternatives

In total, ATC evaluated five transmission system alternatives and three non-transmission alternatives, and assessed the relative benefits of each. (See [PSC REF#: 231711](#) at 13-16.)

Transmission System Alternatives Considered

- Alternative 1: a new double-circuit, single-structure, 138 kV line connecting Creekview Substation to line X-2

- Alternative 2: a new double-circuit, single-structure, 138 kV line connecting Creekview Substation to line X-96 (preferred route)
- Alternative 3: a new single-circuit, 138 kV line connecting Cedar Ridge Substation to Creekview Substation and another new single-circuit, 138 kV line connecting Creekview Substation to Forward Energy Center Substation
- Alternative 4: a new double-circuit, single-structure, 138 kV line connecting Creekview Substation to line X-25
- Alternative 5: a new double-circuit, single-structure, 138 kV line connecting Creekview Substation to line X-97 (alternative route)

No-Build Alternatives Considered

- Converting existing 8 kV facilities to 24.9 kV facilities served from the Auburn and Butternut substations
- Rebuilding existing infrastructure and continue to operate at 8 kV
- Installing the new Creekview Substation along the existing 138 kV X-96 line (*Id.*)

ATC concluded that none of the non-transmission based solutions would allow WEPCO to upgrade and enhance its existing distribution system while maintaining voltages at adequate levels. (*Id.* at 16.) Generation dispatch was not considered a viable solution because the project seeks to address a distribution need. (*Id.*)

ATC proposed two transmission based alternatives. ATC chose Alternative 2 as described above as the preferred route, and ATC chose Alternative 5 as the alternative route for the proposed project. (*Id.* at 13-14.) ATC dismissed the other three alternatives based on modeling results, cost, electrical performance, land acquisition, engineering constraints, and other characteristics as described in the CBVPSD. ([PSC REF#: 238868](#) at Appendix D.)

For the purposes of this proceeding, the Commission deems reasonable ATC's consideration of transmission system alternatives. The Commission further finds that ATC's basis for choosing the proposed project over other non-transmission and transmission system alternatives is reasonable.

Energy Efficiency and Conservation and Alternative Sources of Electric Supply

Wisconsin Stat. §§ 1.12(4) and 196.025(1) require the Commission to consider whether there are technically feasible and environmentally sound alternatives to building the proposed project. Specifically, the Commission must consider whether energy efficiency and conservation, load management, lower voltage transmission, or solar and other distributed generation are reasonable alternatives to the proposed project.

ATC studied energy efficiency and conservation, load management, and distributed generation, including solar generation, as alternatives to meet the need for the proposed project. ([PSC REF#: 231711](#) at 15-17; [PSC REF#: 238868](#) at Appendix D:34.) ATC concluded that these alternatives are either not feasible, or they would not provide the benefits of the proposed project. ([PSC REF#: 231711](#) at 15-17; [PSC REF#: 238868](#) at Appendix D:34.)

The Commission finds that energy efficiency and conservation and other sources of electric supply are not technically feasible, cost-effective alternatives to the project.

Siting and Routing

ATC proposed one substation location, and two 138 kV transmission line routes for the project: Alternative 2, also known as the West Route; and Alternative 5, also known as the North Route. (*See, e.g.,* [PSC REF#: 231711](#) at 2; [PSC REF#: 238868](#) at Appendix A.)

The approximately 6.5 mile West Route generally follows CTH F west through the towns of Eden and Byron. (*See, e.g.,* [PSC REF#: 272966](#) at 6.) The majority of the route shares a

corridor with CTH F except for 2.5 miles between Timberlane Drive and CTH K, and another stretch of 1.2 miles from U.S. Highway 41 to the end of the route at the existing X-96 line. (*Id.* at 6-7.) The approximately 9.3-mile North Route, also originating from the proposed substation, follows the CTH F corridor east, and Eagle Road north, before turning east and traveling cross-country to join and share a corridor northward with the existing 345 kV L-CYP31 corridor to the existing 138 kV X-97 line. (*Id.* at 7-8.) The majority of the route shares a corridor with existing features (CTH F, Eagle Road, and the L-CYP31 corridor); however, the 1-mile cross-country segment between Eagle Road and the L-CYP31 corridor would require new right-of-way (ROW). (*Id.*)

The Commission determines that the North Route is the most reasonable route because it shares a higher amount of ROW (77 percent compared to 29 percent for the West Route), requires less new ROW (26 acres compared to 62 for the West Route), covers less agricultural land, and impacts fewer agricultural landowners. (*See, e.g., id.* at 6-8, Attachment 1:6-10, 21-22.) While the North Route is slightly longer than the West Route and is estimated to be more expensive than the West Route, the additional costs are off-set by the additional benefits this route has when compared to the West Route.

Commissioner Montgomery dissents on route selection as he prefers the West Route.

Land Use and Development Plans

Wisconsin Stat. § 196.491(3)(d)6. requires the Commission to determine that a proposed project requiring a CPCN not unreasonably interfere with orderly land use and development plans for the area involved. The Commission recognizes that the proposed project, as with any major construction project, will create impacts on the land use and development plans of affected areas, but finds that the proposed project will not unreasonably interfere with the orderly land use

and development plans of the project area. ([PSC REF#: 231711](#) at 46; [PSC REF#: 238868](#) at Appendix A; [PSC REF#: 237604](#) at 16:18-23; [PSC REF#: 237601](#) at 7:2-8:5.)

Conditions Related to DATCP Recommendations

Commission accepted or accepted as modified, the following conditions proposed by DATCP:⁷

- a. The applicant shall hire an agricultural specialist that would work for and report to the applicant.
- b. The applicant shall give advance notice of acquisition and construction schedules so that farm activities can be adjusted accordingly and farm or field damage or disruption can be minimized.
- c. Landowners, especially those with livestock, should be notified in advance when helicopters will be used in their area, including a range of dates and times when the use of a helicopter is expected.
- d. The applicant shall provide telephone and e-mail contact information for landowners to contact the applicant if impacts from the project arise or continue after project completion.
- e. The applicant shall consult with all affected farmland owners and operators to determine, to the extent practicable, the least damaging locations for transmission support structures.
- f. The applicant shall work with operators of organic farms to determine the most effective techniques for minimizing the likelihood of injury to crops or loss of organic certification from herbicide application by the applicant.
- g. If the transmission line construction divides a pasture, thus restricting access between the divided parcels, the applicant should work with the farmer to develop an access plan for the livestock or compensate the farmer for the costs related to grazing restrictions.

⁷ (See, e.g., [PSC REF#: 272966](#) at Attachment 1:46-48; [PSC REF#: 269193](#) at ¶ 4.)

- h. The applicant should work with the operators of irrigation, underground drainage, and aerial seeding/spraying systems and operations to avoid impacts to their systems and operations to the extent practicable. If structure locations cannot be moved to eliminate impacting the operation or system, the landowner should be compensated accordingly for the loss of the use of or damage to landowner's system or operation.
- i. The applicant should inform each landowner with confined animals within 300 feet of the transmission line of the ability to request free neutral to earth voltage testing by the local distribution utility prior to construction and again after the project is energized. To facilitate communication and minimize conflicts, the applicant should be made aware of the results in a timely manner for both rounds of testing at each confined animal operation.
- j. The applicant shall consult with the County Conservationists in the counties in which the project would have an effect to ensure that construction proceeds in a manner that minimizes drainage problems, crop damage, and soil erosion.
- k. The applicant shall provide appropriate compensation to a landowner if the landowner must reimburse the Farm Service Agency or DNR for crop programs, Conservation Reserve, or Managed Forest Law lands compromised because of the project.
- l. The applicant shall conduct pre-construction farm interviews and combine the results with the landowner response section of the AIS to make the project bid packages and line lists fit farm situations more accurately.
- m. The applicant should implement training for all construction supervisors, inspectors, and crews to ensure that they understand the steps needed to protect the integrity of agricultural lands and operations during project construction and restoration.
- n. The applicant shall avoid or minimize the loss of tillable land and associated interference with agricultural equipment operation and, if conflicts occur, work with the property owners or farm operators during the real estate acquisition process to accommodate field needs to the extent practicable.

- o. The applicant shall do post-construction monitoring to ensure that no long-term damage to agricultural fields along the project has occurred, for a minimum of two years after construction is completed. The applicant shall inform DATCP AIS staff of all results and associated reporting.

Impact on Wholesale Competition

Wisconsin Stat. § 196.491(3)(d)7. requires the Commission to consider whether the proposed project will have a material adverse impact on competition in the relevant wholesale electric service market.

The Commission finds that the proposed project will not have a material adverse impact on competition in the relevant wholesale electric service market because it will increase operational flexibility in addition to enhancing the existing distribution system in Eden, Campbellsport, and the surrounding communities. ([PSC REF#: 237605](#) at 12:12-14.)

Public Health and Welfare

As the Wisconsin Supreme Court has declared, issuing a CPCN is a legislative determination involving public policy and statecraft. *Clean Wis., Inc. v. Pub. Serv. Comm'n of Wis.*, 2005 WI 93, ¶ 35, 282 Wis. 2d 250, 700 N.W.2d 768. Wisconsin Stat. § 196.491 assigns to the Commission the role of weighing and balancing many conflicting factors. Applying Wisconsin's Siting Priority Laws requires a similar weighing and balancing. In order to choose a transmission line route that is reasonable and in the public interest, the Commission must not just apply the priority list in Wis. Stat. § 1.12(6), but also must examine the conditions written into that law and consider the purpose of the legislation.

These statutes require that when the Commission reviews a CPCN transmission line application, it must consider the reasonable needs of the public for an adequate supply of electric energy, alternative routes, individual hardships, engineering, economics, safety, reliability, a host

of environmental factors, the use of existing ROW, corridor sharing, the effect on electric rates, any interference with orderly local land use and development plans, and potential impacts to wholesale electric competition. Ultimately, the Commission must determine whether granting or denying a CPCN applicant's request will promote the public health and welfare. After weighing all of these factors and all of the conditions it is imposing, the Commission finds that issuing a CPCN for this project promotes the public health and welfare and is in the public interest.

Compliance with the Wisconsin Environmental Policy Act

Wisconsin Stat. § 1.11 requires all state agencies to consider the environmental impacts of major actions significantly affecting the quality of the human environment. In Wis. Admin. Code ch. PSC 4, the Commission has categorized the types of actions it undertakes for purposes of complying with this law. The proposed project is a Type II action under Wis. Admin. Code § PSC 4.10(2). An environmental assessment was prepared to determine if an environmental impact statement was necessary under Wis. Stat. § 1.11. No significant environmental impacts on the human environment are likely to occur as a result of this project. Therefore, preparation of an environmental impact statement is not required under Wis. Stat. § 1.11.

Project Cost and Construction Schedule

ATC's estimate of the total gross project cost of the proposed project as modified by this Final Decision is \$25,942,000. The estimated cost is in 2017 dollars. The estimated total gross project cost is detailed as follows:

Estimated Project Cost

Transmission Line Costs	
138 kV Transmission Lines	\$21,538,000
Subtotal Transmission Line Costs	\$21,538,000
Substation Costs	
Creekview Substation	\$2,194,000
Remote SS 1: Mullet River	\$383,000
Remote SS 2: Cedar Ridge	\$160,000
Subtotal Substation Costs	\$2,737,000
Other Project Costs	
Precertification Costs	\$1,667,000
Subtotal Other Project Costs	\$1,667,000
Total Gross Project Cost	\$25,942,000

(See [PSC REF#: 231711](#) at 20.) ATC intends to begin construction of the proposed project in September 2016, and place the facilities in service by June 2017. (*Id.* at 47.)

Certificate

The Commission grants ATC a CPCN for construction of the Creekview Interconnection project using the North Route for the proposed transmission line facilities, as described in the EA and Ex.-ATC-Application, and as modified by this Final Decision, at an estimated cost of \$25,942,000.

Order

1. ATC is authorized to construct the facilities as approved by this Final Decision at a total estimated cost of \$25,942,000.
2. This authorization is for the specific project as described in this Final Decision at the stated cost. Should the scope, design, or location of the project change significantly, or if it is discovered or identified that the project cost, including *majeure* costs, may exceed the estimated cost by more than 10 percent, ATC shall promptly notify the Commission as soon as it becomes aware of the possible change or cost increase.

3. ATC shall construct the proposed project using the North Route for the proposed transmission line facilities, and as modified by this Final Decision.

4. If ATC cancels the project or enters into any arrangement with another party regarding ownership or operation of the proposed facilities, ATC shall provide prior notice to the Commission. All of ATC's commitments and all conditions of this Final Decision apply to ATC and to its successors, assigns, agents, and contractors.

5. All necessary federal, state, and local permits shall be secured by ATC prior to beginning construction.

6. ATC shall work with the applicable distribution utility to test for stray voltage along the approved route, prior to construction and after the project is energized. ATC shall work with the distribution utility and farm owners to rectify any identified stray voltage problem arising from the construction or operation of the project. Prior to testing, ATC shall work with the applicable distribution utility and Commission staff to determine where and how they will conduct the stray voltage measurements. ATC shall report the results of its testing to Commission staff.

7. ATC's revegetation plan shall include monitoring of the ROW for the presence of new or spreading invasive species for at least three growing seasons with results submitted to Commission staff annually.

8. ATC shall work with all landowners, to the extent practicable, regarding the best placement of facilities, including access roads, on their properties.

9. ATC shall comply with DATCP recommendations as described in this Final Decision.

10. ATC shall identify the location of each transmission structure using global positioning system technology and transfer this data to a geographic information systems database, using software compatible with state government standards. ATC shall provide this data to the Commission as soon as it becomes available.

11. Upon completion of the project, ATC shall notify the Commission and report the actual costs segregated by plant account and comparable to the cost breakdown included in this Final Decision. For any account or category where actual cost deviates significantly from those authorized, the final cost report shall itemize and explain the reasons for the deviation.

12. Beginning with the quarter ending March 31, 2016, and within 30 days of the end of each quarter thereafter and continuing until the facilities are fully operational, ATC shall submit quarterly progress reports to the Commission that include all of the following:

- a. the date that construction commences;
- b. major construction and environmental milestones, including permits obtained, by agency, subject, and date;
- c. summaries of the status of construction, the anticipated in-service date, and the overall percent of physical completion;
- d. actual project costs to-date segregated by line item as reflected in the cost breakdown listed in this Final Decision;
- e. once each year, a revised total cost estimate for the project; and
- f. the date that the facilities are placed in service.

16. The CPCN is valid only if construction commences no later than one year after the latest of the following dates:

- a. The date this Final Decision is served;

b. The date when ATC has received every federal and state permit, approval, and license that is required prior to commencement of construction by construction spread under the CPCN;

c. The date when the deadlines expire for requesting administrative review or reconsideration of the CPCN and of the permits, approvals, and licenses described in paragraph b;

d. The date when ATC receives the Final Decision, after exhaustion of judicial review, in every proceeding for judicial review concerning the CPCN and the permits, approvals, and licenses described in paragraph b.

17. This Final Decision takes effect one day after the date of service.

Dated at Madison, Wisconsin, this 19th day of November, 2015.

By the Commission:

A handwritten signature in black ink, appearing to read "Sandra Paske", with a stylized, flowing script.

Sandra J. Paske
Secretary to the Commission

SJP:ARG:jlt:DL:01270748

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.⁸ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

⁸ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

APPENDIX A

CONTACT LIST FOR SERVICE BY PARTIES

AMERICAN TRANSMISSION COMPANY

JAMIE LOSTETTER
5303 FEN OAK DR.
MADISON, WI 53718-8810
jlostetter@atellc.com

PUBLIC SERVICE COMMISSION OF WISCONSIN

(Not a party, but must be served)
610 NORTH WHITNEY WAY
PO BOX 7854
MADISON WI, 53707-7854
(Please file document using the Electronic Regulatory Filing (ERF) system which may be accessed through the PSC website: <https://psc.wi.gov>)

PUBLIC SERVICE COMMISSION OF WISCONSIN

AARON GREENE
ALEX MAHFOOD
UDAIVIR SINGH SIROHI
610 NORTH WHITNEY WAY
PO BOX 7854
MADISON WI, 53707-7854
Aaron.Greene@wisconsin.gov; Alex2.Mahfood@wisconsin.gov;
UdaivirSingh.Sirohi@wisconsin.gov

**WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

ALICE HALPIN
2811 AGRICULTURE DRIVE
MADISON WI 53708
alice.halpin@wisconsin.gov

WISCONSIN DEPARTMENT OF NATURAL REASOURCES

JOSHUA A. BROWN
PO BOX 7921
MADISON WI 53707-7921
JoshuaA.Brown@wisconsin.gov