



BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Wisconsin Electric Power Company for a Certificate of
Public Convenience and Necessity to Construct a Wind Electric
Generation Facility and Associated Electric Facilities, to be Located in
Fond du Lac County

6630-CE-294

FINAL DECISION

This is the final decision regarding the request by Wisconsin Electric Power Company (WEPCO) that the Commission issue a Certificate of Public Convenience and Necessity (CPCN). WEPCO seeks Commission approval to build a wind-powered electric generating facility in Fond du Lac County, as well as associated high-voltage electric transmission facilities. The project will be known as the Blue Sky Green Field Wind Project. In addition, WEPCO seeks approval of related affiliated interest agreements. The applications for the CPCN and the affiliated interest agreements are APPROVED, subject to conditions and as modified by this Final Decision.

Introduction

WEPCO is a public utility engaged in rendering electric service in Wisconsin, pursuant to Wis. Stat. § 196.01(5)(a). It is proposing to build a wind electric generating facility of up to 88 wind turbines with a generating capacity of up to 203 megawatts (MW). WEPCO estimates that, with proper maintenance, these wind turbines will have a lifespan of 29 years. WEPCO must also construct access roads to the turbines, an underground 34.5 kilovolt (kV) electric collector system to gather the power from each turbine, and new electric substation facilities for interconnecting to the existing electric transmission system. American Transmission Company

Docket 6630-CE-294

LLC (ATC), which owns the high-voltage transmission system in eastern Wisconsin, operates a 345 kV transmission line that passes through the project area and WEPCO intends to interconnect with this line. By order dated October 13, 2004, in docket 137-CE-129, the Commission authorized ATC to construct its portion of the interconnection facilities. By order dated August 31, 2006, in dockets 6630-AE-118 and 119, the Commission authorized WEPCO to assume ownership of an interconnection agreement ATC had signed with the previous developers of this project, two non-utility companies known as Blue Sky Wind Farm, LLC and Green Field Wind Farm, LLC (the LLCs).

WEPCO has identified a project area consisting of approximately 10,600 acres of land, located in the towns of Calumet and Marshfield in Fond du Lac County. Approximately 89 percent of the project area is agricultural land, open space, or vacant land. Although WEPCO is proposing to use 88 specific turbine sites within this area, it has also identified an additional 30 alternate areas. A turbine could be located anywhere within these alternate areas. WEPCO developed these alternate areas to provide the Commission with alternatives in the event that the Commission finds one or more of the 88 turbine sites unacceptable.

WEPCO will select one of four turbine models for the project: the GE Energy 1.5sle (77-meter rotor diameter, 1.5 MW per unit capacity); the Vestas V82 (82-meter rotor diameter, 1.65 MW per unit capacity); the Gamesa G87 (87-meter rotor diameter, 2.0 MW per unit capacity); or the Siemens S2.3 (93-meter rotor diameter, 2.3 MW per unit capacity). Each of these turbine models has similar environmental impacts and can operate acceptably in the wind regime at the project site. Depending on the model of turbine selected, the estimated total capital cost of the project is between \$268 and \$357 million (including ATC switchyard costs and

Docket 6630-CE-294

excluding allowance for funds used during construction). Using the most costly of the possible turbine models listed in its application, WEPCO estimates the total gross project cost to be \$393,548,278.

State law promotes the use of renewable resources to produce electricity. 2005 Wis. Act 141, which took effect on April 1, 2006, expanded the Renewable Portfolio Standard requirement for state electric utilities. Under these new requirements, each Wisconsin electric provider must increase its renewable energy levels by 2 percentage points by 2010 and by 6 percentage points by 2015, above its 2001 to 2003 baseline average. WEPCO will be required to generate 4.24 percent of its Wisconsin retail electric sales from renewable energy by 2010 and a total of 8.24 percent by 2015. In addition, in the Power The Future proceedings of docket 05-CE-130, WEPCO committed that it would obtain 5 percent of its energy from renewable resources by 2011. The energy produced by the proposed plant will help WEPCO to meet both the Renewable Portfolio Standard and WEPCO's Power The Future commitment.

Wisconsin's Energy Priorities Law establishes a priority list of preferred methods for meeting future electricity demands. Wis. Stat. § 1.12(4) ranks energy conservation and noncombustible renewable resources such as wind power as the state's highest preferences.

In December 2002, WEPCO issued a Request for Proposals for up to 200 MW of wind generation. In response, Navitas Energy, Inc. (Navitas) submitted proposals for two potential wind farms named Blue Sky and Green Field. To design, build, own and operate the wind farms, Navitas formed the two LLCs.

In July 2003, WEPCO entered into separate 20-year power purchase agreements with each of the LLCs. Under these agreements the LLCs would have built, owned, and operated

Blue Sky and Green Field, each designed for a generating capacity of 80 MW, and WEPCO would have purchased the entire output of the two wind farms. Because the wind farms were two distinct projects, each less than 100 MW, and were being proposed by a non-utility developer, Commission approval was not required and Navitas did not seek a CPCN. Prior to the purchase, Navitas and the LLCs obtained all federal, state, and local permits necessary to construct the wind farms and were prepared to commence construction.

Because of changes in the projects' economics, Navitas and the LLCs eventually determined they would not fulfill the terms of the power purchase agreements and offered to sell the wind farm projects to WEPCO. Following a detailed due diligence, on June 14, 2005, WEPCO purchased 100 percent of the membership interests in the two LLCs and took over the development of the wind farm projects. Although Navitas had developed the two farms as separate projects, WEPCO determined that it would be beneficial to combine the projects. As a result, WEPCO is required to obtain a CPCN from the Commission since the generation capacity of the combined project exceeds 100 MW. In accordance with Wis. Admin. Code § PSC 111.51(2), on August 9, 2005, WEPCO met with Commission staff and Wisconsin Department of Natural Resources (DNR) staff. WEPCO informed the agencies of its intent to file a CPCN application and consulted the staffs on what additional information would be required for the application.

In accordance with Wis. Stat. § 196.491(3)(a)3.a., on November 18, 2005, WEPCO filed its engineering plan for the project with DNR. In its November 30, 2005 response, DNR determined that no further permits or approvals must be granted prior to the Commission's decision on this application.

Fond du Lac County does not have county-wide zoning, but the LLCs had negotiated Joint Development Agreements with the towns of Calumet and Marshfield. As of the date when the record closed in these proceedings, WEPCO has continued to work with the towns to amend the existing joint development agreements so they will cover the change in project ownership.

On March 22, 2006, WEPCO filed its CPCN application with DNR and the Commission. DNR and Commission staff then reviewed the CPCN application for completeness purposes. On April 20, 2006, the Commission informed WEPCO that the application was incomplete and provided a list of items that were identified as missing, inaccurate, or required clarification. Subsequent to the Commission's determination that the application was incomplete, WEPCO filed several amendments to its application. DNR and Commission staff reviewed these amendments and on July 20, 2006, WEPCO filed its revised and updated CPCN application. The Commission found WEPCO's revised CPCN application to be complete on August 7, 2006. This declaration of completeness commenced the statutory 180-day period for Commission review of WEPCO's project, which expires on February 3, 2007. Under Wis. Stat. § 196.491(3)(g), if the Commission fails to take final action within this period, the CPCN application is approved by law.¹

On August 8, 2006, pursuant to Wis. Admin. Code § PSC 4.20, the Commission notified residents in and near the project area of its intent to prepare an environmental assessment to determine whether an environmental impact statement (EIS) was necessary. On November 3, 2006, the Commission issued a preliminary finding that the proposed project would have no significant impact and no EIS would be required. Comments on the preliminary determination

¹ State law allows the Commission to seek one 180-day extension from Dane County Circuit Court, but the Commission did not do so in this docket.

Docket 6630-CE-294

were due on November 21, 2006. On November 28, 2006, the Commission issued its final environmental assessment, which included a finding of no significant environmental impact.

The Commission held hearings on WEPCO's CPCN application on November 29 and 30, 2006. The sole issue for hearing was as follows:

- Does the project comply with the standards in Wis. Stat. § 196.491 for issuance of a CPCN?

The Commission received expert testimony on this issue at the technical hearing it held in Madison, Wisconsin on November 29, 2006, when it heard witnesses from WEPCO, RENEW, DNR, and Commission staff. The following day it held afternoon and evening hearings within the project area to receive testimony from members of the public at the Calumet Town Hall in Malone, Wisconsin. In order to broaden public participation, the Commission also allowed the public to submit comments in writing. Persons who appeared and testified are listed in the Commission's files. The parties that appeared before the Commission are named in Appendix A of this Final Decision.

The Commission conducted its hearings as Class 1 contested case proceedings, pursuant to Wis. Stat. §§ 196.491(3)(b), 227.01(3)(a), and 227.44. WEPCO and RENEW filed post-hearing briefs on December 22, 2006. The Commission deliberated on this matter at its January 25, 2007, open meeting and rendered an oral decision.

Findings of Fact

1. WEPCO is a public utility engaged in rendering electric service in Wisconsin, pursuant to Wis. Stat. § 196.01(5)(a). WEPCO is proposing to construct a wind powered electric generating facility, to be known as the Blue Sky Green Field Wind Project, as described in its

CPCN application and this Final Decision. Using the most costly of the possible turbine models listed in its application, the total gross project cost is estimated to be \$393,548,278.

2. Conservation or other renewable resources, as listed in Wis. Stat. §§ 1.12 and 196.025, or their combination, are not cost-effective alternatives to WEPCO's proposed facility.

3. The WEPCO project, as modified by this Final Decision, satisfies the reasonable needs of the public for an adequate supply of electric energy.

4. The WEPCO project, as modified by this Final Decision, is reasonable and in the public interest after considering alternative sources of supply, alternative locations, individual hardships, engineering, economic, safety, reliability, and environmental factors.

5. The WEPCO project, as modified by this Final Decision, will not have undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water, and recreational use.

6. The WEPCO project, as modified by this Final Decision, will not substantially impair WEPCO's efficiency of service or provide facilities unreasonably in excess of probable future requirements. In addition, when placed in operation, the project will increase the value or available quantity of WEPCO's electric service in proportion to its cost of service.

7. The WEPCO project, as modified by this Final Decision, will not unreasonably interfere with orderly land use and development plans for the area involved.

8. The WEPCO project, as modified by this Final Decision, will not have a material adverse impact on competition in the relevant wholesale electric service market.

9. A brownfield site for the project is not practicable.

10. A merger of WEPCO and its affiliates, Blue Sky Wind Farm, LLC and Green Field Wind Farm, LLC, is reasonable and consistent with the public interest.

Conclusions of Law

The Commission has jurisdiction under Wis. Stat. §§ 1.11, 1.12, 44.40, 196.02, 196.025, 196.395, 196.40, 196.49, 196.491, and 196.52 to issue a certificate authorizing WEPCO to construct and place in operation a wind-powered electric generation facility with a capacity of up to 203 MW and to impose the conditions specified in this Final Decision.

Opinion

The Commission must implement two fundamental legal standards when reviewing any CPCN application. The first, known as the Energy Priorities Law, establishes the preferred means of meeting Wisconsin's energy demands in Wis. Stat. §§ 1.12 and 196.025(1). The second, known as the Power Plant Siting Act, prohibits any person from commencing construction of a large electric generating facility that is designed for operation at 100 MW or more, without first receiving a CPCN. Wis. Stat. § 196.491(3)(d) lists the standards the Commission must apply in order to determine whether a proposed project conforms to the Power Plant Siting Act. Each law is discussed in detail below.

Energy Priorities Law

The Energy Priorities Law creates the following priorities:

1.12 State energy policy. (4) PRIORITIES. In meeting energy demands, the policy of the state is that, to the extent cost-effective and technically feasible, options be considered based on the following priorities, in the order listed:

- (a) Energy conservation and efficiency.
- (b) Noncombustible renewable energy resources.
- (c) Combustible renewable energy resources.

- (d) Nonrenewable combustible energy resources, in the order listed:
 - 1. Natural gas.
 - 2. Oil or coal with a sulphur content of less than 1%.
 - 3. All other carbon-based fuels.

In addition, Wis. Stat. § 196.025(1) declares, “To the extent cost-effective, technically feasible and environmentally sound, the commission shall implement the priorities under s. 1.12(4) in making all energy-related decisions” Since wind is a noncombustible renewable resource, WEPCO’s proposed electric facility fits within the second-highest statutory priority.

The Commission implements the energy priorities by determining whether any higher-priority alternatives to a CPCN project would be cost-effective, technically feasible and environmentally sound. The Commission previously analyzed WEPCO’s energy conservation and efficiency in docket 05-CE-130, where it directed WEPCO to capture 55 MW of energy conservation and efficiency by 2008. In complying with that order, WEPCO evaluated the amount of energy efficiency and conservation that are available to it and it has demonstrated that no additional energy efficiency or conservation could be a cost-effective, technically feasible alternative to this project. Regarding other noncombustible renewable energy resources, no other form of currently available renewable generation is as cost-effective and technically feasible as wind. For these reasons, the Commission concludes that the WEPCO project complies with the Energy Priorities Law.

Project Need

Wis. Stat. § 196.491(3)(d)2. requires the Commission to examine the need for a proposed CPCN project. It states that the Commission may only issue a CPCN if:

196.491(3)(d)2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy. This subdivision does not apply to a wholesale merchant plant.

WEPCO's forecasts show the need for additional generation, beyond that already under construction, toward the end of the 10-year planning period from 2006-2015. Electric energy produced by this project would meet that need, although the system-wide computer modeling program known as EGEAS that both WEPCO and Commission staff used showed that the project has a higher life-cycle cost than its optimal generation expansion plan.² The optimal, least-costly EGEAS plan would add more fossil fuel generation. The record indicates that constructing more fossil fuel generation would likely be less expensive than WEPCO's project, but at this time it is very difficult to identify exactly how much less expensive. Depending upon variables such as the energy output of turbines in Wisconsin's wind environment, when the United States is likely to begin regulating greenhouse gas emissions, and the extent to which WEPCO may sell its wind energy at wholesale, this project could include a cost premium that ranges from zero to approximately \$65 million.

Even though fossil fuel generation would likely be more cost-effective than WEPCO's wind project, the Commission must consider its obligation to ensure WEPCO increases the amount of renewable energy resources in its system. The Renewable Portfolio Standard in 2005 Wis. Act 141 and Wis. Stat. § 196.378 make it state policy to increase aggressively the level of renewable resources in the electric supply mix. This law requires WEPCO to generate 4.24 percent of its Wisconsin retail electric sales from renewable energy by 2010 (an additional 201 MW above its current levels of renewable generation) and a total of 8.24 percent by 2015 (an additional 751 MW above its current levels). Assuming commercial operation by the end of

² The Commission uses the Electric Generation Expansion Analysis System (EGEAS), a complex interactive computer model developed by the Electric Power Research Institute. Over the past decade, the Commission has consistently used and required utilities to use EGEAS to evaluate electric generation expansion plans for cost-effectiveness and optimality.

2009 or earlier, this project will allow WEPCO to meet its Renewable Portfolio Standard obligations in 2010 and will represent progress toward meeting WEPCO's Power The Future commitment to additional renewable resources.

Under Wis. Stat. § 196.491(3)(d)5, the Commission may not issue a CPCN to a public utility if its construction project fails to meet the provisions of Wis. Stat. § 196.49(3)(b). This latter law, which also focuses on project need, directs the Commission to reject a project that will do any of the following:

- 196.49(3)(b)1.** Substantially impair the efficiency of the service of the public utility.
- 2.** Provide facilities unreasonably in excess of the probable future requirements.
- 3.** When placed in operation, add to the cost of service without proportionately increasing the value or available quantity of service unless the public utility waives consideration by the commission, in the fixation of rates, of such consequent increase of cost of service.

Because of the requirements of the Renewable Portfolio Standard, the Energy Priorities Law, and the company's commitment to renewable resources in Power The Future, WEPCO needs more renewable resource generating facilities. Based on the evidence in the record the Commission agrees that this project is the best means of complying with WEPCO's renewable resource requirements and that it meets the criteria specified in both Wis. Stat. §§ 196.49(3)(b) and 196.491(3)(d)5. The project will not result in unreasonable excess facilities and will satisfy the reasonable needs of the public for an adequate supply of electric energy.

Site Alternatives

Wis. Stat. § 196.491(3)(d)3. requires the Commission to consider alternative locations when determining whether a proposed generating plant is in the public interest. Wis. Admin. Code § PSC 111.53(1)(e) and (f), which implement this statutory provision, require a CPCN

application to describe the siting process, to identify the factors considered in choosing the alternative sites, and to include specific site-related information for each site. WEPCO's CPCN application complies with these requirements. It explains the "macrositing" process that Navitas used to screen areas in Wisconsin based upon the availability of sufficient wind resources, land area, and access to electric transmission infrastructure. It also describes how Navitas identified specific turbine locations and how WEPCO independently confirmed the suitability of these locations. The record examines each of the 88 specific turbine locations. In addition, WEPCO identified and provided information regarding 30 "alternate turbine areas" located on leased properties within the project area that meet all of its siting criteria for primary sites. The Commission considered these alternate areas in their entirety, not just specific sites in the areas, because WEPCO proposed that a turbine could be placed anywhere within them.

The Commission's standard for reviewing proposed site alternatives is to determine whether each proposed site is "reasonable," *i.e.*, is a feasible location for the project that would not directly conflict with any of the statutory criteria for granting a CPCN, and whether the sites are sufficiently distinct to offer different packages of costs and benefits that present the Commission with a choice. The Wisconsin Supreme Court affirmed this standard in *Clean Wisconsin et al. v. Public Service Commission of Wisconsin and Wisconsin Department of Natural Resources*, 2005 WI 93, ¶¶ 66-70. In its most recent docket concerning a wind farm,³ the Commission found that the project applicant met the requirement to offer site alternatives by

³ *Application of Forward Energy LLC for a Certificate of Public Convenience and Necessity to Construct a Wind Electric Generation Facility and Associated High Voltage Electric Transmission Facilities, to be Located in Dodge and Fond du Lac Counties*, docket 9300-CE-100 (July 14, 2005).

identifying 25 percent more turbine locations than it proposed to develop. On appeal, the Dodge County Circuit Court affirmed this method of offering site alternatives for a wind farm.⁴

The preferred sites and alternative areas that WEPCO has identified meet both of these standards. They provide differing costs, environmental, and participant impacts, and the alternate areas offer more than 25 percent additional possible turbine locations.

Alternative Sources of Supply

Under Wis. Stat. § 196.491(3)(d)3., the Commission must consider “alternative sources of supply” when determining whether issuing a CPCN would be in the public interest. WEPCO examined a number of supply alternatives to its Blue Sky Green Field Wind Project, including short-term purchases, combustion turbine generation, combined-cycle generation, super-critical pulverized coal generation, and integrated gasification combined-cycle generation. However, fossil fuel alternatives cannot meet WEPCO’s statutory requirement to expand its portfolio of renewable resources. WEPCO also considered alternative types of renewable resource generation, but they are not as cost-effective, lack technical feasibility, or cannot meet the utility’s time constraints for compliance with the statutory minimum renewable percentage requirements. The Commission finds that WEPCO’s Blue Sky Green Field Wind Project is in the public interest when compared against these alternative sources of supply.

⁴ *Horicon Marsh Systems Advocates and Joe M. Breden v. Public Service Commission of Wisconsin and Forward Energy LLC*, Dodge County Case No. 05-CV-539; “Memorandum Decision and Order” of Circuit Judge John R. Storck (March 23, 2006). While portions of this order are now before the Wisconsin Court of Appeals, Judge Storck’s decision regarding site alternatives was not appealed.

Individual Hardships

Wis. Stat. § 196.491(3)(d)3. instructs the Commission to examine whether a proposed CPCN project is in the public interest, considering individual hardships that the project may cause. Two members of the public testified about possible hardships.

Mr. Joseph Rappl, who lives near the project area, objected to one turbine site and an alternate area. He was concerned that site B18 and alternate area GF15, which are due west of his property, could be a nuisance from shadow flicker when the sun is setting, could be unreasonably noisy from certain points on his property and, overall, could have an undue adverse aesthetic impact. Mr. Rappl asked that the Commission relocate site B18, which is approximately 2,000 feet from his property, and not allow WEPCO to use alternate area GF15, which is approximately 600 feet from his property. The Commission agrees that GF15 is too close to Mr. Rappl's homestead and rejects it as an alternate area, but the Commission finds that site B18 is far enough away from Mr. Rappl's homestead that it will not create undue hardship.

Mr. Gary Watry raised a concern about a private airstrip he owns near the project area and, depending on where turbines may be located, their potential to interfere with takeoff and landing paths. WEPCO worked with Mr. Watry and they ultimately agreed that the company would either keep turbines out of the flight path of his airstrip or pay Mr. Watry up to \$15,000 of the cost of repositioning the airstrip. Commission staff entered this agreement as Exhibit 31 and the Commission approves the agreement as a reasonable means of avoiding hardship to Mr. Watry.

Mr. Rappl noted that some of the turbine sites may be near snowmobile trails. He recommended that WEPCO mark the bases of its turbines to avoid snowmobile accidents.

Another member of the public suggested that WEPCO should work with local snowmobile associations to minimize impacts to the use of these trails. The Commission agrees with both recommendations.

Commission staff offered testimony about potential impacts of the project on property values in general, but otherwise the subject was largely uncontested at hearing. WEPCO has sited the turbines to reduce or eliminate any shadow flicker from moving blades or problems with noise. The Joint Development Agreements between the LLCs and the towns set a noise limit of 50 decibels A-weighted (dBA) and the record confirms that all the turbine models under consideration will meet this limit. WEPCO also introduced evidence that its project is not likely to interfere with television, microwave, or radio reception. It is reasonable to require that WEPCO work with landowners to mitigate any television, radio, internet, or telecommunications interference that its project causes. Commission staff also noted that some new home construction is scattered throughout the project area, even though over the past several years Navitas, WEPCO, and the Commission have been in frequent communication with residents about the proposed wind farm. This new home construction activity indicates that impacts to property value may not be a significant concern for residents. In fact, a number of residents and the chairperson of the town of Marshfield spoke in favor of the project.

Wisconsin's shared revenue program also helps protect property values in communities that host generating facilities by offsetting the local landowners' tax burdens. Wis. Stat. § 79.04(6) and (7) grant payments of state funds to local counties and municipalities, to encourage them to host electric generating plants. These payments are based on the size of the facility; in addition, the state provides supplemental payments for baseload plants of 50 MW or

larger and for plants that rely on renewable resources. The projected shared revenue payments, which will last throughout a generating plant's operating life, are up to approximately \$167,000 per year for each town plus annual payments to the county of up to \$472,000.

With these protections, the Commission finds that WEPCO's project will not cause unreasonable hardships to individuals.

Environmental Factors

When deciding whether a CPCN project is in the public interest, the Power Plant Siting Act requires that the Commission consider, among other factors, environmental impacts. Two subdivisions of the law require the Commission to determine the following:

196.491(3)(d)3. The design and location or route is in the public interest considering . . . environmental factors

. . . .

4. The proposed facility will not have undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water and recreational use.

Overall, WEPCO's project would have few serious effects on natural resources because it avoids most of the impacts that other means of generating electric power create. This wind farm will produce none of the "criteria" air pollutants that are regulated under the federal Clean Air Act,⁵ will release no greenhouse gases, which are the electric industry's principal contribution to global warming and climate change, and will emit no hazardous air pollutants such as sulfuric acid, hydrochloric acid, ammonia, benzene, arsenic, lead, formaldehyde, and mercury. Furthermore, it will generate power without using any significant amount of water or producing

⁵ These pollutants are small particulate matter, sulfur dioxide, carbon monoxide, volatile organic compounds, and nitrogen oxides. See 42 USC 7409 and Wis. Admin. Code ch. NR 405.

any solid waste. Electric generating plants that are fired by fossil fuels create these environmental impacts.

The project area contains no DNR-owned lands, no federally-owned lands, no county parks, and few diverse natural areas. WEPCO has avoided impacts to larger wooded areas, wooded wetlands, and areas of potentially significant resources as much as possible when proposing sites and alternate areas for its project facilities. Its environmental criteria for selecting alternate areas include the avoidance of all DNR-managed lands; the minimization of potential impacts to state-listed threatened species, endangered species, and species of special concern; the minimization of impacts to area wetlands and water bodies; and the avoidance of areas with mature trees.

WEPCO is not proposing to install any of its turbines in wetlands or waterways. The project area is primarily uplands, used intensively for agricultural purposes with few high quality natural resources. Although the project would require constructing cables and access roads through wetlands and waterways, the record indicates that these actions should not cause significant impacts. DNR regulates construction in waterways through the issuance of permits under Wis. Stat. ch. 30 and Wis. Stat. § 281.36 and in wetlands through the issuance of water quality certifications under Wis. Admin Code chs. NR 103 and 299. DNR and the U.S. Army Corps of Engineers have determined that this project is permissible and DNR has issued Chapter 30 permits and water quality certifications for the project's preferred sites. Regarding its alternate areas, WEPCO also states that it will alter or abandon any alternate area in which a particular turbine location cannot receive the necessary permits.

Oak Wilt

Approximately 60 woodlands, ranging in size from one-third acre to 108 acres, are scattered through the project area. While most project facilities avoid these areas, some access roads and cables would be constructed through them. WEPCO proposes to clear approximately 8.5 acres of woods. As a result, it needs to avoid spreading oak wilt, which may already be present in the project area and is a highly infectious disease for red oak species. Oak wilt also infects white oaks, though to a lesser extent, but the disease has a high mortality rate. It often kills the tree within one year of initial infection. The primary cause of the disease is a fungus, which is carried between trees by sap-feeding beetles or is spread to adjacent trees through interconnected root systems.

On its web site DNR provides information about oak wilt. Initial infection in a stand of healthy trees is possible by wounding, pruning, or removing trees during spring or early summer when the beetles are active and the fungus is producing spores. DNR recommends that oaks not be pruned, cut, or injured between April 15 and July 1 of each year.

WEPCO prefers to retain its ability to prune oaks throughout the year in order not to delay project construction. The utility sought direction from the University of Wisconsin Department of Plant Pathology on methods to protect against the spread of oak wilt. WEPCO's witness testified that the University offered guidance if the utility cuts oak trees suspected of having oak wilt during the April 15 to July 1 period.

The Commission finds it reasonable for WEPCO to rely upon the advice of the University of Wisconsin Department of Plant Pathology to control oak wilt, but directs the

company to follow that Department's instructions strictly in order to protect area landowners against the potential loss of their oak woodlots.

Potential Avian Impacts

A principal environmental concern of this project is the potential for adverse effects to birds. Researchers have studied bird fatality rates at other existing wind farms in the U.S. and their work shows that both migratory and resident birds sometimes collide with wind turbines. In this country, the annual avian mortality rate at operating wind farms is low, ranging from less than one bird per turbine to eight birds per turbine. Scientists have researched avian mortality at some other Midwestern wind farms. The studies found that bird mortality rates are insignificant for common species, but do not fully address the susceptibility of rare bird species and those whose populations are in decline to collisions with wind turbines, or the potential of wind turbines to displace birds from the area.

The two central questions involving avian impacts are whether WEPCO should perform additional pre-construction avian studies and the type of post-construction avian studies that WEPCO should complete when the project is fully operational. Each issue is discussed below.

Expert witnesses of DNR and WEPCO disagree about whether sufficient information now exists to assess the likelihood that this project will cause significant biological harm to avian wildlife. WEPCO performed an on-site, pre-construction survey of birds between March and November, 2005. WEPCO included a report of this survey in its CPCN application, as well as an earlier "Biological Report" prepared for the company. WEPCO's expert witness noted that the company is following interim guidelines of the U.S. Fish and Wildlife Service (USFWS) for tower site development, wind turbine design, and turbine operation, and he concluded that the

project will cause only negligible avian mortality and not significantly change the local habitat for birds.

DNR did not find the WEPCO pre-construction study to be adequate. DNR concluded that the study did not take into account yearly variations or night migrating bird populations, did not supply sufficient information for comparison with a post-construction avian study, and did not adequately define the relationship between habitat areas, turbine sites, and bird use. DNR recommended that WEPCO perform additional pre-construction studies within the remaining time available before it begins construction, and that WEPCO should design its study with concurrence from Commission staff, USFWS, and DNR. In addition to this additional pre-construction study, DNR recommended that WEPCO perform two or more years of post-construction avian study that quantifies bird mortality as well as displacement and barrier effects. DNR also suggested that cumulative impacts on avian populations in the Niagara Escarpment need to be studied because so many wind farms are under consideration for this area.

WEPCO disagreed with the need to expand its pre-construction avian study. Its expert witness stated that additional data would not materially alter the risk assessment for birds. WEPCO agreed to perform a post-construction avian study but maintained that mortality is the only potential impact to bird populations and should be the only purpose of the post-construction study. Regarding a study of cumulative impacts, WEPCO declared its willingness to participate. WEPCO suggested a collaboration among stakeholders and the use of research moneys available through the Public Benefits Program, because such a study would involve many different wind farm projects.

Sufficient information on potential avian impacts is in the record that it would not be appropriate to require further pre-construction studies that delay the project's construction. The Commission also recognizes, however, that Wisconsin is at the cusp of what may very well become a major investment in wind farms and that now is the best time to develop baseline scientific knowledge about the impacts of wind turbines on avian species. The Commission therefore directs WEPCO to work with the regulatory agencies, attempting to reach consensus on the scope of additional pre-construction studies that can be performed in a timely manner, without delaying construction, and that the parties can agree will likely produce valuable scientific information at a reasonable cost. Additional scientific studies can inform future project applicants of the proper scope of their own pre-construction research. The Commission therefore urges other developers to participate in this scientific effort, sharing both its costs and the benefits of its results.

Regarding post-construction studies, the Commission agrees that at a minimum this research must examine avian mortality. The Commission further directs WEPCO to work with the regulatory agencies and other interested partners, attempting to reach consensus on additional areas of valuable research such as bird displacement and cumulative avian impacts that can be completed at reasonable cost. WEPCO shall develop such a cost-effective proposal and offer it to the Commission's Gas and Energy Division for its approval.

Potential Impacts to Bats

Another potentially significant environmental issue concerns the protection of bats. The Neda Mine State Natural Area Bat Hibernaculum is located approximately 35 miles from the project area. This abandoned iron ore mine, owned and managed by the University of

Wisconsin, is an overwintering site for as many as 150,000 cave-dwelling bats. Seven bat species are known to occur in Wisconsin, two of which are classified as state species of special concern. Although the occurrence of bats in this state and their behavior are not fully understood, bats are known to be more sensitive to losses than other species because of their low reproductive rates and studies at other wind farms have shown greater mortality rates for bats than for birds.

DNR recommended both pre-construction and post-construction studies to determine the degree and nature of the impacts to bat species. It maintained that because too few scientific studies have been completed nationwide, it is not possible to estimate potential impacts for a particular wind farm by performing a literature review and extrapolating the results from wind farms located in similar environments.

WEPCO disagreed with DNR's recommendation for a pre-construction bat study. Its witness testified that pre-construction bat studies are not warranted because the project's bat mortality rate is reasonably likely to compare with the published mortality rates at wind farms located in similar agriculturally-dominated landscapes. WEPCO's witness noted that a study at the Buffalo Ridge, Minnesota, wind farm did not find a statistical relationship between bat activity near the turbines and the level of bat mortality. WEPCO is willing to conduct a post-construction bat fatality study based on the finalized Bats and Wind Energy Cooperative protocols that are currently being developed. DNR recommended that a post-construction bat study should also have the capability to evaluate the environmental factors that affect bat mortality and to test operational adjustments that may be useful as mitigation options, but WEPCO prefers that the post-construction study initially focus on whether bat mortality at the

Blue Sky Green Field site is significantly higher than at other, similar sites. If so, WEPCO would contact the regulatory agencies to determine if further action is needed.

The Commission reaches similar findings for bat studies as it has for bird studies. Because of the possibility that Wisconsin will be hosting major new wind projects soon, the Commission directs WEPCO to work with the regulatory agencies and seek a consensus on the scope of pre-construction bat studies that can be performed in a timely manner, without delaying construction, and that the parties can agree will likely produce valuable scientific information at a reasonable cost. Regarding post-construction bat studies, the Commission again agrees that at a minimum this research must examine bat mortality. The Commission further directs WEPCO to work with the regulatory agencies and other interested partners, attempting to reach consensus on additional areas of valuable research such as methods of mitigating impacts to bats that can be completed at reasonable cost. WEPCO shall develop such a cost-effective proposal and offer it to the Commission's Gas and Energy Division for its approval.

Land Use and Development Plans

Wis. Stat. § 196.491(3)(d)6. requires that a proposed generating facility not “unreasonably interfere with the orderly land use and development plans for the area involved.” WEPCO's project does not conflict with the land use plans of the town of Marshfield or the town of Calumet. The record also demonstrates that the project, located on predominantly agricultural land, does not conflict with Fond du Lac County's Farmland Preservation Plan. WEPCO's siting criteria include setback requirements to protect existing land uses such as homes, roads, and property lines. The Joint Development Agreements also identify a set of mutual commitments that protect the municipal land use and development plans.

At the time of hearing, WEPCO witnesses testified that the company has negotiated Lease and Wind Easements with 56 landowners representing approximately 6,500 acres. In return for use of the landowners' property, WEPCO will make annual payments to each landowner until it removes the turbine equipment. The Lease and Wind Easements also oblige WEPCO to protect and restore the landowners' property during construction, operation, decommissioning, and removal of the wind generation facilities.

The Commission finds that these provisions properly prevent WEPCO's project from unreasonably interfering with the area's land use and development plans.

Impact on Wholesale Competition

Under Wis. Stat. § 196.491(3)(d)7, the Commission may only issue a CPCN for a project that "will not have a material adverse impact on competition in the relevant wholesale electric service market." The record demonstrates that WEPCO's project will not do so. WEPCO is a member of the Midwest Independent Transmission System Operator, Inc. (MISO), which means it is subject to market mitigation measures and the oversight of an independent market monitor that restrict its ability to raise prices above competitive levels. As a net purchaser of energy in the wholesale market, WEPCO has little economic incentive to exercise market power. Since the transmission network in the Wisconsin-Upper Michigan area is under MISO's operational control, WEPCO cannot manipulate the transmission system to benefit its own generating plants. Finally, the addition of new generating supply into the market promotes wholesale competition. For these reasons the Commission finds that WEPCO's project will have no material adverse impact on competition in the wholesale electric service market.

Brownfield Siting

Wis. Stat. § 196.491(3)(d)8. declares that a CPCN generating project must be sited in a brownfield area “to the extent practicable.” WEPCO evaluated the potential use of brownfield sites for the project but Wisconsin does not have a single brownfield site, or set of contiguous sites, that would be of sufficient size and would meet the siting criteria of available wind resources, land, and electric infrastructure. The Commission therefore finds that WEPCO’s project complies with Wis. Stat. § 196.491(3)(d)8.

Public Health and Welfare

As the Wisconsin Supreme Court declared in *Clean Wisconsin*, 2005 WI 93, ¶ 35, issuing a CPCN is a legislative determination involving public policy and statecraft. The Power Plant Siting Act assigns to the Commission the role of weighing and balancing many factors, which often compete and conflict. When rendering a decision, the Commission must ultimately determine whether a CPCN will promote the public health and welfare.

WEPCO’s wind-powered electric generating facility is a renewable resource that offers significant benefits to the state of Wisconsin. The air pollution and greenhouse gas emissions it avoids, the lack of solid waste, and the fact that it consumes virtually no water are important environmental benefits. This project will support the state’s goal of increasing its reliance upon renewable resources and will help diversify Wisconsin’s pool of electric generating facilities. It fits well with existing land uses, will help preserve the agricultural nature of the project area, will impose no reliability, safety, or engineering problems upon the electric system, and will create no undue adverse impacts on environmental values. After weighing all the elements of

WEPCO's project, including the conditions imposed by this Final Decision, the Commission finds that issuing a CPCN will promote the public health and welfare and is in the public interest.

Compliance with WEPA

Wis. Stat. § 1.11 requires all state agencies to consider the environmental impacts of "major actions" that could significantly affect 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. As provided by this rule the Commission worked jointly with DNR to produce a preliminary finding, took comments on that finding, and prepared a final environmental assessment (EA) that concluded the project would have no significant impact upon the quality of the human environment. The Commission finds that the EA complies with the requirements of Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.

Siting Flexibility

The Commission authorizes WEPCO to use each of the 88 specific sites for the construction of its turbines and associated facilities. In addition, with the exception of alternate area GF15, the Commission authorizes WEPCO to move one or more of its 88 turbines into any of the alternate areas it has identified and to locate turbines anywhere inside these 29 alternate areas.

WEPCO is requesting additional siting flexibility. In order to resolve unforeseen problems that could arise during the construction process such as unanticipated sub-surface conditions, to accommodate governmental requests, to address concerns that a landowner may have during the course of construction, and to take advantage of opportunities to minimize construction costs or improve the levels of electric generation, it is seeking advance Commission

authorization to adjust the location of its turbines and associated facilities outside of the alternate areas.

Any utility construction project may encounter an unforeseeable condition that requires some siting flexibility. It is the utility's obligation to minimize this situation by rigorously analyzing its project and its proposed project sites, but the Commission does typically authorize certain measures to address this need for flexibility. WEPCO is requesting that it be allowed to move a turbine and its auxiliary equipment from one of the 88 specific sites not just into an alternate area, but also anywhere on land that the company has leased from a host landowner. WEPCO has leased approximately 6,500 acres of the 10,600 acres that comprise the entire project area.⁶ WEPCO states that it is willing to condition this additional flexibility upon the issuance of all necessary environmental permits, compliance with all requirements in the Joint Development Agreements, compliance with all of the landowner agreements, avoidance of any part of the project area that the Commission finds unacceptable, and compliance with the company's own environmental siting criteria.

Commission and DNR staff pointed out that the CPCN application did not include information about all of the land leased from each host landowner, only information about the 88 specific sites WEPCO had identified and its 30 alternate areas. As a result the Commission and DNR staffs could not review the potential impacts of placing a turbine anywhere on leased land and could not determine whether the conditions WEPCO is proposing would adequately mitigate these impacts.

⁶ In testimony, the preferred siting flexibility of WEPCO's witnesses was that the Commission allow the company to site a turbine anywhere within the project area's 10,600 acres, but in its brief WEPCO advocated only this lesser form of siting flexibility.

In other dockets the Commission has granted CPCN project developers the right to propose a minor siting modification, subject to the review and approval of Commission staff.⁷ Commission staff recommended a broader version of this type of siting flexibility for WEPCO's project. First, Commission staff agreed that it would be appropriate for WEPCO to make a minor siting modification if the utility simply provides prior notice to Commission staff, rather than requiring prior notice and approval. Commission staff defined "minor siting modification" as a siting change that only affects resources or causes impacts the Commission has already evaluated, that makes no significant changes in impacts to non-host landowners, and that meets WEPCO's own siting criteria. In addition, Commission staff suggested that WEPCO be granted the ability to make something more substantial than a minor siting modification if the utility submits for Commission staff's prior review and approval a letter that describes the nature of the proposed change, the reason for it, any incremental cost difference, and WEPCO's communications with all potentially affected landowners.

The Commission agrees with Commission staff's recommendation. The Commission finds that allowing WEPCO to shift its project facilities into any of 29 alternate areas on its own volition, to make minor siting modifications with prior notice to Commission staff, and to propose more substantial siting modifications subject to Commission staff's prior review and approval is sufficient siting flexibility.

⁷ See, for example, the Commission's "Final Decision" in the combined dockets *Application of American Transmission Company LLC, as an Electric Public Utility, for Authority to Construct and Place in Service a New 345 kV Switching Station in Shawano County, to be called the Central Wisconsin Substation, and a new 345 kV Electric Transmission Line Between that Substation and the Gardner Park Substation, in Shawano and Marathon Counties, Wisconsin*, docket 137-CE-122, and *Application of American Transmission Company LLC, as an Electric Public Utility, for Authority to Construct and Place in Service a New 345 kV Electric Transmission Line Between the Morgan and Werner West Substations and a New 138 kV Electric Transmission Line Between the Clintonville and Werner West Substations, in Oconto, Shawano, Waupaca, and Outagamie Counties, Wisconsin*, docket 137-CE-123, page 52 (June 29, 2006).

Merger Approval

Since the Blue Sky Wind Farm, LLC and Green Field Wind Farm, LLC are subsidiaries of WEPCO, the proposal to merge these two companies into the utility constitutes an affiliated interest transaction under Wis. Stat. § 196.52. WEPCO requests that the Commission approve this merger as being “reasonable and consistent with the public interest,” pursuant to Wis. Stat. § 196.52(3)(a). Considering that such a merger will have no material adverse impact on wholesale competition, will not increase the cost to ratepayers, and will give the Commission greater regulatory authority over the project’s operation, the Commission grants this request. The Commission expressly conditions this approval upon its reserved power to revise and amend the terms and conditions of this merger in order to protect and promote the public interest, as required under Wis. Stat. § 196.52(5)(a).

Project Cost and Construction Schedule

If WEPCO purchases the most costly turbine of the models it is considering, it estimates the total gross project cost will be \$393,548,278. This cost estimate is detailed below by major plant account:

Capital			
Description	Plant Account	Amount	
Engineering, Procurement, Construction Management, Erection	344	\$311,922,596	
Surfaced Areas, Operations Building	341	\$4,764,598	
Meteorological Towers, Electrical Collection, SCADA	345	\$15,187,629	
Substation	345	\$8,058,177	
Contingencies		\$16,408,435	
Subtotal		\$356,341,435	
AFUDC		\$35,157,203	
Expense			
CPCN Development Costs	588	\$2,049,640	
Total Gross Project Cost		<u>\$393,548,278</u>	

Docket 6630-CE-294

The cost of the project will be met from internal sources, from the issuance and sale of securities, or both.

WEPCO has issued a request for proposals to wind turbine manufacturers for the wind turbine generators for the Blue Sky Green Field Wind Project. All manufacturers indicated that no production capacity is available for 2007. For this reason, WEPCO concluded that wind turbine installation before the end of 2007 is not achievable. As such, the earliest achievable in-service date is Fall 2008. Depending on the turbine selected, the in-service date may be delayed until late 2009.

Certificate of Public Convenience and Necessity

WEPCO may commence construction of the Blue Sky Green Field Wind Project with a generating capacity of up to 203 MW, as described in its CPCN application and modified by this Final Decision.

Order

1. WEPCO shall construct its project in conformance with the design specified in its application and subject to the conditions specified in this Final Decision.
2. The total gross project cost, assuming WEPCO purchases the most expensive turbine, is estimated to be \$393,548,278. If WEPCO acquires a less expensive turbine the authorized project cost is reduced accordingly.
3. This authorization is for the specific project as described in the CPCN application and at the stated cost. Should the scope, design, or location of the project change significantly, or if the project cost exceeds the above-stated figure by more than 10 percent, WEPCO shall promptly notify the Commission.

4. WEPCO shall submit to the Commission the date that the facilities are placed in service.

5. WEPCO shall submit to the Commission the final actual costs segregated by major accounts within one year after the in-service date. For those accounts or categories where actual costs deviate significantly from those authorized, WEPCO shall itemize and explain the reasons for such deviations in the final cost report.

6. WEPCO shall promptly inform the Commission of any substantial scope or design modifications in the approved facilities.

7. Until its facility is fully operational, WEPCO shall submit quarterly progress reports to the Commission that summarize the status of construction, the anticipated date of the start of construction, the model and cost of wind turbines selected, the anticipated in-service date, the status of environmental control activities, and the overall percent of physical completion. WEPCO shall include the date when construction commences in its report for that three-month period. The first report is due for the quarter ending June 30, 2007, and each report shall be filed within 31 days after the end of the quarter.

8. WEPCO shall provide the Commission with GIS data location information for every turbine site and other project facilities when it determines their final location. This data shall be compatible with state government standards.

9. WEPCO shall work with landowners to mitigate any television, radio, internet, or telecommunications interference caused by its project.

10. WEPCO shall rely upon the advice of the University of Wisconsin Department of Plant Pathology to control oak wilt. The company shall follow that Department's instructions strictly in order to protect area landowners against the potential loss of their oak woodlots.

11. WEPCO shall immediately work with the regulatory agencies and seek a consensus on the scope of additional pre-construction avian impact studies that can be performed in a timely manner, without delaying construction, and that the parties can agree will likely produce valuable scientific information at a reasonable cost. WEPCO shall conduct post-construction avian research that, at a minimum, addresses avian mortality. WEPCO shall also work with the regulatory agencies and other interested partners, seeking consensus on additional areas of valuable research such as bird displacement and cumulative avian impacts that can be completed at reasonable cost. WEPCO shall develop a cost-effective proposal regarding additional post-construction avian studies for the review and approval of the Commission's Gas and Energy Division.

12. WEPCO shall immediately work with the regulatory agencies and seek a consensus on the scope of pre-construction bat studies that can be performed in a timely manner, without delaying construction, and that the parties can agree will likely produce valuable scientific information at a reasonable cost. WEPCO shall conduct post-construction research on bats that, at a minimum, addresses bat mortality. WEPCO shall also work with the regulatory agencies and other interested partners, attempting to reach consensus on additional areas of valuable research such as methods of mitigating impacts to bats that can be completed at reasonable cost. WEPCO shall develop a cost-effective proposal regarding additional

post-construction bat studies for the review and approval of the Commission's Gas and Energy Division.

13. The Commission approves all of the 88 specific sites WEPCO has proposed for its turbines and associated facilities. To avoid undue hardship to Mr. Watry, the Commission approves the mutual agreement between Mr. Watry and WEPCO that was filed as Exhibit 31. The Commission grants WEPCO the ability to move turbines or facilities to 29 of WEPCO's 30 proposed alternate areas on the company's own volition. To avoid undue hardship to Mr. Rapp, the Commission does not approve the use of alternate area GF15. The Commission further grants WEPCO the ability to make minor siting modifications, as defined in this Final Decision, if the utility provides advance notice to Commission staff. The Commission grants WEPCO the ability to make something more than a minor siting modification if the utility submits for Commission staff's prior review and approval a letter that describes the nature of the proposed change, the reason for it, any incremental cost differences arising from the change, and WEPCO's communications with all potentially affected landowners.

14. WEPCO shall work with local snowmobile associations to minimize temporary or permanent impacts to the use of area trails. WEPCO shall mark or protect the bases of its turbines, as necessary to avoid snowmobile accidents.

15. The Articles of Merger and Plan of Merger between Blue Sky Wind Farm, LLC, Green Field Wind Farm, LLC, and WEPCO are approved, conditioned upon the Commission's reserved power to revise and amend any terms and conditions in order to protect and promote the public interest.

16. This Final Decision takes effect on the day after it is mailed.

Docket 6630-CE-294

17. Jurisdiction is retained.

Dated at Madison, Wisconsin, February 1, 2007

By the Commission:



Sandra J. Paske
Secretary to the Commission

SJP:JAL:jlt:g:\order\pending\6630-CE-294 final.doc

See attached Notice of Appeal Rights

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in Wis. Stat. § 227.01(3), a person aggrieved by the order has the further right to file one petition for rehearing as provided in Wis. Stat. § 227.49. The petition must be filed within 20 days of the date of mailing of this decision.

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

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.

Revised 9/28/98

APPENDIX A
(CONTESTED)

In order to comply with Wis. Stat. § 227.47, the following parties who appeared before the agency are considered parties for purposes of review under Wis. Stat. § 227.53.

PUBLIC SERVICE COMMISSION OF WISCONSIN
(Not a party, but documents must be filed with the Commission)
610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

WE ENERGIES

Larry Martin
Quarles & Brady
411 East Wisconsin Avenue
Milwaukee, WI 53202

TOWN OF CALUMET

Sam Kaufman
Sager, Colwin, Samuelsen & Associates, S.C.
201 South Marr Street
Fond du Lac, WI 54936

CLEAN WISCONSIN

Katie Nekola
122 State Street, Suite 200
Madison, WI 53703-2500

INVENERGY WIND LLC

Peter L. Gardon
Reinhart Boerner Van Deuren S.C.
PO Box 2018
Madison, WI 53701-2018

TOWN OF MARSHFIELD

John A. St. Peter
Edgerton, St. Peter, Petak & Rosenfeldt
PO Box 1276
Fond du Lac, WI 54936-1276

Docket 6630-CE-294

RENEW WISCONSIN

Curt F. Pawlisch

Kira E. Loehr

Cullen Weston Pines & Bach LLP

122 West Washington Avenue, Suite 900

Madison, WI 53703