



# **PRACTICE AND PROCEDURE BEFORE THE PUBLIC SERVICE COMMISSION**

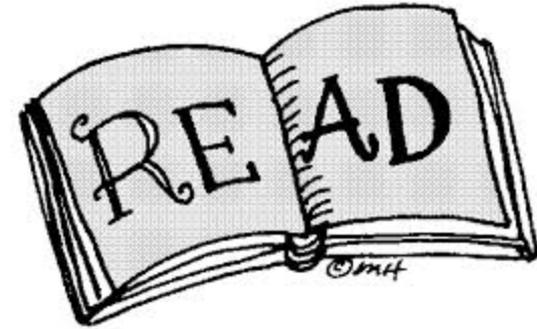
Kira E. Loehr  
General Counsel for Citizens Utility  
Board of Wisconsin  
April 10, 2013

# PSC Statutes, Rules, and Guidelines

- Wis. Stat. chs. 227 and 196
- Wis. Admin. Code ch. PSC 2
- Prehearing Conference Memoranda
- Filing Requirements

# Disclaimers

- Read the rules!
- The samples are just suggestions, not requirements.
- All characters and events in this program – even those based on real situations – are entirely fictional.



## **HYPOTHETICAL CASE –**

A Wisconsin Investor Owned Utility (WI-IOW) wants to construct a large electric generating facility in Wisconsin.

- Wis. Stat. §196.491
- Wis. Admin. Code chs. PSC 2 and 111
- Filing Requirements on PSC website,  
<http://psc.wi.gov/>

# CPCN Filing Requirements

Public Service Commission of Wisconsin PSC HOME / CONTACT US / WI.GOV



  
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## Electric

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### Requirements for Power Plant and Power Line Development

A power plant with a rated capacity of 100 megawatts (MW) or more must have a Certificate of Public Convenience and Necessity (CPCN) from the Commission before plant-related construction may begin. Power plant projects rated less than 100MW may require a Certificate of Authority (CA) from the Commission prior to construction. Follow the link below to obtain a copy of the most recent version of the Power Plant Application Filing Requirements. Power plant projects will also require a study of the potential noise impact from the project. A link to the Commission's Noise Measurement Protocol may also be found below.

Electric transmission lines and/or natural gas pipelines may also be needed for new power plants. Follow the links to the electric transmission line and natural gas pipeline Application Filing Requirements.

#### Additional Information For Power Plant Applications

- [Instructions for Developers](#)

#### Power Plant Application Filing Requirement (AFR):

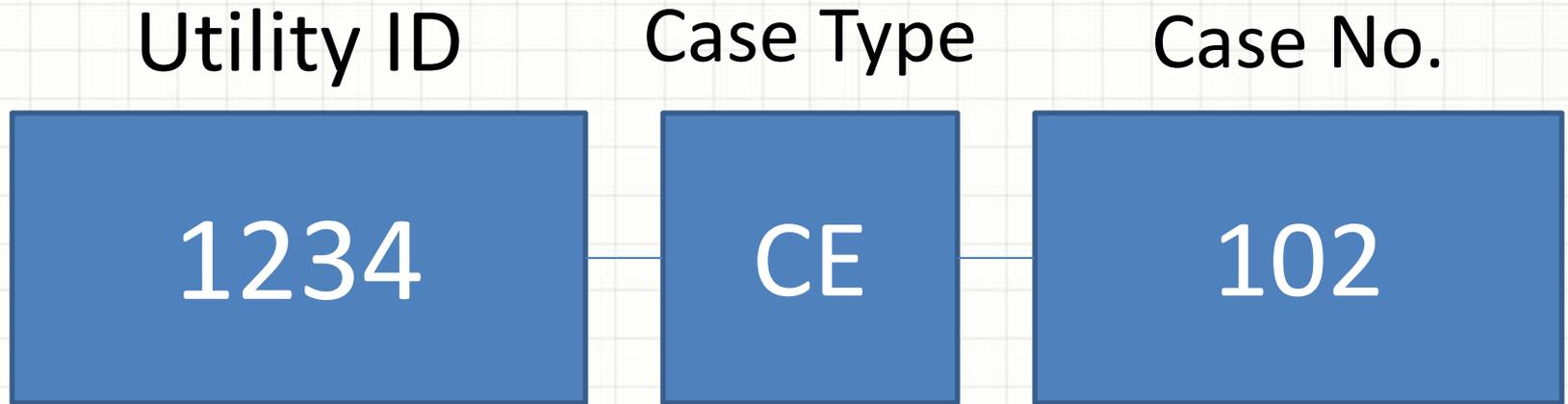
Fossil Fuel or Biomass Power Plants	
 (142kb)	Applicants should use Version 12 of the Commission's Application Filing Requirements (AFR) for CPCN and CA applications for authority to construct fossil fuel or biomass electric generation facilities. Please direct questions to Dan Sage(608) 267-9486, <a href="mailto:Dan.Sage@wisconsin.gov">Dan.Sage@wisconsin.gov</a>
 (259kb)	Measurement Protocol for Noise Assessment of Proposed and Existing Electric Power Plants (November 2008)

#### Wind Powered Electric Generation

# Docket Types – Wis. Admin. Code § PSC 2.02(7)

- Investigation – Wis. Stat. chs. 196, 1097, 200 or 201
- Proceeding – Contested Case or other docket that includes a trial-type hearing
- Other matter

# Docket Numbers



Wi-IOU's third construction case.

# Common Case Types

AC – Administrative Codes

AU – Affiliated Interest – Combined Utility

BS – Buy/Sell

CE – Construction – Electric

EI – Inquiry/Investigation – Electric

GF – General File

IC – Intervenor Compensation

UI – Inquiry/Investigation – Combined Utility

UR – Utility Rates

# The Electronic Regulatory Filing (ERF) System

- PSC's ERF Quick Reference Sheet:  
[http://psc.wi.gov/apps40/ERF\\_public/Default.aspx](http://psc.wi.gov/apps40/ERF_public/Default.aspx)
- PSC's ERF User Manual:  
[http://psc.wi.gov/apps40/ERF\\_public/Default.aspx](http://psc.wi.gov/apps40/ERF_public/Default.aspx)



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ERF - Electronic  
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Public  
Comments

Case  
Management

File a Complaint

Event Calendar

PSC Live  
Broadcast

## Hot Topics - Quick links to important information or breaking news...

- » The Public Service Commission of Wisconsin released [Wisconsin's Playbook for Broadband Progress](#) on March 20, 2013. The Playbook presents actionable ideas that can be implemented in Wisconsin to enhance broadband availability, adoption, and use throughout the state.
- » Participate in: [Fix a Leak Week](#).
- » Register Now: [Practice and Procedure before the PSC](#).
- » Coming Soon: Broadband Symposium. [Register here](#).
- » For Your Information: [Reporting Electrical Outages in a Snowstorm](#).
- » Now Available: [Energy 2018: Strategic Energy Assessment](#) for 2013.

[Link Directly to a Case](#)



Electricity



Natural Gas



Telecom



Water



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## ERF System

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Confidentiality Determinations
How to use ERF
Need Help?

## ERF - Electronic Regulatory Filing System



### Welcome!

The Electronic Regulatory Filing (ERF) System provides for the electronic submission of filed documents and online access of these documents including those submitted in formal cases before the Commission. With ERF Commission staff receive, circulate, process and publish thousands of electronically filed documents. ERF reduces the time necessary to make decisions on proposed actions, increases public access to formal case information, and provides an easy, convenient way for utilities, applicants, and other parties to participate in the Commission's formal case process.

Unless otherwise noted, documents are available in Portable Document Format (PDF). The Commission recommends the most current version for viewing PDF documents. [Get Adobe Reader](#)

### Using ERF is easy.

The [Quick Reference Sheet](#) contains basic instructions on using the system for individuals and small companies and utilities. Steps include creating an account, creating a pdf document and uploading to ERF. The [ERF User Manual](#) outlines general guidelines to submit public and confidential documents for existing or new dockets (cases) and provides steps to add or modify subscriptions, manage corporate accounts and more.

ERF is a repository of documents. Additional docket information is available on our [Case Management System](#).

### Assistance

- For assistance with Orders, please contact Gail Fralick by email at [Gail.Fralick@wisconsin.gov](mailto:Gail.Fralick@wisconsin.gov) or by phone at (608) 266-3375.
- For assistance with Notices and general ERF questions, please contact Becky Yoh by e-mail at [Rebecca.Yoh@wisconsin.gov](mailto:Rebecca.Yoh@wisconsin.gov) or by phone at (608) 261-8521.

### Note to Telecommunications Providers:

If you are filing tariff changes; this not the right place!  
For telecommunications providers, the PSC has implemented a new [tariff filing process](#).



## ERF Electronic Regulatory Filing System



### ERF - Electronic Regulatory Filing System

Welcome to The Public Service Commission of Wisconsin's Electronic Regulatory Filings System. ERF provides for the electronic submission of filed documents and online access of documents submitted in select cases before the Commission. All documents are available in Portable Document Format (PDF) files.

The processes for filing and accessing electronic documents have been designed to be simple and straight forward. To file documents, participants convert the original documents to a Portable Document Format (PDF) file and upload it to the PSC Electronic Regulatory Filing System web site after completing a case and document description.

After submitting, the filing is immediately received at the PSCW and is automatically routed to the appropriate person for review. After the filing is reviewed, you will be notified by email as to whether it was accepted or was unable to be processed as filed. **Acceptance** means that the application and or filing has been reviewed and found to be complete and in compliance with Commission rules.

All electronically filed case documents can be subscribed, searched, downloaded, viewed, and printed. These files can be viewed by the public at [http://psc.wi.gov/apps35/ERF\\_search/default.aspx](http://psc.wi.gov/apps35/ERF_search/default.aspx)

- [ERF Home Page](#)
- [Disclaimer](#)
- [What is an Individual Account?](#)
- [What is a Corporate Account?](#)
- [What's New?\(November 18, 2005\)](#)

**If you already have an account, login below otherwise click Create Account to set up new account.**

**Warning:** Your session will close if it remains inactive for a extended period of time.

**NOTE:** Telecommunications providers must use this new [filing interface](#) to upload tariffs to ERF.

Logon id:

Password:

[Forgot your Password?](#)

[Create New Individual Account](#)

[Create New Corporate Admin Account](#)



# ERF Electronic Regulatory Filing System



## ERF Upload

### My Menu

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Existing Docket  
New / Non Docket  
Redacted Copy

#### Confidential Document

Existing Docket  
New / Non Docket

#### Check Document Status

Pending  
Accepted  
Rejected

#### User Maintenance

Modify Profile  
Change Password

#### Subscription

## Welcome Kira Loehr.



[How to file a Redacted Document](#), New list of [Document Types Definitions](#).

Tuesday, March 26, 2013  
11:46:59 AM

### Upload Notes:

1. Users may upload up to 5 files. The maximum file size, **per file**, is 20 MB (20,000kb). If the maximum is exceeded no files will be uploaded, and you will be required to start the upload process again.
2. Click **Browse** button to select the document you would like to upload.
3. If the document type is not specified, the document will not upload.
4. If the document name or description is empty, the document will not upload.
5. The ERF upload system will only accept files in PDF and Excel spreadsheet format.

[https://psc.wi.gov/apps35/ERF\\_upload/content/mymenu.aspx](https://psc.wi.gov/apps35/ERF_upload/content/mymenu.aspx)



# ERF Electronic Regulatory Filing System



## ERF Upload

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#### Public Document

Existing Docket  
New / Non Docket  
Redacted Copy

#### Confidential Document

Existing Docket  
New / Non Docket

#### Check Document Status

Pending  
Accepted  
Rejected

#### User Maintenance

Modify Profile  
Change Password

#### Subscription

## Upload Public Document - Existed Docket

**Warning: If any upload row has an error, you must re-start the upload process.**

	Part 1	Part 2	Part 3
Docket ID:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Example:	16255	TI	100
	<input type="button" value="Check Docket"/>	<input type="button" value="Clear Docket"/>	

- Select Document Type --  
 Description:

1.

-- Select Document Type -- ▾

Description:

## Document Types

Application ←

Brief/Reply

Comments

Contract

Correspondence

Data Request/Response

Petition/Motion

Prehearing/Prefiled Exhibit/Testimony

Report

Request for Intervenor/Party Status

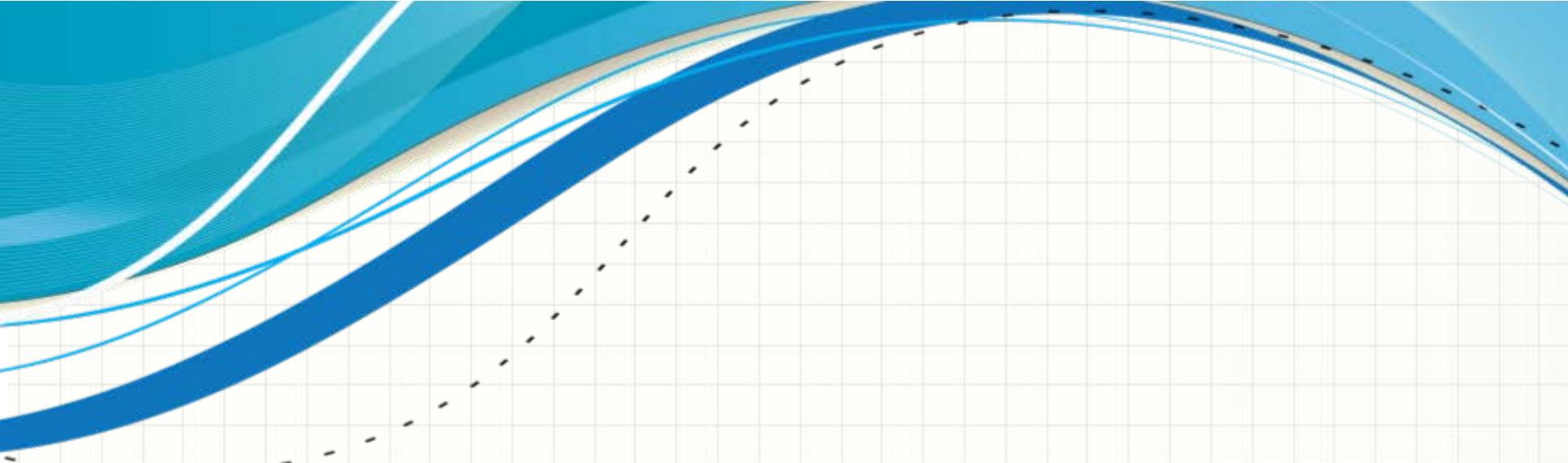
# CPCN Application

- Completeness determination – Wis. Stat. § 196.491(3)(a)2.
- Once deemed complete, 180-day clock starts – Wis. Stat. § 196.491(3)(g)
- Can be extended an additional 180 days – Wis. Stat. § 196.491(3)(g)



# Intervention Request

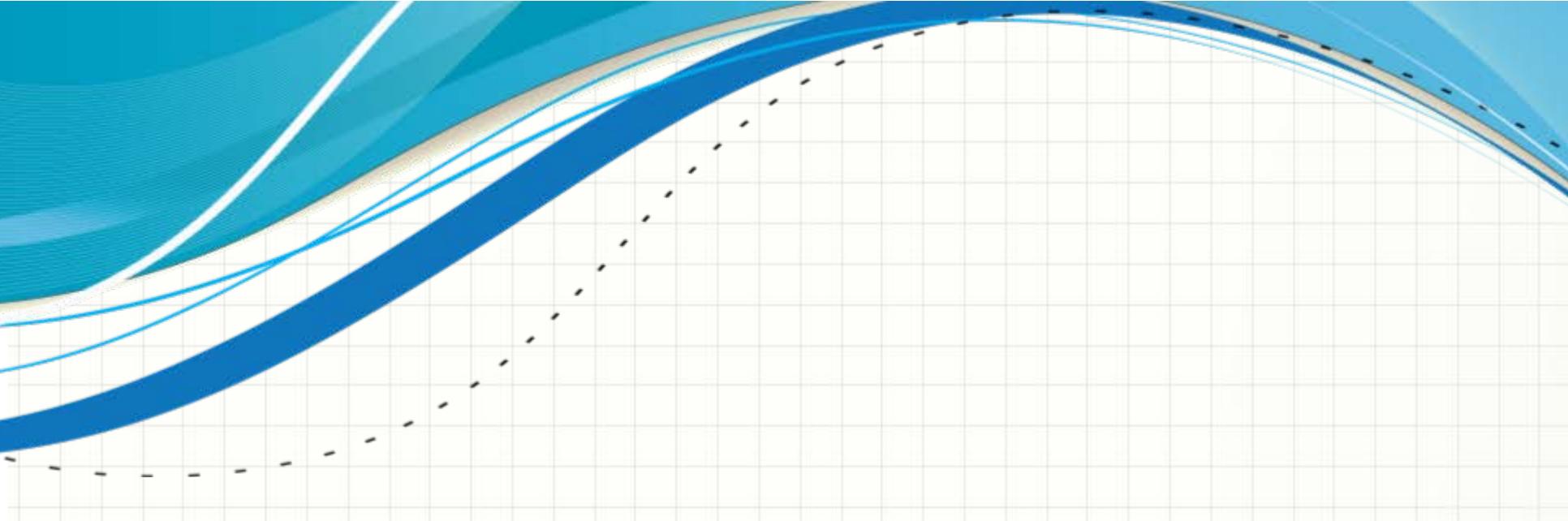
- Intervention by **RIGHT** (Wis. Admin. Code § PSC 2.21(1))
- **PERMISSIVE** intervention (Wis. Admin. Code § PSC 2.21(2))
- Intervention **OUT OF TIME** (Wis. Admin. Code § PSC 2.21(4))



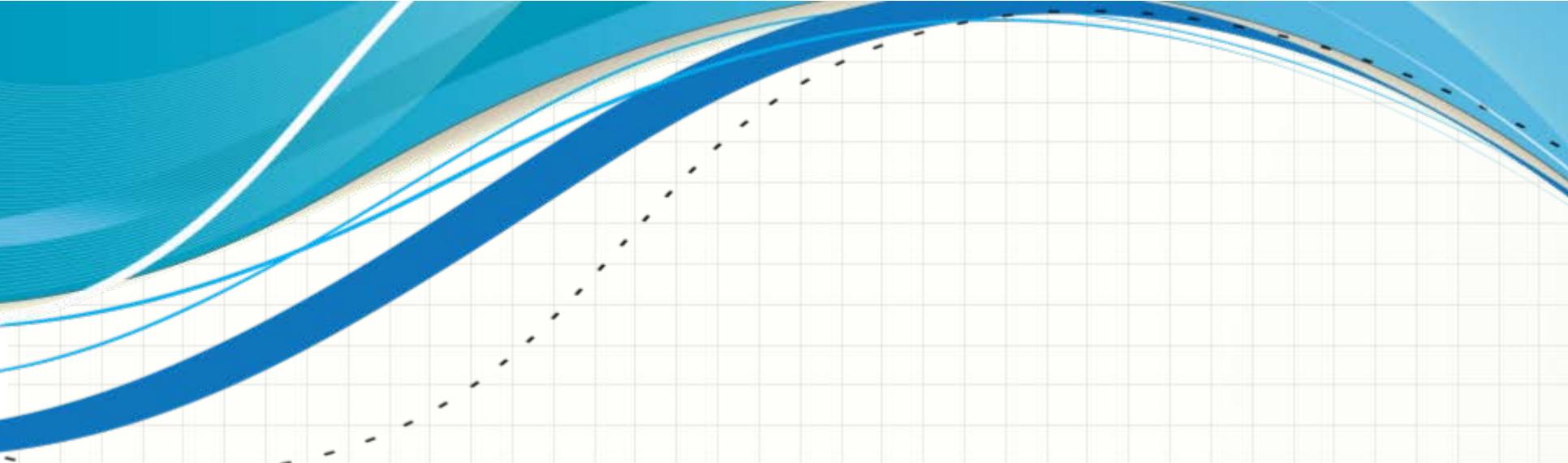
# **SAMPLE 1 – INTERVENTION REQUEST**

# Intervention Timelines and Requirements for a Proceeding

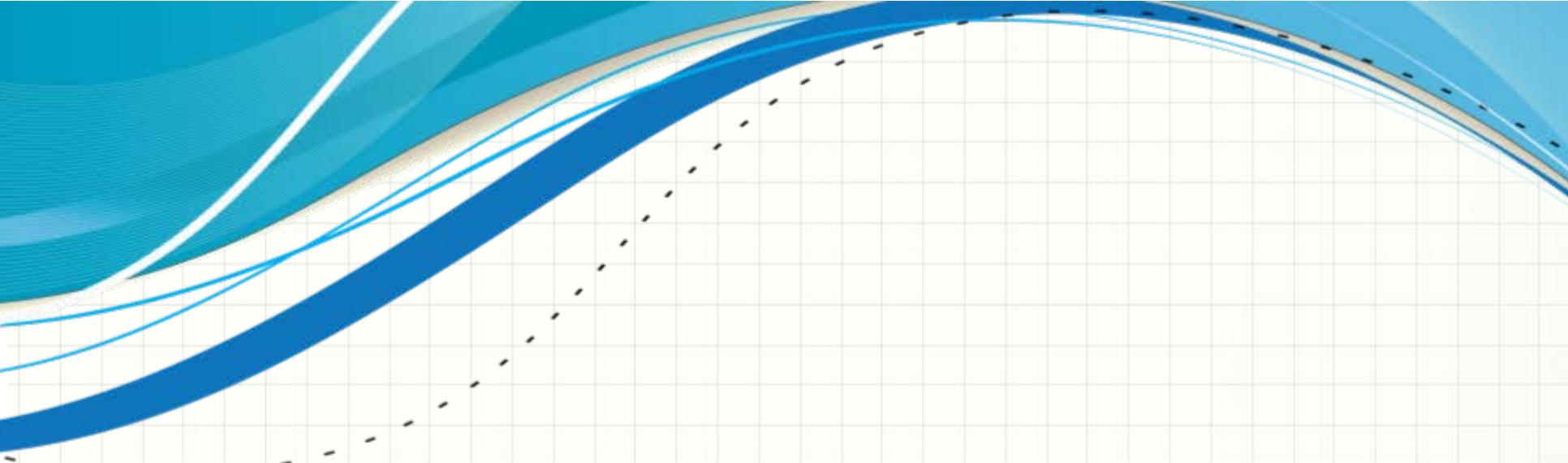
- 60 days after issuance of the Notice of Proceeding, or a different time set in the Notice of Proceeding or by the ALJ at the prehearing conference (Wis. Admin. Code § 2.21(3))
- File on ERF
- Whenever you **FILE**, you have to **SERVE** (Wis. Admin. Code § PSC 2.06)



# **SAMPLE 2 – NOTICE OF PROCEEDING**



# **SAMPLE 3 – NOTICE OF PREHEARING CONFERENCE**



**SAMPLE 4 – DRAFT  
PREHEARING  
CONFERENCE  
MEMORANDUM (PCM)**

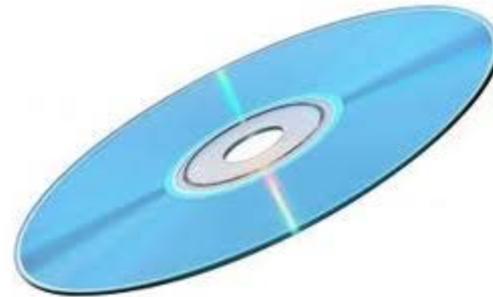
# Intervenor Compensation

- Prehearing conference triggers deadline for application for Intervenor Compensation (Wis. Admin. Code § 3.03)
- Must be filed within 15 days of prehearing conference

# Discovery - Wis. Admin. Code § PSC 2.24 and Wis. Stat. ch. 804

Allowed in contested case proceedings:

- Interrogatories
- Requests for Production
- Requests for Admission
- Data Requests
- Depositions



# Discovery – PCM § IV.A.2.

- Discovery requests – filed and served or just served?
- Modified timeline for responses?
- Timeline for filing objections?

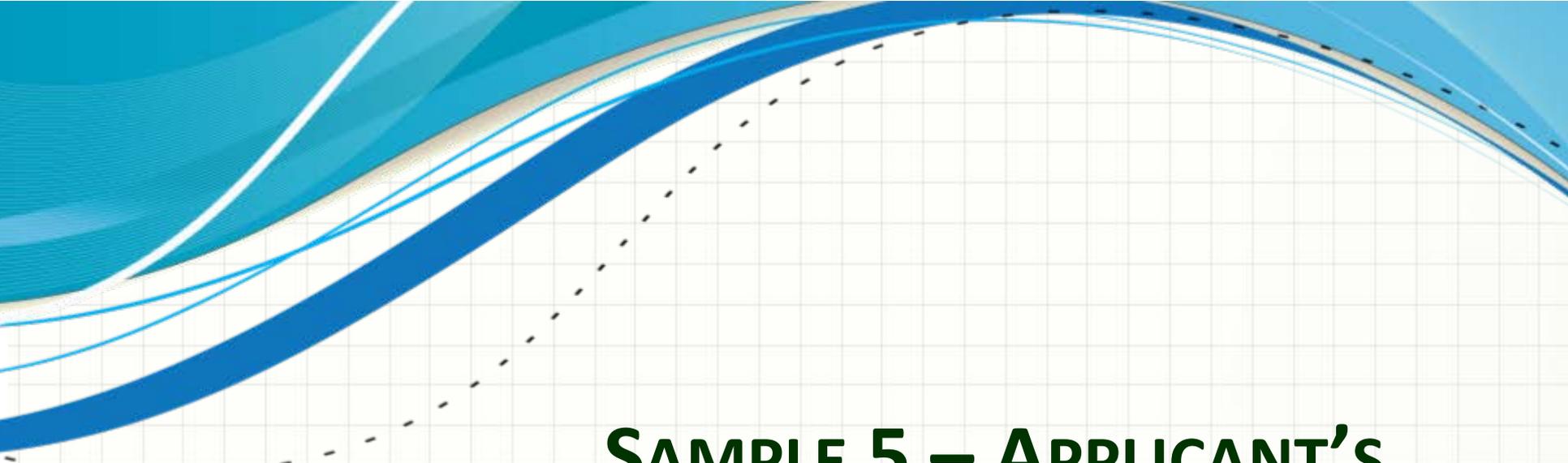
# Applicant's Direct Testimony

- File on ERF and serve parties and Commission staff by email (§ IV.A.1.h. of the PCM)
- No certificate of service required (Wis. Admin. Code § PSC 2.06(3)(a) and § IV.A.1.g. of the PCM)
- ERF subscription service also provides links to public filings

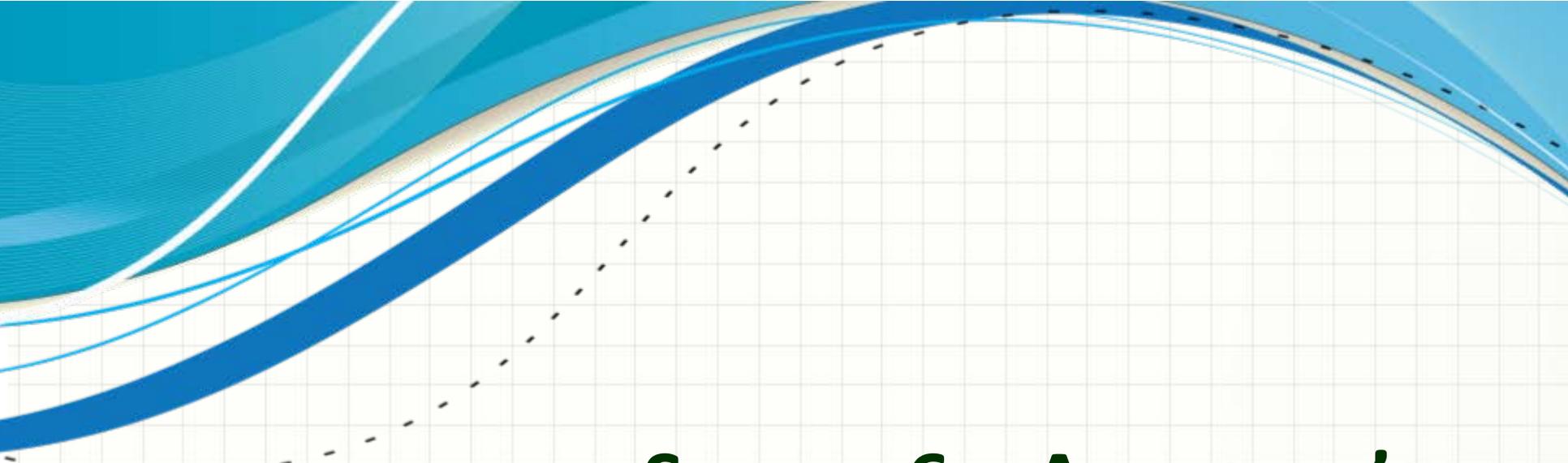
**SUBSCRIBE**

# Formatting and Hard Copies

- Pre-Filed Testimony and Exhibits – PCM § IV.D.1.
- Post-Filing Hard Copies (10 copies) – PCM § IV.A.6. and § IV.D.2.
  - Print version with ERF stamp on it
  - Collate, 3-hole punched, with tabs



**SAMPLE 5 – APPLICANT’S  
DIRECT TESTIMONY (PRE-  
FILING)**

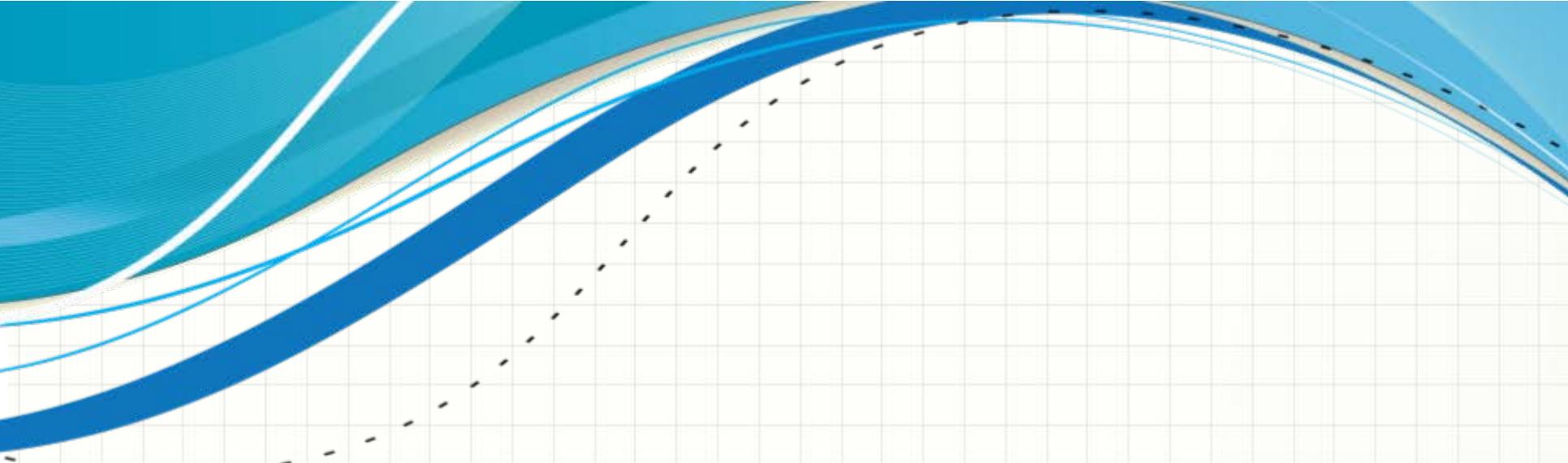


**SAMPLE 6 – APPLICANT’S  
DIRECT TESTIMONY AND  
EXHIBIT (POST-FILING)**

# Confidential Filings



- Wis. Admin. Code § PSC 2.12 and PCM §§ IV.C.; IV.D.1.e.; and IV.D.3.b.
- ERF confidential filing form fulfills affidavit requirement in Wis. Admin. Code § 2.12(3)(b) – PCM § IV.A.1.d.
- “PSC Contact Person” is Case Coordinator.

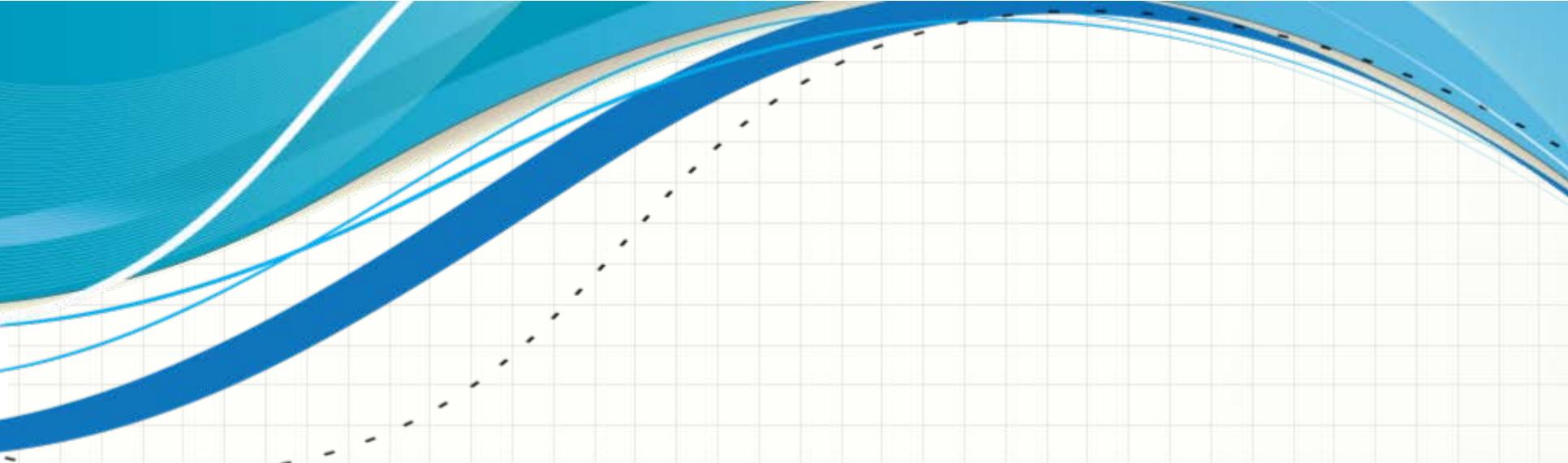


**SAMPLE 7 – CONFIDENTIAL  
ERF UPLOAD**

# If Filing Confidential, Also File Redacted – ALWAYS



- Even if the entire document is deemed confidential, a redacted version must be filed - Wis. Admin. Code § 2.12(4) and PCM § IV.A.1.e.
- New naming conventions for “Description” of filed document – PCM § IV.A.1.f.



**SAMPLE 8 – REDACTED VERSION  
OF EXHIBIT**

# Redacting Confidential Information

- Ensure that confidential information is actually redacted, not just “covered up.”
- Adobe Acrobat Professional, or
- Black-out text, print, scan, then OCR
- Highlight confidential information in confidential version using grey shading (not yellow or any other color)

1 **Q. What is the purpose of your testimony in this proceeding?**

2 A. Company has been retained by Inte-1 to assist in reviewing  
3 Wisconsin Investor Owned Utility's ("Wi-IOU") filing in this case.  
4 Specifically, we were asked to review this is not really confidential  
5 information the capital costs for the proposed project, it's just typed  
6 in here and shaded so that it looks like confidential information.  
7 This portion of my testimony addresses if this was actually  
8 confidential information, it would be much more commercially  
9 sensitive and probably contain some numbers like operations and  
10 maintenance expenses of \$12 billion, chemical costs of \$36 million,  
11 and capital costs of 104 cents.

1 **Q. What is the purpose of your testimony in this proceeding?**

2 A. Company has been retained by Inte-1 to assist in reviewing  
3 Wisconsin Investor Owned Utility's ("Wi-IOU") filing in this case.

4 Specifically, we were asked to review [REDACTED]

5 [REDACTED] the capital costs for the proposed project, [REDACTED]

6 [REDACTED].

7 This portion of my testimony addresses [REDACTED]

8 [REDACTED]

9 [REDACTED] operations and

10 maintenance expenses of \$ [REDACTED] billion, chemical costs of \$ [REDACTED] million,

11 and capital costs of [REDACTED] cents.

# Incorporating As Exhibit Docs Previously Filed

- Utility wants to incorporate previously filed application as exhibit to its direct testimony.
- “There’s a guideline for that.” – Two, actually  
– PCM §§ IV.A.1.C.i. and IV.A.4.b.

1 **Q. Are you sponsoring any exhibits with your testimony?**

2 **A. Yes. Based on my overall responsibility for preparing Wi-IOU's**  
3 **application in this proceeding, I am sponsoring Ex-Wi-IOU-Jones-1**  
4 **(PSC REF#: 123456), which is the "Application of Wisconsin**  
5 **Investor Owned Utility for a Certificate of Public Convenience and**  
6 **Necessity to Construct a Large Electric Generating Facility in**  
7 **Wisconsin."**

April 10, 2013

**VIA ERFS**

Public Service Commission of Wisconsin  
610 N. Whitney Way  
Madison, WI 53707

Re: Docket No. 1234-CE-102, Wi-IOU's Direct Testimony and Exhibits

To Whom It May Concern:

On this date the Wisconsin Investor Owned Utility (Wi-IOU) filed its Direct Testimony and Exhibits in the above-referenced proceeding. In conjunction with the filing of that testimony and pursuant to section IV. A. 4. b. of the Prehearing Conference Memorandum, Wi-IOU respectfully requests that its application (PSC REF #: 123456) be marked as Ex.-Wi-IOU-Jones-1 (see Direct-Wi-IOU-Jones-2).

Thank you for your attention to this matter, and please let me know if you have any questions.

Very truly yours,

/s/

Attorney for Wi-IOU

# Objecting to Pre-filed Testimony

- Intervenor 1 (Inte-1) wants to object to portion of Applicant's Direct Testimony.
- "There's a guideline for that." – PCM § IV.A.4.d.
- Objection must be filed by deadline of next round of filing.



# Commission Staff/Intervenor Pre-filed Testimony

- Commission staff and Intervenors file their Direct Testimony



- Inte-1 also files its objection to portion of Applicant's Direct Testimony

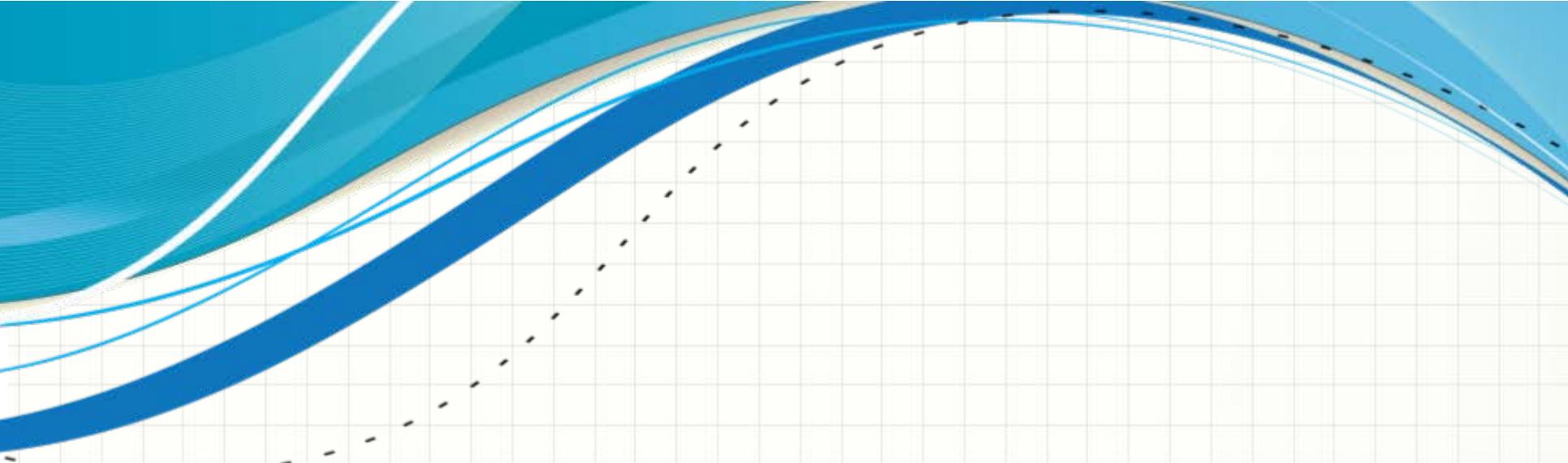
# Exhibits? To include, or not to include...

- The Commissioners read the entire record – Wis. Stat. § 196.24
- Include what is necessary, but try to avoid duplication and irrelevant information



# More is not always better.

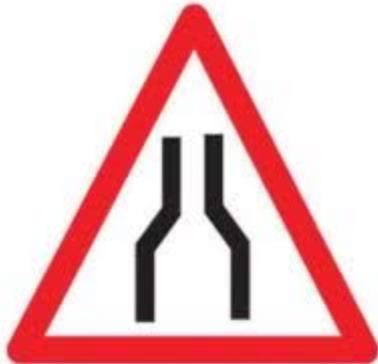
- Entire document not always necessary, excerpts are acceptable – PCM §§ IV.A.4.c. and IV.A.1.c.ii.
- No evidence enters the record solely by citation or internet hyperlink – PCM § IV.B.3.



**SAMPLE 9 – INCLUDING  
EXCERPT FROM PREVIOUSLY  
FILED TESTIMONY AS EXHIBIT**

# End of Direct Testimony

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From this point on, scope of written testimony narrows with each round of filing – PCM § IV.B.1

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Repetition is unnecessary  
– PCM § IV.B.2.



# Adversely Calling a New Witness

- Intervenor 2 wants to call as a witness an Applicant employee that has not pre-filed testimony
- “There’s a guideline for that.” – PCM § IV.B.4. and IV.A.4.e.



Wis. Stat. § 227.45(6m)

# Include Commission Case Coordinator in Communications



- Commission staff is not a party – (unless Wis. Admin. Code § PSC 2.03(2) applies)
- Include case coordinator in discussions between all parties – PCM § IV.A.1.k.

# But not the ALJ!

- Do not copy the Administrative Law Judge on all-party-to-all-party communications (or anything else) – PCM § IV.A.1.I.
- The ALJ only takes action on documents that are officially filed - PCM § IV.G.1

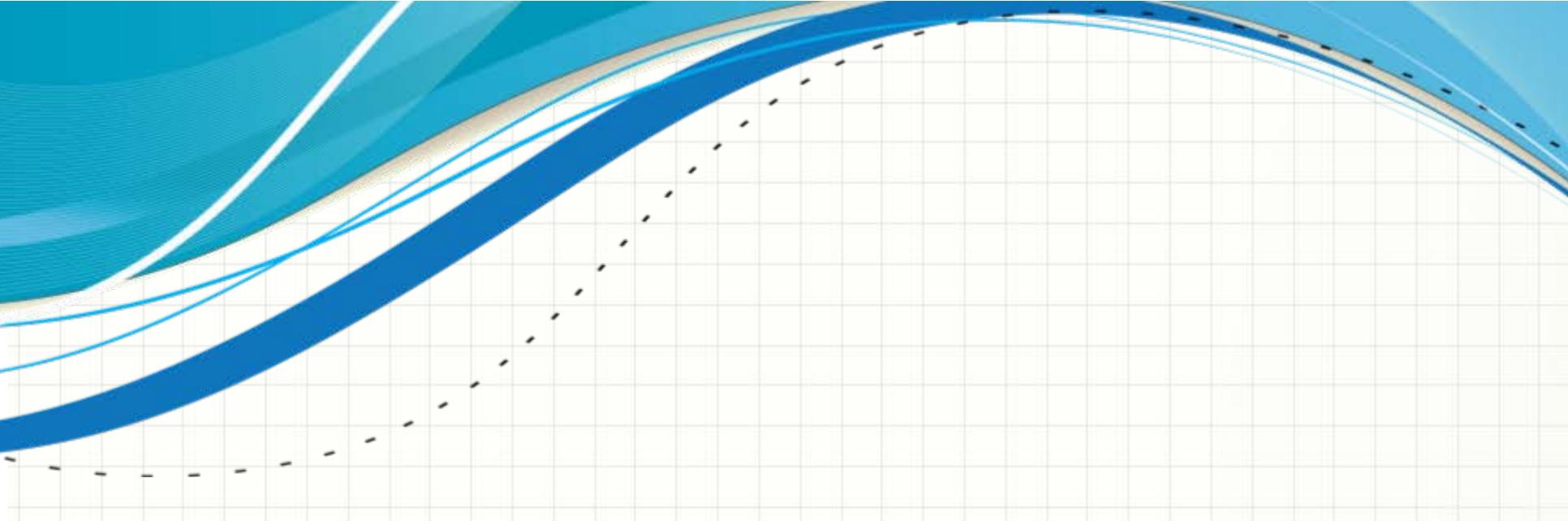
# Requesting an Extension

- Intervenor 3's rebuttal witness gets sick and is unable to file rebuttal testimony on time.
- "There's a guideline for that."



# Extension Rules and Guidelines

- All parties and Commission staff agree to the extension request – PCM §§ IV.G.1. and IV.G.3.
- One or more parties or Commission staff disagree with the extension request – Wis. Admin. Code § PSC 2.23 (Motions) and PCM §§ IV.G.1. (officially filed), IV.A.3.b. (modify PCM), and IV.G.5. (good cause)



**SAMPLE 10 – EXTENSION  
REQUEST WHEN ALL PARTIES  
AND COMMISSION STAFF AGREE**

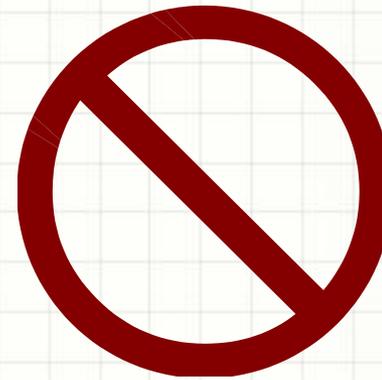
# References to Other's Testimony – PCM § IV.D.1.j.

As shown on



Direct-Wi-IOU-Jones-6, ...

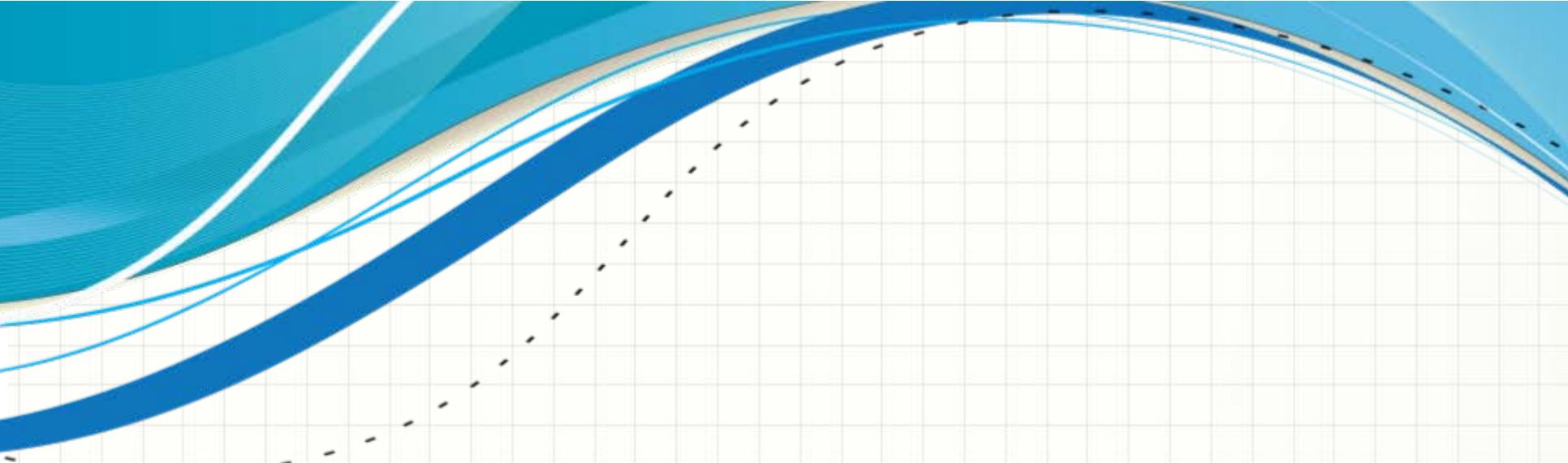
As shown on



page six of Applicant  
witness Mr. Jones' Direct  
Testimony...

# Notice of Hearing Issuance

- Explains how non-parties can have their voices heard
  - Written comments through Public Comments link on PSC website
  - Mail written comments to PSC
  - Speak at public hearing
  - Write out comment and submit it at public hearing



# **SAMPLE 11 – NOTICE OF HEARING**



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Natural Gas



Telecom



Water



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ERF - Electronic Regulatory Filing

Public Comments

Case Management

File a Complaint

Event Calendar

PSC Live Broadcast

## Hot Topics - Quick links to important information or breaking news...

- » The Public Service Commission of Wisconsin released [Wisconsin's Playbook for Broadband Progress](#) on March 20, 2013. The Playbook presents actionable ideas that can be implemented in Wisconsin to enhance broadband availability, adoption, and use throughout the state.
- » Participate in: [Fix a Leak Week](#).
- » Register Now: [Practice and Procedure before the PSC](#).
- » Coming Soon: Broadband Symposium. [Register here](#).
- » For Your Information: [Reporting Electrical Outages in a Snowstorm](#).
- » Now Available: [Energy 2018: Strategic Energy Assessment](#) for 2013.

[Link Directly to a Case](#)

## Case Management System :: Public Comments

To comment on a case listed below, please click on the file comment hyperlink associated with the case. All comments will be posted to the PSC's [Electronic Regulatory Filing System \(ERF\)](#).

**Comments received during the comment period will be part of the official record. The use of profane, obscene or inappropriate language may result in your comment being redacted or not placed in the official record.**

If you wish to comment on a case or issue that is not listed below, please contact the case coordinator or call the PSC's general information line at (608) 266-5481 or toll free at (888) 816-3831.

### Additional Information

- [Requirements for public comments](#)
- [Suggestions for creating an effective comment](#)

← Helpful tips

Case	Comment Period	Case Summary	Case Documents	Case Contact
<b>Amend PSC 118 to Allow Individuals to Apply for RRCs</b> <a href="#">File a comment</a>	03/20/2013 - 04/05/2013	<a href="#">1-AC-240</a>	<a href="#">ERF</a>	<a href="#">Preston Schutt</a>
<b>Ashland Water Utility for Authority to Increase Water Rates</b> <a href="#">File a comment</a>	03/15/2013 - 04/15/2013	<a href="#">250-WR-103</a>	<a href="#">ERF</a>	<a href="#">Stephen Kemna</a>
<b>Bangor Public Utility for Authority to Increase Electric Rates</b> <a href="#">File a comment</a>	11/15/2012 - 04/15/2013	<a href="#">350-ER-106</a>	<a href="#">ERF</a>	<a href="#">Christopher Larson</a>
<b>Belmont Public Utility for Authority to Increase Electric Rates</b> <a href="#">File a comment</a>	03/22/2013 - 08/31/2013	<a href="#">440-ER-103</a>	<a href="#">ERF</a>	<a href="#">Lori Sakk</a>

# Balance between Party Testimony and Public Comments

A person shall limit a public comment to non-technical personal knowledge or personal opinion. A person may include references to other materials in a comment, but may not include as part of a comment, any document not written or substantially modified by that person. The Commission shall only accept documents that a person offers to supplement a comment for the purpose of showing the basis of an opinion, not for proof of the matter asserted. Parties may object to the receipt of a public comment.

- Only one comment may be submitted per person during a comment period.

# Back to the Hypothetical Case

- Rebuttal and Surrebuttal Testimony have now been filed
- Parties gearing up for hearing
- New deadlines approaching



# Prehearing Deadlines - Corrections

## Preferred –

- Testimony and exhibit errata – PCM §§ III and IV.A.4.f.
- Use “r” to signify replacement pages



## Exception –

- Corrections may also be made off the record on the stand at hearing – PCM § IV.E.1.b.

# Prehearing Deadlines Cont.

- Notification to ALJ by email by noon on day before hearing:
  - Copy parties and Commission staff
  - Do not file



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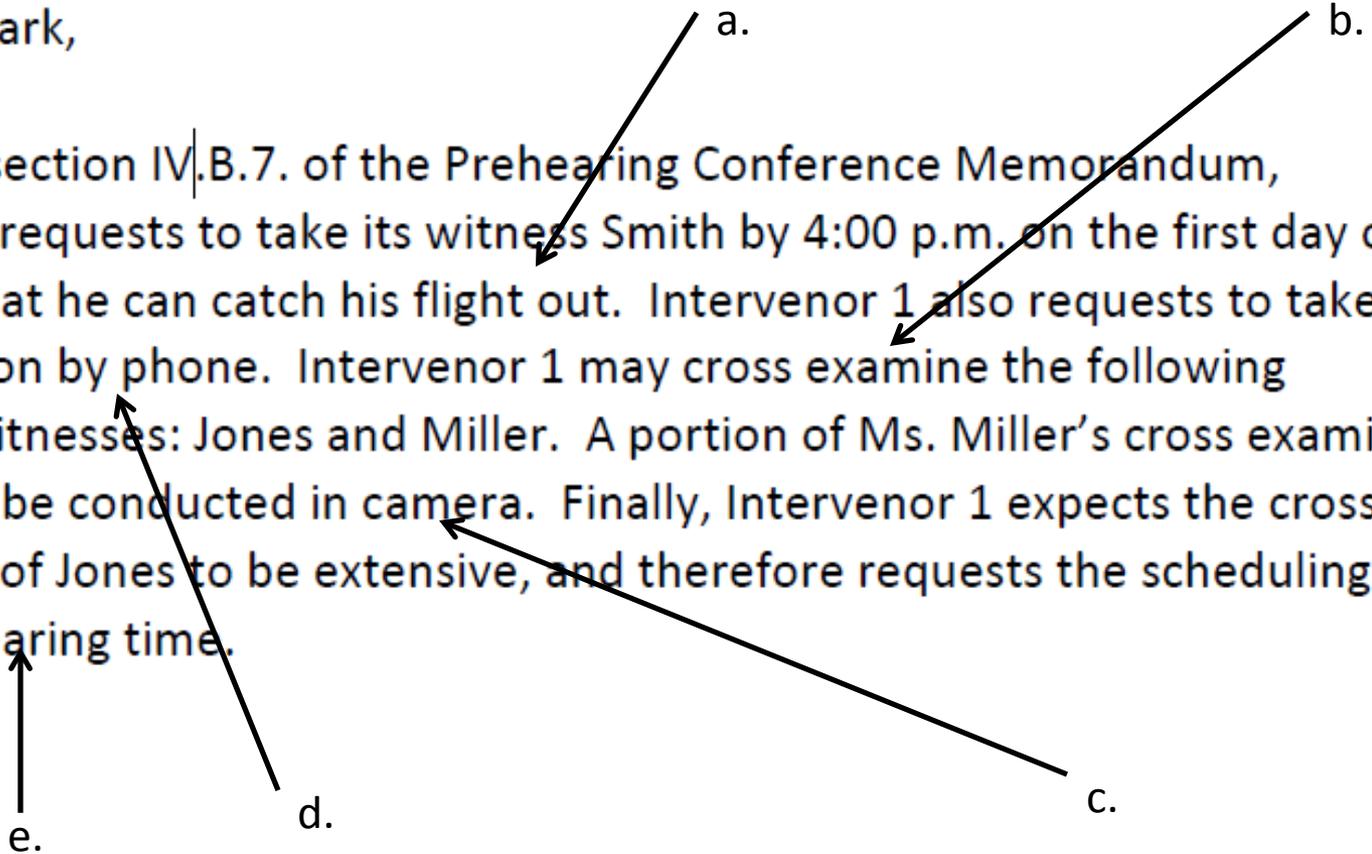
**To:** Michael Newmark (michael.newmark@wisconsin.gov)  
**Cc:** 1234-CE-102 Service List  
**Subject:** 1234-CE-102, Intervenor 1 Prehearing Notifications

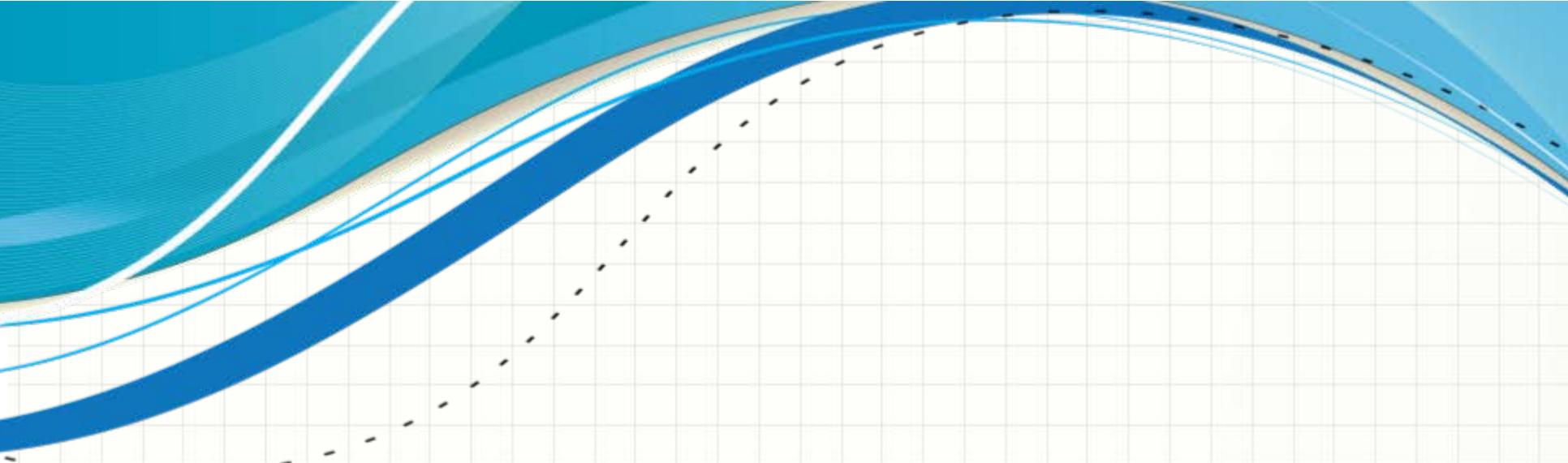
Judge Newmark,

Pursuant to section IV.B.7. of the Prehearing Conference Memorandum, Intervenor 1 requests to take its witness Smith by 4:00 p.m. on the first day of the hearing so that he can catch his flight out. Intervenor 1 also requests to take its witness Nelson by phone. Intervenor 1 may cross examine the following Applicants witnesses: Jones and Miller. A portion of Ms. Miller's cross examination may need to be conducted in camera. Finally, Intervenor 1 expects the cross examination of Jones to be extensive, and therefore requests the scheduling of additional hearing time.

Thank you.

Energy Attorney

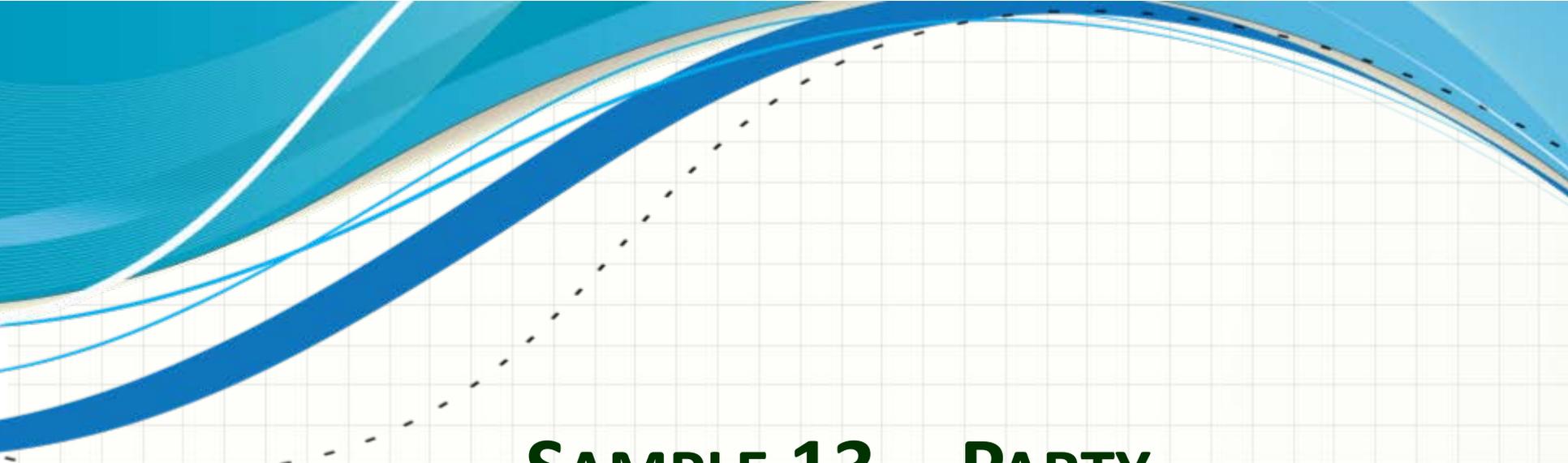




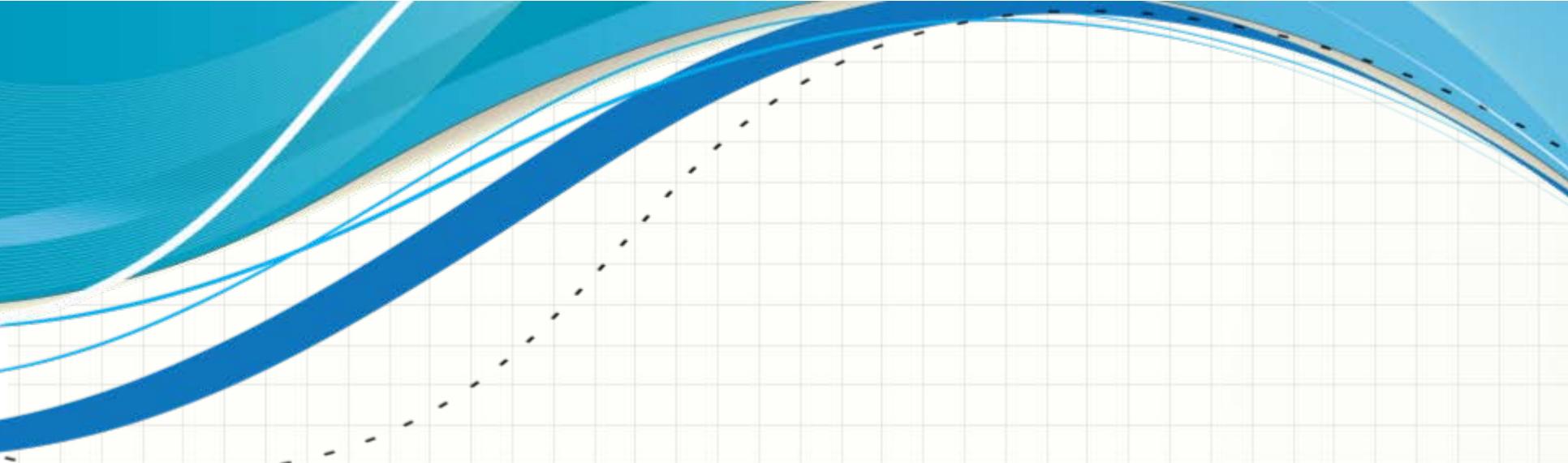
**SAMPLE 12 – PREHEARING  
WITNESS AND EXHIBIT LIST**

# The Hearing!





**SAMPLE 13 – PARTY  
APPEARANCE SLIP**



**SAMPLE 14 – NON-  
PARTY APPEARANCE  
SLIP**

# Party Hearing – Before Testimony Begins

- Party appearances
- Corrections to testimony and exhibits
- Oral arguments on pending motions (offer of proof – PCM §§ IV.E.3. and IV.F.3.)
- Corrections to prehearing witness and exhibit list
- Entering testimony and exhibits into the record (this means that you DO NOT need to move in pre-filed testimony and exhibits as each witness is called)

# Calling a Witness - Verification of Testimony and Exhibits



- Did you prepare and pre-file direct and surrebuttal testimony and four exhibits?
- Is the information therein true and correct to the best of your knowledge?

# Party Hearing - Witness Testimony

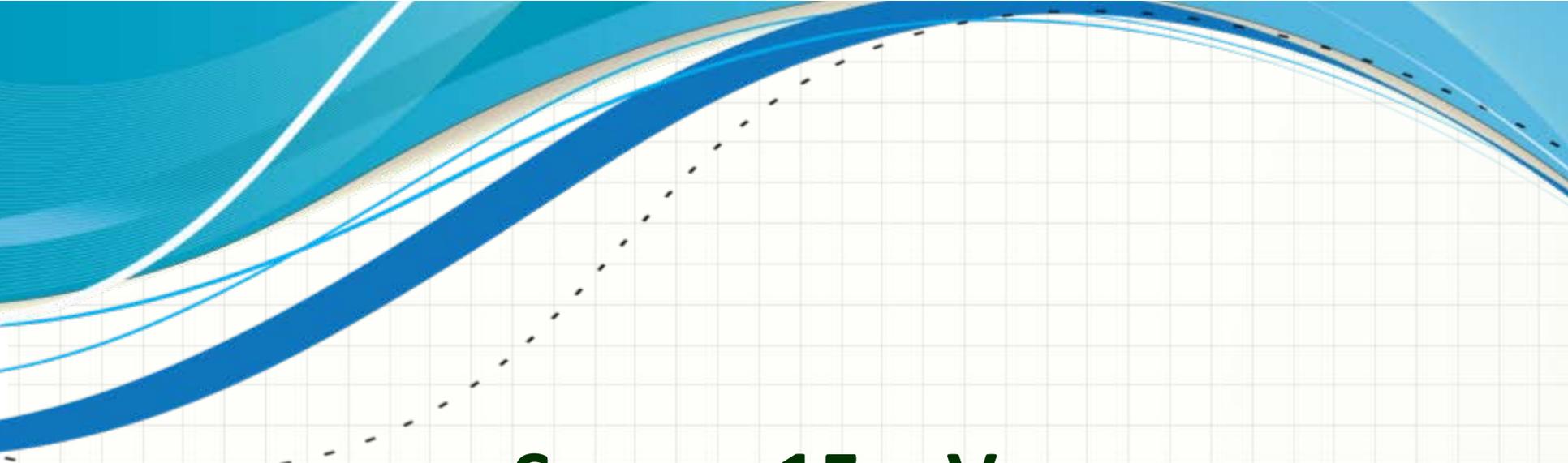
- Brief oral testimony responding to last round of pre-filed or subsequent oral testimony of another witness – PCM § IV.E.6. (Sur-surrebuttal)
- Avoid undue surprise or prejudice – PCM § IV.E.6.



# Party Hearing – Cross Examination

- All parties and Commission staff may cross
- Limit cross by length and scope reasonably required to investigate matters with respect to testimony of the witness – PCM § IV.E.7.
- Avoid undue repetition

**Cross  
Examination**



**SAMPLE 15 – VERIFICATION  
AFFIDAVIT IF NO PARTY HAS  
CROSS**

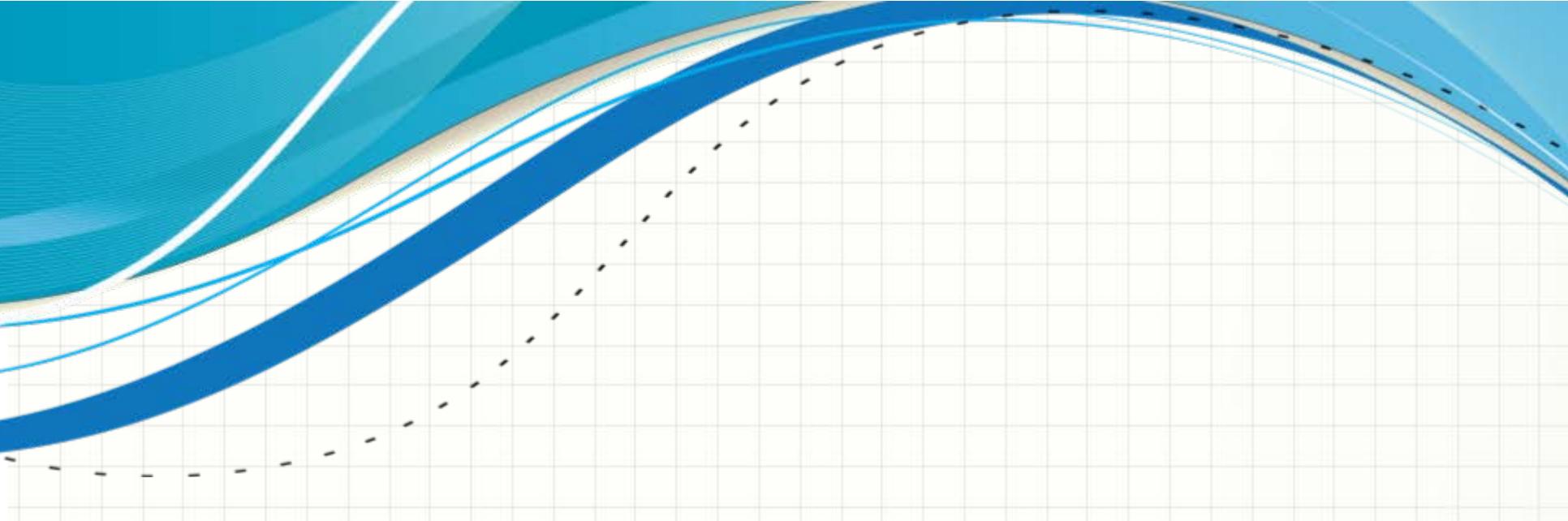
# Party Hearing - Miscellaneous

- Bring enough copies of proposed new exhibits (including for ALJ and court reporter) – PCM § IV.E.8.)
- Hearings are webcast – PCM § IV.E.9.
- Microphones are SENSITIVE and can pick up whispering



# Party Hearing – Confidential Session

- ALJ will clear the room of those who have not signed a confidentiality agreement and enter confidential session
- Confidential hearing transcript will initially be sealed – **BUT IT WON'T NECESSARILY STAY THAT WAY**
- Party claiming confidentiality must review transcript and file redacted version – PCM § IV.C.2.



# **PUBLIC HEARING**

# Public Hearing

- May or may not be in conjunction with party hearing – PCM § IV.B.6.
- Applicant must have personnel present who can answer questions – PCM § IV.B.6.
- Party organizing public commenters should attempt to avoid undue repetition – PCM § IV.B.5.



# Post-Hearing – Exhibits Introduced at Party Hearing

- Docs introduced as exhibits at hearing must be:
  - Filed on ERF within 3 days – PCM § IV.A.5.a.
  - Served by email on parties and Commission staff – PCM § IV.A.1.h.
  - Paper copies provided to Commission – PCM § IV.A.6.

# Post-Hearing – Delayed Exhibits

- Delayed exhibits filed within three days of hearing unless another date set – PCM § IV.A.5.b.



- Objections to delayed exhibits must be filed within three days of delayed exhibit's filing – PCM § IV.A.5.d.ii.

# Post-Hearing – Transcripts

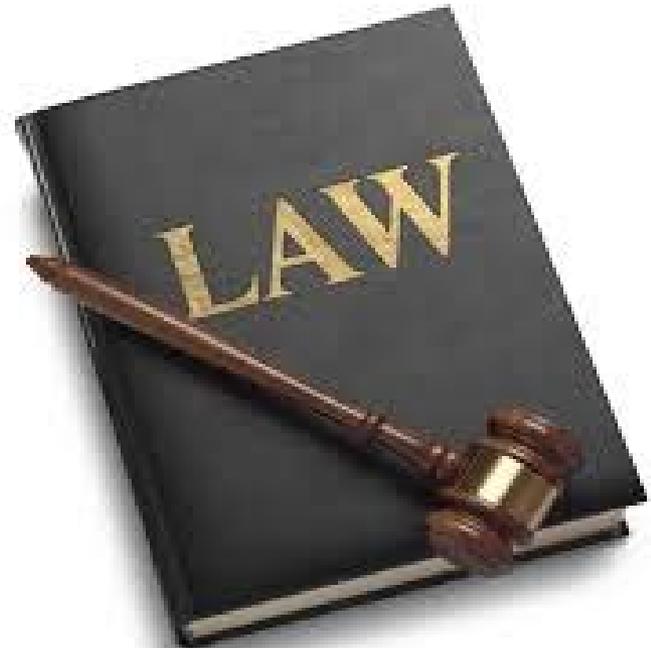
- Expedited transcripts may be requested prior to hearing and must be paid for by requestor



- Corrections to transcripts are due 5 days prior to Initial Brief deadline – PCM § IV.A.5.e.

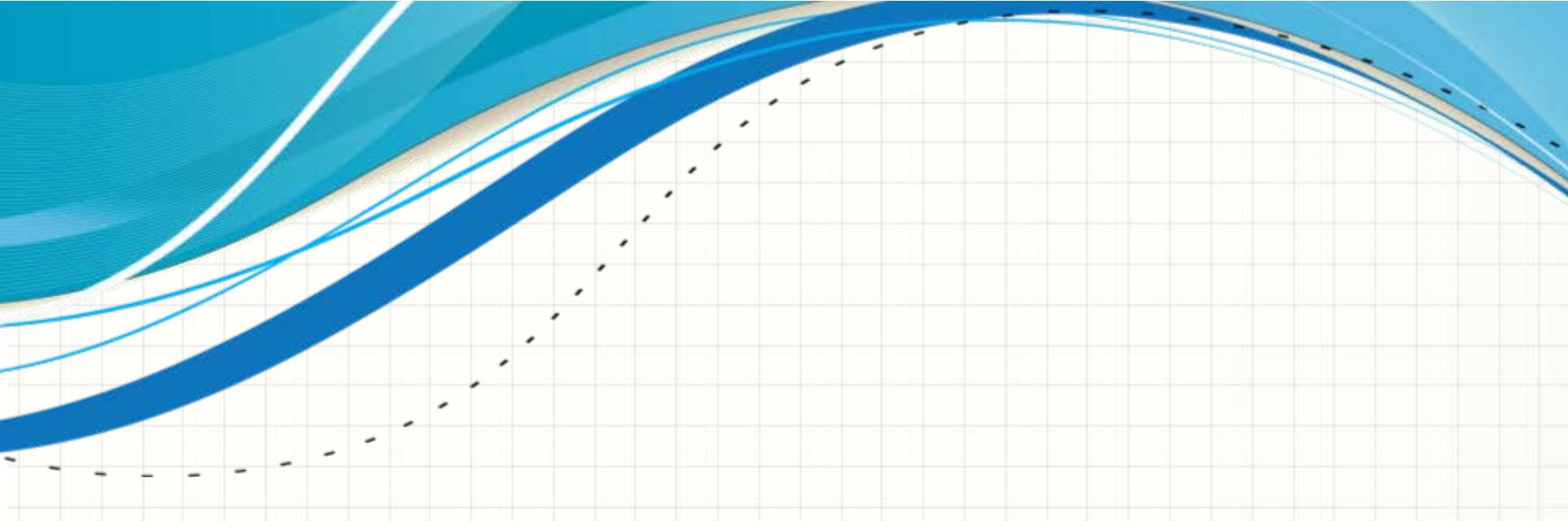
# Post-Hearing – Briefs – PCM § IV.D.3.

- Briefs are briefer!
  - Initial Brief – 30 page limit
  - Reply Brief – 15 page limit
- One-inch margins, 12 point font, double-spaced



# Post-Hearing – Miscellaneous

- Leave to present additional evidence – PCM § IV.A.5.f.
- Responding to notices if Commission intends to avail itself of evidence in its possession under Wis. Stat. § 227.45(2) - PCM § IV.A.5.g.
- Post-Hearing Witness and Exhibit List



**SAMPLE 16 – POST-HEARING  
WITNESS AND EXHIBIT LIST**

# Post-Hearing – Almost done!

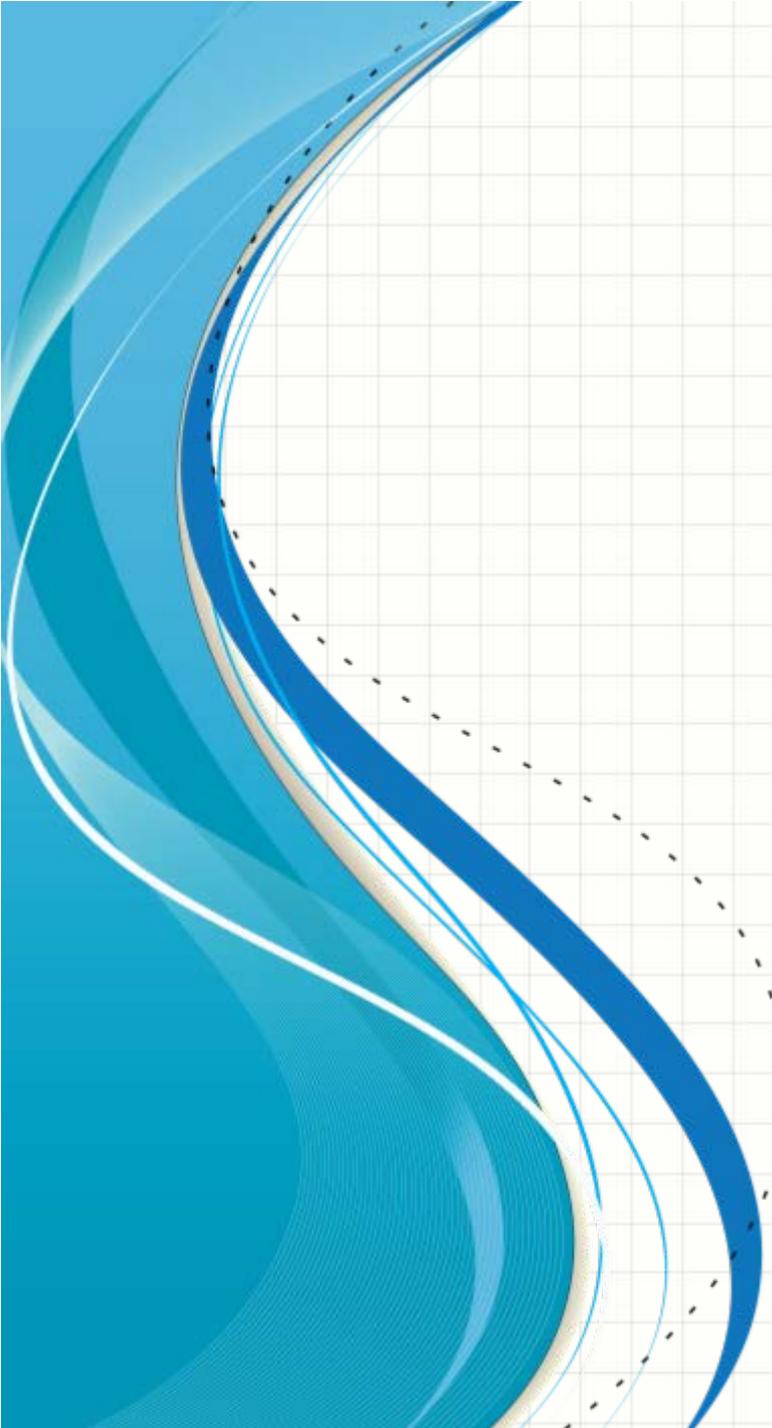
- Comments on Briefing Memorandum and Decision Matrix – Wis. Stat. § 196.24(3), Wis. Admin. Code § PSC 2.25(2),
- Correct facts, don't argue
- Really don't re-argue



# Commission Decision

- Commission will decide case at open meeting
- Issue written decision
- Review governed by Wis. Stat. ch. 227





**QUESTIONS?**

# Sample 1

## Intervention Request

1.

-- Select Document Type -- ▾

Description: \_\_\_\_\_

### Document Types

Application  
Brief/Reply  
Comments  
Contract  
Correspondence  
Data Request/Response  
Petition/Motion  
Prehearing/Prefiled Exhibit/Testimony  
Report  
Request for Intervenor/Party Status

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

---

Application of Wisconsin Investor Owned Utility  
For a Certificate of Public Convenience and Necessity  
To Construct a Large Electric Generation Facility in Wisconsin

Docket No. 1234-CE-102

---

**REQUEST TO INTERVENE AND NOTICE OF APPEARANCE  
OF THE CITIZENS UTILITY BOARD**

---

Pursuant to Wis. Admin. Code § PSC 2.21, the Citizens Utility Board (CUB) hereby files this request to intervene in the above-captioned proceeding. CUB's attorney also files a Notice of Appearance.

**I. STATEMENT OF INTEREST IN THE PROCEEDING.**

CUB has more than 9,000 members, primarily citizens of Wisconsin. CUB was originally created by the Wisconsin legislature under Chapter 72, Laws of 1979, to advocate on behalf of residential and other customers on utility issues. CUB subsequently reorganized and is currently a nonstock, nonprofit corporation organized and existing under Wis. Stat. ch. 181.

CUB's purpose, as stated in its bylaws, is to:

- 1) provide public interest legal services to ensure effective and democratic representation of residential, farm and small business utility customers before regulatory agencies and the courts; 2) advocate for reliable, affordable, and sound utility service; 3) educate consumers on utility service through the preparation, compilation, analysis, and dissemination of information and resource materials relating to utility regulation and public energy and telecommunications policy, and generally engage in and support public education regarding utility regulation and public energy and telecommunications policy.

CUB Bylaws, Article III. CUB intends that its advocacy benefit not just its own members but all residential ratepayers of the state.

CUB's members include residential, farm and small business customers of Wisconsin Investor Owned Utility (Wi-IOU). CUB and its members have a substantial interest that will be affected by a decision in this proceeding. *See* Wis. Admin. Code § PSC 2.21(1). Wi-IOU is proposing to construct a large electric generating facility at a cost of approximately \$500 million. CUB's members' rates include costs for large electric generating facilities constructed by Wi-IOU, and these members' substantial interests may be affected by the Commission's actions regarding the Certificate of Public Convenience and Necessity application. Thus, CUB should be granted intervention under Wis. Admin. Code § PSC 2.21(1).

Alternatively, CUB should be granted permissive intervention in this proceeding. CUB's advocacy on behalf of residential and small business ratepayers will promote the proper disposition of the issues to be determined. No schedule has been set in this case, and CUB will work within all deadlines set to not impede the timely completion of this docket. Thus, CUB should be granted intervention under Wis. Admin. Code § PSC 2.21(2).

## **II. NOTICE OF APPEARANCE.**

Kira Loehr will serve as the attorney for CUB in this case. All further documents and correspondence should be served on:

Kira E. Loehr  
Dennis Dums  
Citizens Utility Board  
16 N. Carroll Street, Suite 640  
Madison, WI 53703  
Phone: (608) 251-3322  
Facsimile: (608) 251-7609  
loehr@wiscub.org  
dums@wiscub.org

**III. CONCLUSION.**

For the aforementioned reasons, CUB respectfully requests that the Commission grant its request to intervene in the above-captioned proceeding.

Dated this 10th day of April, 2013.

Respectfully submitted,

*/s/ Kira E. Loehr*

By:

\_\_\_\_\_  
Kira E. Loehr  
Attorney for Citizens Utility Board

16 N. Carroll Street  
Suite 640  
Madison, WI 53703  
608-251-3322 x. 12  
loehr@wiscub.org

SAMPLE

# **Sample 2**

## Notice of Proceeding

DATE MAILED

JUN 21 2011

## PUBLIC SERVICE COMMISSION OF WISCONSIN

Joint Application of Dairyland Power Cooperative, Northern States Power Company-Wisconsin, and Wisconsin Public Power, Inc., for Authority to Construct and Place in Service 345 kV Electric Transmission Lines and Electric Substation Facilities for the CapX Twin Cities-Rochester-La Crosse Project, Located in Buffalo, Trempealeau, and La Crosse Counties, Wisconsin

5-CE-136

Public Service Commission of Wisconsin  
RECEIVED: 06/22/11, 10:01:33 AM

## NOTICE OF PROCEEDING

**THIS IS A PROCEEDING** to consider the application of Dairyland Power Cooperative, Northern States Power Company-Wisconsin, and Wisconsin Public Power, Inc. (applicants), under Wis. Stat. § 196.491 and Wis. Admin. Code chs. PSC 2.01 and 111, for a Certificate of Public Convenience and Necessity for authority to construct new transmission facilities in order to meet future local community load serving needs for La Crosse, Alma, Buffalo City, Fountain City, Arcadia, Galesville, Trempealeau, Holmen, Onalaska and surrounding areas. The project would involve construction of a 345 kilovolt transmission line crossing the Mississippi River at Alma, Wisconsin, and would continue to a new substation in Trempealeau, Wisconsin. The project would be 40 to 55 miles long depending on the route.

The applicants filed their initial application on January 3, 2011. That version of the application was determined to be complete on January 1, 2011. The applicants submitted additional application information to address comments in its original filing. All additional supplemental data were received by the Commission by May 10, 2011. The application was deemed complete on June 9, 2011.

**NOTICE IS GIVEN** that the Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the applicants. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the applicants in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

Any person desiring to become a party should file a request for party status (called a request to intervene) under Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21 no later than 14 days from the date of this notice, **because the Commission may schedule prehearing conferences and other activities in this docket without delay.** The request should be posted to the Commission's Electronic Regulatory Filing (ERF) system under the docket number. Go to the Commission's web site at <http://psc.wi.gov>, and click on the "ERF Electronic Regulatory Filing System" graphic on the side menu bar. From the side menu bar, click on "Help" for instructions on how to upload a document. A person who lacks access to the Internet shall make such request in a letter addressed to the Administrative Law Judge, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707-7854.

Docket 5-CE-136

At the time of filing, a copy of the request must be served on existing parties, which may respond to the request within five days. Parties wishing to request intervenor compensation are asked to do so as soon as practicable.

This is a Class 1 proceeding as defined in Wis. Stat. § 227.01(3)(a).

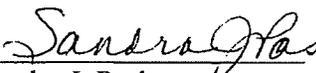
This is a Type I action under Wis. Admin. Code § PSC 4.10(1). It consequently requires the preparation of an environmental impact statement (EIS) under Wis. Stat. § 1.11. The Commission and the Department of Natural Resources will jointly prepare an EIS that will be the subject of a hearing later in this docket.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this docket or who needs to obtain this document in an alternative format should contact the docket coordinator listed below.

Questions regarding this matter may be directed to docket coordinator William Fannucchi by telephone at (608) 267-3594 or by e-mail at [william.fannucchi@dnr.wisconsin.gov](mailto:william.fannucchi@dnr.wisconsin.gov).

Dated at Madison, Wisconsin, June 10, 2010

By the Commission:

  
Sandra J. Paske  
Secretary to the Commission

# **Sample 3**

## Notice of Prehearing Conference

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Wisconsin Public Service Corporation for Authority to  
Construct and Place in Operation a New Multi-Pollutant Control  
Technology System for Unit 3 of the Weston Generating Station,  
Marathon County, Wisconsin

6690-CE-197

**NOTICE OF PREHEARING CONFERENCE**

<b>Prehearing Conference Date:</b>	<b>Tuesday, July 10, 2012 - 10:00 a.m.</b>
<b>Conference Location:</b>	<b>Amnicon Falls Hearing Room – 1st Floor Public Service Commission 610 North Whitney Way Madison, Wisconsin</b>

**NOTICE IS GIVEN** that the Commission will hold a prehearing conference in this docket on Tuesday, July 10, 2012, at 10:00 a.m., in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and continuing at times to be set by the presiding Administrative Law Judge.

This prehearing conference provides an opportunity to comment on: (1) who, other than parties already identified, will actively participate as parties, (2) the issues, (3) the schedule, and (4) any other matter that will facilitate the proceeding. Parties will be bound by the designation of issues and the schedule adopted at the prehearing conference.

**DOCUMENTS.** All documents in this docket are filed on the Commission's Electronic Regulatory Filing (ERF) system. To view these documents: (1) go to the Commission's web site at <http://psc.wi.gov>, (2) enter "6690-CE-197" in the box labeled "Link Directly to a Case," and (3) select "GO."

**MEET AND CONFER.** By Monday, July 9, 2012, existing parties, persons who have requested intervention by 12 noon on Monday, July 2, 2012, and Commission staff shall discuss the proposed issues and schedule that appear below and any alternatives thereto. To the greatest possible extent, the persons described above shall either come to an agreement, or come ready to discuss any disagreement, with respect to the issues and schedule.

**ISSUE.** The proposed issue in this proceeding is:

**Docket 6690-CE-197**

- A. Should the Commission grant a Certificate of Authority for the project, pursuant to Wis. Stat. §§ 1.12, 196.025 and 196.49, and Wis. Admin. Code ch. PSC 112?

**SCHEDULE.** The proposed schedule is as follows:

- September 15, 2012, at 12 noon                      Applicant's direct testimony and exhibits
- November 4, 2012, at 12 noon                      Staff and Intervenor direct testimony and exhibits
- December 4, 2012, at 12 noon                      All rebuttal testimony
- January 10, 2013, at 9:30 a.m.                      Public Hearing Session – PSC Building, Madison
- January 10, 2013    Party Hearing Session – PSC Building, Madison (to begin directly after the conclusion of the public session)

**AMERICANS WITH DISABILITIES ACT.** The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this docket or who needs to obtain this document in a different format should contact the docket coordinator listed below. Any hearing location is accessible to people in wheelchairs. The Public Service Commission Building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building.

**CONTACT.** Please direct questions about this docket or requests for additional accommodations for the disabled to the Commission's docket coordinator, Kenneth Rineer, at (608) 267-1201 or [kenneth.rineer@wisconsin.gov](mailto:kenneth.rineer@wisconsin.gov).



Michael E. Newmark  
Administrative Law Judge

MEN:DL:00582559 : NOPC.docx

**Sample 4**

Draft Prehearing  
Conference Memo  
(PCM)

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXX-XX-XXX

**PREHEARING CONFERENCE MEMORANDUM**

This memorandum orders the following consistent with the prehearing conference held on XXXXXXXX, XX, XXXX, and pursuant to Wis. Admin. Code § PSC 2.04(1):

**I. PARTIES:**

**A. Applicant:**

1. ?

**B. Intervenors:**

1.?

**II. ISSUES:**

A. ?

**III. SCHEDULE:**

- Direct testimony and exhibits.
- Rebuttal testimony and exhibits.
- Surrebuttal testimony and exhibits.
- Prehearing testimony and exhibit errata
- Party Hearing Session – Madison.
- Public Hearing Session – TBA.
- Initial Brief.
- Reply Brief.
- Briefing Memorandum.
- Party Comments on Briefing Memorandum.

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

#### **IV. Other facilitating matters:**

##### **A. Filing and Service**

###### **1. Procedure**

- a. Contact the Commission's Records Management Unit with respect to filing questions.
- b. File by ERF. If size or format prevents ERF filing, file by delivery to the Commission's Records Management Unit on standard optical disc storage media.
- c. File all documents offered as exhibits except for the following:
  - i. An entire document that already appears on ERF in this docket. *See* Prehearing Conference Memorandum § IV A. 4 (b).
  - ii. An entire document, when only part of the document is relevant to the purpose of the filer. This applies to any document filed on ERF in any docket. *See* Prehearing Conference Memorandum § IV A. 4 (c).
- d. The ERF confidentiality request form fulfills the affidavit requirements of Wis. Admin. Code § 2.12(3)(b). File no other affidavit to request confidential handling of a document.
- e. File a redacted public version of every document filed under a request for confidential handling. *See* Prehearing Conference Memorandum § IV.C and Wis. Admin. Code § 2.12(4).
- f. Use the following ERF protocols when filing:
  - i. Match the filing with the best available "Document Type."
    1. Use the naming convention for testimony and exhibits for the "Description" of the filing. *See* Prehearing Conference Memorandum §§ IV D. 1 (a) and (c).
    2. Include no testimony page number.
    3. Except for the exhibit number, include no indication of confidential or public status.
  - ii. To upload a redacted public document:
    1. Use the "Redacted Document" section of the "Confidentiality Request Form to upload such a document at the same time as the confidential version.
    2. Use the " Upload Redacted Document" form to upload such a document after the filing of the confidential version
- g. Filing constitutes certification of service. *See* Wis. Admin. Code § PSC 2.06(3)(a).
- h. Serve all filings on parties and Commission staff.

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

- i. Serve by e-mail to the addresses on the Commission e-mail service list and the Commission docket coordinator. If size, format, or the protection from public release of information filed under request for confidential handling prevents e-mail service, serve by delivery on standard optical disc storage media to the same recipients on the e-mail service list and the Commission docket coordinator.
- j. The Commission e-mail service list shall contain only one e-mail contact for each party. Parties and Commission staff may establish and maintain a courtesy copy e-mail list to which the Commission attaches no service requirements.
- k. Serve the Commission docket coordinator any, but, unless otherwise required, file no party to all-party correspondence.
- l. Party requests to the Administrative Law Judge sent by e-mail shall receive no response. Send no courtesy copy e-mails to the Administrative Law Judge.
- m. In computing any period of time that follows service by a party or Commission staff, or that follows an order of the Administrative Law Judge, the day of e-mailing is the day of mailing. *See* Wis. Admin. Code § PSC 2.05(2). This applies regardless of any dated signature or ERF filing date stamp.

**2. Discovery**

- a. File any response to a party discovery request or Commission staff data request as information becomes available. For any request made prior to the deadline to file rebuttal testimony, respond in full no later than 21 days after service of the request, with an exception of 30 days allowed for just cause. For any request made in response to rebuttal testimony respond in full no later than 7 days after service of the request. For any request made in response to sur-rebuttal testimony respond in full no later than 2 days after service of the request.
- b. Notify a requester of the intent to answer a discovery request or data request solely by objection, or by objection and partial-response, notwithstanding the objection, within 3 days after service of the request. For any request made in response to rebuttal testimony serve the notice 2 days after service of the request. For any request made in response to sur-rebuttal testimony serve the notice-within 1 day after service of the request.
- c. Serve any, but file no, party discovery requests or notices to object, with the Commission staff docket coordinator.
- d. File a request for protective order to a discovery request or data request. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after filing of the response.
- e. File any request to compel a response to a discovery request or data request 3 days after service of the notice to object. File any response by 12 noon 3 days

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

after the filing of the request and any reply by 12 noon 2 days after filing of the response.

**3. Other Requests**

- a. File request for intervention under Wis. Admin. Code § PSC 2.21(4). File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.
- b. Unless made at hearing, file any request to waive or modify the application of this order in particular circumstances for good cause. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.
- c. File any request for interlocutory review under Wis. Stat. § PSC 2.27. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.

**4. Prehearing Testimony and Exhibits**

- a. File any prehearing testimony and exhibits indicated in the above schedule by the deadline assigned.
- b. When offering as an exhibit, an entire document already filed on ERF in this docket, file only a letter that identifies the document by PSC REF #: and the exhibit number requested. File the letter under the “Prehearing/Prefiled Exhibit/Testimony” document type. File all such requests in one letter for each round of testimony.
- c. When only part of a document relates to the purpose of the filer, file only the first page of the document and the relevant portion of the document. Offer testimony from a prior docket, as an exhibit, only in the form of an excerpt from a sworn transcript.
- d. File any objection to prehearing testimony and exhibits by the deadline of the next round of filing. File any response by 12 noon 3 days after the filing of the objection and any reply by 12 noon 2 days after filing of the response. This paragraph does not apply to the last round of prehearing testimony and exhibits. *See Prehearing Conference Memorandum § IV E.2.*
- e. File the volume of written testimony for any witness being compelled to appear, and corresponding exhibits, by the deadline to file rebuttal testimony.
- f. File all corrections to prehearing testimony and exhibits by one day prior to the party hearing session. Timely filed corrections require no request or pre-approval from the Administrative Law Judge, but such corrections are subject to objection at hearing.

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

- i. For testimony, a correction may take the form of either a replacement page or an errata sheet that indicates the location of each correction by page and line number.
- ii. For exhibits, a correction shall take the form of a replacement exhibit.

**5. Post Hearing**

- a. File any document not filed prior to the party hearing session but received into the record at the party hearing session by 12 noon 3 days after the last day of the party hearing session.
- b. File documentary evidence not previously filed but identified at the party hearing session for which offer into the record is delayed until after the party hearing session by 12 noon 3 days after the last day of the party hearing session unless a different filing date is set at the hearing.
- c. File the affidavit of any witness attesting to the truthfulness and accuracy of that witness's written testimony and exhibits offered into the record in the absence of a live oath or affirmation by 12 noon 3 days after the hearing.
- d. File any objection to or request to offer rebuttal or countervailing evidence for:
  - i. Any evidence offered by a member of the public, by 12 noon 2 days after service of the transcript of the public hearing session. File any response by 12 noon 3 days after the filing of the objection and any reply by 12 noon 2 days after filing of the response.
  - ii. Any documentary evidence not previously filed but identified at the party hearing session for which offer into the record is delayed until after the party hearing session, by 12 noon 3 days after the date of filing. File any response by 12 noon 3 days after the filing of the objection and any reply by 12 noon 2 days after filing of the response.
- e. File any transcript correction by 12 noon 5 days prior to the deadline to file the initial post hearing brief. In a docket without briefs file any transcript correction by 12 noon 5 days after issuance of the final transcript volume.
- f. File any request for leave to present additional evidence [*See* Wis. Stat. § 227.45(2)] or request to take official notice under Wis. Stat. § 227.45(3). Verify any exhibits offered after the hearing by affidavit. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.
- g. File any response to a notice by the Commission of its desire to avail itself of any evidence in its possession under Wis. Stat. § 227.45(2), by 12 noon 3 days after the notice issues. File any reply by 12 noon 2 days after the filing of the response.

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

- h.** File any request for rehearing or reopening under Wis. Stat. § 196.39 or 227.49. File any response by 12 noon 5 days after the filing of the request. The Commission shall accept no reply from the requester.

**6. Paper Copies**

- a.** Within 5 calendar days after any filed document identified below appears on ERF, a party shall provide to the Commission Records Management Unit:
  - i.** 10 collated paper sets of all exhibits.
  - ii.** 10 collated paper sets of all prehearing testimony that contain any page rendered in color.

**B. Hearing Preparation**

1. The scope of written testimony is narrowed with each round of filing such that it addresses only the testimony filed in the previous round.
2. Unless a witness retracts a position stated in prior testimony that position is retained. To avoid unduly repetitive testimony, if restating a position stated in prior testimony is necessary, instead of providing that position again, incorporate the prior statement by reference.
3. No evidence shall enter the record solely by citation to an Internet hyperlink or PSC REF #.
4. Any party who compels a witness to appear at hearing shall create a volume of written testimony for that witness in the form of either a deposition or interrogatory. This requirement shall not apply if the party receives consent of the other parties and Commission staff prior to the deadline to file such testimony.
5. A party shall endeavor to identify its employees or members who wish to file written comments or participate at the public hearing session in support of that party's position and shall use best efforts to organize the testimony of such witnesses in a manner that avoids undue repetition.
6. The applicant shall make an adequate number of personnel with knowledge of the issues in this docket available at each public hearing session to answer questions from members of the public.
7. Contact parties, Commission staff and the Administrative Law Judge by 12 noon 1 day prior to the first day of the party hearing session to:
  - a.** Request to take a witness at a specific prearranged time.
  - b.** Identify the witnesses that a party or Commission staff intends to cross-examine. This does not waive the right to cross-examine other witnesses.
  - c.** Identify any need to conduct a portion of the hearing *in camera*.

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- d. Identify any witness appearing by telephone. *See* Prehearing Conference Memorandum § IV E. 5.
- e. Request the scheduling of additional hearing time.

**C. Confidentiality**

- 1. Wis. Admin. Code § PSC 2.12 already protects from public disclosure any record filed with the Commission under a request for confidential handling that meets the requirements of that section. Such protection renders unnecessary other protective measures available from the Administrative Law Judge to prevent public disclosure of a trade secret, or other confidential research, development, or commercial information filed in this docket unless and until a party demonstrates a specific and credible threat of disclosure.
- 2. The Commission shall hear *in camera* any oral testimony and cross-examination to which a claim that confidential handling under Wis. Admin. Code § PSC 2.12 should apply and place such testimony in a separate transcript volume. To maintain this claim, the claimant shall file a request as described in Wis. Admin. Code § PSC 2.12(3)(a) along with a redacted copy of the volume consistent with Wis. Admin. Code § PSC 2.12(4) by 12 noon 5 days after issuance of the volume by mail from the Administrative Law Judge. The claimant shall omit from the original volume any affirmation of the veracity of that volume from the court reporter. The redacted volume exists only for Commission staff to evaluate the claim and for public convenience. The redacted volume provides no authoritative record of the proceedings. In the case of any discrepancy between the original volume and the redacted volume, the original volume shall control.
- 3. The Commission shall afford to any transcript volume receiving confidential handling under Wis. Admin. Code § PSC 2.12 the same handling and retention process and procedure that applies to all other documents which the Commission grants confidential handling.

**D. Format Requirements**

- 1. **Prehearing Testimony and Exhibits**
  - a. Paginate every page of prehearing testimony, centered at the bottom, and according to the following convention:
    - “[identify the round of testimony]-[identify the party]-[identify the witness]-[page #]”
    - “Direct-PSC-Smith-1”
  - b. Page numbers for each filing shall begin at “1” and continue in numerical order for that filing.

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- c. Mark every exhibit using a cover page centered at the bottom, and according to the following convention:
  - Ex.-[identify the party]-[identify the witness]-[exhibit #]”
  - “Ex.-PSC-Smith-1”
- d. Exhibit numbers for each witness shall begin at “1” and continue in numerical order for that witness.
- e. Shade (use no color highlighting) any specific text filed under request for confidential handling treatment as follows:
  - Public Version: “The cost was ██████ ....”
  - Confidential Version: “The cost was \$2.00....”
- f. The public version shall contain no text beneath a redaction that computer manipulation of the document can reveal.
- g. Paginate any written testimony and mark any exhibit filed under request for confidential handling treatment under the proper numbering convention succeeded by the letter “c”.
  - “Direct-PSC-Smith-1c”
- h. Paginate any prehearing testimony and mark any exhibit filed publicly for which another version is filed under request for confidential handling treatment the proper numbering convention succeeded by the letter “p”.
  - “Direct-PSC-Smith-1p”
- i. Paginate any replacement page and mark any replacement exhibit with the same page or exhibit number as the original version, except the letter “r” shall immediately succeed the number.
  - “Direct-PSC-Smith-1r”
  - “Direct-PSC-Smith-1cr”
  - “Direct-PSC Smith-1pr”
- j. Refer to any existing prehearing testimony or marked exhibit by using the assigned page or exhibit number.
  - “As mentioned in Direct-PSC-Smith-15 ....”
  - “I prepared Ex.-PSC-Smith-1....”
- k. Except for the existing testimony or a marked exhibit in this docket, include in any reference to a document already posted on ERF, the ERF identifier in the following format “PSC REF#: \_\_\_\_\_”.
  - “As demonstrated in the Applicant’s March 2001 report (PSC REF#: 123456) ....”

## **2. Paper copies**

- a. Organize the paper submission according to the following convention:



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- b. Hear any remaining corrections to the prehearing testimony and exhibits.
  - c. Hear any pending or allowable objections.
  - d. Enter the items identified on the Prehearing Witness and Exhibit List into the record, as modified by any corrections and sustained objections.
  - e. The Administrative Law Judge shall hear oral arguments in lieu of briefs at the beginning of the first day of the party hearing session with respect to any pending motion for which the deadline to file briefs would not expire prior to that day.
  - f. If the Administrative Law Judge issues a Prehearing Witness and Exhibit List, the items on the list shall enter into the record at the beginning of the first day of the party hearing session, subject to any verification by the witness, pending or allowable objections, and corrections to the list.
2. Object to the last round of prehearing testimony and exhibits at the beginning of the party hearing session.
  3. The sponsor of any pre-filed testimony or exhibit not received into the record may make such filings an offer of proof. The sponsor of any oral testimony not received into the record may make a brief oral offer of proof. *See* Prehearing Conference Memorandum § IV F. 3.
  4. The order of appearances and cross-examination by parties shall follow the order of parties as provided in the list above. Commission staff shall follow all parties. Each party and Commission staff may arrange the order of its witnesses.
  5. A rebuttable presumption of good cause under Wis. Stat. § 807.13, exists to allow witnesses to appear by telephone.
  6. Prior to cross-examination, any witness may offer brief oral testimony that responds only to the last round of prehearing testimony or any subsequent testimony of another witness received at the hearing. Parties and Commission staff shall use best efforts in this matter to avoid undue surprise or prejudice.
  7. Limit cross-examination of a witness by the length and scope required to reasonably investigate matters with respect to the testimony of that witness. To investigate beyond these parameters requires the party to have followed the applicable prehearing process for compelling the witness to appear at hearing for direct examination.
  8. Provide an adequate number of copies of any document referred to during the hearing, but not previously offered into the record.
  9. The Commission intends to webcast all hearings held in Madison. Therefore, the Commission will make no phone lines available to monitor such hearing.

**F. Post-Hearing Procedure**

1. The record closes upon the issuance of the Post Hearing Witness and Exhibit List subject to a request for leave to present additional evidence or take official notice.

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2. If before the Commission takes action to review the record a request is filed for leave to present additional evidence or take official notice, the Administrative Law Judge may grant the request upon reasonable terms if the additional evidence or noticed fact is material and good cause prevented its presentation at hearing. However, such request does not automatically stay any Commission open meeting discussion with respect to the existing record, or the issuance of a final decision by the Commission. Either action effects a denial of the request unless otherwise indicated by the Commission.
3. The record on review under Wis. Stat. § 227.55, shall contain any offer of proof. However, no offer of proof shall enter the evidentiary record unless the Commission or a court overturns the ruling to exclude the evidence and provides an opportunity for cross-examination or the offer of countervailing evidence.

**G. ALJ Orders**

1. Unless made at hearing, the Administrative Law Judge shall act only on a request officially filed.
2. Written orders and notices of the Administrative Law Judge shall be issued to parties using only the Commission e-mail service list.
3. Any request that contains a representation or certification of the consent of the parties and Commission staff shall be granted without order unless otherwise ordered within 3 days of filing.
4. Any request to which a response is authorized, but no timely response is filed, shall be granted without order, unless otherwise ordered within 3 days after the deadline to respond.
5. The Administrative Law Judge may waive or modify the application of this order in particular circumstances for good cause.

DL: 00578917

# **Sample 5**

## Applicant Direct Testimony (pre-filing)

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF WISCONSIN**

Application of Wisconsin Public Service  
Corporation for a Certificate of Authority  
To Construct and Place in Operation a  
Multi-Pollutant Control Technology system  
for the Weston Unit 3 Generating Unit

Docket No. 6690-CE-197

**PRE-FILED DIRECT TESTIMONY OF  
H. James Peters  
FOR  
WISCONSIN PUBLIC SERVICE CORPORATION**

September 17, 2012

- 1 **Q. Please state your name and business address.**
- 2 A. My name is H. James Peters and my business address is Hamon Corporation, 58 East  
3 Main Street, Somerville, NJ 08876.
- 4 **Q. By whom are you employed and in what capacity?**
- 5 A. I am employed by Hamon Corporation as Executive Vice President of Strategic Planning  
6 and Business Development. In this capacity, I manage corporate sales and business  
7 development activities for Hamon Corporation, particularly focusing on the Hamon  
8 Research-Cottrell and Hamon Deltak businesses. Both of these businesses provide  
9 environmental control and heat recovery technologies for the utility and process  
10 industries.
- 11 **Q. Please state your educational background.**
- 12 A. I received a B.S. in Chemical Engineering from Carnegie-Mellon University in 1974.

Direct-WPS-Peters-1

1 **Q. Please describe your professional experience.**

2 A. I have over thirty-five years of professional experience in the environmental control  
3 industry. I spent the first fourteen years (1974 to 1988) of my career at Wheelabrator Air  
4 Pollution Control Division (now Siemens), where I was involved in the early  
5 development of Dry Flue Gas Desulfurization (“FGD”) systems, followed by twenty-  
6 three years (1988-2012) at Hamon Research-Cottrell (including Air & Water  
7 Technologies and Research-Cottrell prior to the Hamon acquisition). Currently I am  
8 employed with Hamon Corporation. During my career, I have held a variety of positions  
9 primarily related to process engineering, product and technology development, and  
10 business development. I have a diverse technical background in environmental control  
11 technologies, including fabric filters, electrostatic precipitators, ReACT multi-pollutant  
12 control, dry and wet FGD systems, urea to ammonia systems, NO<sub>x</sub> control systems, and  
13 fluid dynamics. I also served on the board of directors of the Institute of Clean Air  
14 Companies from 2000 to 2010.

15 **Q. What is the purpose of your testimony?**

16 A. The purpose of my testimony is to introduce the Commission to the ReACT multi-  
17 pollutant control system, including its process, history, pollutant removal capabilities, and  
18 its benefits over other potential control technologies for Wisconsin Public Service  
19 Corporation’s (“WPSC”) Weston Unit 3.

20 **Q. What is ReACT?**

21 A. Regenerative Activated Coke Technology (“ReACT”) is an advanced multi-pollutant  
22 technology that uses activated coke (“AC”) to reduce SO<sub>2</sub> emissions, with a coincident  
23 reduction of NO<sub>x</sub>, mercury, and other pollutants. ReACT technology has been

1 Both WFGD and DFGD processes consume significant quantities of water in the  
2 process, and WFGD processes have large liquid bleed streams that must be further  
3 processed. ReACT minimizes wastes, creates a saleable by-product and has only minor  
4 water usage.

5 ReACT also can achieve NOx reductions, which are not available from WFGD or  
6 DFGD systems, and provides high level co-benefit mercury reduction, where DFGD and  
7 WFGD systems may have to incorporate ACI systems or may have issues with mercury  
8 re-release.

9 **Q. Does this conclude your pre-filed direct testimony?**

10 **A. Yes.**

Sample 5

# Sample 6

## Applicant Direct Testimony (post-filing, hard copy)



**Tab –**

**Direct-WPL-Guelker**

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF WISCONSIN**

Application of Wisconsin Power and Light  
Company to Install a Dry Flue Gas  
Desulfurization System at the Edgewater  
Generating Station on Unit 5

Docket No. 6680-CE-174

**PRE-FILED DIRECT TESTIMONY OF  
Eric J. Guelker  
FOR  
WISCONSIN POWER AND LIGHT COMPANY**

November 13, 2012

1 **Q. Please state your name, business address, and employer.**

2 A. My name is Eric J. Guelker and my business address is 4902 North Biltmore Lane, Suite  
3 1000, Madison, Wisconsin 53718.

4 **Q. By whom are you employed and in what capacity?**

5 A. I am employed by Alliant Energy Corporate Services, Inc. ("AECS") as Director of  
6 Environmental Planning. In this capacity, I oversee and perform planning activities  
7 associated with Wisconsin Power and Light Company's ("WPL" or "Company") current  
8 and future power plant air emissions.

9 **Q. Please provide your educational background.**

1 A. I received a B.S. Degree in Electrical Engineering from the University of Wisconsin –  
2 Madison in December 1990. I also received an Executive Masters of Business  
3 Administration degree from the University of Wisconsin – Madison in May 2001.

4 **Q. Please describe your work experience.**

5 A. I was employed by WPL from January 1990 through August 1994, working primarily in  
6 Generation Planning and Bulk Power Marketing. From September 1994 through May  
7 1998, I was employed by Goldman, Sachs, and Co. as a natural gas trader. I was  
8 employed by AECS in May 1998 as a Lead Energy Portfolio Management Engineer,  
9 worked as Manager - Bulk Power for AECS from March 1999 until November 2005, and  
10 began working in the environmental services department in November 2005.

11 **Q. Have you testified in previous regulatory proceedings before the Public Service  
12 Commission of Wisconsin (PSCW)?**

13 A. Yes. I have testified in both construction proceedings (05-CE-137; 05-CE-138; 6680-  
14 CE-170) and rate proceedings (6680-FR-104; 6680-UR-110; 6680-UR-111; 6680-UR-  
15 112; and 6680-UR-114.).

16 **Q. What is the purpose of your testimony?**

17 A. The purpose of my testimony is to discuss the need to install air emissions controls to  
18 reduce SO<sub>2</sub> emissions at the Edgewater Generating Station Unit 5, located in Sheboygan,  
19 Wisconsin. First, I discuss the project in the context of the WPL environmental  
20 compliance strategy including how it fulfills core principles that WPL uses in its air  
21 emissions planning. Second, I review the current and expected regulations related to SO<sub>2</sub>  
22 emission reductions and discuss how the project has been designed to satisfy these  
23 requirements. Finally, I provide information related to how the project will satisfy SO<sub>2</sub>

1 emission reduction requirements that would likely be required in any potential settlement  
2 that WPL, the EPA, and Sierra Club reach regarding alleged New Source Review (NSR)  
3 and Prevention of Significant Deterioration (PSD) air permitting violations.

4 **Q. What does one need to consider when developing an air emissions plan that**  
5 **addresses multiple types of emissions?**

6 A. Air emissions planning incorporating multiple types of emissions (e.g., SO<sub>2</sub>, NO<sub>x</sub> and  
7 mercury) requires evaluating current and potential future air emission rules and  
8 regulations and associated impacts to compliance. Understanding the regulatory  
9 framework governing current, proposed, and anticipated air emission requirements is  
10 essential to developing a flexible air emission plan that can adjust to changes in  
11 regulatory requirements. It is also important to consider and understand the linkages  
12 between one type of emission and another (e.g., SO<sub>2</sub> and PM<sub>2.5</sub>) as well as the impact of  
13 reducing one type of emission on the amounts of the others emitted (e.g., SO<sub>2</sub> and  
14 mercury).

15 **Q. What core principles does WPL use in its air emissions planning?**

16 A. Two basic principles form the foundation of WPL's approach to conducting its air  
17 emission planning. The first principle is to focus on a long-term compliance strategy,  
18 rather than only a step-by-step compliance strategy. The second principle is to  
19 implement high value-added emission control projects.

20 **Q. What does it mean to focus on a long-term rather than only a step-by-step**  
21 **compliance strategy?**

22 A. Focusing on a long-term rather than only a step-by-step compliance strategy requires  
23 adopting a planning time horizon that encompasses the remaining life of the plant or unit

1 in question or the expected useful life of emission controls installed, whichever is shorter.  
2 Instead of thinking only about compliance with the existing environmental rules and  
3 regulations, this approach requires one to consider current, proposed and anticipated  
4 environmental rules and regulations. Ideally, one would even go beyond these rules and  
5 regulations and consider all rules and regulations that will likely be in effect during the  
6 remaining life of the plant or the expected useful life of the emission controls installed to  
7 the extent they can be foreseen. In the current case, for example, the expected useful life  
8 of the proposed dry Flue Gas Desulfurization (“FGD”) and fabric filter system  
9 (collectively “Control System”) is year 2045, the remainder of the assumed operating life  
10 of Edgewater Unit 5. To the extent possible, WPL strives to consider all environmental  
11 rules and regulations that may apply during that time horizon.

12 **Q. What does it mean to implement high value-added emission control projects?**

13 A. Emission control projects create or add value by accomplishing two basic goals. First,  
14 the projects create value by providing direct environmental benefits. In the case of this  
15 project, the primary direct environmental benefits include the achieved reductions in the  
16 emissions of SO<sub>2</sub> into the atmosphere. Typically, greater reductions translate into greater  
17 direct environmental benefits. Second, the projects add value by enabling WPL to meet  
18 not only current, but also future compliance requirements. Combining the direct  
19 environmental benefits with the ability to meet compliance requirements yields a more  
20 comprehensive assessment of the value added by an emission control project.

21 **Q. Explain how this project fits within the environmental compliance strategy for**  
22 **WPL.**

1 A. WPL's environmental compliance strategy focuses on enabling long-term operation of its  
2 larger coal-fired units. Edgewater Unit 5 is one of the larger coal-fired units in WPL's  
3 fleet. Consistent with its strategy, WPL plans to invest in environmental control  
4 equipment necessary to enable long-term unit operation. The installation of the Control  
5 System on Edgewater Unit 5 reduces SO<sub>2</sub> emissions in a sufficiently large amount that  
6 WPL believes is adequate to satisfy stringent SO<sub>2</sub> emission requirements, unit-specific or  
7 otherwise, presumed over the remaining life of the unit.

8 **Q. How does this project focus on a long-term rather than only a step-by-step**  
9 **compliance strategy?**

10 A. This project supports compliance with current, proposed, and anticipated environmental  
11 rules and regulations that are or will likely be in effect during the remaining life of the  
12 plant. The project will enable Edgewater Unit 5 to contribute to the SO<sub>2</sub> emission  
13 reductions required within the WPL generation fleet for compliance with the Clean Air  
14 Interstate Rule ("CAIR"), the Cross State Air Pollution Rule ("CSAPR"), or the  
15 successor to CAIR or CSAPR. The Control System will also likely satisfy future SO<sub>2</sub>  
16 emission requirements that the State of Wisconsin may enact to preserve ambient air  
17 quality.

18 **Q. What air pollutant rule currently sets the SO<sub>2</sub> emission reduction standards that**  
19 **WPL needs to meet at Edgewater Unit 5?**

20 A. At present, the SO<sub>2</sub> emission reduction standards that WPL needs to meet at Edgewater  
21 Unit 5 are those promulgated pursuant to CAIR. In 2008, the U.S. Court of Appeals for  
22 the District of Columbia Circuit ("Court") found that CAIR suffered from "fundamental

1       flaws” and therefore ordered EPA to issue a new rule. The Court agreed, however, to  
2       allow CAIR to remain in effect until a replacement rule was in place.

3               The CSAPR, known as the “Transport Rule” when it was issued as a proposed  
4       rule in 2011, represented EPA’s effort to address the flaws in CAIR identified in the  
5       Court’s decision. But on August 21, 2012, the Court held that CSAPR exceeded EPA’s  
6       authority under the Clean Air Act’s “good neighbor” provision to order upwind states to  
7       reduce air pollutants “in amounts which will ...contribute significantly to nonattainment”  
8       in downwind states. The Court also invalidated EPA’s attempt to implement CSAPR  
9       through Federal Implementation Plans without providing an opportunity for states to  
10      implement it through State Implementation Plans if they chose to do so. Accordingly, the  
11      Court vacated CSAPR, but specifically ordered EPA “to continue to administer CAIR  
12      pending its development of a valid replacement,” though it “expect[ed] that EPA will  
13      proceed expeditiously on remand.”

14   **Q.    Are there any other air pollutant requirements facing Edgewater Unit 5?**

15   A.    Sierra Club and EPA have alleged violations of the PSD provisions of the Clean Air Act.  
16       WPL is in negotiations to resolve those allegations. While negotiations are not complete,  
17       WPL believes that the Control System would achieve the emissions limitations likely to  
18       be included in a Consent Decree resolving these alleged violations that WPL may enter  
19       into with EPA and Sierra Club.

20   **Q.    What are the SO<sub>2</sub> emission reductions required by CAIR?**

21   A.    CAIR establishes a large regional cap-and-trade system that allows unrestricted  
22       allowance trading between sources regulated by it. CAIR uses existing Acid Rain  
23       Program (“ARP”) allowances to meet its SO<sub>2</sub> emission requirements. To comply with

1 CAIR SO<sub>2</sub> emission requirements, WPL must annually surrender to the EPA an amount  
2 of SO<sub>2</sub> emission ARP allowances (as adjusted by CAIR through changes to the allowance  
3 surrender rate) equal to WPL's actual annual SO<sub>2</sub> emissions. CAIR increases the rate of  
4 ARP allowance surrender in two phases. WPL is currently subject to CAIR Phase I  
5 requirements in which the rate of allowance surrender is two ARP allowances per ton of  
6 SO<sub>2</sub> emissions. CAIR Phase II requirements begin in 2015. In 2015 and subsequent  
7 years, the rate of allowance surrender increases to 2.86 ARP allowances per ton of SO<sub>2</sub>  
8 emissions. As a result, WPL's annual SO<sub>2</sub> emissions (including WPL's share of jointly  
9 owned units) will be limited to approximately 12,700 tons assuming that WPL does not  
10 have additional emission allowances beyond those allocated to it available to use for  
11 compliance. Additional emissions allowances may be available to WPL as a result of  
12 third party purchases or prior year excess allowances that WPL banked for future use.  
13 Under CAIR, SO<sub>2</sub> allowance allocations are not retired when a generating unit retires.

14 **Q. How does this project contribute to WPL's plan to comply with CAIR?**

15 A. The proposed Control System at Edgewater Unit 5, together with the emission control  
16 systems being installed at the Columbia Units 1 and 2, and proposed operational changes  
17 at Edgewater Units 3 and 4, and Nelson Dewey 1 and 2, enables WPL to comply with the  
18 CAIR Phase II SO<sub>2</sub> emission reduction requirements. When WPL's plan is completely  
19 implemented, WPL anticipates total annual SO<sub>2</sub> emissions of approximately 2,100 tons  
20 from the WPL coal fleet.

21 **Q. What are the SO<sub>2</sub> emission reductions required by CSAPR before it was vacated?**

22 A. The CSAPR essentially established a state-wide annual SO<sub>2</sub> emission cap. Although  
23 each applicable electric generating unit received an allocation of emission allowances,

1 compliance with CSAPR could have been managed on a fleet-wide basis because  
2 emission allowances could be transferred between different units within the fleet.  
3 Complying with CSAPR would have required units to surrender one CSAPR allowance  
4 for each ton of pollutant emitted. Units could purchase additional CSAPR allowances to  
5 surrender if their emissions exceed their allowance allocations. Beginning in 2014,  
6 CSAPR could have penalized compliance pools (generating units having a common  
7 Designated Representative) whose emissions exceed their allowance allocation by 18%  
8 or more for annual SO<sub>2</sub> emissions. Unlike CAIR, CSAPR also required emission  
9 allowance allocations to end in the fifth year after a unit ceases operation for two  
10 consecutive calendar years (this is one major difference between CAIR and CSAPR). In  
11 the period after WPL's planned unit operational changes, including the reduction in  
12 allocated allowances due to unit retirements, WPL's annual CSAPR SO<sub>2</sub> emission  
13 allowance allocations would have been approximately 6,000 tons. This means that  
14 WPL's annual SO<sub>2</sub> emissions (including WPL's share of jointly owned units) would have  
15 been limited to approximately 6,000 tons assuming that WPL does not have additional  
16 emission allowances beyond those allocated to it available to use for compliance.  
17 Additional emissions allowances may be available to WPL as a result of third party  
18 purchases or prior year excess allowances that WPL banked for future use.

19 **Q. How does this project contribute to WPL's plan to comply with CSAPR before it**  
20 **was vacated?**

21 A. The proposed Control System at Edgewater Unit 5, together with the emission control  
22 systems being installed at the Columbia Units 1 and 2, and proposed operational changes  
23 at Edgewater Units 3 and 4, and Nelson Dewey 1 and 2, would have enabled WPL to

1 comply with SO<sub>2</sub> emission reduction requirements of CSAPR. Without the proposed  
2 project, WPL would exceed its annual CSAPR SO<sub>2</sub> emission allocation by approximately  
3 3,500 tons, which would have subjected WPL to potential CSAPR assurance provision  
4 related penalties.

5 **Q. What is the status of CAIR and CSAPR?**

6 A. As mentioned earlier in my testimony, the recent ruling by a three-judge panel of the  
7 Court vacated CSAPR and requires EPA to continue administering CAIR pending the  
8 promulgation of a valid replacement rule.

9 On October 5, 2012, EPA and other parties including representatives from several  
10 states and municipalities, industry groups, and organizations such as the American Lung  
11 Association, petitioned for rehearing of the decision by the three-judge panel of the Court  
12 by all eight judges of the Court (a rehearing en banc). Rather than dismissing the  
13 petitions outright, the Court asked the parties who prevailed in front of the three-judge  
14 panel to respond to the request for rehearing en banc by November 16, 2012. If the  
15 petition for rehearing en banc is ultimately denied, the EPA can still seek review by the  
16 U.S. Supreme Court. The EPA could also reconsider the CSAPR and address the flaws  
17 identified in the Court ruling through a revised rulemaking that it initiates.

18 Because of all these procedural steps, it is reasonable to expect that CAIR will  
19 remain in place at least through 2013 and, if EPA engages in rulemaking to promulgate a  
20 CAIR replacement rule, CAIR may remain in place for several years beyond this. WPL  
21 anticipates that federal or state implemented regulations that address the interstate  
22 transport of pollutants including SO<sub>2</sub> with compliance requirements that are similar to

1 CAIR or CSAPR will ultimately occur. However, it is also possible that a replacement  
2 rule requiring unit-specific SO<sub>2</sub> emission reductions could be developed.

3 **Q. What impact would changes to air pollution rules have on this project?**

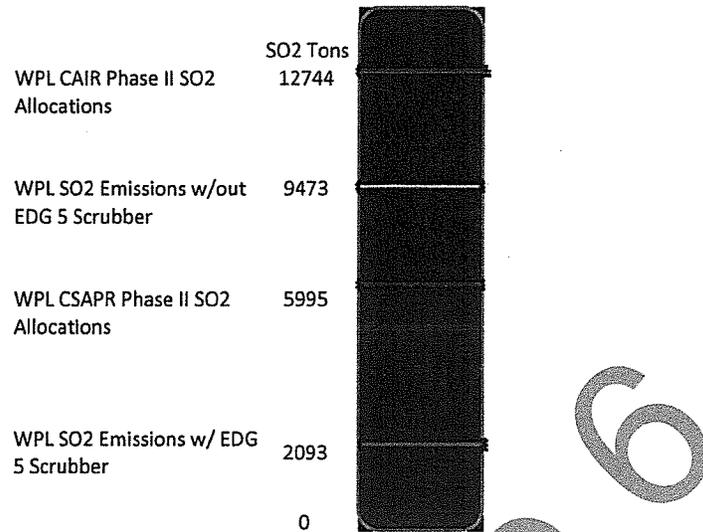
4 A. WPL anticipates the issuance of a successor to CAIR or CSAPR that addresses the  
5 interstate transport of SO<sub>2</sub> emissions. Regardless of possible rule changes, WPL believes  
6 it is unlikely that any changes to this project would be required. The Control System  
7 proposed would likely be able to satisfy any fleet-wide or unit-specific SO<sub>2</sub> emission  
8 reduction requirement that the changed air pollution rules would impose upon it, resulting  
9 in SO<sub>2</sub> emissions at Edgewater Unit 5 comparable to those at other similarly situated  
10 units.

11 **Q. Can you provide some perspective of what this uncertainty in rule outcome looks  
12 like relative to the proposed project?**

13 A. Chart 1 compares WPL fleet-wide SO<sub>2</sub> emissions with and without the proposed Control  
14 System at Edgewater Unit 5 with the Phase II CAIR and CSAPR SO<sub>2</sub> emission  
15 requirements. CAIR establishes an upper bound for WPL SO<sub>2</sub> emission requirements  
16 and the now vacated CSAPR establishes a lower bound. As indicated in Chart 1, WPL's  
17 SO<sub>2</sub> emissions with the proposed Control System at Edgewater Unit 5 satisfy both the  
18 CAIR and CSAPR SO<sub>2</sub> emission requirements; however, without the Control System  
19 installed, CSAPR SO<sub>2</sub> emission requirements are not satisfied.

1

Chart 1 – Comparison of WPL SO<sub>2</sub> Emissions and Rule Reduction Targets



2

3

4 **Q. How will this project reduce SO<sub>2</sub> emissions from Edgewater?**

5 A. SO<sub>2</sub> emissions will be reduced through the installation of the DFGD and baghouse  
6 system.

7 **Q. How much will the project reduce SO<sub>2</sub> emissions from Edgewater Unit 5?**

8 A. WPL expects SO<sub>2</sub> emissions from Edgewater Unit 5 to be reduced by roughly 90% after  
9 completion of the proposed Control System project. Over a 30-year period, the proposed  
10 Control System is expected to remove over 220,000 tons of SO<sub>2</sub> emissions from  
11 Edgewater Unit 5. On an annual basis, expected SO<sub>2</sub> emission reductions will be  
12 approximately 7,500 tons.

13 **Q. What would the SO<sub>2</sub> emission profile look like for Edgewater Unit 5 if the Control  
14 System is not installed?**

1 A. If the Control System is not installed, Edgewater Unit 5 will have the highest annual SO<sub>2</sub>  
2 emissions within the State, assuming all control projects currently planned are  
3 implemented and operated, and those controls that are already in place are operated.  
4 WPL reported 8,340 tons of SO<sub>2</sub> emissions from Edgewater Unit 5 in 2011. WPL  
5 expects that future SO<sub>2</sub> emissions from Edgewater Unit 5 will be at least this high if  
6 controls are not installed.

7 **Q. Describe the additional environmental impacts associated with the proposed project.**

8 A. The proposed project will have co-benefit reductions of mercury, acid gases, and other  
9 hazardous air pollutants. Controlling SO<sub>2</sub> emissions will reduce acid rain and the  
10 formation of fine particulate matter in the atmosphere. The proposed project will result  
11 in the addition of approximately 35 gallons per minute of water usage in the DFGD.  
12 Additionally, the project will generate a DFGD byproduct, which will be disposed at  
13 Edgewater's ash landfill, unless a beneficial use can be found for this material. There are  
14 no other significant anticipated environmental impacts from this project.

15 **Q. How does the possibility of a settlement with EPA impact this project?**

16 A. If WPL reaches a settlement with EPA, this project would likely be able to achieve any  
17 required SO<sub>2</sub> emission rate at Edgewater Unit 5, as well as support Edgewater Unit 5 and  
18 the Edgewater station's compliance with other requirements included in the settlement.  
19 A settlement will likely contain a specific date at which these requirements must be met  
20 whereas the successor to CSAPR will likely allow some flexibility in the timing of the  
21 SO<sub>2</sub> emission reductions and hence the completion of this project. Therefore, a  
22 settlement will likely affect the specific timing of the proposed project, but not the long-

1 term need for it based upon emerging environmental rules and regulations including the  
2 successor to CSAPR.

3 **Q. How does this project reduce the financial risk associated with meeting future**  
4 **compliance requirements?**

5 A. WPL recognizes the uncertainty in scope and timing of potential environmental  
6 regulations. This project reduces financial risk associated with meeting future  
7 compliance or possible EPA settlement requirements by reducing the likelihood of the  
8 need to alter operations at or temporarily shut down Edgewater due to the inability to  
9 otherwise comply with potential requirements without installed controls. Altered  
10 operations or a temporary shutdown would likely result in increased near-term fuel and  
11 purchased power costs.

12 **Q. Does this conclude your pre-filed direct testimony?**

13 A. Yes.

Sample 66



**Tab –**

**Ex.-WPL-Kreft-4**

COVER PAGE

Ex-WPL-Kreft-4

WISCONSIN POWER AND LIGHT COMPANY

DOCKET 6680-CE-174

Application of Wisconsin Power and Light Company  
to Install a Dry Flue Gas Desulfurization on  
Edgewater Generating Station Unit 5

Filed November 13, 2012

**Average Annual Heat Rates, BTU/kWh, Net Generation:  
Edgewater Unit 5 Compared With Other Coal-Fired Generators in Eastern Wisconsin**

**3-Year Average**

Company	Generating Station	Unit	Capacity in 2011 (MW)	3-Year Average Heat Rate	3-Year Rank	3-Year Percent of Generating Stations Compared
WEPCO	Elm Road	2	630	9,171	1	5%
WEPCO	Elm Road	1	630	9,666	2	10%
WEPCO	Pleasant Prairie	2	594	11,012	3	15%
WEPCO	Pleasant Prairie	1	594	11,101	4	20%
WPL	Columbia	1	545	10,559	5	25%
WPL	Columbia	2	542	10,604	6	30%
WPS	Weston	4	463	9,306	7	35%
<b>WPL</b>	<b>Edgewater</b>	<b>5</b>	<b>419</b>	<b>10,224</b>	<b>8</b>	<b>40%</b>
WPL	Edgewater	4	338	10,066	9	45%
WPS	Weston	3	324	10,490	10	50%
WEPCO	South Oak Creek	8	312	9,463	11	55%
WEPCO	South Oak Creek	7	298	9,817	12	60%
WEPCO	South Oak Creek	6	264	10,260	13	65%
WEPCO	South Oak Creek	5	261	10,325	14	70%
WEPCO	Valley	1	140	14,399	15	75%
WEPCO	Valley	2	140	14,994	16	80%
WPS	Pulliam	8	134	10,874	17	85%
WPS	Weston	2	80	10,662	18	90%
WPS	Pulliam	7	77	11,930	19	95%
WPS	Pulliam	5	77	14,243	20	100%

**Average Annual Heat Rates, BTU/kWh, Net Generation:  
Edgewater Unit 5 Compared With Other Coal-Fired Generators in Eastern Wisconsin**

**5-Year Average**

Company	Generating Station	Unit	Capacity in 2011 (MW)	5-Year Average Heat Rate	5-Year Rank	5-Year Percent of Generating Stations Compared
WEPCO	South Oak Creek	8	312	9,553	1	5%
WPL	Edgewater	4	338	9,989	2	11%
WEPCO	South Oak Creek	7	298	10,082	3	16%
WEPCO	South Oak Creek	5	261	10,213	4	21%
WEPCO	South Oak Creek	6	264	10,253	5	26%
<b>WPL</b>	<b>Edgewater</b>	<b>5</b>	<b>419</b>	<b>10,280</b>	<b>6</b>	<b>32%</b>
WPS	Weston	3	324	10,473	7	37%
WPL	Columbia	1	545	10,480	8	42%
WPL	Columbia	2	542	10,539	9	47%
WPS	Weston	2	80	10,702	10	53%
WPS	Pulliam	8	134	10,843	11	58%
WEPCO	Pleasant Prairie	2	594	10,914	12	63%
WEPCO	Pleasant Prairie	1	594	11,049	13	68%
WPS	Pulliam	7	77	11,883	14	74%
WPS	Pulliam	6	71	12,467	15	79%
WPS	Weston	1	57	13,247	16	84%
WPS	Pulliam	5	77	13,782	17	89%
WEPCO	Valley	1	140	13,900	18	95%
WEPCO	Valley	2	140	14,414	19	100%

**Average Annual Heat Rates, BTU/kWh, Net Generation:  
 Edgewater Unit 5 Compared With Other Coal-Fired Generators in Eastern Wisconsin**

**10-Year Average**

Company	Generating Station	Unit	Capacity in 2011 (MW)	10-Year Average Heat Rate	10-Year Rank	10-Year Percent of Generating Stations Compared
WEPCO	South Oak Creek	8	312	9,667	1	5%
WPL	Edgewater	4	338	9,916	2	11%
WEPCO	South Oak Creek	7	298	10,037	3	16%
WEPCO	South Oak Creek	5	261	10,077	4	21%
WEPCO	South Oak Creek	6	264	10,145	5	26%
WPL	Edgewater	5	419	10,267	6	32%
WPS	Weston	3	324	10,388	7	37%
WPL	Columbia	2	542	10,616	8	42%
WPL	Columbia	1	545	10,633	9	47%
WPS	Pulliam	8	134	10,666	10	53%
WPS	Weston	2	80	10,766	11	58%
WEPCO	Pleasant Prairie	2	594	10,828	12	63%
WEPCO	Pleasant Prairie	1	594	10,895	13	68%
WPS	Pulliam	7	77	11,619	14	74%
WPS	Pulliam	6	71	12,327	15	79%
WPS	Weston	1	57	13,221	16	84%
WPS	Pulliam	5	77	13,327	17	89%
WEPCO	Valley	1	140	13,654	18	95%
WEPCO	Valley	2	140	13,912	19	100%

# **Sample 7**

## **Confidential ERF**

### **Upload**

# Upload Confidential Document (Docket)



### Confidentiality Request

2084 (03/22/04) Public Service Commission of Wisconsin  
P.O. Box 7854  
Madison, WI 53707-7854

Wis. Admin. Code § PSC 2.12; Wis. Stats §§ 196.14, 196.72 and 196.795

\*\* All fields are required except note \*\*

### Section 1: PSC Contact

PSC Contact Person: Ken Rineer

Number of Pages / Excel worksheets: 9  
(Confidential Pages Only)

### Section 2: Required Information

1. I am filing this request on behalf of:

Name / Company: Wisconsin Public Service Corporation

Phone: 920-433-1280 (Optional)

Address Line 1: 700 North Adams Street

Address Line 2:

(Optional)

City: Green Bay

State: WI

Zip: 54307

2. Name and Position with the requester is

Bradley D. Jackson, Attorney at Law, Foley & Lardner LLP

3. The following is an accurate and complete summary of the content of the record(s) being filed:

Direct-WPSC-Planners Testimony

4. There is a reasonable basis to conclude that the record, or portion of a record, is one of the following:

- The record contains trade secrets as defined in Wis. Stat. §134.90.
- The record contains information which would aid a competitor of a public utility in competition with the public utility making the request under Wis. Stat. §196.14.
- The record is an accident report under Wis. Stat. §196.72.
- The record is protected business information under Wis. Stat. §196.795(9).
- The record may otherwise be exempt from disclosure under the Public Records Law, Wis. Stat. §§19.31 to 19.39.

5. How the record satisfies number 4

The confidential information within the Planners' testimony includes information regarding WPSC's strategies for the purchase and sale of electric capacity and energy. The information is subject to confidentiality agreements between WPSC and Dominion and WPL and Dominion. WPSC makes consistent efforts to maintain the secrecy of this information and restricts the dissemination and use

### Section 3: Upload File **\*\* Include affidavit attesting to the foregoing in the file to be upload \*\***

	Part 1	Part 2	Part 3
Docket ID:	6690	CE	197
Example:	16255	TI	100

Application of Wisconsin Public Service Corporation for Authority to Construct and Place in Operation a New Multi-Pollutant Control

[Check Docket](#)

**CONFIDENTIAL DOCUMENT** (Click **Browse** button to select the file you would like to upload.)

Description:  
Direct-WPSC-Planners

Document type  
Prehearing/Prefiled Exhibit/Testimony

PSC 2 requires that you also file a redacted copy of this confidential filing (if applicable). If you have such a copy ready for filing, please upload it now:  
**REDACTED DOCUMENT (Public Version)**

Sample ↗

# Sample 8

Redacted Version of  
Exhibit Confidential in  
its Entirety

COVER PAGE

DOCKET # 6690-CE-197

WPS Estimated CCR Disposal Costs

Sample 8

Ex. - CW - Fisher - 9pr

**Brault, Stacy A**

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**



Hi

Here is a brief outline of the capital projects that would be needed for Subtitle C versus Subtitle D ruling.



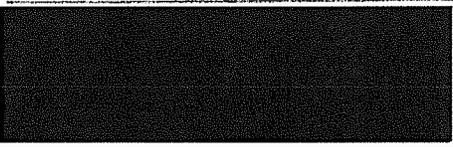
	Pulliam	Weston	TOTAL WPS
Subtitle D (non-hazardous) Capital Improvements			
Estimate for annual disposal costs*			
Subtitle C (hazardous) Capital Improvements			
Estimate for annual disposal costs**			



Please look this over and let me know if you have any questions.  
Thank You,

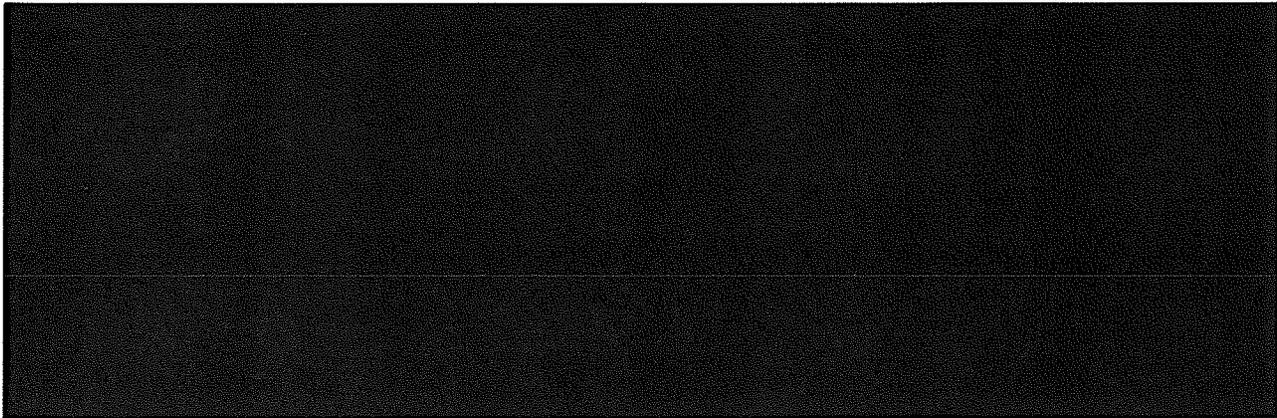
**Stacy A. Brault**  
Environmental Consultant - Remediation & Solid Waste | Integrys Business Support, LLC  
920-433-1780  
920-609-1121 cell  
920-433-1176 fax  
[sabrault@integrysgroup.com](mailto:sabrault@integrysgroup.com)

*Providing support for Integrys Energy Group, Integrys Energy Services, Integrys Transportation Fuels, Michigan Gas Utilities, Minnesota Energy Resources, North Shore Gas, Peoples Gas, Upper Peninsula Power Company and Wisconsin Public Service.*



**CONFIDENTIAL**





Sample 8



# Sample 9

## Excerpt from Previously Filed Testimony as New Exhibit

Docket No. 1234-CE-102

**Excerpt from Direct Testimony of Jeff  
Knitter on Behalf of Wisconsin Electric  
Power Company in  
Docket No. 5-UR-104**

Page 1 of 5

Ex.-WEPCO-Knitter-3

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Joint Application of Wisconsin Electric Power  
Company and Wisconsin Gas LLC, both d/b/a We  
Energies, for Wisconsin Electric Power Company to  
Increase its Electric, Natural Gas and Steam Rates  
and for Wisconsin Gas LLC to Increase its Natural  
Gas Rates

5-UR-104

Sample 9

VOLUME 8

Prefiled Testimony

Pages

January 6, 2011

D1.1-D1.18, D11.149-D11.156,  
R1.86-R1.91, SR11.29-SR11.32,  
Incl.

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

---

Joint Application of Wisconsin Electric Power Company  
and Wisconsin Gas LLC, both d/b/a We Energies, for  
Wisconsin Electric Power Company to Increase Its  
Electric, Natural Gas, and Steam Rates and for Wisconsin  
Gas LLC to Increase its Natural Gas Rates

Docket No. 05-UR-104

Limited Issue 2011 Fuel Reopener

---

**DIRECT TESTIMONY OF JEFF KNITTER  
ON BEHALF OF WISCONSIN ELECTRIC POWER COMPANY**

---

- 1 Q. Please state your name and title.
- 2 A. My name is Jeff Knitter. I am the Manager – Special Projects in Wisconsin Electric Power  
3 Company’s Wholesale Energy and Fuels Department.
- 4 Q. Have you previously testified before the Public Service Commission of Wisconsin?
- 5 A. Yes, most recently in the Edgewater 5 SCR docket (05-CE-137). I have also testified in the  
6 Elm Road Generating Station and Port Washington Generating Station CPCN dockets and  
7 have recently submitted testimony in the Rothschild Biomass Cogeneration Facility docket  
8 (6630-CE-305).
- 9 Q. What is the purpose of your testimony in this proceeding?
- 10 A. In Wisconsin Electric’s most recent general rate case, Docket No. 05-UR-104, which  
11 established rates for test year 2010, the Commission in its Final Decision, dated December  
12 18, 2009, (2009 Final Decision) authorized the Company to reopen the docket in 2010 to  
13 review updated 2011 fuel costs. The Company has filed an application to accomplish the  
14 authorized update and my testimony is in support of that application. More specifically, I  
15 will indicate what we now expect our aggregate 2011 fuel costs to be and I will indicate by

1 **Category No. 5: Impacts of Transmission Congestion**

2 Q. How much of the change in projected 2011 fuel costs is accounted for by updated  
3 projections of congestion on the transmission system?

4 A. This category results in an increase of about \$19.5M from the levels established in the 2010  
5 Interim Decision.

6 Q. Please describe this in more detail.

7 A. The Company is experiencing increased congestion of the transmission system at locations  
8 south of Pleasant Prairie and south of Lake Michigan, which results in the depression of  
9 prices (LMPs) at Pleasant Prairie, Oak Creek and Elm Road and corresponding reduced  
10 utilization of these facilities, particularly during lower priced, off-peak periods. See Exhibit  
11 1.1 (JEK). The impacts of these two phenomena are to reduce generator margin and thereby  
12 increase monitored fuel costs. This congestion was initially observed by the Company in  
13 late-2008, and has been steadily increasing with time. The Company has been working with  
14 MISO, PJM and other stakeholders in studying possible solutions to the congestion and with  
15 ATC in similar studies. (Possible “quicker to implement” solutions are being identified in  
16 these studies and are likely to be implemented in several years, with “longer to implement”  
17 solutions taking perhaps 5 or more years to license and install.)

18 Q. How did you model the increased transmission system congestion?

19 A. Transmission limits in PROMOD are initially populated with data from Ventyx (the  
20 PROMOD vendor). Next, we added transmission limits used by MISO in their PROMOD  
21 modeling. About 300 event file items (new lines, revised flowgate limits and other  
22 transmission topology changes) were added. We benchmarked the change by comparing  
23 our PROMOD constrained flowgate list with actual constrained flowgates and MISO’s

1 PROMOD constrained flowgate list (Exhibit 1.2 (JEK)). Our event file captured 11 of the  
2 top 20 actual binding constraints, on par with MISO's event file performance.

3 **Category No. 6: Other Changes in Monitored Fuel Costs**

4 Q. How much of the change in projected 2011 fuel costs is accounted for by other changes in  
5 monitored fuel costs?

6 A. Other changes to monitored fuel costs amount to a decrease of \$17.8M in monitored fuel  
7 costs from those levels established in the 2010 Interim Decision. This category includes the  
8 following items:

- 9 • Differences in 2011 planned outage schedule compared to 2010 – decrease of \$6.1M,
- 10 • Updated August 27, 2010 NYMEX forecasts for 2011 gas and oil – decrease of \$6.1M,
- 11 • Miscellaneous changes – decrease of \$2.5M and
- 12 • Risk Management costs – decrease of \$3.1M

13 Q. Please describe the miscellaneous changes which, altogether, decrease 2011 monitored fuel  
14 costs by \$2.5 million compared to the 2010 Interim Decision amount.

15 A. Changes to miscellaneous items include:

- 16 • The Elm Road and Port Washington generating facilities use auxiliary boilers for unit  
17 startup, building heating, and a number of other applications. The 2010 Interim Decision  
18 included projections of auxiliary boiler operation and corresponding gas use and cost.  
19 Based on updated projections of unit operation and gas prices at these facilities, 2011  
20 monitored fuel costs are projected to decrease by \$0.1M.
- 21 • The 2010 Interim Decision included \$0.5M for a test burn of alternate coal at the Valley  
22 Power Plant. Since the Company has no plans to conduct additional test burns during  
23 2011, monitored fuel costs will decrease by that amount.

# **Sample 10**

## **Extension Request When All Parties and Commission Staff Agree**

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

---

Application of Wisconsin Investor Owned Utility  
For a Certificate of Public Convenience and Necessity  
To Construct a Large Electric Generation Facility in Wisconsin

Docket No. 1234-CE-102

---

**UNOPPOSED MOTION OF INTERVENOR 3 TO MODIFY DEADLINE FOR FILING  
REBUTTAL TESTIMONY**

---

Pursuant to Wis. Admin. Code § PSC 2.23 and sections IV.A.3.b. and IV.G.3. of the Prehearing Conference Memorandum (PSC REF#: 654321), Intervenor 3 (Inte-3) files this unopposed request to modify the deadline for filing rebuttal testimony in the above-captioned proceeding from the current deadline April 10, 2013 at noon to the new proposed deadline of April 12, 2013 at noon. There is good cause to grant this request since Inte-3's rebuttal testimony witness was taken suddenly and violently ill and will be unable to file rebuttal testimony by the current deadline. Inte-3 has conferred with all parties and Commission staff and confirmed that there is no objection to extending the rebuttal testimony deadline to April 12, 2013 at noon. Therefore, Inte-3 respectfully requests that the deadline for filing rebuttal testimony be extended to April 12, 2013 at noon.

Dated this 9th day of April, 2013.

Respectfully submitted,

*/s/ Energy Lawyer*

By:

\_\_\_\_\_  
Energy Lawyer  
Attorney for Intervenor 3

[address]  
[phone number]  
[email]

# Sample 11

## Notice of Hearing

<b>SERVICE DATE</b> <b>Mar 26, 2013</b>
--

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Wisconsin Public Service Corporation for its Electric  
Distribution System Modernization and Reliability Project

6690-CE-198

**NOTICE OF HEARING**

<b>Hearing Date:</b>	<b><u>Tuesday, May 7, 2013 - 9:30 a.m.</u></b>
<b>Hearing Location:</b>	<b>Amnicon Falls Hearing Room – 1st Floor Public Service Commission 610 North Whitney Way Madison, Wisconsin</b>

**NOTICE IS GIVEN** that the Public Service Commission of Wisconsin will hold a public hearing in this proceeding on Tuesday, May 7, 2013, at 9:30 a.m., in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin. The Commission shall receive evidence from the parties, Commission staff, and comments from members of the public. The presiding Administrative Law Judge may allot additional time to receive evidence and comments, if necessary.

This is a Class 1 proceeding as defined in Wis. Stat. § 227.01(3)(a).

The Commission intends to webcast any hearing sessions held in the Amnicon Falls Hearing Room live on the Commission's web site at <http://psc.wi.gov> under the "PSC Live Broadcast" button.

**DOCUMENTS.** All documents in this docket are filed on the Commission's Electronic Regulatory Filing (ERF) system. To view these documents: (1) go to the Commission's web site at <http://psc.wi.gov>, (2) enter "6690-CE-198" in the box labeled "Link Directly to a Case," and (3) select "GO."

**PUBLIC COMMENTS.** A person may testify in this proceeding without becoming a party and without attorney representation. A person may submit this testimony in only one of the following ways:

- **Web Comment.** Go to the Commission's web site at <http://psc.wi.gov>, click on the "Public Comments" button on the side menu bar. On the next page select the "File a comment" link that appears for docket number 6690-CE-198. Web comments shall be received no later than Monday, May 6, 2013.
- **Oral Comment.** Spoken testimony at the public session.

Docket 6690-CE-198

- **Written Comment.** Instead of speaking at the hearing, write out a comment and submit it at the public session.
- **Mail Comment.** All comments submitted by U.S. Mail shall be received no later than Monday, May 6, 2013. A mail comment shall include the phrase “Docket 6690-CE-198 Comments” in the heading, and shall be addressed to:

Docket 6690-CE-198 Comments  
Public Service Commission  
P.O. Box 7854  
Madison WI 53707-7854

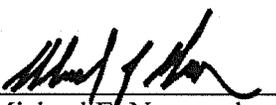
The Commission will not accept comments submitted via e-mail or facsimile (fax).

A person shall limit a public comment to non-technical personal knowledge or personal opinion. A person may include references to other materials in a comment, but may not include as part of a comment, any document not written or substantially modified by that person. The Commission shall only accept documents that a person offers to supplement a comment for the purpose of showing the basis of an opinion, not for proof of the matter asserted. Parties may object to the receipt of a public comment.

Any material submitted to the Commission is a public record and may appear on the Commission web site. Only one comment may be submitted per person during a comment period. The Commission may reject a comment that does not comply with the requirements described in this notice.

**AMERICANS WITH DISABILITIES ACT.** The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this docket or who needs to obtain this document in a different format should contact the docket coordinator listed below. Any hearing location is accessible to people in wheelchairs. The Public Service Commission Building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building.

**CONTACT.** Please direct questions about this docket or requests for additional accommodations for the disabled to the Commission’s docket coordinator, Jim Lepinski, at (608) 266-0478 or [jim.lepinski@wisconsin.gov](mailto:jim.lepinski@wisconsin.gov).

  
Michael E. Newmark  
Administrative Law Judge

MEN:JAL:cmk:DL:00650346

# **Sample 12**

## **Prehearing Witness and Exhibit List**

PUBLIC SERVICE COMMISSION OF WISCONSIN

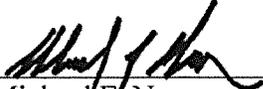
Application of Wisconsin Public Service Corporation for Authority to  
Construct and Place in Operation a New Multi-Pollutant Control  
Technology System for Unit 3 of the Weston Generating Station,  
Marathon County, Wisconsin

6690-CE-197

**PRE-HEARING WITNESS AND EXHIBIT LIST**

The list attached denotes the existing testimony and exhibits offered for receipt into the record. No party or Commission staff filed any objection to the filings listed below made prior to January 7, 2013. Therefore, the Commission considers such filings accepted for the record, pending corrections and witness verification. Parties and Commission staff retain the opportunity to object to any testimony or exhibits offered on, or after, January 7, 2013.

The Commission shall receive Ex.-WPS-Van Campenhout 1c - PSC REF# 177806 only after the Applicant re-files a public redacted version that includes the unredacted address block and signature block in the original document.

  
\_\_\_\_\_  
Michael E. Newmark  
Administrative Law Judge

DL: 606789

Filer	Witness	Testimony			Exhibits		
		Round	Official	Redacted	Ex. #	Official	Redacted
Applicant	Metin Celebi	Rebuttal	PSC ERF#: 177879	PSC ERF#: 177880	1	177864	
					2	177865	
					3	177866	
					4	177867	
					5	177868	
					6	177869	
	Brandon R. Gerlikowski & Steven J. Daavettala	Direct	172088	172089			
					1	178760	178761
					2	178757	178709
	H. James Peters	Direct	172096	172097	3	178421	178758
					1	172097	
					2	172099	177885
Thomas W. Rarick	Rebuttal	177804	177805				
				1	177791		
				2	177792		
				3	177793		
				4	177794		
5	177795						
Len Renneester	Direct	172086	172087	1	172094	172095	
				Rebuttal	177808	177809	
Paul J. Spicer	Direct	172084	172085				
				Rebuttal	177860	177813	177814
				Supplemental rebuttal	178131	178132	
Jayme Van Campenhout	Rebuttal	177797	178633	2	178634		
				1	177806	PSC ERF#: 177807	
Citizens Utility Board							

Filer	Witness	Testimony			Exhibits			
		Round	Official	Redacted	Ex. #	Official	Redacted	
Clean Wisconsin	Jeremy Fisher	Direct	177640	177641	1	176560	177831	
					2	176567		
					3	176561		
					4	176562		
					5	176569	177832	
					6	176571	177833	
					7	176573	177834	
					8	176575	177835	
					9	176577	177838	
					10	176579	177839	
					11	176581	177840	
					12	176583	177841	
					13	176563		
					14	176585		
					15	176564		
				16	177554	177555		
				17	175999			
				18	177877			
				19	175782	175783		
				20	178421			
				21	178664	178665		
				22	178646			
				23	178647			
				24	PSC ERF #			
				25	178648			
				26	178649			
				27	178652			
				28	178653			
				29	178654			
				30	178655			
				178656				
			1	176543				
			2	176544				
			3	176545				
			4	176535	177843			
			5	174463	174464			
			6	175751	175752			
	Ranajit (Ron) Sahu	Direct	176533	176534				

Filer	Witness	Testimony		Exhibits			
		Round	Official	Redacted	Ex. #	Official	Redacted
					7	176550	
					8	176551	
					9	176552	
					10	176553	
					11	176554	
					12	176537	177844
					13	176539	177845
					14	176157	
					15	176541	177846
Wisconsin Industrial Energy Group, Inc.							
Wisconsin Paper Council	Earl Gustafson		176529				
Commission staff	Detmer	Corrected Direct	177026	177027	1	177020	177021
		Supplemental Direct	177862	177863	1r	177870	177871
					2	177882	
					3	177872	
					4	177873	
	Stemrich	Corrected Direct	177019				
		Surrebuttal	178600				
Urban		Corrected Direct	177022	177023	1	178722	178723
		Supplemental Direct	178127	178128			
		Rebuttal	177855	177856	2	177836	177837
						178727	178728

Other documents	Description
<b>Affidavit</b>	
<b>Briefs</b>	PSC ERF#: 176349 Clean Wisconsin's reply in support of Motion to Compel PSC ERF#: 174361 Clean Wisconsin's response to WPS Motion for Protective Order PSC ERF#: 174527 Wisconsin Public Service Corporation's Reply Brief in Support of its Motion for Protective Order PSC ERF#: 176201 Wisconsin Public Service Corporation's Response in Opposition to Clean Wisconsin's Expedited Motion to Compel Responses to Data Requests, with supporting Affidavits of Linda Benfield and Brian Potts
<b>Briefing Memorandum</b>	
<b>Comments to BM</b>	
<b>Notice</b>	PSC ERF#: 178096 Notice of Hearing signed and mld 12-21-12 PSC ERF#: 167227 Notice of Prehearing Conference mld 6-26-12 PSC ERF#: 167097 Notice of Proceeding signed and mld 6-22-12
<b>Motions</b>	PSC ERF#: 174054 (REDACTED COPY) Affidavit of Brian H. Potts Seeking Confidential Status of Ex. B, WPSC Notice and Motion for Protective Order, Affidavit of Brian H. Potts in support of motion for protective order, Exhibit A to Affidavit, and Exhibit B to Affidavit - portions of which are CONFIDENTIAL. PSC ERF#: 174053 Affidavit of Brian H. Potts Seeking Confidential Status of Ex. B, WPSC Notice and Motion for Protective Order, Affidavit of Brian H. Potts in support of motion for protective order, Exhibit A to Affidavit, and Exhibit B to Affidavit - portions of which are CONFIDENTIAL.
<b>Orders</b>	PSC ERF#: 176023 Clean Wisconsin's Motion to Compel Production of Data Request Responses PSC ERF#: 175174 Motion to modify scheduling order PSC ERF#: 177221 Corrected Order on Motion to Compel PSC ERF#: 171939 Order (signed 9/12/12 - mld 9/13/12) PSC ERF#: 177595 Order on Filings PSC ERF#: 177144 Order on Motion to Compel PSC ERF#: 177761 Order on Request for Intervention PSC ERF#: 167185 Order on Requests to Intervene PSC ERF#: 175144 Order to Hold Motion in Abeyance PSC ERF#: 178336 Order to Re-File PSC ERF#: 168237 Prehearing Conference Memorandum
<b>Request for Intervention</b>	PSC ERF#: 177440 WPSWeston 3 REACT project PSC ERF#: 164933 Clean Wisconsin motion to intervene PSC ERF#: 164594 CUB Request to Intervene and Notice of Appearance PSC ERF#: 166147 Paper Council Request to Intervene & Notice of Appearance PSC ERF#: 165274 WIEG request to intervene
<b>Transcript</b>	PSC ERF#: 175840 Prehearing Conference transcript

# **Sample 13**

## **Appearance Slip – Party**

DOCKET #: \_\_\_\_\_

DATE: \_\_\_\_\_



**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Fill out this form and give it to the court reporter or other Commission staff.

**PRINT CLEARLY**

Name of Company / Organization You Represent:	
Name of Employer / Firm:	
Address:	
Contact number / email:	
Names of Representatives:	

DOCKET #: \_\_\_\_\_

DATE: \_\_\_\_\_



**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Fill out this form and give it to the court reporter or other Commission staff.

**PRINT CLEARLY**

Company / Organization Name You Represent	
Employer / Firm Name:	
Address:	
Contact number / email:	
Names of Representatives:	

# **Sample 14**

## **Appearance Slip – Public**





# **Sample 15**

## **Affidavit of Verification**

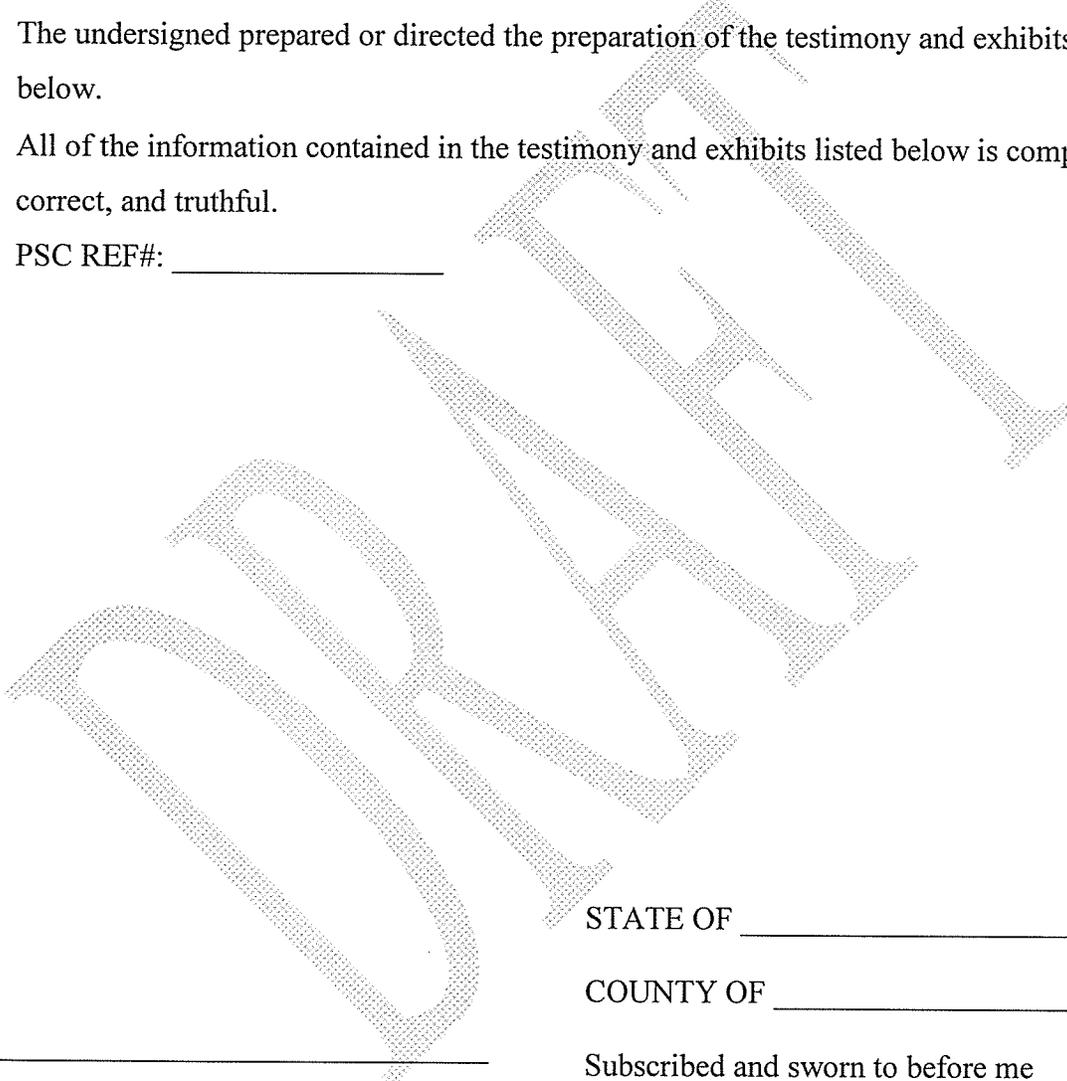
PUBLIC SERVICE COMMISSION OF WISCONSIN

AFFIDAVIT OF VERIFICATION

The undersigned, \_\_\_\_\_, swears or affirms:

- The undersigned prepared or directed the preparation of the testimony and exhibits listed below.
- All of the information contained in the testimony and exhibits listed below is complete, correct, and truthful.

PSC REF#: \_\_\_\_\_



STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
(sign)

Subscribed and sworn to before me

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(print)

\_\_\_\_\_  
(sign and seal)

# **Sample 16**

## **Post-Hearing Witness and Exhibit List**

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Wisconsin Public Service Corporation for Authority to  
Construct and Place in Operation a New Multi-Pollutant Control  
Technology System for Unit 3 of the Weston Generating Station,  
Marathon County, Wisconsin

6690-CE-197

**SECOND AMENDED POST-HEARING WITNESS AND EXHIBIT LIST**

This Order, pursuant to Wis. Admin. Code § PSC 2.04(1) amends the Amended Post-Hearing Witness and Exhibit List - PSC REF#: 182124, to include the documents offered in the following unopposed requests:

- CUB Unopposed Motion to Submit Clarification Letter - PSC REF#: 180523
- Request by WPSC to file additional evidence - PSC REF#: 182132
- WPS's Comments on the Briefing Memorandum and Decision Matrix - PSC REF#: 182143
- Clean Wisconsin's Comments on Briefing Memorandum and Decision Matrix - PSC REF#: 182144
- CUB Comments on the Briefing Memo and Decision Matrix - PSC REF#: 182145



Michael E. Newmark  
Administrative Law Judge

DL: 00634597

Filer	Witness	Testimony			Exhibits		
		Round	Official	Redacted	Ex. #	Official	Redacted
Applicant	Metin Celebi	Rebuttal	177879	177880	1	177864	
					2	177865	
					3	177866	
					4	177867	
					5	177868	
					6	177869	
Brandon R. Gerlikowski & Steven J. Daavetttila (Planners)	Sursurrebuttal	178846					
		172088	172089				
		177810	177811	1	178760	178761	
		178635		2	178757		
				3*	178421		
				4*	175709	175710	
		178839	178840	5	178841	178842	
				6	178843	178844	
H. James Peters	Direct	172096					
		177804	177805	1	172097	177885	
		177801		2	172099		
Thomas W. Rarick	Rebuttal	177802	177802	1	177791		
				2	177792		
				3	177793		
				4	177794		
				5	177795		
Len Renneester	Direct	172086	172087	1	172094	172095	
		177808	177809				
Paul J. Spicer	At hearing			2	179015	179016	
		172084	172085				
		177860	177861	1	177813	177814	
		178131	178132				
		178633		2	178634		
At Hearing	Sursurrebuttal	178847					
				3	178848		
				4	168255		

Filer	Witness	Testimony		Exhibits			
		Round	Official	Redacted	Ex. #	Official	Redacted
					5	<u>168256</u> <u>179980</u> <u>169057</u>	<u>164271</u> <u>164272</u>
	Jayne Van Campenhout	Rebuttal	<u>177797</u>		1	<u>177806</u>	<u>178807</u>
					2	<u>179018</u>	<u>179019</u>
<b>Citizens Utility Board</b>							
<b>Clean Wisconsin</b>	Jeremy Fisher	Direct	<u>177640</u>	<u>177641</u>	1	<u>176560</u>	<u>177831</u>
					2	<u>176567</u>	
					3	<u>176561</u>	
					4	<u>176562</u>	
					5	<u>176569</u>	<u>177832</u>
					6	<u>176571</u>	<u>177833</u>
					7	<u>176573</u>	<u>177834</u>
					8	<u>176575</u>	<u>177835</u>
					9	<u>176577</u>	<u>177838</u>
					10	<u>176579</u>	<u>177839</u>
					11	<u>176581</u>	<u>177840</u>
					12	<u>176583</u>	<u>177841</u>
					13	<u>176563</u>	
					14	<u>176585</u>	
					15	<u>176564</u>	<u>177842</u>
		Rebuttal	<u>177874</u>	<u>177875</u>	16	<u>177554</u>	<u>177555</u>
					17	<u>175999</u>	
		Surrebuttal	<u>178660</u>	<u>178802</u>	18	<u>177877</u>	
					19	<u>175782</u>	<u>175783</u>
					20	<u>178421</u>	
					21	<u>178664</u>	<u>178665</u>
					22	<u>178646</u>	
					23	<u>178647</u>	
					24	<u>178648</u>	
					25	<u>178649</u>	
					26	<u>178652</u>	
					27	<u>178653</u>	
					28	<u>178654</u>	
					29	<u>178655</u>	
					30	<u>178656</u>	
	Ranajit (Ron) Sahu	Direct	<u>176700</u>	<u>176701</u>	1	<u>176543</u>	
					2	<u>176544</u>	

Filer	Witness	Testimony		Exhibits			
		Round	Official	Redacted	Ex. #	Official	Redacted
					3	<u>176545</u>	
					4	<u>176535</u>	<u>177843</u>
					5	<u>174463</u>	<u>174464</u>
					6	<u>175751</u>	<u>175752</u>
					7	<u>176550</u>	
					8	<u>176551</u>	
					9	<u>176552</u>	
					10	<u>176553</u>	
					11	<u>176554</u>	
					12	<u>176537</u>	<u>177844</u>
					13	<u>176539</u>	<u>177845</u>
					14	<u>176157</u>	
					15	<u>176541</u>	<u>177846</u>
					16	<u>179063</u>	
Wisconsin Industrial Energy Group, Inc.							
Wisconsin Paper Council	Earl Gustafson	Direct	<u>176529</u>				
Northeast Wisconsin Building and Trades Council							
Commission staff	Detmer	Corrected Direct	<u>177026</u>	<u>177027</u>	1	<u>178775</u>	<u>178776</u>
		Supplemental Direct	<u>177862</u>	<u>177863</u>	2	<u>177882</u>	
	Corrected Direct			3	<u>177872</u>		
	Surrebuttal			4	<u>177873</u>		
Stemrich	Surrebuttal		<u>177019</u>				
	Surrebuttal		<u>178600</u>				
Urban	Corrected Direct		<u>177022</u>	<u>177023</u>	1	<u>178722</u>	<u>178723</u>
	Supplemental Direct		<u>178127</u>	<u>178128</u>			
	Rebuttal		<u>177855</u>	<u>177856</u>	2	<u>177836</u>	<u>177837</u>
	Surrebuttal		<u>179733</u>		3	<u>178727</u>	<u>178728</u>
					4	<u>179730</u>	<u>179731</u>

This order deems PSC REF#: 178758 & 178845, requests to mark as an exhibit a document that already exists on ERF, as correspondence. The Commission rejects the offer as exhibits EGEAS model run output disks PSC REF#: 178459 & 178845, because the Commission relies not on the raw data, but on the analysis of parties and Commission staff of that data presented in testimony and exhibits.

Other documents	Description
<b>Additional evidence</b>	<p>WPS's additional evidence email to Judge with Comments on USEPA Consent Decree by Sierra Club and Clean Wisconsin - PSC REF#: 180937.                      WPS Request to Add Evidence to the Record - PSC REF#: 181899                      Request by WPS to file additional evidence - PSC REF#: 182132</p>
<b>Briefs</b>	<p>CUB Unopposed Motion to Submit Clarification Letter - PSC REF#: 180523                      PSC REF#: 179885 (REDACTED COPY) Clean Wisconsin's Initial Post-Hearing Brief                      PSC REF#: 179881 (REDACTED COPY) CUB Initial Brief                      PSC REF#: 180369 Clean Wisconsin's Reply Brief                      PSC REF#: 176349 Clean Wisconsin's reply in support of Motion to Compel                      PSC REF#: 179884 Clean Wisconsin's Initial Post-Hearing Brief                      PSC REF#: 179880 CUB Initial Brief                      PSC REF#: 180367 CUB Reply Brief                      PSC REF#: 179883 WI Paper Council Brief                      PSC REF#: 180370 WI Paper Council Reply Brief                      PSC REF#: 179887 WIEG's Initial Brief                      PSC REF#: 180371 WIEG's Reply Brief                      PSC REF#: 179882 WPS's Initial Brief                      PSC REF#: 180368 WPS's Reply Brief                      PSC REF#: 180500 Clean Wisconsin's Reply to WPS Response                      PSC REF#: 174361 Clean Wisconsin's response to WPS Motion for Protective Order                      PSC REF#: 174527 Wisconsin Public Service Corporation's Reply Brief in Support of its Motion for Protective Order                      PSC REF#: 176201 Wisconsin Public Service Corporation's Response in Opposition to Clean Wisconsin's Expedited Motion to Compel Responses to Data Requests, with supporting Affidavits of Linda Benfield and Brian Potts</p>
<b>Briefing Memorandum</b>	<p>PSC REF#: 181803 Decision Matrix                      PSC REF#: 181802 BM</p>
<b>Comments to BM</b>	<p>WPS's Comments on the Briefing Memorandum and Decision Matrix - PSC REF#: 182143                      Clean Wisconsin's Comments on Briefing Memorandum and Decision Matrix - PSC REF#: 182144                      CUB Comments on the Briefing Memo and Decision Matrix - PSC REF#: 182145</p>
<b>Notice</b>	<p>PSC ERF#: 178096 Notice of Hearing signed and mld 12-21-12                      PSC ERF#: 167227 Notice of Prehearing Conference mld 6-26-12                      PSC ERF#: 167097 Notice of Proceeding signed and mld 6-22-12</p>
<b>Motions</b>	<p>PSC REF#: 174054 (REDACTED COPY) Affidavit of Brian H. Potts Seeking Confidential Status of Ex. B, WPS Notice and Motion for Protective Order, Affidavit of Brian H. Potts in support of motion for protective order, Exhibit A to Affidavit, and Exhibit B to Affidavit - portions of which are CONFIDENTIAL.                      PSC REF#: 174053 Affidavit of Brian H. Potts Seeking Confidential Status of Ex. B, WPS Notice and Motion for Protective Order, Affidavit of Brian H. Potts in support of motion for protective order, Exhibit A to Affidavit, and Exhibit B to Affidavit - portions of which are CONFIDENTIAL.                      PSC REF#: 176023 Clean Wisconsin's Motion to Compel Production of Data Request Responses                      PSC REF#: 180376 Clean Wisconsin's Objection to WPS's Exceedance of Reply Brief Page Limits and Motion to Require Re-Filing</p>

Other documents	Description
	<p><u>PSC REF#: 179671</u> Clean Wisconsin's Unopposed Motion to Modify Briefing Schedule  <u>PSC REF#: 180523</u> CUB Unopposed Motion to Submit Clarification Letter  <u>PSC REF#: 180435</u> Email to Judge Newmark from WPSC requesting permission for WPSC Brief to exceed page limit.  <u>PSC REF#: 175174</u> Motion to modify scheduling order</p>
<b>Orders</b>	<p><u>PSC REF#: 177221</u> Corrected Order on Motion to Compel  <u>PSC REF#: 171939</u> Order (signed 9/12/12 - mid 9/13/12)  <u>PSC REF#: 179317</u> Order Approving Supplemental Intervenor Compensation (signed 1/16/13 - mid 1/18/13)  <u>PSC REF#: 177595</u> Order on Filings  <u>PSC REF#: 177144</u> Order on Motion to Compel  <u>PSC REF#: 177761</u> Order on Request for Intervention  <u>PSC REF#: 167185</u> Order on Requests to Intervene  <u>PSC REF#: 175144</u> Order to Hold Motion in Abeyance  <u>PSC REF#: 178336</u> Order to Re-File  <u>PSC REF#: 168237</u> Prehearing Conference Memorandum</p>
<b>Request for Intervention</b>	<p><u>PSC ERF#: 177440</u> WPS Weston 3 REACT project  <u>PSC ERF#: 164933</u> Clean Wisconsin motion to intervene  <u>PSC ERF#: 164594</u> CUB Request to Intervene and Notice of Appearance  <u>PSC ERF#: 166147</u> Paper Council Request to Intervene &amp; Notice of Appearance  <u>PSC ERF#: 165274</u> WIEG request to intervene</p>
<b>Testimony Affidavit</b>	<p><u>Rarick Affidavit Swearing To Testimony - PSC REF#: 179913</u></p>
<b>Transcript</b>	<p><u>PSC REF#: 175840</u> Prehearing Conference transcript  <u>PSC REF#: 179889</u> Transcript Volume 1 - prefiled testimony  <u>PSC REF#: 179891</u> Transcript Volume 2 - prefiled testimony (confidential)  <u>PSC REF#: 179890</u> Transcript Volume 2 - title page and index only  <u>PSC REF#: 179556</u> Transcript Volume 3 - Hearing held January 10, 2013  <u>PSC REF#: 179557</u> Transcript Volume 4 - Hearing held January 10, 2013</p>