

# Power Plant Review Process



The Public Service Commission of Wisconsin (PSC) regulates Wisconsin's electric utilities and other developers of large electric facilities. PSC staff analyze power plant applications for need, and potential impacts of the plant and any associated facilities (natural gas, electric, or water). Depending on the type, site, and size of the proposed plant, the PSC prepares either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). An EA is used to determine whether an EIS is needed.

The Commission reviews the staff analysis of the project, testimony, and any other items entered as part of the permanent record. The Commission approves, denies, or modifies a proposed project. The Commission decides whether the plant will be built, how it will be built, and where it will be built. Commission approval must be given for a power plant to be built.

For proposed power plants of 100 or more megawatts (MW), the approval is called a Certificate of Public Convenience and Necessity (CPCN). For smaller facilities, a PSC Certificate of Authority (CA) may be required. The PSC review process varies depending upon the size and complexity of the project but generally takes about six months to a year.

## Disconnections Allowed

Applications for power plants of 100 MW or more must include information for two or more sites, detailed engineering plans, plant costs (public utilities only), and a review of potential environmental and community impacts. Non-utility power plant applicants are exempt from a "needs" test or demonstrating how its engineering specifications are better than available alternatives.

The Department of Natural Resources (DNR) will review the application for air, solid waste, water quality, and water discharge permits. To protect the environment or a community, the DNR and the PSC can require changes in the plant design or site location.

Often the power plant developer (applicant) holds public meetings before making a final siting decision. At these meetings, the public is encouraged to provide the utility or developer with additional information and comments on the proposed facilities.

## **How to Get Involved**

- Read the notification letter
- Review the construction application
- Attend the public information meetings organized by the utility
- Attend the PSC scoping meetings
- Verify that you are on the PSC mailing list
- Ask questions of the utility, DNR, and PSC staff
- Submit comments to the PSC
- Read and comment on the EIS
- Testify at the PSC hearing

## **Public Notification Letter and Scoping Meetings**

After an application is filed with the PSC, the PSC notifies the public that the review process is beginning. The PSC sends a public notification letter to all property owners on or near the potential sites, as well as local government officials, local libraries, the media, and other agencies and interested persons. This notification briefly describes the project; includes a map; identifies the level of environmental review the project will require; lists places where copies of the application are available for review; and gives contact information for comments and questions.

The PSC will often hold a project scoping meeting after notifying the public about the project. A project scoping meeting is not a hearing. It is an informal event that gives the public a chance to learn about the proposed project, ask questions, and talk directly with the utility, DNR, or PSC staff. Meetings may be held one or more times during the review process and are held in the area of the proposed project. The public is encouraged throughout the process to contact the PSC staff and submit comments regarding the project.

## **The Environmental Impact Statement**

If the project requires the preparation of an EIS, PSC staff complete a draft EIS first. The EIS is an extensive document that analyzes the project's cost, need, alternatives, fuel, technology, air and water discharges, solid and hazardous waste issues, land resources, and community impacts.

Members of the public can request a copy of the draft EIS from the PSC, review the document at a local library or municipal office, or download it off of the PSC website.

The applicant and the public will have about 45 days to comment on the draft EIS. Within that 45-day period, the PSC might hold a draft EIS comment meeting. The final EIS will be prepared considering the comments and concerns raised by the public.

## **PSC Hearing**

There are two types of hearings held by the PSC, a public hearing and a technical hearing. At the technical hearing, PSC staff and other parties provide expert testimony and exhibits. The purpose of the public hearing is for individuals to testify to their views and concerns about the project. These two types of hearings may be held on different days or combined.

All testimony is recorded by a court reporter and becomes part of the permanent “record” used by the Commission in making its decision. The Notice of Hearing is mailed to everyone on the PSC project mailing list. This mailing list is the same as that used for the public notification letter, along with additional individuals who have since requested to be placed on it. Public hearings are held in the area of the proposed project.

## **PSC Decision**

The Commission is responsible for making the final decision about proposed power plants. The Commission reviews all testimony from PSC staff, the applicant, DNR staff, full parties, and members of the public. The three Commissioners meet regularly in “open meetings” to decide cases before them. At these open meetings power plant proposals are approved, denied or modified. The meetings are open to the public for observation but not for public comments. The Commission’s decision is described in a written order to the project applicant.

The Public Service Commission of Wisconsin is an independent state agency that oversees more than 1,100 Wisconsin public utilities that provide natural gas, electricity, heat, steam, water and telecommunication services.



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Electric03 (06/09)