



Public Service Commission of Wisconsin

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PSC Finalizes Wind Siting Rules *Uniform Standards Head to the Legislature*

MADISON - The Public Service Commission of Wisconsin (Commission) today finished its work on administrative rules governing the siting of wind turbines in Wisconsin. The rules were drafted in response to 2009 Wisconsin Act 40, recently-enacted legislation directing the Commission to promulgate rules that specify the restrictions local units of government may impose on the installation or use of wind energy systems.

“I am happy to have these rules completed,” said Commission Chairperson Eric Callisto. “Establishing clear and consistent siting standards is critical to removing the confusion that currently surrounds non-utility wind projects in Wisconsin.”

The Commission’s rules will function as a uniform ceiling of standards to guide the local regulation of wind siting, operation, and decommissioning for projects less than 100 megawatts in generating capacity. The rules specify how a political subdivision can establish setback requirements, noise and shadow flicker standards, and mechanisms that give non-participating landowners a stake in wind energy projects sited in their area. The rules include the following provisions:

Notice Requirements. At least 90 days before filing an application, the wind energy system owner must give notice to landowners within one mile of proposed wind turbine locations.

Noise Performance Standards. A political subdivision can require wind energy systems to be sited and operated in a manner that does not exceed 45 dBA during nighttime hours and 50 dBA during daytime hours. Noise limits will be measured from the outside wall of non-participating residences and occupied community buildings.

Shadow Flicker Performance Standards. A political subdivision can require wind energy systems to be sited and operated in a manner that does not cause more than 30 hours per year of shadow flicker for non-participating residences or occupied community buildings. If a wind energy system causes more than 20 hours per year of shadow flicker, a political subdivision can require the wind energy system owner to install mitigation measures for affected landowners, at the expense of the wind turbine owner.

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Setbacks. A political subdivision can impose minimum safety setbacks of 1.1 times the maximum blade tip height of a wind turbine for participating residences, non-participating property lines, public road rights-of-way, and overhead communication and electric transmission or distribution lines. Setbacks of up to 3.1 times the maximum blade tip height of a wind turbine may be established for nonparticipating residences and occupied community buildings.

Good Neighbor Payments. The rules allow local units of government to require wind energy system owners to provide monetary compensation to non-participating landowners located within one-half mile of a wind turbine site. A political subdivision may not require these payments for non-participating landowners to exceed 25% of the payments being made to a landowner hosting a wind turbine in the project.

Complaint Resolution. The rules establish complaint resolution requirements for wind energy system owners, and a process for requesting political subdivision review of unresolved complaints. A political subdivision's decision on review of a complaint is appealable to the Commission.

The Commission's action today caps off six months of intense work in developing uniform wind siting rules for Wisconsin. As part of its process, the Commission established a 15-member Wind Siting Council, which, after months of deliberations, submitted its recommendations to the Commission earlier this month. The Commission also held public hearings earlier this summer in Fond du Lac, Tomah, and Madison, and accepted over 1800 public comments into the record. The Commission's rules now head to the Legislature, where the presiding officer of each house will have 10 days to refer the rules to a standing committee for review.

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