

# ANNUAL WISCONSIN UTILITY-RELATED LAW UPDATE 2018

## *Annual Update of Activities at the Public Service Commission*

March 6, 2018

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Chief Legal Counsel  
Public Service Commission of Wisconsin





# Agenda

- ▶ What's New
  - ▶ Personnel and Operational News
  - ▶ Legislative Update
  - ▶ Rules Update
  - ▶ Court Case Update
  - ▶ Programmatic Update
  
- ▶ Hot Topics
  - ▶ Interesting Dockets and Cases to Watch

# New Faces



- ▶ Commissioner Lon Roberts appointed to be Chairperson, filling Chairperson vacancy left by the departure of Ellen Nowak
  - ▶ Bill Jordahl, Executive Assistant to Chairperson
- ▶ New Commissioner appointment pending to fill Commissioner vacancy left by departure of Ellen Nowak
  - ▶ Alex Ignatowski, Executive Assistant to new Commissioner

# New Faces



- ▶ Division of Energy Regulation
  - ▶ Martin Day, Administrator
  - ▶ Carrie Templeton, Assistant Administrator, Rates and Finance
  - ▶ Candy Spanjar, Assistant Administrator, Audit
  - ▶ Jim Lepinski, Chief Engineer - Electric
  - ▶ Paul Farron, Chief Engineer - Natural Gas

# New Faces



- ▶ Division of Water, Telecommunications and Consumer Affairs
  - ▶ Steve Knudson, Administrator
- ▶ Division of Regional Energy Markets
  - ▶ Cindy Torstveit
- ▶ Division of Business and Program Management
  - ▶ Administrator
  - ▶ Kristy Nieto, Deputy Administrator
  - ▶ Jenna Schmidt, Chief Financial Officer
  - ▶ Jeff Thomas, Management Information Manager

# New Places

- ▶ The PSC is moving
- ▶ April 16 - April 19 moving days

## Transition to Hill Farms



# New Places

- ▶ New physical address:
  - ▶ Hills Farms State Office Building, 4822 Madison Yards Way, Madison, WI 53705
- ▶ Same P.O. mailing address
- ▶ New Security/Check-in Procedures
  - ▶ Hearing room on first floor-open to public
  - ▶ Commission meeting room, 6<sup>th</sup> floor
- ▶ Visitor Parking

# Operational Update

- ▶ Continued Enhancements to new ERF and CMS
- ▶ New Docket Calendar available on E-Services Portal
- ▶ New Major Construction Case Project Specific Pages
- ▶ Coming soon . . . . New Confidential Determination Process



# Operational Update - Docket Calendar



E-Services Portal



Welcome to the E-Services Portal of the Public Service Commission and Office of Commissioner of Railroads.  
Here you can access our database applications from one central interface.

## File With Us

ERF Upload Documents

File a Complaint

File a Comment

Annual Reports (file or view)

More . . .

## Quick Single Docket Search



Docket Info



Documents

## Information

Case Management System

Electronic Records Filing System

Universal Name File

Tariffs

More . . .

## PSC Events, Hearings, Meetings, and News Releases



Event Calendar



Live Broadcast



News Releases



Docket Calendar

# Operational Update - Docket Calendar

- ▶ Search for events scheduled in an upcoming contested case
- ▶ Subscribe to a particular case to get updates regarding schedule
  - ▶ Email and then save entries to Outlook or another calendar of users choice
- ▶ Coming soon - addition to NOP and NOH
  - ▶ **SCHEDULE:** The Commission will maintain the schedule in this docket on the PSC Docket Calendar. To view the calendar: (1) go to the Commission's E-Services Portal at <http://apps.psc.wi.gov>, and (2) select the button labeled "Docket Calendar." From there you may browse or search the calendar, and subscribe to a particular docket schedule

# Operational Update - Docket Calendar

PSC Contested Case Calendar

Calendar Event List Subscribe E-Services Portal

Filter:

By Docket:  -  -

By Type:

Apply Filter

[Feb](#)

**March 2018**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	1	2 <a href="#">1529-WA-100 Offered Evidence Direct : Parties and Commission Staff</a>	3
4	5	6	7 <a href="#">420-WR-106 Hearing: Public and Party Sessions</a> <a href="#">5990-WR-106 Hearing: Public and Party Sessions</a>	8	9 <a href="#">4310-CW-109 Offered Evidence Other: Initial Comment on VES</a>	10
11	12	13 <a href="#">690-WR-101 Hearing: Public and Party Sessions</a>	14	15 <a href="#">6680-DR-113 Offered Evidence Direct : Parties and Commission Staff</a>	16 <a href="#">1529-WA-100 Offered Evidence Rebuttal : Parties and Commission Staff</a> <a href="#">4310-CW-109 Offered Evidence Other: Reply Comment on VES</a>	17
18	19	20 <a href="#">610-WR-102 Hearing: Public and Party Sessions</a>	21 <a href="#">4820-WR-103 Hearing: Public and Party Sessions</a> <a href="#">6180-WR-101 Hearing: Public and Party Sessions</a>	22	23	24
25	26	27	28	29 <a href="#">6680-DR-113 Offered Evidence Rebuttal : Parties and Commission Staff</a>	30 <a href="#">1529-WA-100 Offered Evidence Surrebuttal : Parties and Commission Staff</a> <a href="#">4310-CW-109 Offered Evidence Other: Errata Testimony and Replacement Exhibits</a>	31

# Operational Update - Project Pages

- ▶ Major electric construction projects
- ▶ Easy access to key project information
  - ▶ Project Summary
  - ▶ Links to key project documents
  - ▶ Opportunities for Public Participation
  - ▶ Project Maps (including interactive map)

# Operational Update - Project Pages

PSC > J88 Public Information Webpage

## J88 Public Information Webpage

### The J-88, at a glance...

In June 2017 ATC submitted an application for a Certificate of Authority to construct the Caldron Falls-Goodman (J-88) Project. The Project consists of upgrading 21.4 miles of 69 kV transmission line to 138 kV between the Caldron Falls Hydro and Goodman Substations in Marinette County, Wisconsin and conducting associated facility work.



Towns of Stephenson, Silver Cliff, Athelstane, and Goodman, in Marinette County, Wisconsin

### The J-88 Caldron Falls-Goodman Project Information

<a href="#">Project Summary</a>	+
<a href="#">Key Project Documents</a>	+
<a href="#">Opportunities for Public Participation</a>	+
<a href="#">Project Maps</a>	+
<a href="#">Statutory Review</a>	+
<a href="#">Project Contacts</a>	+

### Additional Project Resources:

- [ATC Project Page](#) and [Fact Sheet](#)

# Operational Update - Project pages

PSC > J88 Public Information Webpage

## J88 Public Information Webpage

### The J-88, at a glance...

In June 2017 ATC submitted an application for a Certificate of Authority to construct the Caldron Falls-Goodman (J-88) Project. The Project consists of upgrading 21.4 miles of 69 kV transmission line to 138 kV between the Caldron Falls Hydro and Goodman Substations in Marinette County, Wisconsin and conducting associated facility work.



Towns of Stephenson, Silver Cliff, Athelstane, and Goodman, in Marinette County, Wisconsin

## The J-88 Caldron Falls-Goodman Project Information

### Project Summary +

### Key Project Documents -

*As the following documents become available, hyperlinks will be added.*

- [Application for Certificate of Authority](#)
- [Notice of Environmental Assessment Preparation](#)
- [Environmental Assessment](#)
- [Notice of Investigation](#)
- [Preliminary Determination Letter](#)
- [Final Decision and Order](#)

### Opportunities for Public Participation +

### Project Maps -

- [Interactive Web Map of Project \(external link\)](#)
- [Project overview map\(pdf\)](#)

### Statutory Review +

### Project Contacts +

## Additional Project Resources:

- [ATC Project Page](#) and [Fact Sheet](#)

# Operational Update - Confidential Determinations

- ▶ Submitter will receive email response:
  - ▶ Grant - Your request for confidential handling under Wis. Admin. Code § 2.12 has been granted.
  - ▶ Deny - Your request for confidential handling under Wis. Admin. Code § 2.12 has been denied because none of the record contains information qualifying for confidential handling under Wis. Admin. Code § 2.12(3). Please re-file only a public version of the record with no redactions. Contact the docket coordinator or division administrator with questions.

# Operational Update - Confidential Determinations

- ▶ Deny - Your request for confidential handling under Wis. Admin. Code § 2.12 has been denied because you requested confidential handling of the entire record and only a portion of the record qualifies for confidential handling. Pursuant to Wis. Admin. Code § 2.12(4), please re-submit the request with only those *portions* of the record that are confidential identified (shaded in the confidential version/redacted in the public version). You must re-file both a public and confidential version of the record. Contact the docket coordinator or division administrator with questions.



# Legislative Update

- ▶ 2017 Wisconsin Act 137, relating to water public utility financial assistance and political subdivision loans for lead-containing customer-side water service laterals
- ▶ 2017 Wisconsin Act 136, PSC Bill
- ▶ 2017 Wisconsin Act 58, providing exemptions for certain utility projects within an electronics and information technology manufacturing zone

# Legislative Update - Act 137

- ▶ Creates Wis. Stat. § 197.372
  - ▶ Sub. (2) water public utility may provide financial assistance to the owner of a property for purpose of assisting owner in replacing customer-side LSL
  - ▶ Sub. (3) requires utility seeking approval under sub. (2) to submit an application to the Commission
    - ▶ Investigation
    - ▶ May include hearing
    - ▶ Action with 90 days after complete application if no hearing and 180 days if hearing held
      - ▶ Optional extensions approved by Chairperson
- ▶ New Docket Type - “LS”

# Legislative Update - Act 136, Section 39

- ▶ Creates Wis. Stat. § 196.026, Settlements
  - ▶ Encourages settlements when possible
  - ▶ Parties may agree upon some or all of the facts, evidenced by stipulation
  - ▶ Parties may agree upon a resolution of some or all of the issues
    - ▶ submit to the Commission the settlement agreement and any documents, testimony, or exhibits, including record citations if there is a record, and any other matters those parties consider relevant to the proposed settlement and serve a copy of the settlement agreement upon all parties to the docket.

# Legislative Update - Act 136, Section 39

- ▶ If settlement is contested, convene at least one conference
- ▶ Within 30 days (or different time set by Commission), respond to settlement with consent or objection
- ▶ No response = non-objection
- ▶ Objector to state all objections with particularity and identify parts of settlement that are objectionable and how it adversely impacts objector

# Legislative Update - Act 136, Section 39

- ▶ Commission may approve if all below are met:
  - ▶ Each party has been given a reasonable opportunity to present evidence and arguments in opposition of the settlement
  - ▶ The public interest is adequately represented by the parties who entered into the settlement
  - ▶ Agreement represents a fair and reasonable resolution, supported by substantial interest and complies with applicable law
- ▶ May approve in whole or in part, and impose conditions

# Legislative Update - Act 58

- ▶ Created Wis. Stat. § 196.49(5g)(ar)3., exempting from requirement to obtain certificate of authority if the project is “primarily to provide service to a new customer within an electronics and information technology manufacturing zone
- ▶ Amended Wis. Stat. § 196.491(1)(f) providing a limited exception for a CPCN for transmission line relocations that are within the zone
- ▶ Transmission project outside zone to serve customer within zone not exempt

# Legislative Update - Act 58

- ▶ Amended Wis. Stat. § 196.192 to require no later than Jan. 1, 2020, electric public utility providing service in the zone to file for approval a market-based rate
  - ▶ Annual nomination of capacity and energy
  - ▶ Term of not less than 10 years
  - ▶ Claw back (fraud, leaves zone, ceases operation)

# Rules Update

## ▶ Active Rulemakings

- ▶ 1-AC-233 - Updates to Water Service Rules, Wis. Admin. Code ch. PSC 185
- ▶ 1-AC-247, Changes to chs. PSC 113, 134 and 185 to conform to 2013 Wisconsin Act 274 and 2015 Wisconsin Act 176 regarding municipal utility collection practices
- ▶ 1-AC-250, Revisions to Wis. Admin. Code ch. PSC 114, Wisconsin State Electrical Code, Volume 1



# Rules Update

- ▶ Anticipated Future rulemakings
  - ▶ Changes to Wis. Admin. Code ch. PSC 160 to bring the Universal Service Rules into compliance with new FCC Lifeline guidelines
    - ▶ Interim relief, Order (PSC Ref#: 338212)
  - ▶ Changes to Wis. Admin. Code ch. PSC 118, RRCs
    - ▶ Conform to 2017 Wisconsin Act 53 which added heat that is a byproduct of a manufacturing process to lists of renewable resources and if used to provide thermal energy that displaces use of electricity to create a RRC

# Court Case Update

- ▶ Pending Wisconsin Court of Appeals Cases

- ▶ *Town of Holland vs. Public Serv. Comm'n*, 2017-AP-1129
- ▶ *TMS Investments and Gregory Thompson v. Public Serv. Comm'n*, 2017-AP-001883
- ▶ *Town of Forest vs. Public Serv. Comm'n*, 14-CV-0018 (consolidated) (St. Croix Cty. Cir. Ct.)

# Court Case Update

- ▶ Pending Federal Cases

- ▶ *Verso Corporation, et al. vs. Federal Energy Regulatory Commission*, Case Nos. 15-1098, 16-1205, 16-1212, 16-1226, 16-1228, 16-1385, 16-1388, 16-1389, 16-1391, 16-1397, 16-1404 (consolidated), United States District Court of Appeals, District of Columbia

# Programmatic Update

- ▶ Focus on Energy
  - ▶ Potential Study (PSC REF#: 328645) (June, 2017)
  - ▶ Quadrennial Planning Process III
- ▶ Broadband
  - ▶ Budget provided \$14 million in funding for broadband grant expansion program in FY 2018
    - ▶ Round 1 awarded \$1.5 million
    - ▶ Round 2 update to \$7.5 million, 78 applications

# Programmatic Update

- ▶ Clean Energy Manufacturing Revolving Loan Fund (CEMRLF)
  - ▶ Overview of existing program (PSC REF#: 333704)
  - ▶ Commission decided to convert from loan program to a grant program
    - ▶ DOE approval
    - ▶ Scope, budget pending Commission action
    - ▶ Docket 9709-FG-2018

# Hot Topics - Acquisitions

- ▶ Sale of Centuria Municipal Electric utility to Northwestern Wisconsin Electric Company, docket 5-BS-218 (PSC REF#: 319748)
- ▶ WEC Energy purchase of Bluewater Natural Gas Holdings and WEPCO/WG/WPSC related agreements, docket 5-DR-112 (PSC REF#: 326817)
- ▶ WP&L sale of share of West Riverside to Coops, docket 6680-BS-101 (PSC REF#: 332288)

# Hot Topics - Rates

- ▶ WEPCO/WPSC rate freeze for 2018 and 2019, dockets 5-UR-108 and 6690-UR-125 (PSC REF#: 330746)
- ▶ NSPW, docket 4220-UR-123 (PSC REF#: 335158)
- ▶ Stanley water rate case, docket 5670-WR-103 (PSC REF#: 328868)
- ▶ Marshfield water rate case, docket 3420-WR-106 (PSC REF#: 303885)

# Hot Topics - Rates

- ▶ Tax Reform, docket 5-AF-101
- ▶ Fuel Reconciliations
  - ▶ X-FR-2017
- ▶ Fuel only cases
  - ▶ X-ER-XXX
- ▶ Rates cases for WP&L, MGE
- ▶ Water rate cases
  - ▶ Madison Water Utility, docket 3280-WR-114
  - ▶ Green Bay, docket 2350-WR-113



# Hot Topics - Tariffs

- ▶ MGE Renewable Energy Rider, docket 3270-TE-102 (PSC REF#: 327993)
- ▶ Natural Gas Extension Rules, docket 5-GI-116
  - ▶ Staff Memorandum (PSC REF#: 328768)

# Hot Topics - Construction (CPCNs)

- ▶ Mount Pleasant Interconnection Project (MPTIP), docket 137-CE-188
  - ▶ Service to Foxconn
    - ▶ Natural gas, water projects
  - ▶ NOP issued March 1, 2018
- ▶ website: [wisconnvalley.wi.gov](http://wisconnvalley.wi.gov)
- ▶ newsletter sign up (general): [wisconnvalley.wi.gov/newsletter](http://wisconnvalley.wi.gov/newsletter)

# Hot Topics - Construction (CPCNs)

- ▶ Cardinal-Hickory Creek, docket 5-CE-146
- ▶ Highland Wind Farm, docket 2535-CE-100
- ▶ Nemadji Trail combined cycle natural gas plant, docket 5-CE-148
- ▶ IPP Solar Installations?
- ▶ IPP Wind Installations?

# Hot Topics - Construction (CAs) and Miscellaneous

- ▶ MGE Saratoga Wind Farm (IA), docket 3270-CE-127 (PSC REF#: 334359)
- ▶ Wisconsin Solar Energy Industries Petition, docket 9300-DR-102 (PSC Ref#: 335245)
- ▶ Oak Creek, docket 4310-CW-109
- ▶ SEA, docket 5-ES-109
- ▶ WP&L/Sun Prairie Boundary Dispute, docket 6680-DR-113
- ▶ Dalton abandonment of water utility, docket 1529-WA-100