

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Joint Application of Madison Gas and Electric
Company and Wisconsin Public Service Corporation
For Approval to Acquire Ownership Interests in
Solar Electric Generating Facilities

5-BS-228

**JEWELL JINKINS INTERVENORS
MOTION TO INTERVENE OUT-OF-TIME AND NOTICE OF APPEARANCE**

Pursuant to Wis. Stat. §227.44(2m) and Wis. Admin. Code § PSC 2.21(1) and 2.21(2), Jewell Jinkins Intervenors (Richard and Patricia Jinkins, Alan and Marcia Jewell, and Wade Wendhausen (hereinafter “Jewell Jinkins Intervenors”) hereby file this out-of-time request to intervene in the above-captioned proceeding. Jewell Jinkins Intervenors have been granted party status in the 9697-CE-100 Badger Hollow solar project docket, and ask to be allowed to participate as a party, with all the rights, duties, and responsibilities of a party in the two other Badger Hollow related dockets, including this “buy/sell” docket.

Wisconsin law provides that a person whose substantial interests may be affected by the commission's action or inaction in a proceeding shall be admitted as an intervenor, and may intervene in a proceeding or docket if the person's participation likely will promote the proper disposition of the issues to be determined in the proceeding or docket, if the person’s interests are distinct from those of other intervenors and that their interests are not represented by other intervenors, and if the person's participation will not impede the timely completion of the

proceeding or docket. Wis. Admin. Code § PSC 2.21(1) and § PSC 2.21(2). The Administrative Law Judge may grant an out-of-time request for intervention.

Richard and Patricia Jenkins, Alan and Marcia Jewell, and Wade Wendhausen have formed “Jewell Jenkins Intervenors” (hereinafter “Jewell Jenkins Intervenors”), and as directly affected landowners satisfy the criteria for intervention as both Intervenors as a matter of right and as permissive Intervenors, and hereby make this Motion to the Wisconsin Public Service Commission to grant out-of-time intervention in the above-captioned docket as a party with all the rights, responsibilities and obligations of party status. Wis. Admin. Code §PSC 2.21(1), (2).

This Intervention Request is admittedly filed out-of-time after the Intervention deadline and they offer this reason: Counsel was first approached regarding the Badger Hollow project the day of the intervention deadline, and at that time retained for the limited purpose of filing an Intervention request in the 9697-CE-100 docket. Counsel subsequently learned of the transmission docket and “buy/sell” docket. As of Friday, November 9, 2019, counsel has been retained for the duration of this project to address the big picture presented by all three dockets. Jewell Jenkins Intervenors have interests that require participation in each of these three Badger Hollow inter-related dockets, the project docket, 9697-CE-100, and also the transmission docket, 9697-CE-101, and the “Buy/Sell” docket, 05-BS-228 (the broader interests do intersect with the Two Rivers dockets, but they are not, and will not, request intervention in the Two Rivers dockets). The inter-related Badger Hollow and “buy/sell” dockets (the two Badger Hollow dockets with a joint hearing, and the Buy/Sell docket focused on need), address issues beyond that of solely the solar project docket, and require more attention than afforded by mere participation. For these reasons, they request out-of-time intervention here in the “buy/sell” docket, and separately in the Badger Hollow transmission docket.

In support of its Motion, Jinkins Jewell Intervenors make the following statements, some previously stated in the solar project docket, which are applicable to the “buy/sell” docket:

I. STATEMENT OF INTEREST

Jewells and Jinkins will be affected by the “buy/sell” agreement’s impacts due to the Badger Hollow project’s proximity and physical intrusion into their established community. A review of the application and responses to Data Requests of PSC staff, raises many concerns.

Jewell Jinkins Intervenors have a substantial interest that will be affected by this “buy/sell” proceeding. Wis. Admin. Code §PSC 2.21(1). Further, because the Jewell Jinkins Intervenors are long-time local residents and landowners with generational ties to the community, and as landowners with long-standing agricultural activities, they are concerned about the big-picture issues and community impacts associated with the three dockets for this project.

Permissive intervention should be granted under Wis. Admin. Code §PSC2.21(2).

Generally, they are concerned about the impact of obtaining approval of this “buy/sell” agreement, effectively “need” for this project, as this will move the solar and transmission project forward. These projects have extremely close proximity to their land and homes, and will have resultant health and safety impacts on the land, water, livestock and property values. They will also be affected by the impact of this project on energy rates, which will fund a portion of the yet undisclosed costs associated with building, financing, operating, maintaining and providing security, and decommissioning of the proposed high capacity solar power generation facility over a period of 25-50 years or more. They are concerned about the long-term implications of the concentration of power generation, industrial facilities, in this case moving into in their community, covering thousands of acres, and essentially surrounding their homes. They are concerned about any claim of associated need for transmission line expansion projects in their

immediate area and within Wisconsin, and the cost and rate impacts associated with all the implied options and alternatives in these cases.

Need for the project is at issue in this “buy/sell” docket. Need for this project must be demonstrated to obtain approval from the Commission. To our knowledge, the Agreements are dependent on Commission approval, and could be either long term power purchase agreements, and/or market transactions for any balance of energy generation not incorporated into this “buy/sell” agreement. Much is up in the air. In addition, it appears the sale of a large portion (50%) of the power generated by the Badger Hollow solar project is speculative, dependent on the energy market.

“Need” for a project is all about economics, for the project, for those buying the energy, for the ratepayers, and for the community into which the project is encroaching. They are concerned that the proposed, large scale solar power generation facility would create hardship over the lifetime of the project on the agricultural economies they in the project are depend on and have very substantial interest in preserving.

“Need” and justification for the project is a primary concern. Jewell Jinkins Intervenors are concerned about the organizational and financial structuring for this project and also the apparent focus by the PSC in furthering large industrial solar projects rather than growth of distributed generation near load. Large industrial solar projects require not only large commitments of land, in this case prime agricultural land, but which also require infrastructure commitments, including the collector system and transmission. By focusing on large projects such as this, that removes incentive for solar installations near load, and removes incentives for distributed/dispersed generation where electricity is needed. They believe the focus of solar development should be on residential, farm, and big box commercial, local and state government

roofs, where there is good access to the sun and no need for transmission infrastructure and/or network upgrades. Like many in the nation, their households are actively working to make additional improvements in the efficiency of home and appliances in order to reduce negative impacts on the environment and public health associated with electricity use.

As they have learned more about the project, they discovered the two dockets in addition to the 9697-CE-100 solar project docket, their concerns have grown, and while the above paragraphs detail some concerns, it is not all inclusive, and other issues may surface.

Jewell Jinkins Intervenors have a substantial interest that will be affected by this “buy/sell” proceeding, and should be allowed intervention, both permissive and as a matter of right. Wis. Admin. Code § PSC 2.21(1) and § PSC 2.21(2). Jewell Jinkins Intervenors’ interests are distinct from those of other intervenors, no other landowners have requested intervention in this “buy/sell” docket, and their interests are not represented by any other party. Jewell Jinkins Intervenors’ participation as intervenors will promote the proper disposition of the issues to be determined in the proceeding or docket. They commit to respect of the Commission’s schedule and all deadlines and will not impede or delay the timely completion of the proceeding or docket.

II. NOTICE OF APPEARANCE

Carol A. Overland has been authorized by the Jewell Jinkins Intervenors to represent them in this matter. Ms. Overland is an attorney licensed in good standing in Minnesota, and Wisconsin licensure is not necessary to practice before the Commission, and acknowledges that the Wisconsin rules governing practice are applicable in this proceeding.

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III. JEWELL JINKINS INTERVENORS REQUEST OUT-OF-TIME INTERVENTION

For the above reasons, Jewell Jinkins Intervenors respectfully request that they be granted this request to intervene as a party with all the rights, responsibilities and obligations of full party status in the above-captioned proceeding.

Dated this 12th day of November, 2018.



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