

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application for a Certificate of Public
Convenience and Necessity of Badger
Hollow Solar Farm, LLC to Construct a
Solar Generation Facility, to be Located in
Iowa County Wisconsin.

Docket No. 9697-CE-100

**JINKINS, JEWELL AND WENDHAUSEN
MOTION TO INTERVENE AND NOTICE OF APPEARANCE**

Pursuant to Wis. Stat. §227.44(2m) and Wis. Admin. Code § PSC 2.21, Richard and Patricia Jinkins, Alan and Marcia Jewell, and Wade Wendhausen hereby file this request to intervene in the above-captioned proceeding.

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. Richard and Patricia Jinkins, Alan and Marcia Jewell, and Wade Wendhausen (hereinafter "Jinkins, Jewell and Wendhausen") satisfy the criteria for intervention, and hereby makes this Motion to the Wisconsin Public Service Commission to intervene in the

above-captioned docket as a party with all the rights, responsibilities and obligations of full party status. In support of its Motion, Jinkins, Jewell and Wendhausen make the following statements:

I. STATEMENT OF INTEREST

Jinkins, Jewell and Wendhausen are residents of Iowa County with a portion of our farms and homes located on land included within the proposed 3,500 acre Badger Hollow Solar Power Generation Plant. We have longstanding interests in our land, in the case of the Jinkins, over 170 years, since before Wisconsin achieved statehood. We will be affected by the project's proximity and physical intrusion into our established community. After review of the application and inquiries with PSC staff, we have many general and specific concerns.

Generally, we are concerned about the extreme close proximity of this project to our land and homes, and the health and safety impacts on the land, water, livestock and property values. We will also be affected by energy rates, which will fund a portion of the costs, yet undisclosed, associated with building, financing, operating, maintaining and providing security for the proposed high capacity solar power generation facility over a period of 25-50 years or more. We are concerned about the long-term implications of the concentration of power generation, industrial facilities, in this case, solar generation literally covering thousands of acres and essentially surrounding our homes. We are concerned about any claim of associated need for transmission line expansion projects in our immediate area and within Wisconsin, and the cost impacts associated with all the implied options and alternatives in this case.

We are also specifically concerned about Wisconsin's siting of solar projects without statutes or rules with siting specific criteria, standards, and restrictions. This is the first solar project over 100 megawatts proposed in Wisconsin, and the first Invenergy solar project in Wisconsin. It is proposed to be installed over 3,500 acres, with 10,700 acres within project

boundaries, and developer claims it will not utilize a “Mickey Mouse” siting plan. It is expected to have an unknown capital cost – Invenergy does not disclose the cost in its application (§1.6). While the PSC pre-empts local zoning ordinances, the PSC must take local zoning into account. Invenergy states in the application that it intends to obtain a conditional use permit from Iowa County. However, in Iowa County and the towns of Mifflin, Lyndon, and Eden, the location of the project, applicable zoning is in flux. It is not reasonable to consider siting such a large project without established siting rules and standards in place at the PSC and at local governmental units.

Need for this project must be demonstrated to obtain a CPCN from the Commission. According to the application, Asset Purchase Agreements are not yet executed, are dependent on receipt of a CPCN from the Commission, and could be either APAs with WPA and MGE or sales via long term power purchase agreements with any other entity, and market transactions are anticipated. The applicant is requesting a CPCN prior to acquisition of APAs or other agreements. In short, sale of this power is uncertain, will remain so until after a CPCN would be granted, and thus, need is not demonstrated.

We are concerned that the proposed, large scale solar power generation facility would create hardship over the lifetime of the project on the economies we depend on and have very substantial interest in preserving. Transmission interconnection requirement arrangements through MISO/ATC as cited in the Badger Hollow application and “Eden Outlet” remarks in the Cardinal Hickory Creek transmission application suggest that utility interests are promoting development of a very significant amount of generation in the area, claimed at 600MW, not “just” the proposed 300 MW Badger Hollow project. This would amplify environmental impacts and the economic impact that local economies in many communities near such plants

face in preserving the health and appearances of natural assets. Agriculture is the major economic driver in this area, agriculture and associated direct and indirect business are a major employer, thus protection of prime ag land is a significant concern. Tourism is a growing revenue stream, and the continued attraction of new businesses which take advantage of the significant aspects that these quality of life and values are crucial considerations.

We are concerned about the apparent focus by the PSC on large industrial solar projects rather than growth of distributed generation near load. Large industrial solar projects require not only large commitments of land, 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, distributed generation where electricity is needed. We believe the focus of solar development should be on residential, farm, 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, our households are actively working to make additional improvements in the efficiency of our home and appliances in order to reduce negative impacts on the environment and public health associated with electricity use. Our financial ability to pursue these energy efficiency and energy self-sufficiency investments is significantly impacted by the energy investment direction selected by the Commission's decision given that one or more options include alternatives incorporating energy efficiency, load management and distributed solar.

Jenkins, Jewell, and Wendhausen are also very concerned about the decommission plan, and the Invenergy proposal in the application that it will not be created until the 15th anniversary of the commencement of operations. Invenergy does not intend to "post a form of financial security, such as a surety bond, letter of credit, escrow account, reserve fund, parent guarantee or

other suitable financial mechanism, if any net cost of decommissioning exists” until that time! Due to the magnitude of the project, this is insufficient. We are also concerned about the potential for language regarding decommissioning in the land leases that could transfer financial responsibility for decommissioning to the landowners, allowing/requiring landowners to then obtain reimbursement from Invenergy.

As we have learned more about the project, our concerns have grown, and while the above paragraphs detail some of our concerns, it is not all inclusive, as we expect that other issues will become apparent.

Jinkins, Jewell and Wendhausen’s interests are distinct from those of other intervenors, including those state interests of other landowners, and their interests are not represented by any other party. Jinkins, Jewell and Wendhausen’s participation as intervenors will promote the proper disposition of the issues to be determined in the proceeding or docket. We commit to respect of the Commission’s schedule and all deadlines and will not impede the timely completion of the proceeding or docket.

II. NOTICE OF APPEARANCE

Carol A. Overland has been authorized by the Intervenor Jinkins, Jewell and Wendhausen 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 in its administrative venue.

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III. JINKINS, JEWELL AND WENDHAUSEN REQUEST INTERVENTION

For the above reasons, Jinkins, Jewell and Wendhausen respectfully request that the Commission grant our request to intervene as a party with all the rights, responsibilities and obligations of full party status in the above-captioned proceeding.

Dated this 18th day of October, 2018.



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