



Public Service Commission of Wisconsin

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Public Service Commission of Wisconsin
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December 10, 2018

Re: Joint Application of American Transmission Company LLC, ITC Midwest LLC, and Dairyland Power Cooperative, for Authority to Construct and Operate a New 345 kV Transmission Line from the Existing Hickory Creek Substation in Dubuque County, Iowa, to the Existing Cardinal Substation in Dane County, Wisconsin, to be Known as the Cardinal-Hickory Creek Project

5-CE-146

To Intervention Requestors:

This is a response to the requests for intervention in Public Service Commission Docket 5-CE-146 with respect to the proposed Cardinal-Hickory Creek Transmission Line Project. I am the Administrative Law Judge (ALJ) for the Commission. I oversee the process by which the Commission collects information used by the Commissioners to decide the merits of the proposal. Part of my job is to determine in what capacity a person may participate in this process, by approving, or denying requests for intervention.

As an individual landowner, or local government, in the project area, you have a great interest in the outcome of this case. However, before I rule on your request, I would like to explain the consequences of intervention. I will also describe alternative methods of participation, which, depending on your interest in the project, may possibly present a more effective way for you to participate. I will lastly include instructions about how I will process the requests of those who wish to continue with the process.

Approval of a request for intervention makes the requester a “party” to the proceeding. A Commission proceeding is a formal legal action, and becoming a party to that action confers certain rights and expectations. For example, party status confers the rights to: (1) acquire evidence from other parties; (2) offer expert testimony; (3) cross-examine expert witnesses; and (4) present a written argument.

However, party status also comes with obligations to: (1) adhere to a filing schedule; (2) produce evidence requested by other parties and Commission staff; (3) accept cross-examination by other parties and Commission staff; (4) appear at hearings held in Madison; and (5) conform to all the format and filing requirements set forth in both Wis. Admin. Code ch. PSC 2 and other requirements imposed by Order of the ALJ. So that you can review some of these requirements, I have enclosed a copy of the additional, standard order conditions imposed for contested case proceedings.

Furthermore, depending on the extent of the person’s participation, party status may incur significant costs. These costs might include: (1) hiring experts; (2) producing and filing

documents; and (3) attorney's fees. Please note that although a party may represent oneself, most parties hire an attorney for that purpose.

With these requirements and the potential associated costs, you may wish to consider alternative methods of participation. Any person may testify in a proceeding without becoming a party. Such testimony takes the form of a public comment. A public comment is an opportunity to express your opinion on the project in a formal, but limited way.

Often, in cases similar to this one, a landowner wishes to inform the Commission about an individual hardship that a proposed project may create. A unit of local government may want to describe potential impacts of a proposed project on its land, and on the community as a whole. One effective way to make such concerns known to the Commission is to submit a comment with respect to the Commission's Environmental Impact Statement (EIS). The Commission uses the EIS when studying alternative proposals and route locations. Such a comment gives Commission staff sufficient information and time to evaluate these concerns.

The Commission is currently accepting comments on the scope of the draft EIS, through its website, and by regular mail. The period to submit these comments ends on January 4, 2019.

Another way to bring your concerns to the Commission's attention occurs later in this process, when the Commission will accept comments on both the draft EIS, and on the case in general. The comments on the draft EIS will assist Commission staff to prepare the final EIS. General comments will be collected on-line, by mail, and at public hearings to be scheduled in the project area. These comments become part of the official record the Commission will consider in its deliberations.

You need not become a party to stay informed about the proceeding or receive filings in the proceeding. Anyone may stay informed about this proceeding by visiting the Commission's E-Services Portal, on the internet at: <http://apps.psc.wi.gov>. From this site you may find, and subscribe to receive by email, updates with respect to case filings and schedule. This site also allows anyone access to live webcasts of all hearings and open meetings the Commission conducts in Madison. This site also hosts the webpage where one may file a public comment in any pending proceeding.

If, after review of the above described consequences of intervention and the alternatives for participation, you remain interested in becoming a party, here is how I intend to handle the process of reviewing your request. A final determination as to party status will be made at or following the Prehearing Conference which will be scheduled at a later date and where I will hear from those who have requested intervention.

Because of the prodigious response the Commission received from its solicitation for requests to intervene, to facilitate the proper administration of the case, I am contemplating consolidating individual requestors into groups of common interest for purposes of party participation. Below is my preliminary determination on the matter, which, as noted previously, will be finalized at or following the Prehearing Conference.

The 76 requests break out into the five following groups: 1) three units of government; 2) eight organizations; 3) four individuals filing electronically; 4) 11 individuals filing by U.S. Mail; and 5) 50 individuals, municipalities, and an organization that appear to have common interest, and to whose requests appear filed in a common fashion. A list of requestors by group number is enclosed in this letter.

I am likely to accept all the uncontested requests contained in the first three groups as individual parties. However, I encourage all requestors, in any group, to seek consolidation wherever possible. At the Prehearing Conference, I will finalize any appropriate grouping of requestors, as necessary for the efficient administration of the proceeding.

Group number four, contains individuals who did not file their requests on the Commission's Electronic Records Filing System (ERF). To the extent mailing their requests shows an unwillingness, or inability, to use ERF, this may indicate a common interest of requestors that can form the basis of consolidation within the group. Also because the Commission requires all parties to file and receive documents electronically, any requester in this group, who wishes to become a party, will need to obtain outside assistance with this aspect of its participation, or, seek to consolidate their participation with another group. Therefore, granting these requests will be contingent upon a showing of such assistance, and consolidation at the Prehearing Conference.

Group number five contains one organization, Save Our Unique Lands of Wisconsin (S.O.U.L.), seven municipalities, and 42 individuals. All the municipality and individual requests appear substantively similar. All the requests use a common naming convention for the files uploaded to ERF. And all the requests were filed on closely aligned ERF received dates. Because they appear to have been filed in a coordinated fashion, it is appropriate to consolidate these requests.

Additionally, it appears reasonable to accept the intervention of S.O.U.L., and appoint it the representative of the other group five requestors. The S.O.U.L. Request was unopposed, and expressed a substantial interest in the outcome of the proceeding. S.O.U.L. Request to Intervene. ([PSC REF#: 353482](#)).(Request). According to the Request, S.O.U.L.'s mission is to "promote efficient and responsible management of electrical power for the public good, while protecting the natural, social and economic environments and ratepayers of Wisconsin." Request at 1 ([PSC REF#: 353482](#)). This mission closely aligns with the stated financial and environmental concerns expressed by all other group five requestors. Furthermore, the coordinated nature of the group five requests, makes it likely that these filers are either S.O.U.L. members, or persons willing to be represented by the organization.

For those requestors who remain interested in participating as a party, **you or the representative you select to act on your behalf throughout the proceeding, must appear at the Prehearing Conference for me to accept your request.** At the Prehearing Conference, I will hear any comments, or alternative forms of consolidation that requestors wish to propose, before I make

the decisions expressed in this letter final. At that time, I will also rule on the request which the Applicants contest.¹

The Prehearing Conference will be held on **Thursday, January 3, 2019, at 10:00 a.m.**, in the Public Service Commission Hearing Room located on the first floor in Room S105 at the Hill Farms State Office Building, 4822 Madison Yards Way, Madison, Wisconsin. You will receive formal notice of the Prehearing Conference in a separate document. Please note that you may appear at the Prehearing Conference in person, or by calling (855) 947-8255, shortly before the start of the conference, and entering participant code 8333379.

If you have any questions, please contact the Commission's docket coordinator, Akanksha Craft, at (608) 267-9509, or Akanksha.Craft@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Newmark". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Michael E. Newmark
Administrative Law Judge

MEN::DL:01657308

1. Proposed Additional Ordered Conditions for Contested Case Proceedings
2. List of Requestors by Group Number

¹ Applicants' Response to Zastrow-Hendrickson Intervention Request ([PSC REF#: 353657](#)).

Additional Order Conditions for Contested Case Proceedings

1 **Contents**
2
3 **A. General**
4 **B. Documents – Filing and Service, Formatting, Numbering**
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6 **2. Confidentiality**
7 **3. Written Testimony**
8 **a. Contents**
9 **b. Format**
10 **c. Filing**
11 **4. Exhibits**
12 **a. Contents**
13 **b. Format**
14 **c. Filing**
15 **5. Requests for an Order/Briefs**
16 **a. Contents**
17 **b. Format**
18 **c. Filing**
19 **d. Corrections**
20 **C. Motion Practice**
21 **D. ALJ Communications and Orders**
22 **E. Pre-Hearing Procedures**
23 **1. Discovery**
24 **2. Hearing Preparation**
25 **F. Hearing Procedures**
26 **G. Post-Hearing Procedures**
27 **H. Post-Decision Procedures**

Additional Order Conditions for Contested Case Proceedings

1 A. General

- 2
- 3 1. The Commission provides the following guidelines to inform the public of certain details of practice before the Commission in
- 4 contested case proceedings. These guidelines become binding procedures for a particular docket when ordered by the presiding
- 5 Administrative Law Judge. The presiding Administrative Law Judge may adopt these guidelines in whole, or in part, or modify
- 6 these guidelines as necessary to facilitate processing a particular docket.
- 7 2. The assigned Commission staff attorney is the first point of contact for a party on any procedural matter related to the docket.
- 8

9 B. Documents – Filing, and Service, Formatting, Numbering

10 1. Filing and Service

- 11
- 12 a. The Commission shall receive only Portable Document Format (“PDF”) files for the record. Documents shall contain no
- 13 attachments or embedded files. For more information, contact the Commission’s Records Management Unit at (608) 261-8521.
- 14 b. File any document by upload to the Commission’s Electronic Records Filing System (“ERF”)
- 15 (<http://apps.psc.wi.gov/appsHome.html>).
- 16 c. If ERF does not accept a document, serve the document and contact the Commission’s Records Management Unit at
- 17 (608) 261-8521 for assistance.
- 18 d. ERF upload requires the assignment of a “Document Type.” Choose the “Document Type” as specified in these Guidelines
- 19 or if not specified herein, that best corresponds with the substance of the document from the following:
- 20 1. Application
- 21 2. Brief
- 22 3. Comments
- 23 4. Correspondence
- 24 5. Data Request/Response
- 25 6. Exhibit - Offered
- 26 7. Motion
- 27 8. Petition
- 28 9. Request for Intervenor / Party Status
- 29 10. Testimony - Offered
- 30 e. ERF upload requires the submission of a document “Description.” Use the description specified in these Guidelines, or if not
- 31 specified herein, be concise.
- 32 f. Filing constitutes certification of service. *See Wis. Admin. Code § PSC 2.06(3)(a).*

Additional Order Conditions for Contested Case Proceedings

- 1 g. Parties and Commission staff serve by e-mail. Use password protection when serving a document that contains information
2 filed under a request for confidential handling. If size, or format prevents e-mail service, serve by physical delivery on
3 storage media.
- 4 h. Parties and Commission staff shall inform each other of any e-mail address, and one physical address to which the
5 requirements of service shall apply.
- 6 i. Serve the Commission docket coordinator any, but, unless otherwise required, file no party to all-party correspondence.
- 7 j. In computing any period of time that follows service, the day of e-mailing is the day of mailing. *See* Wis. Admin. Code
8 § PSC 2.05(2). This applies regardless of any dated signature or ERF filing date stamp.

10 **2. Confidentiality**

- 11 a. To protect a record submitted in the course of this proceeding from public disclosure, request confidential handling treatment
12 under Wis. Admin. Code § 2.12(3).
- 13 b. For any filing that includes information subject to a request for confidential handling:
 - 14 1. File a confidential version with the affidavit required under Wis. Admin. Code PSC § 2.12 at the beginning of the
15 document.
 - 16 2. Shade in light gray, any specific text to which the request applies.
17 (“The cost was \$2.00”)
 - 18 3. File a public version with the specific text to which the request applies completely removed and replaced with a black
19 mark. Include no affidavit in the public version.
20 (“The cost was █████”)
 - 21 4. No confidential filing shall enter the record if the public version is a complete redaction of the original.
 - 22 5. The signatory of an affidavit required under Wis. Admin. Code PSC § 2.12 may not rely on a representation of another
23 with respect to the substantive basis of the request for confidential handling, but shall have actual knowledge of, and
24 personally verify that basis. This means filer of the document may need to obtain the affidavit from another party, or a
25 third party. But if the document to be filed already exists on ERF subject to confidential handling treatment, the filer's
26 affidavit may meet this requirement by making reference to the existing affidavit on file.
- 27 c. The Commission shall hear *in camera* any oral testimony and cross-examination that may include information subject to a
28 claim for confidential handling. The Commission shall handle the transcript volume for such hearing as confidential, subject
29 to the post-hearing process provided herein to maintain such claim.
- 30 d. Any party, or its representative, may review a record submitted in the course of this proceeding and protected under Wis.
31 Admin. Code § 2.12, and participate in any *in camera* proceedings in this docket, subject to any protective measures
32 necessary to protect the trade secrets of parties and any information entitled to confidentiality protection. Such measures
33 may be provided by agreement between the parties and without approval of the Administrative Law Judge or, if agreement
34 cannot be reached, by order of the Administrative Law Judge.

Additional Order Conditions for Contested Case Proceedings

1 **3. Written Testimony**

2 **a. Contents**

- 3 1. Parties and Commission staff produce written testimony in lieu of oral testimony at hearing, according the schedule
4 established by order.
- 5 2. Rounds of written testimony, are defined as:
- 6 a. The first round of testimony, “direct,” provides each party the opportunity to present its positions and produce
7 evidence to prove the facts needed to support its claims.
- 8 b. A second round of testimony, “rebuttal,” provides each party the opportunity to present responsive and countervailing
9 evidence to that presented in direct.
- 10 c. A third round of testimony, “surrebuttal,” provides each party the opportunity to present responsive and
11 countervailing evidence to that presented in rebuttal.
- 12 3. Testimony that supplements the contents of testimony the witness already filed requires a request for leave to file.
13 Submit the request simultaneously, but separately, from the supplement.
- 14 4. The rounds of testimony filed after direct shall introduce no new issues.
- 15 5. The scope of written testimony is narrowed with each round of filing such that it addresses only the testimony filed in the
16 previous round.
- 17 6. Failure to rebut or surrebut the testimony of another witness does not imply consent to that testimony. A witness must
18 expressly recant any prior testimony. A witness need not repeat or restate prior testimony to retain its position on any
19 matter.
- 20 7. The testimony of another witness speaks for itself. A witness should refer to the testimony offered by another witness by
21 citation rather than restating it, whenever possible.
- 22 8. Only documentary evidence expressly offered for and duly received as an exhibit will come before the Commission.
23 Therefore, testimony shall only direct the Commission to documents offered as exhibits. Testimony may include
24 citations (including PSC REF#s) to documents not offered as exhibits, but only for the purpose of identifying the source
25 of facts asserted so that the fact asserted maybe verified by other parties and Commission staff.
- 26 9. Identify in an errata sheet, any corrections to testimony known before the hearing. After the hearing, refile the testimony
27 that requires corrections as provided in the post-hearing process provided in these Guidelines.

28
29 **b. Format**

- 30 1. Separate the testimony from any:
- 31 a. Exhibit being offered in that testimony.
- 32 b. Cover letter.
- 33 c. Request for an order.
- 34 2. Include no cover page.

Additional Order Conditions for Contested Case Proceedings

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3. Allow space at the top right corner for the PSC REF# stamp.
4. Structure testimony in question and answer format.
5. Page numbers for each filing shall begin at “1” and continue in numerical order for that filing.
6. Use line numbers starting at “1” on the first line of each page.
7. Center page numbers at the bottom of every page.
8. Number each page according to the following convention:
 “[identify the round of testimony]-[identify the party]-[identify the witness]-[page #]”
9. If the filing is filed under a request for confidential handling, add “c” to the page number.
10. If the filing is a redacted public version of a document filed under a request for confidential handling, add “p” to the page number.
11. If the testimony offered in the filing supplements a round of testimony already filed, add “s” to the page number.
12. If the testimony offered corrects a round of testimony already filed, add “r” to the page number.
13. If the testimony offered is a subsequent refiling add a number to the page number that indicates the version of the filing.

	Initial Filing	1 st Revision	2 nd Revision
Public only	Direct-PSC-Smith-1	Direct-PSC-Smith-r-1	Direct-PSC-Smith-r2-1
Confidential	Direct-PSC-Smith-c-1	Direct-PSC-Smith-cr-1	Direct-PSC-Smith-cr2-1
Redacted	Direct-PSC-Smith-p-1	Direct-PSC-Smith-pr-2	Direct-PSC-Smith-pcr2-1
	1 st Supplemental Filing	1 st Revision	2 nd Revision
Public only	Direct-PSC-Smith-s-1	Direct-PSC-Smith-sr-1	Direct-PSC-Smith-sr2-1
Confidential	Direct-PSC-Smith-sc-1	Direct-PSC-Smith-scr-1	Direct-PSC-Smith-scr2-1
Redacted	Direct-PSC-Smith-sp-1	Direct-PSC-Smith-spr-1	Direct-PSC-Smith-spr2-1
	2nd Supplemental Filing	1 st Revision	2 nd Revision
Public only	Direct-PSC-Smith-s2-1	Direct-PSC-Smith-s2r-1	Direct-PSC-Smith-s2r2-1
Confidential	Direct-PSC-Smith-sc2-1	Direct-PSC-Smith-s2cr-1	Direct-PSC-Smith-s2cr2-1
Redacted	Direct-PSC-Smith-sp2-1	Direct-PSC-Smith-s2pr-1	Direct-PSC-Smith-s2pr2-1

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14. Include no live Internet hyperlinks.
15. Cite to any existing pre-hearing testimony in this docket by the assigned page or exhibit number. Include no PSC REF #s.
 (“As mentioned in Direct-PSC-Smith-15”)
16. Cite to any existing offered exhibit in this docket by the exhibit number. Include no PSC REF #s.
 (“I prepared Ex.-PSC-Smith-1”)

Additional Order Conditions for Contested Case Proceedings

- 1 **17.** Refrain from pinpoint line number citation because refileing of the source document may render the citation stale.
- 2 **18.** To cite to a CPCN application:
- 3 **a.** Cite to a page # as:
- 4 Ex.-[identify the applicant]-Applicant-Application-Vol. # : page#
- 5 (“Ex.-ATC-Application-Vol. 1:312”)
- 6 **b.** Cite to a Figure as:
- 7 Ex.-[identify the applicant]-Application-Vol. # : Appendix _ Figure _
- 8 (“Ex.-ATC-Application-Vol. 2: Appendix A Figure 1”)
- 9 **c.** Cite to a Part as:
- 10 Ex.-[identify the applicant]-Application-Vol. # : Appendix _ Part_
- 11 (“Ex.-ATC-Application-Vol. 2: Appendix C Part 1”)
- 12 **d.** Cite to a Table as:
- 13 Ex.-[identify the applicant]-Application-Vol. # : Appendix _ Table_
- 14 (“Ex.-ATC-Application-Vol. 2: Appendix B Table 1”)
- 15 **e.** Cite to an Exhibit as:
- 16 Ex.-[identify the applicant]-Application-Vol. # : Appendix _ Exhibit_
- 17 (“Ex.-ATC-Application-Vol. 2: Appendix D Exhibit 2”)
- 18 **19.** To cite to other types of applications:
- 19 Cite to Ex.-[identify the applicant]-Application-[applicable page # or section]
- 20 (“Ex.-ATC-Application-Attachment A:2”)
- 21 **20.** To cite to a Final EIS:
- 22 **a.** Cite to a section as:
- 23 “Ex.-PSC-FEIS-Vol. # § #”
- 24 (“Ex.-PSC-FEIS-Vol. 1 § 12.1.2”)
- 25 **b.** Cite to a page # as:
- 26 “Ex.-PSC-FEIS-Vol. #: page #”
- 27 (“Ex.-PSC-FEIS-Vol. 1:312”)
- 28 **21.** To cite to a Final EA:
- 29 **a.** Cite to a section as:
- 30 “Ex.-PSC-FEA-Vol. # § #”
- 31 (“Ex.-PSC-FEA-Vol. 1 § 12.1.2”)
- 32 **b.** Cite to a page # as:
- 33 “Ex.-PSC-FEA-Vol. #: page #”
- 34 (“Ex.-PSC-FEA-Vol. 1:312”)

Additional Order Conditions for Contested Case Proceedings

1 **22.** To cite to a response to a staff data request offered in a staff data request response exhibit:

2 **a.** “Ex.-PSC-Data Request: Response #”
 3 (“Ex.-PSC-Data Request: Response 2.02”)

4 **23.** To cite to public comments offered in the staff public comment exhibit:

5 **a.** “Ex.-PSC-Public Comment: Witness name”
 6 (“Ex.-PSC- Public Comment: Smith”)

7
8 **c. Filing**

- 9 **1.** File according to previously established deadlines.
 10 **2.** Use the ERF Document Type: “Testimony-Offered.”
 11 **3.** ERF Document Description: Use the page numbering convention, but exclude the page number.
 12 **4.** If the filing is an errata sheet for testimony already filed, add “e” to the page number.

	Initial Filing	1 st Revision	2 nd Revision
Public only	Direct-PSC-Smith	Direct-PSC-Smith-r	Direct-PSC-Smith-r2
Confidential	Direct-PSC-Smith-c	Direct-PSC-Smith-cr	Direct-PSC-Smith-cr2
Redacted	Direct-PSC-Smith-p	Direct-PSC-Smith-pr	Direct-PSC-Smith-pr2
Errata	Direct-PSC-Smith-pe	Direct-PSC-Smith-pre	Direct-PSC-Smith-pr2e
	1 st Supplemental Filing	1 st Revision	2 nd Revision
Public only	Direct-PSC-Smith-s	Direct-PSC-Smith-sr	Direct-PSC-Smith-sr2
Confidential	Direct-PSC-Smith-sc	Direct-PSC-Smith-scr	Direct-PSC-Smith-scr2
Redacted	Direct-PSC-Smith-sp	Direct-PSC-Smith-spr	Direct-PSC-Smith-spr2
Errata	Direct-PSC-Smith-spe	Direct-PSC-Smith-spre	Direct-PSC-Smith-spr2e
	2nd Supplemental Filing	1 st Revision	2 nd Revision
Public only	Direct-PSC-Smith-s2	Direct-PSC-Smith-s2r	Direct-PSC-Smith-s2r2
Confidential	Direct-PSC-Smith-sc2e	Direct-PSC-Smith-s2cre	Direct-PSC-Smith-s2cr2
Redacted	Direct-PSC-Smith-sp2	Direct-PSC-Smith-s2pr	Direct-PSC-Smith-s2pr2
Errata	Direct-PSC-Smith-sp2e	Direct-PSC-Smith-s2pre	Direct-PSC-Smith-s2pr2e

13
14 **4. Exhibits**

15 **a. Contents**

- 16 **1.** Only documentary evidence expressly offered for and duly received on the record as an exhibit will come before the
 17 Commission.

Additional Order Conditions for Contested Case Proceedings

- 1 2. Use a cover page.
- 2 3. Allow space at the top right corner of the cover page for the PSC REF# stamp.
- 3 4. Mark the exhibit at the center bottom of the cover page according to the marking convention:
- 4 a. “Ex.-[identify the party]-[identify the witness]-[exhibit #]”
- 5 b. If the exhibit is offered under a request for confidential handling, add “c” to the marking
- 6 c. If the exhibit offered is a redacted public version of a document filed under a request for confidential handling, add
- 7 “p” to the marking.
- 8 d. If the exhibit offered corrects a round of testimony already filed, add “r” to the marking.
- 9 e. If the exhibit offered is a subsequent refiling add a number to the marking that indicates the version of the filing
- 10

	Initial Filing	1 st Revision	2 nd Revision
Public only	Ex.-PSC-Smith-1	Ex.-PSC-Smith-1r	Ex.-PSC-Smith-1r2
Confidential	Ex.-PSC-Smith-1c	Ex.-PSC-Smith -1cr	Ex.-PSC-Smith-1cr2
Redacted	Ex.-PSC-Smith-1p	Ex.-PSC-Smith 1pr	Ex.-PSC-Smith-1pcr2

- 11
- 12 **c. Filing**
- 13 1. File according to previously established deadlines.
- 14 2. Use the ERF Document Type: “Exhibit-Offered.”
- 15 3. ERF Document Description: Use the exhibit marking.
- 16 4. File all updates to the following exhibits as if it was an initial filing:
- 17 a. Application.
- 18 b. Staff data request response.
- 19 c. FEIS
- 20 d. FEA

5. Requests for an Order/Briefs

- 21
- 22 **a. Contents**
- 23 1. For any post-hearing brief on the merits:
- 24 a. Cite to the record all noted evidence and assertions of fact.
- 25 b. Cite to no evidence or assertion of fact outside the record.
- 26 **b. Format**
- 27 1. Include no cover page.
- 28 2. Allow space at the top right corner of the first page for the PSC REF# stamp.
- 29

Additional Order Conditions for Contested Case Proceedings

3. Use 12 point double-spaced type and one-inch margins.
4. Limit the number of pages as follows:
 - a. Initial post-hearing brief on the merits - 30 pages.
 - b. All other briefs - 15 pages.

c. Filing

1. File any request for an order using the “Motion” document type even if a brief is attached.
2. File any brief, response, or reply to a request for an order using the “Motion” document type.
3. File any initial post-hearing brief on the merits using the "Brief" document type.
4. File any reply post-hearing brief on the merits using the "Reply Brief" document type.

d. Corrections

1. Any change to a request or brief requires refileing a complete replacement version. Indicate a brief is a replacement by adding “(revised)” to the title and ERF Document Description.
(“Request for Leave (revised)”)

C. Motion Practice

For all requests for an order, including objections, made prior to a Commission decision on the subject matter of the request:

1. Direct the request to the Administrative Law Judge.
2. File the request, unless timely made at a hearing.
3. When filing the request, use the “Motion” document type.
4. The following schedule shall apply to any filed requests:
 - a. Respond by 1:30 p.m. 3 days after the filing of the request.
 - b. Reply by 1:30 p.m. 2 days after the filing of the response.
5. File a response or reply using the “Motion” document type.
6. Any request that contains a representation or certification of the consent of the parties and Commission staff shall take effect immediately upon filing, but shall receive reconsideration if so ordered within 3 days after filing of the request.
7. Any request to which a response is authorized, but not received, shall take effect immediately after the response deadline, but shall receive reconsideration if so ordered within 3 days after the response deadline.
8. Any requests for an order not included anywhere in this document shall follow the process under Wis. Admin. Code PSC § 2.23.

Additional Order Conditions for Contested Case Proceedings

1 D. ALJ Communications and Orders

- 2
- 3 1. Send no e-mails to the Administrative Law Judge unless otherwise herein.
- 4 2. Written orders of the Administrative Law Judge shall be served by e-mail.
- 5 3. In computing any period of time that follows the issuance of an order of the Administrative Law Judge, the date of the ERF
- 6 filing date stamp is the date of mailing. *See* Wis. Admin. Code § PSC 2.05(2).
- 7

8 E. Pre-Hearing Procedures

9 1. Discovery

- 10 a. File any response to a party discovery request or Commission staff data request as information becomes available.
- 11 1. For any request made prior to the deadline to file rebuttal testimony, respond in full no later than 21 days after service of
- 12 the request, with an exception of 30 days allowed for just cause.
- 13 2. For any request made after the deadline to file rebuttal testimony, respond in full no later than 7 days after service of the
- 14 request.
- 15 b. Serve all, party discovery requests and notices to object, with the Commission staff docket coordinator, and the Commission
- 16 staff attorney assigned to the docket.
- 17 c. File no party discovery requests, or notices to object.
- 18 d. Notify a requester of the intent to answer a discovery request or data request solely by objection, or by objection and partial
- 19 response, notwithstanding the objection.
- 20 1. For any notice related to a discovery request or data request made prior to the deadline to file rebuttal testimony, notify
- 21 the requester, by 1:30 p.m., 5 days after receipt of the discovery request or data request.
- 22 2. For any notice related to a discovery request or data request made after the deadline to file rebuttal testimony, notify the
- 23 requester, by 1:30 p.m., 3 days after receipt of the discovery request or data request.
- 24 e. File any request to compel a response to a discovery request or data request.
- 25 1. For any request related to a discovery request or data request made prior to the deadline to file rebuttal testimony, file the
- 26 request by 1:30 p.m., 5 days after receipt of a notice to answer solely by objection, or by objection and partial response,
- 27 notwithstanding the objection.
- 28 2. For any request related to a discovery request or data request made after the deadline to file rebuttal testimony, file the
- 29 request by 1:30 p.m., 3 days after receipt of a notice to answer solely by objection, or by objection and partial response,
- 30 notwithstanding the objection.
- 31 f. File any request for protective order to a discovery request or data request.
- 32

Additional Order Conditions for Contested Case Proceedings

2. Hearing Preparation

- a. Offer any written testimony and exhibits by filing by the deadline established by order.
- b. To request to change the schedule in this proceeding, file a request to the schedule for good cause.
- c. Follow all format requirements for written testimony and exhibits provided herein.
- d. Request leave to file supplemental written testimony or exhibits. File the supplement concurrently, but separate from the request.
- e. Object to pre-hearing testimony and exhibits by the deadline of the next round of filing.
- f. Any party who compels a witness to appear at hearing shall create a volume of written testimony for that witness in the form of either a deposition or interrogatory. File the volume of written testimony for any witness being compelled to appear, and corresponding exhibits, by the deadline to file rebuttal testimony.
- g. The applicant shall make an adequate number of personnel with knowledge of the issues in this docket available at each public hearing session to answer questions from members of the public.
- h. A party shall endeavor to identify its employees or members who wish to file written comments or participate at the public hearing session in support of that party's position and shall use best efforts to organize the testimony of such witnesses in a manner that avoids undue repetition.
- i. Attempt to obtain consent under Wis. Stat. § 807.13 in sufficient time to plan an in-person witness appearance, if necessary.
- j. File all corrections to pre-hearing testimony (errata) and exhibits (replacement) by one day prior to the party hearing session. Timely filed corrections require no request or pre-approval from the Administrative Law Judge, but such corrections are subject to objection at hearing.
- k. E-mail the Administrative Law Judge and copy the parties and Commission staff by 1:30 p.m. 1 day prior to the first day of the party hearing session to:
 1. Request to take a witness at a specific prearranged time.
 2. Identify the witnesses that a party or Commission staff intends to cross-examine. This does not waive the right to cross-examine other witnesses.
 3. Identify any need to conduct a portion of the hearing *in camera*.
 4. Identify any witness appearing by telephone.
 5. Request the scheduling of additional hearing time.

F. Hearing Procedures

1. Before the call of witnesses, the Administrative Law Judge may:
 - a. Hear any corrections to the Pre-Hearing Written Testimony and Exhibit List.
 - b. Hear any remaining corrections to pre-hearing written testimony and exhibits.
 - c. Rule on pending and allowable objections.

Additional Order Conditions for Contested Case Proceedings

- 1 d. Hear oral arguments in lieu of briefs with respect to any pending motion for which the deadline to file briefs would not expire
- 2 prior to, or on, that day.
- 3 e. Receive into the record all items on the previously issued Pre-Hearing Written Testimony and Exhibit List, subject to any
- 4 verification by the witness, pending or allowable objections, and corrections to the list.
- 5 2. The sponsor of any pre-hearing testimony or exhibit not received into the record may make such filings an offer of proof.
- 6 3. The sponsor of any oral testimony not received into the record may make a brief oral offer of proof.
- 7 4. The order of appearances and cross-examination by parties shall follow the order of parties as provided in the list above.
- 8 Commission staff shall follow all parties. Each party and Commission staff may arrange the order of its witnesses.
- 9 5. A rebuttable presumption of good cause under Wis. Stat. § 807.13 exists to allow witnesses to appear by telephone.
- 10 6. Prior to cross-examination, any witness may offer brief oral testimony that responds only to the last round of pre-hearing
- 11 testimony or any subsequent testimony of another witness received at the hearing. Use best efforts in this matter to avoid undue
- 12 surprise or prejudice.
- 13 7. Limit cross-examination of a witness by the length and scope required to reasonably investigate matters with respect to the
- 14 testimony of that witness. To investigate beyond these parameters requires the party to have followed the applicable pre-hearing
- 15 process for compelling the witness to appear at hearing for direct examination.
- 16 8. Provide an adequate number of copies of any document referred to during the hearing, but not previously filed.
- 17 9. The Commission intends to webcast all hearings held in Madison. Therefore, the Commission will make no phone lines
- 18 available to monitor a hearing.
- 19

20 **G. Post-Hearing Procedures**

- 21
- 22 1. File any document not filed prior to the party hearing session but offered and received at the party hearing session by 1:30 p.m.
- 23 3 days after the last day of the party hearing session.
- 24 2. File documentary evidence not previously filed but identified at the party hearing session and for which offer into the record is
- 25 delayed until after the party hearing session by 1:30 p.m. 3 days after the last day of the party hearing session.
- 26 3. File the affidavit of any witness attesting to the truthfulness and accuracy of that witness's written testimony and exhibits offered
- 27 into the record in the absence of a live oath or affirmation by 1:30 p.m. 3 days after the last day of the party hearing session. File
- 28 using "Testimony-Offered" ERF document description.
- 29 4. File a complete replacement version of any written testimony or exhibit corrected by errata or at the hearing by 1:30 p.m. 3 days
- 30 after the last day of the party hearing session.
- 31 5. Object to the filings listed above as provided in these Guidelines.
- 32 6. The opportunity to offer hearing transcript corrections is as follows:
- 33 a. By the established transcript turnaround time, the court reporter shall serve a draft transcript.

Additional Order Conditions for Contested Case Proceedings

- 1 **b.** File any proposed corrections to the draft transcript in the form of an errata sheet by 1:30 p.m. 3 days after service of the
2 draft transcript.
- 3 **c.** File using the "Offered Testimony" ERF Document Type.
- 4 **d.** An errata may correct a misstatement when necessary to convey the truth, and if the change causes no prejudice.
- 5 **e.** Propose a clarification to eliminate confusion, without prejudicially changing meaning.
- 6 **f.** File any objection to a proposed transcript correction by 1:30 p.m. 2 days after the filing of the proposed correction.
- 7 **g.** Any timely filed objection shall stand unless overruled by the Administrative Law Judge within 3 days after filing of the
8 objection.
- 9 **h.** Commission staff shall serve, and send to the court reporter, all corrections timely filed, unopposed and allowed over
10 objection.
- 11 **i.** The court reporter shall create the official version of the transcript by making the corrections provided by Commission staff.
12 The court reporter shall serve the official transcript only to Commission staff.
- 13 **j.** Commission staff shall file all official transcript volumes and serve only the official version of any *in camera* hearing
14 transcript volume.
- 15 **6.** Maintain a claim to confidential handling under Wis. Admin. Code § PSC 2.12 of an *in camera* hearing transcript by filing by
16 1:30 p.m. 5 days after service of the official version of the transcript, a request as described in Wis. Admin. Code § PSC 2.12(3),
17 attached before a copy of the transcript, shaded in light gray, all text to which the request applies. Simultaneously, but
18 separately, file a redacted copy of the official version of the *in camera* transcript consistent with Wis. Admin. Code § PSC
19 2.12(4). Omit from the transcript any affirmation of the veracity of the official volume included in the original by the court
20 reporter. File both documents using "Testimony-Offered" ERF document description. The redacted volume exists only for
21 Commission staff to evaluate the claim and for public convenience. The redacted volume provides no authoritative record of the
22 proceedings. In the case of any discrepancy between the original volume and the redacted volume, the original volume shall
23 control.
- 24 **7.** Object to or request to offer rebuttal or countervailing evidence for any evidence offered by a member of the public by 1:30 p.m.
25 2 days after service of the transcript of the public hearing session.
- 26 **8.** Request leave to present additional evidence by showing 1) the additional evidence is material; and 2) good reason exists for
27 failure to present the evidence according to the schedule. Simultaneously, but separately, file the evidence at issue verified by
28 affidavit.
- 29 **9.** Request to take official notice under Wis. Stat. § 227.45(3). Simultaneously, but separately, file the evidence at issue verified by
30 affidavit.
- 31 **10.** A non-party shall offer a brief on the merits by filing simultaneously with, but separately from the brief, a request for leave to
32 file.

Additional Order Conditions for Contested Case Proceedings

- 1 **11.** Respond to a notice by the Commission of its decision to avail itself of any evidence in its possession under Wis.
2 Stat. § 227.45(2) by 1:30 p.m. 3 days after the notice issues. Simultaneously, but separately, file any rebuttal or countervailing
3 evidence verified by affidavit. Reply by 1:30 p.m. 2 days after the filing of the response.
4 **12.** A request for an order filed after the hearing does not stay any Commission open meeting discussion with respect to the existing
5 record or the issuance of a final decision by the Commission. Either Commission action effects a denial of the request unless
6 otherwise indicated by the Commission.
7

H. Post-Decision Procedures

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9

- 10 **1.** File any for request rehearing or reopening under Wis. Stat. §§ 196.39 or 227.49.
11 **a.** File a request using the “Petition” document type.
12 **b.** Respond by 1:30 p.m. 5 days after the filing of the request.
13 **c.** File a response using the “Petition” document type.
14 **d.** File no reply from the requester.
15 **2.** The record on review under Wis. Stat. § 227.55 shall contain any offer of proof. But, no offer of proof shall enter the evidentiary
16 record unless the Commission or a court overturns the ruling to exclude the evidence and provides an opportunity for
17 cross-examination or the offer of countervailing evidence.

List of Requestors by Group Number

Group One Requestors – units of government with no apparent connection to S.O.U.L of Wisconsin

1. Iowa County's Request to Intervene and Notice of Appearance	PSC REF#: 353663
2. Motion to Intervene Out of Time & Notice of Appearance (Dane County)	PSC REF#: 354190
3. Town of Vermont - Request to Intervene and Notice of Appearance	PSC REF#: 352491

Group Two Requestors – organizations with no apparent connection to S.O.U.L of Wisconsin

1. Clean Energy Organizations' Intervention and Appearance	PSC REF#: 353628
2. Clean Wisconsin's Request for Full Party Status	PSC REF#: 341562
3. CUB's Request to Intervene and Notice of Appearance	PSC REF#: 341474
4. Driftless Area Land Conservancy's Request To Intervene and Attorneys' Notice of Appearances	PSC REF#: 341902
5. MISO Intervention	PSC REF#: 353201
6. RENEW Request - Full Party Status	PSC REF#: 345193
7. WIEG's Request to Intervene and Notice of Appearance	PSC REF#: 352516
8. WWF Request to Intervene	PSC REF#: 353668

Group Three Requestors – individuals with no apparent connection to S.O.U.L of Wisconsin

1. Jewell Jinkins Intervenor Request for Party Status	PSC REF#: 353457
2. Lila Zastrow & Dave Hendrickson request for intervenor	PSC REF#: 353250
3. PAT & PAM RAIMER REQUEST TO INTERVENE AND NOTICE OF APPEARANCE	PSC REF#: 353168
4. Request for party status Michael and Michelle Dubis	PSC REF#: 353697

Group Four Requestors – requests filed by U.S. Mail.

1. Amos Allgyer Request to Intervene and Notice of Appearance	PSC REF#: 352835
2. Amos F. Lapp Request to Intervene and Notice of Appearance	PSC REF#: 352837
3. Andrew L. Kinsinger Request to Intervene and Notice of Appearance	PSC REF#: 352838
4. Benjamin B. Allgyer Request to Intervene and Notice of Appearance	PSC REF#: 352843
5. Eli S. Stoltzfus Request to Intervene and Notice of Appearance	PSC REF#: 352834
6. Elmer K. Beiler Request to Intervene and Notice of Appearance	PSC REF#: 352842
7. Emanuel K. Beiler Request to Intervene and Notice of Appearance	PSC REF#: 352841
8. Isac Stoltzfoos Request to Intervene and Notice of Appearance	PSC REF#: 352836
9. Samuel L. Beiler Request to Intervene and Notice of Appearance	PSC REF#: 352840
10. Stephen M. Esh Request to Intervene and Notice of Appearance	PSC REF#: 352839
11. Request to Intervene (Mark Sukowaty)	PSC REF#: 353863

List of Requestors by Group Number

Group Five Requestors – Requests with an apparent with no an apparent connection to S.O.U.L of Wisconsin

1. Alexander Tanke Request to Intervene and Notice of Appearance	PSC REF#: 353062
2. Amelia and Garry Williams Request to Intervene and Notice of Appearance	PSC REF#: 353325
3. Andrea Waldera Request to Intervene and Notice of Appearance	PSC REF#: 353312
4. Carol Berglund Request To Intervene and Notice of Appearance	PSC REF#: 353283
5. Caroline Beckett & Frank Sandner Request to Intervene and Notice of Appearance	PSC REF#: 353319
6. Charles and Joyce Clark Request To Intervene and Notice of Appearance	PSC REF#: 353285
7. Cheryl & Terry Seng Request To Intervene and Notice of Appearance	PSC REF#: 353305
8. Chris Klopp request to intervene and notice of appearance	PSC REF#: 352965
9. David Giffey Request to Intervene and Notice of Appearance	PSC REF#: 353485
10. David Stanfield Request to Intervene and Notice of Appearance	PSC REF#: 353284
11. David Swanson Request to Intervene and Notice of Appearance	PSC REF#: 353317
12. Deborah Mulligan Request to Intervene and Notice of Appearance	PSC REF#: 353297
13. Dennis and Judi Halverson Request to Intervene and Notice of Appearance	PSC REF#: 353307
14. Don and Julie Pluemer Request To Intervene and Notice of Appearance	PSC REF#: 353287
15. Dr. Gloria and LeRoy Belken Request to Intervene and Notice of Appearance	PSC REF#: 353398
16. Ellen and Tom Shinko Request To Intervene and Notice of Appearance	PSC REF#: 353308
17. Fred and Lou Anna Domann Request to Intervene and Notice of Appearance.	PSC REF#: 353302
18. Gene Smith Request to Intervene and Notice of Appearance	PSC REF#: 353399
19. George Schwarzmamm Request to Intervene and Notice of Appearance	PSC REF#: 353304
20. James Campbell Request To Intervene and Notice of Appearance	PSC REF#: 353328
21. Joe Schwarzmamm Request to Intervene and Notice of Appearance	PSC REF#: 353318
22. Joel Kurth Request to Intervene and Notice of Appearance	PSC REF#: 353327
23. Joyce Bos Request to Intervene and Notice of Appearance	PSC REF#: 353310
24. Judy James Request To Intervene and Notice of Appearance	PSC REF#: 353298
25. Keith & Nancy Maxwell Request to Intervene and Notice of Appearance	PSC REF#: 353313
26. KerryBeheler Request to Intervene and Notice of Appearance	PSC REF#: 353002
27. Lilly Long Request To Intervene and Notice of Appearance	PSC REF#: 353309
28. Linda Grice Request to Intervene and Notice of Appearance	PSC REF#: 353301
29. Marilyn and Richard Brewer Request To Intervene and Notice of Appearance	PSC REF#: 353299
30. Marlene and Patrick Patterson Request to Intervene and Notice of Appearance	PSC REF#: 353504
31. Michael McDermott request for party status	PSC REF#: 353633
32. Michael Russel and Susan Ehlers Request to Intervene and Notice of Appearance	PSC REF#: 353306
33. Michelle Bartels Request To Intervene and Notice of Appearance	PSC REF#: 353324
34. Mike Mooney and Sara Anderson Request to Intervene and Notice of Appearance	PSC REF#: 353320
35. Monica Sella Request To Intervene and Notice of Appearance	PSC REF#: 353326
36. Montfort Village Request to Intervene and Notice of Appearance	PSC REF#: 353360
37. Nancy Giffey Request to Intervene and Notice of Appearance	PSC REF#: 353316
38. Rand Scott & Clarissa Sheldon Request to Intervene and Notice of Appearance	PSC REF#: 353303
39. Richard and Laurie Graney Request to Intervene and Notice of Appearance	PSC REF#: 353300
40. SOUL of Wisconsin Request to Intervene and Notice of Appearance	PSC REF#: 353482
41. Sue Strickler Request to Intervene and Notice of Appearance	PSC REF#: 353323
42. Susan Slotten Request to Intervene and Notice of Appearance	PSC REF#: 353043
43. Town of Arena Request To Intervene and Notice of Appearance	PSC REF#: 353315
44. Town of Belmont Request to Intervene and Notice of Appearance.	PSC REF#: 353045
45. Town of Clyde Request To Intervene and Notice of Appearance	PSC REF#: 353311
46. Town of Lima Request to Intervene and Notice of Appearance	PSC REF#: 353279
47. Town of Wingville Request to Intervene and Notice of Appearance	PSC REF#: 353359
48. Town of Wyoming Request to Intervene and Notice of Appearance	PSC REF#: 353365
49. Wanda Martinsen Request to Intervene and Notice of Appearance CORRECTED	PSC REF#: 353374
50. William Hutchinson Request to Intervene and Notice of Appearance	PSC REF#: 353322