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| **Issue 1: Will the proposed project, if constructed, satisfy the reasonable needs of the public for an adequate supply of electric energy as required for Commission approval under Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5.?** |
| **Issue Scope:** American Transmission Company LLC (ATC), ITC Midwest LLC (ITC), and Dairyland Power Cooperative (DPC) (together, applicants) propose to construct a 345 kilovolt (kV) transmission line from the existing Cardinal Substation in the Dane County, Wisconsin to the existing Hickory Creek Substation in Dubuque County, Iowa. The proposed project also includes construction of a new Hill Valley Substation, in Iowa County, Wisconsin The applicants and supporting intervenors contend that the proposed project is needed to provide reliability, economic, and public policy benefits, and that these benefits are in excess of the cost of the proposed project. Opposing intervenors contend that the cost of the proposed project outweighs any benefits and, thus, the project should not be approved. The Commission may reject the proposed project if it finds that it would substantially impair the efficiency of utility service, would provide facilities unreasonably in excess of probable future requirements, or would add to the cost of service without proportionately increasing the value or available quantity of service, pursuant to Wis. Stat. §§ 196.491(3)(d)2. and 5., and 196.49(3)(b)1.-3., considering:* Load growth forecasts.
* The MISO Multi-Value Project (MVP) criteria which consider reliability, economics, and public policy (supporting documented energy policy mandates or laws enacted or adopted through state or federal legislation or regulatory requirements).
* Wisconsin-specific costs and benefits considering issues such as: MISO MVP cost-sharing; appropriate discount rate for purposes of determining net-present value of costs and benefits; the methodology used to assess the economic impact of the project; future generation changes; the reasonable values of economic benefits derived from applicants, parties, and staff economic analyses; and, alternatives evaluated by parties and staff.
* Total project costs and benefits.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Members of the Public:** The majority of public comments opposed the proposed project considering cost, impact, and lack of need. Members of the public requested in-depth analyses considering non-transmission alternatives, energy efficiency and load reduction, battery storage, distributed renewable generation, and the results of Commission’s staff’s base with asset renewal alternative. Public commenters also requested the economic analysis account for other associated impacts of the proposed project such as, but not limited to: land use, property values, aesthetics, and tourism. |  | Tr. 2049-2563; Public Comments offered by U.S. mail, [PSC REF#: 372052](http://apps.psc.wi.gov/vs2015/ERF_view/viewdoc.aspx?docid=372052); Public Comments offered at the Public Hearing Sessions from non‑speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 4; various other web comments. |
| **Commission Staff:** Commission staff evaluated the reliability, economic, and public policy impacts of the proposed project. Commission staff performed analysis using PowerWorld, PROMOD, and various financial spreadsheet models. Commission staff considered the MVP criteria and additional generation changes and assessed the comparative reliability benefits to the proposed project of a less costly base with asset renewal alternative. Commission staff evaluated the appropriate discount rate to determine the net present value of costs/benefits of the proposed project. | Direct-PSC-Vedvik-5-38; Surrebuttal-PSC-Vedvik-2-20; Ex.-PSC-Vedvik-1-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1473Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3Surrebuttal-PSC-Bacalao-2-9; Sur-sur-surrebuttal-PSC-Bacalao, Tr. 1959-1967 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Yes, the proposed project will satisfy the reasonable needs of the public for an adequate supply of electric energy, and complies with the criteria listed in Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5. |
| **Alternative Two:** No, the proposed project will not satisfy the reasonable needs of the public for an adequate supply of electric energy, and does not comply with one or more of the criteria listed in Wis. Stat. §§ 196.491(3)(d)2. and 196.491(3)(d)5. |
| **Commissioner Notes:**  |

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| **Issue 2: Will the proposed project, if constructed, provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and are the benefits of the project reasonable in relation to the cost of the proposed project as provided in Wis. Stat. § 196.49(3)(d)3t.?** |
| **Issue Scope:** The proposed project is a high-voltage transmission line designed for operation at a nominal voltage of 345 kilovolts (kV). The applicants contend the proposed project provides increased regional reliability benefits and these benefits, considering the cost of the line, are reasonable in relation to the cost savings that would be recognized by the project. Intervenors contend that the cost of the proposed project outweighs any benefits considering alternatives, and that in particular non-transmission alternatives such as battery storage or distributed generation could provide similar benefits at a lower cost. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Members of the Public:** Some public comments were directed at the need for the proposed project for reliability. Many commenters noted the system is currently reliable. The base with asset renewal alternative developed by Commission staff was discussed as an alternative to the proposed project for meeting the needs of the public for adequate electric service. Members of the public also discussed that the costs associated with the proposed project are greater than the capital costs and that other impacts such as, but not limited to: land use; property value; aesthetics; and tourism; have greater costs to the public than the benefits the proposed project would provide. |  | Tr. 2049-2563; Public Comments offered by U.S. Mail, [PSC REF#: 372052](http://apps.psc.wi.gov/vs2015/ERF_view/viewdoc.aspx?docid=372052); Public Comments offered at the Public Hearing Sessions from non-speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 4; various other web comments. |
| **Commission Staff**: Commission staff’s PowerWorld modeling analyzed the reliability benefits of the project and various alternatives. Commission staff evaluated the reliability benefits (with similar benefits as the proposed project) of a base with asset renewal alternative that included rebuilding three transmission system assets nearing the end of their respective useful lives and projected to be constrained.  | Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Yes, the proposed project will provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and the benefits of the project are reasonable in relation to the cost of the proposed project. |
| **Alternative Two:** No, the proposed project will not provide usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state, and/or the benefits of the project are not reasonable in relation to the cost of the proposed project. |
| **Commissioner Notes:**  |

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| **Issue 3: Are any Energy Priority Law options cost-effective, technically feasible, and environmentally sound alternatives to building the proposed project, per Wis. Stat. §§ 1.12(4) and 196.025(1)?****a. Energy conservation and efficiency.****b. Noncombustible renewable energy resources.****c. Combustible renewable energy resources.****cm. Advanced nuclear energy using a reactor design or amended reactor design approved after December 31, 2010, by the U.S. Nuclear Regulatory Commission.****d. Nonrenewable combustible energy resources, in the order listed:****1. Natural gas.****2. Oil or coal with a sulphur content of less than 1 percent.****3. All other carbon-based fuels.** |
| **Issue Scope:** The applicants considered several other high-voltage transmission lines as well as lower voltage transmission improvements to analyze whether other alternatives to the proposed project would offset the stated need for the proposed line. Intervenors contend that the proposed line is not needed and that any need issues can be better met with a combination of solar and other distributed generation, increased load management, conservation and energy efficiency, and construction of lower voltage transmission lines that would have less impact than the proposed project. Commission staff developed and evaluated a base with asset renewal alternative to the proposed project that considered the inclusion of certain Commission approved generation projects and provided similar reliability benefits as the proposed project. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Members of the Public:** Members of the public suggested several alternatives to the proposed project that are higher on the energy priority law list and could be cost-effective, technically feasible, and environmentally sound. Such alternatives include: increased energy conservation and efficiency; demand response; distributed renewable resources; local utility-scale renewable resources; lower-voltage transmission alternatives; battery storage; combinations of the aforementioned; and, the base with asset renewal alternative developed by Commission staff. |  | Tr. 2049-2563; Public Comments offered by U.S. Mail, [PSC REF#: 372052](http://apps.psc.wi.gov/vs2015/ERF_view/viewdoc.aspx?docid=372052); Public Comments offered at the Public Hearing Sessions from non‑speakers-Part 1; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 2; Public Comments offered at the Public Hearing Sessions from non-speakers-Part 3; Public Comments offered at the Public Hearing Sessions from non‑speakers-Part 4; various other web comments |
| **Commission Staff:** Commission staff evaluated the impact of Commission-approved new noncombustible renewable energy resources and load reduction on the economics and reliability benefits associated with the proposed project. | Direct-PSC-Vedvik-6, 11-19, 22-26, 33-38; Surrebuttal-PSC-Vedvik-7-10, 12-18; Ex.-PSC-Vedvik-1, 3, 6Direct-PSC-Rohankar-3-14; Surrebuttal-PSC-Rohankar-1-3; Ex.-PSC-Rohankar-1-3Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** No Energy Priority Law alternatives exist that are cost-effective, technically feasible, and environmentally sound alternatives to the proposed project. |
| **Alternative Two:** Yes, there are Energy Priority Law alternatives, or combinations of Energy Priorities Law alternatives, that are cost-effective, technically feasible, and environmentally sound alternatives to the proposed project. |
| **Commissioner Notes:**  |

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| **Issue 4: Would the proposed project have a material adverse impact on competition in the relevant wholesale electric service market under Wis. Stat. § 196.491(3)(d)7.?** |
| **Issue Scope:** A finding of no material adverse impact on competition is a requirement before the Commission can issue a Certificate of Public Convenience and Necessity (CPCN). |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Commission staff evaluated the economic impact of the proposed project on the entire MISO market that considered the total costs and benefits of the proposed project to all MISO market participants. In addition, Commission staff’s PROMOD analysis evaluated the energy cost savings associated with the proposed project, which has a direct impact on wholesale electric market pricing and competition.  | Direct-PSC-Vedvik-27-32; Surrebuttal-PSC-Vedvik-5-7; Sur-sur-surrebuttal-PSC-Vedvik, Tr. 1466-1469; Ex.-PSC-Vedvik-4-5Direct-PSC-Grant-p-3-40; Direct-PSC-Grant-c-3-40; Surrebuttal-PSC-Grant-pr-2-9; Surrebuttal-PSC-Grant-cr-2-9; Ex.-PSC-Grant-1-8 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** No, the proposed project would not have a material adverse impact on competition in the relevant wholesale electric service market. |
| **Alternative Two:** Yes, the proposed project would have a material adverse impact on competition in the relevant wholesale electric service market. |
| **Commissioner Notes:**  |

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| **Issue 5: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), which Mississippi River crossing location in the Mississippi River Routing Area does the Commission authorize, if any?*** **Nelson Dewey Crossing**
* **Stoneman Crossing**
 |
| **Issue Scope:** The Mississippi Routing Area is located near Cassville, Wisconsin, and lies entirely within Grant County. The applicants provided two separate locations (Nelson Dewey or Stoneman) for the crossing of the Mississippi River. A new Mississippi River crossing is proposed that would connect the Wisconsin portion of the proposed project at the Nelson Dewey Substation. There are existing 161kV and 69kV electric transmission lines that cross the Mississippi River connecting at the Stoneman Substation. Each of these crossing options includes two separate route alternatives (North and South) that connect to route alternatives in the Western Routing Area.The route alternatives under consideration in this routing area are:* Nelson Dewey-North which only connects to Western-North
* Nelson Dewey-South which only connects to Western-South
* Stoneman-North which only connects to Western-North
* Stoneman-South which only connects to Western-South

Both the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) are required to authorize the route through the Upper Mississippi National Fish and Wildlife Refuge (Refuge) through both realty agreements (from both USACE and USFWS) and Clean Water Act 404 permitting (by USACE). Depending on the route selected through the Refuge, there may only be a need for one realty agreement with USFWS due to landownership. The agencies are currently reviewing specific parcel ownership with the Refuge. If USFWS and USACE approve a right-of-way (ROW) location within the Refuge that differs from the Commission’s decision in the Mississippi River Routing Area, the location of the federal easement approved by the federal agencies would be the one that is constructed. As provided in the Commission alternatives below, the Commission may choose to authorize both proposed river crossings, authorize both proposed river crossings but identify a preferred crossing should both crossings be deemed permittable by the federal agencies, or authorize only one river crossing route. In the event the Commission takes the latter approach, if the route selected by the Commission and the federal agencies differs, applicants would have to return to the Commission for authorization to proceed. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** There may be additional asset renewal benefits associated with the Stoneman Mississippi River crossing if the existing transmission lines above the Cassville elementary school are multi‑circuited with the proposed project. In addition, the existing Stoneman‑Nelson Dewey 161 kV transmission line would no longer be located directly over the Cassville elementary school. |  | Direct-PSC-Vedvik-38-39 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives are permittable and constructible, the Commission authorizes either river crossing. |
| **Alternative Two:** Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives are permittable and constructible, the Commission prefers the Nelson Dewey location for the Mississippi River crossing. |
| **Alternative Three:** Recognizing that USFWS has primary siting authority for the proposed project within the Refuge, that no determination by USFWS is yet available, and that both crossing alternatives are permittable and constructible, the Commission prefers the Stoneman location for the Mississippi river crossing. |
| **Alternative Four:** The Nelson Dewey location best meets the requirements for issuance of a CPCN and should be used for the Mississippi River Crossing. |
| **Alternative Five:** The Stoneman location best meets the requirements for issuance of a CPCN and should be used for the Mississippi River Crossing. |
| **Commissioner Notes:**  |

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| **Issue 6: If the Nelson Dewey location is selected for the Mississippi River crossing, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?** |
| **Issue Scope:** The Commission could select any or all of the following route modifications:1. Commission staff did not identify any proposed modifications in the record.
2. *Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.*
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Commissioner Notes:**  |

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| **Issue 7: If the Stoneman location is selected for the Mississippi River crossing, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?** |
| **Issue Scope:** The Commission could select any or all of the following route modifications:1. If either Stoneman-North or Stoneman-South is selected, the applicants shall consult with Commission staff regarding the siting and design of the existing and new facilities, more specifically the potential to multi-circuit the existing 161 kV and 69 kV facilities with the proposed 345 kV facilities, along Subsegment B02 to minimize the environmental and socioeconomic impacts to the greatest extent practicable. (Ex.-PSC-FEIS, Table 11-56, Item 77)
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports modification 7a. |  | Ex.-PSC-FEIS, Table 11-56, item 77; Surrebuttal-PSC-Burtley-2-4 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** One or more of the modifications listed above are necessary for approval of the Stoneman crossing, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| **Issue 8: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), which route alternative does the Commission authorize for the portion of the project in the Western Routing Area, if any?** * **Western-North**
* **Western-South**
 |
| **Issue Scope:** The Western Routing Area is located in Grant, Iowa, and Lafayette Counties. The area is comprised of two main route alternatives (Western-North and Western-South) that connect the Mississippi River Routing Area and the Eastern Routing Area. The **Western-North** Route Alternative travels northeast from the village of Cassville to the village of Montfort. The **Western-South** Route Alternative travels east from the village of Cassville to the city of Platteville and then north to the village of Montfort. Both route alternatives would connect to common route subsegments before entering the proposed Hill Valley Substation. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** The Western-North Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Western Routing Area. |
| **Alternative Two:** The Western-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Western Routing Area. |
| **Commissioner Notes:**  |

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| **Issue 9: If the Commission selects the Western-North Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any?** |
| **Issue Scope:** The Commission could select any or all of the following route modifications:1. Commission staff did not identify any proposed modifications in the record.
2. *Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.*
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Commissioner Notes:**  |

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| Issue 10: If the Commission selects the Western-South Route Alternative for the proposed project, what route-specific route modifications or conditions should be attached to construction of the proposed project to meet the requirements for Commission approval, if any? |
| **Issue Scope:** The FEIS identified an Amish school located within 170 feet of the proposed centerline at 20164 Sunny Lane on the Stephen and Drusilla Esh property. (Ex.-PSC-FEIS, 7.3.3.2) Subsequently the applicants proposed two route modifications to Subsegment H03 which are both completely within the Esh property. These modifications would increase the distance between the Amish Country School and the proposed facilities. It is Commission staff’s understanding that the applicants would propose both of these route modifications to the Esh’s if Western-South were approved by the Commission. These route modifications include the following where in both events the new 345 kV line would be constructed in a double-circuit configuration with the existing 69 kV line:* Constructing the proposed line within the existing 69 kV alignment to the east to offer relief to the Amish Country School, or
* Constructing the proposed line that would parallel the existing line and positioned slightly to the west to also offer relief to the residence and buildings at 20032 Sunny Lane.

The Commission could select either or both of the following route modifications or conditions:1. Require the applicants to work with the Esh’s at 20032 Sunny Lane, Platteville, WI 53818 in realigning Subsegment H03 to minimize impacts to the Amish Country School and other structures on the property. (Ex.-PSC-FEIS, Table 11-56, Item 78)
2. Require the applicants to periodically report to Commission staff regarding the status of mitigation options offered and implemented regarding the Esh property. (Ex.-PSC-FEIS, Table 11-56, Item 76)
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports modifications and conditions 10a and 10b. | Ex.-PSC-FEIS, Table 11-56, items 76 and 78 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the modifications or conditions listed above are necessary for approval of the Western-South Route Alternative, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 11: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), which route alternative does the Commission authorize for the portion of the project in the Eastern Routing Area, if any?* **Eastern-North**
* **Eastern-South**
 |
| **Issue Scope:** The Eastern Routing Area is located within Iowa and Dane Counties. The area is comprised of two main route alternatives that connect the Western Routing Area near Montfort, Wisconsin and the Dane County Routing area near Cross Plains, Wisconsin. The **Eastern-North** Route Alternative generally travels north and east from the proposed Hill Valley Substation to Cross Plains. The **Eastern-South** Route Alternative generally travels east and north from Montfort to Cross Plains. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** The Eastern-North Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Eastern Routing Area. |
| **Alternative Two:** The Eastern-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Eastern Routing Area. |
| **Commissioner Notes:**  |

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| Issue 12: If the Commission selects the Eastern-North Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any? |
| **Issue Scope:** The **Eastern-North: Stagecoach** Route Option is located where Eastern-North Route and Dane County Routing Area meet in Cross Plains. Eastern-North: Stagecoach travels south and then east, off of Eastern-North Route, along the southern edge of a few parcels to bypass residences along Stagecoach Road to the north, and then turns north to meet the common route segment in the Dane County Routing Area.The Commission could select any or all of the following route modifications:1. Require the applicants to build the transmission line along the Eastern-North: Stagecoach Route Option.
2. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the modifications listed above are necessary for approval of the Eastern-North Route Alternative, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 13: If the Commission selects the Eastern-South Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any? |
| **Issue Scope:** The **Eastern-South: Dodgeville** Route Alternative travels generally east the Hill Valley Substation, parallel to the south of Eastern-South Route, and turns north near Dodgeville to meet with Eastern-South Route. The **Eastern-South: Stagecoach** Route Alternative is located where Eastern-South Route and Dane County Routing Area meet in Cross Plains. Eastern-South: Stagecoach travels east, off of Eastern-South Route, along the southern edge of a few parcels to bypass residences along Stagecoach Road to the north and then turns north to meet the common route segment in the Dane County Routing Area.The **WisDOT proposed realignment** is located along Eastern-South west of Barneveld between County Trunk Highway (CTH) T and the USH 18/151–CTH ID interchange. East of CTH T the WisDOT realignment would cross to the north side of USH 18/151 to avoid the Thomas Farm and most of The Prairie Enthusiasts’ property, and then cross back to the south side of USH 18/151. The arms of the transmission poles could be aimed toward the highway on the north and south sides to minimize blowout impacts on private property and could reduce the need for additional vegetation removal. This proposed realignment is similar to two route options identified in Appendix C of the Ex.-PSC-FEIS as “Barneveld-North Extended” and “Barneveld-North” where the costs and impacts of these alignments are identified in Tables C1-4, C1-6, and C2-4 of Ex.-PSC-FEIS. The **Mount Horeb Veteran’s Memorial** is located along the Eastern-South Route in Mount Horeb.The **Thomas Property** is located along the Eastern-South Route between the village of Montfort and the village of Cobb. The close proximity of the proposed Eastern-South Route to the Thomas’ residence has prompted discussion with the applicant for route adjustments that resulted in two modified alignment options being developed and offered to the Thomases. (Ex.-PSC-FEIS, 8.3.3.1.2)The Commission could select any or all of the following route modifications:1. Require the applicants to build the transmission line along the Eastern-South: Dodgeville Route Option.
2. Require the applicants to build the transmission line along the Eastern-South: Stagecoach Route Option.
3. WisDOT proposed realignment.
4. Require the applicants to work with appropriate entities to minimize the impacts of the proposed project on the Mount Horeb Veteran’s Memorial to the extent practicable.
5. If the Eastern-South route is selected without the Dodgeville Route Option, require the applicants to allow the Thomases at 826 USH 18, Dodgeville, WI 53533 to choose which offered modified alignment option on Subsegment Q02 to implement. (Ex.-PSC-FEIS, Section 8.3.3.1.2; Table 11-56, Item 55)
6. If the Eastern-South route is selected without the Dodgeville Route Option, choose a modified alignment option offered to the Thomases at 826 USH 18, Dodgeville, WI 53533 to require the applicants to implement. (Ex.-PSC-FEIS, Section 8.3.3.1.2)
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **WisDOT:**  | Direct-WISDOT-Fasick; Surrebuttal-WISDOT-Fasick |
| **Members of the Public:** The proposed project could affect the Mount Horeb Veteran’s Memorial, if the Eastern-South alternative is selected. | Tr. 2102-2103. |
| **Commission Staff:** Supports modification 10e. | Ex.-PSC-FEIS, Table 11-56, Item 55, Direct-PSC-Tomaszewski |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the modifications listed above are necessary for approval of the Eastern-South Route Alternative, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 14: Given the requirements for issuance of a CPCN under Wis. Stat. §§ 1.12(6), 196.025 (1m), and 196.491(3)(d), for the mostly common route subsegments in the Dane Country Routing Area, which route alternative does the Commission authorize for the portion of the project, if any? * **Black Earth Creek-North**
* **Black Earth Creek-South**
 |
| **Issue Scope:** The Dane County Routing Area is located entirely within Dane County, and connects the Eastern Routing Area near Cross Plains, Wisconsin to the Cardinal Substation near Middleton, Wisconsin. The Dane County Routing Area starts near Cross Plains, Wisconsin and follows common route subsegments east until Cleveland Road where it separates into two route alternatives (North and South) near Black Earth Creek. The **Black Earth Creek-North** Route Alternative is located just west of the Cardinal Substation in the Dane County Routing Area and travels straight east from the intersection of USH 14 and Cleveland Road, through Black Earth Creek Wildlife Area, along existing transmission ROW, to the north of USH 14. The **Black Earth Creek-South** Alternative is located just west of the Cardinal Substation in the Dane County Routing Area and travels southeast adjacent to the north side of USH 14, then crosses to the south side of USH 14, and then travels northeast adjacent to the south side of USH 14.From here the proposed route travels east along common route subsegments until it terminates at the Cardinal Substation in Middleton, Wisconsin. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** The Black Earth Creek-North Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Dane County Routing Area. |
| **Alternative Two:** The Black Earth Creek-South Route Alternative best meets the requirements for issuance of a CPCN and should be used as the route in the Dane County Routing Area. |
| **Commissioner Notes:**  |

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| Issue 15: If the Commission selects the Black Earth Creek-North Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any? |
| **Issue Scope:** The Commission could select any or all of the following route modifications: 1. Commission staff did not identify any proposed modifications in the record.
2. Modifications, if any, described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Commissioner Notes:**  |

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| Issue 16: If the Commission selects the Black Earth Creek-South Route Alternative for the proposed project, what route modifications should be attached to construction of the proposed project to meet the requirements for Commission approval, if any? |
| **Issue Scope:** The Commission could select any or all of the following route modifications:1. If Black Earth Creek-South is selected, the applicants shall remove the existing facilities associated with Line 6927 along Subsegment Y06B, release the existing easement rights associated with these facilities, and restore the area within the utility ROW of Subsegment Y06B back to its natural landscape. The applicants shall pay for the costs associated with restoration of the utility ROW of Subsegment Y06B.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports modification 16a. | Ex.-PSC-Data Request: Response 9.13, Ex.-PSC-FEIS |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the modifications listed above are necessary for approval of the Black Earth Creek-South Route Alternative, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 17: What standard conditions included in electric transmission construction orders should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** Typically, the Commission’s Final Order for transmission line projects includes the following standard conditions:1. specifying the facilities to be built;
2. requiring notification if the cost of the project exceeds the authorized cost by more than 10 percent;
3. requiring notification of any substantial change in project scope;
4. specifying the authorized route;
5. requiring notice if ownership of the project changes;
6. requiring that all necessary permits be obtained for a construction spread before work begins on that construction spread;
7. specifying a process for minor route adjustments;
8. requiring the applicant to work with landowners to minimize impacts to wetlands;
9. requiring that the applicant provide a geographic information system database of the project as constructed;
10. requiring quarterly construction progress reports;
11. requiring reporting of actual costs;
12. specifying the period during which the authorization is valid;
13. specifying a process to extend the period during which the authorization is valid;
14. specifying the date that the Final Decision takes effect; and,
15. retaining jurisdiction.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports conditions 17a through 17o. | See the Commission’s Final Decisions in dockets 137-CE-186, 137-CE-188, and 137-CE-189; ([PSC REF#: 335885](http://apps.psc.wi.gov/pages/viewdoc.htm?docid=%20335885), [PSC REF#: 348323](http://apps.psc.wi.gov/pages/viewdoc.htm?docid=%20348323), and [PSC REF#: 368653](http://apps.psc.wi.gov/pages/viewdoc.htm?docid=%20368653).); Ex.-PSC-FEIS, Direct-PSC-Burtley |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the general conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| NOTE: Issues 18-28 describe conditions developed and identified through the EIS process as well as consultation with DNR and DATCP. The issues presented in the following Issues 18-28 are what, if any, of these conditions the Commission wishes to impose. |
| Issue 18: Should independent monitors be required for the proposed project? If yes, what should be the scope of the independent monitors’ activities? |
| **Issue Scope:** While construction conditions specified in the Commission’s order and the Department of Natural Resources’ (DNR) permit can avoid, minimize, and mitigate the potential adverse impacts of an approved project, it is useful to employ an independent environmental monitor (IEM) and/or an independent agricultural monitor (IAM). These independent construction monitors assist the regulatory agencies in ensuring compliance with regulatory requirements and have stop work authority. For several recent major transmission line projects, the Commission has authorized the hiring of an IEM. An IAM has also been found useful for the most recent high-voltage transmission projects, Rockdale to West Middleton and CapX2020 Alma-La Crosse, for construction activities that will impact agricultural lands. For Badger-Coulee and North Appleton-Morgan, the Commission combined the roles of the IEM and the IAM into one position under the IEM title; however, when the IEM was working in the capacity as the IAM they did not have stop work authority. Similar to IEMs, the leading benefits of an IAM are for the regulatory agencies to obtain a current record of construction activities and agricultural protection measures and to proactively prevent or minimize potential impacts. Independent monitors are typically required by the Commission after considering the scope of the project, the diversity of landscapes through which the transmission line would be constructed, and the presence of sensitive natural resources. The independent monitors would be funded by the applicants, would report directly to Commission, DNR, and DATCP staff, and would have stop‑work authority. Independent monitors (IEM and IAM) may be appropriately considered for the proposed project given the length of the proposed routes and the corresponding broad range, large number, and high quality of natural resources and agricultural lands that would be impacted as a result of the construction and continued operation of the proposed project. The applicants indicated, if both and IEM and IAM are required, that one person/entity be able to serve in both roles. The Commission’s Final Order for the proposed project could include requiring the following: 1. Implementation of an IEM with stop work authority.
2. Implementation of an IAM hired to work on behalf of the Commission and DATCP with reporting requirements.
3. Implementation of a combined IEM/IAM with stop work authority for all work regardless of assumed role.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports 18a through b. |  | Ex.-PSC-FEIS, Table 11-56, items 3 and 32; Direct-PSC-Burtley-8 |
| **COMMISSION ALTERNATIVES (MORE THAN ONE ALTERNATIVE MAY BE SELECTED)** |
| **Alternative One:** An IEM should be employed that would be independent of the applicants and their contractors, and report to the Commission and other state agencies. The IEM should have the authority to stop work at a site until a problem is rectified. |
| **Alternative Two**: An IAM should be employed that would work on behalf of the Commission and DATCP with reporting requirements. |
| **Alternative Three:** An IEM and IAM should be employed that would be independent of the applicants and their contractors, and report to the Commission and other state agencies. The IEM and IAM should have the authority to stop work at a site until a problem is rectified. |
| **Alternative Four:** No, an IEM and IAM are not needed. |
| **Commissioner Notes:**  |

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| Issue 19: Should a construction and mitigation plan be required for the proposed project? If yes, what should be the scope of the construction and mitigation plan? |
| **Issue Scope:** A Commission-approved construction and mitigation plan (commonly referred to as a CMP) was required by the Commission in previous dockets prior to the start of construction. The CMP serves to lay out the baseline requirements for implementing environmental requirements, statutes, rules, and the conditions of the Commission’s Final Decision. A CMP provides a mechanism for the applicants to identify sensitive resources and mitigation measures that would be implemented along an approved route. A CMP approved by the Commission ensures that sensitive sites are identified and properly protected from impacts that could occur as a result of the construction and continued operation of the proposed project. In previous dockets, CMPs were useful tools for communicating appropriate mitigation measures, and also served as a training tool for construction contractors, construction crews, IEM(s), Commission staff, and other regulatory agencies. The applicants stated they were not opposed to a condition requiring them to submit a CMP for Commission review; however, applicants expressed a preference that any condition requiring them to provide a CMP would allow for segment-specific CMP’s, rather than a requirement to submit one CMP for the entire project. (Lee Hearing Tr. at 697-698.)If the Commission finds that preparation and approval of a CMP is appropriate for the proposed project, it could include the following conditions in any order authorizing the proposed project that states:1. The applicants shall develop and submit a CMP for the Commission’s approval prior to the commencement of construction. The Commission may wish to consider delegating approval, if this condition is required, of the CMP(s) to the Administrator for DERA or DECEA.
2. The CMP shall address environmental and agricultural issues identified in this docket and include, at a minimum, roles and responsibilities of the IEM and/or IAM, a revegetation/restoration plan, an invasive species management plan, a sediment and erosion control plan, a wetland and waterway mitigation plan, a final sequencing and scheduling plan, and a post-construction monitoring plan.
3. The applicants shall implement the following process once a CMP is submitted to the Commission that would allow each company to maintain its independence when constructing, managing, and operating its respective facilities:
	1. Prior to construction, ATC and ITC submit their CMPs to Commission staff for review and comment to ensure all of the requirements in the final decision are addressed sufficiently in each plan.
	2. Commission staff provides comments, as relates to the requirements in the final decision on each CMP to ATC and ITC.
	3. If necessary, ATC and ITC then resubmits their CMPs to ensure compliance with the requirements in the final decision.
	4. ATC and ITC may then commence construction of their portions of the project.
	5. ATC and ITC would file the final version of their CMPs using the Commission’s Electronic Records Filing System.
4. Conditions, modifications, or opposition to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **DATCP:** | Direct-DATCP-Weiss-16-18 |
| **Commission Staff:** Supports 19a-b. The project would be constructed, owned, managed, and operated by different companies. ITC would construct and manage the Mississippi River and Western Routing Areas, and ATC construct and manage the Eastern and Dane County Routing Areas. A document detailing the environmental and agricultural requirements for this project may help coordinate the application of the FEIS and Final Order requirements between the two companies as well as facilitate communication with regulatory agencies. | Ex.-PSC-FEIS, Table 11-56, item 28; Direct-PSC-Burtley-7-8; Surrebuttal-PSC-Burtley-9-11 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** No, a CMP(s) for the proposed project in not appropriate. |
| **Alternative Two:** Yes, a CMP(s) for the proposed project is appropriate. |
| **Commissioner Notes:**  |

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| Issue 20: What additional conditions related to the construction activities and associated best management practices should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** There are a range of pre-and post- construction activities and best management practices (BMP) that are commonly seen in transmission projects. They are not route-specific and could be applied at any location along an approved route depending on the habitat, species composition, or applicable conditions. BMPs are generally considered to be effective and practicable ways of preventing or reducing impacts from project construction or activities. Other actions listed here have previously been used by the Commission to address potential impacts of a project. The Commission’s Final Order for the proposed project could include the following order conditions that could mitigate some of the ecological and socioeconomic impacts that could occur as a result of the actions implemented by the applicants within an approved ROW during the construction and maintenance phases of the proposed project: 1. Require the applicants to implement mitigation strategies 29-31, identified in Ex.-PSC-FEIS, Table 11-56
2. Require the applicants to install and maintain proper erosion controls during construction to minimize run-off of topsoil and disturbances to natural areas. (Ex.-PSC-FEIS, Table 11-56, Item 30)
3. Require the applicants to use wide-track vehicles and matting to reduce soil compaction and rutting in sensitive soils and natural areas. (Ex.-PSC-FEIS, Table 11-56, Item 31)
4. The applicants shall follow DNR recommendations and best management practices to prevent the spread of all forest pests and diseases that could be found in the project area, including oak wilt and heterobasidion root disease. DNR’s regional forest health specialist shall be consulted for an up-to-date list of actions for counties affected by the project. (Ex.-PSC-FEIS, Table 11-56, Item 33)
5. The applicants shall work with Commission staff and local landowners to evaluate an approved route for the presence of prairie remnants or more diverse grassland habitats and adopt mitigation actions to avoid impacts to existing vegetation to the extent practicable. (Ex.-PSC-FEIS, Table 11-56, Item 35)
6. The applicants' revegetation plan shall include monitoring of the ROW for the presence of new or spreading invasive species for at least three growing seasons with results submitted to Commission staff annually. (Ex.-PSC-FEIS, Table 11-56, Item 69)
7. The applicants shall conduct field surveys prior to construction to identify the locations and extent of invasive plant species on the approved route. These surveys shall be used to develop access plans and construction schedules that avoid the spread or introduction of invasive species. (Ex.-PSC-FEIS, Table 11-56, Item 70)
8. The applicants shall follow BMPs from the DNR and Wisconsin Council on Forestry to comply with Wis. Admin. Code ch. NR 40 and prevent the introduction and spread of invasive species in the project area. (Ex.-PSC-FEIS, Table 11-56, Item 71)
9. The applicants shall implement all necessary mitigation methods when working in and adjacent to waterways, including when working on slopes leading to waterways, to minimize the impacts of the project to waterways. (Ex.-PSC-FEIS, Table 11-56, Item 79)
10. The applicants shall implement all necessary mitigation methods when working in and adjacent to wetlands, including when working on slopes leading to wetlands, to minimize the impacts of the project to wetlands. (Ex.-PSC-FEIS, Table 11-56, Item 80)
11. The applicants shall avoid siting the proposed project on or near properties enrolled as Managed Forest Lands (MFL) to the extent practicable, and if that is not practicable, the applicants should work with landowners to minimize impacts to these properties to the extent practicable.
12. Conditions, modifications, or opposition to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **DNR:** Mitigation methods are commonly used to reduce or avoid impacts to waterways and wetlands during the construction of a transmission line. | Ex.-PSC-FEIS-r; Direct-WDNR-Radermacher 4:10-26, 7:25-8:4 |
| **Commission Staff:** Supports 20a.-k. | Ex.-PSC-FEIS-r, Table 11-56, items 29, 30, 31, 33, 35, 70, 71, 79, 80; Direct-PSC-Schumacher 2:23-3:11, 3:17-22, 4:3-7, 4:17-5:8; Surrebuttal-PSC-Schumacher 2:19-3:3, 3:9-19 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 21: What additional conditions related to avian impacts should be attached to the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** If approved, the proposed project would be constructed through several areas of known high bird use in southwestern Wisconsin where rare and/or sensitive bird species are located, including Important Bird Areas, State and federally owned public lands, and public and private conservation easements. An Avian Risk Review was provided by the applicants for the CHC project. The terms “Avian Mitigation Plan” and “Avian Protection Plan” have been used interchangeably by different parties in this proceeding, where “Avian Mitigation Plan” often is referenced in the planning stages prior to the commencement of construction, and an “Avian Protection Plan” is used once construction has started. Therefore, in the proposed order conditions below the Commission may or may not choose to make a distinction between the two.The Commission’s Final Order for the proposed project could include the following conditions that could mitigate some of the avian impacts that could occur as a result of the construction, operation, and maintenance of the proposed project: 1. Create a project specific Avian Mitigation Plan and submit it to DNR and Commission staff for approval prior to the commencement of construction. This could be included in the Construction and Mitigation Plan (CMP). (Ex.-PSC-FEIS, Table 11-56, Item 23)
2. The applicants shall work with DNR, Commission staff, and other applicable partners to create a project specific Avian Protection Plan that would include project specific bird mitigation strategies (i.e. reducing tower height, horizontal wire arrangement, and bird diverters) and consider pre- and post-construction surveys/studies.
3. The applicants shall work with DNR and Commission staff on the following conditions, which may or may not be included in either or both the Avian Mitigation and Avian Protection Plans.
	1. The applicants should conduct bird surveys throughout any approved route to determine what species may be present that have previously gone undocumented.
	2. Specific data gathered by the surveys should follow the recommendations provided in the Avian Risk Review and include occurrence data for both breeding and migratory species, with a focus on sensitive or state/federally listed species.
	3. The applicants shall work with DNR and Commission staff on the locations along any approved route that should include the installation of bird diverters to minimize bird collisions.
	4. The applicants shall work with DNR, FWS, and Commission staff on additional options for minimizing bird collisions along the portion of any approved route that crosses and is directly adjacent to the Mississippi River.
4. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **DNR:**  |  | Direct-DNR-Rowe |
| **Commission Staff:** Supports 21a through 21c, with emphasis to include “Commission staff” on any order conditions relating to 21a through 21c. | Direct-PSC-Greene; Ex.-PSC-FEIS, Table 11-56, item 23; Direct-DNR-Rowe |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the general conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 22: What additional conditions related to agricultural resources and impacts should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** The four counties potentially affected by the project are all top agricultural producers. Agriculture in this region includes cropland used for corn and soybeans as well as small grains, pasture for dairy and beef cattle, tree farms, and farm forests. The area is also home to a wide range of organic farms. Most of the potential routes for this project are cross-country and will impact agricultural resources. Constructing through the middle of farms and fields often increases the impact of a project on agricultural operations and resources. Unfarmed areas around electric poles can attract weed and insect pests that require additional management. Poles in fields may also become obstacles to fieldwork, which could lower the efficiency of farming these fields. Cross-country routes also require increased construction and use of access roads that can impact additional acres of farmland.The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate some of the impacts to agricultural lands and landowners that would occur as a result of the construction, operation, and maintenance of the proposed project: 1. Require the applicants to implement mitigation strategies 1-2 and 4-10 in Ex.-PSC-FEIS, Table 11-56.
2. If project construction activities during the growing season create inaccessible cropland or cropland that is too small or irregularly-shaped to be farmed, the applicants shall properly compensate the property owners for the temporary loss of the use of the land. (#4, Direct-DATCP-Weiss-12)
3. Many of the proposed routes include double-circuiting an existing lower-voltage line onto the new poles with the new 345 kV line. This will require the removal or “wrecking out” of the existing structure. During the process of removing these poles, top soil can be mixed with poorer quality subsoils, topsoil can be lost, and compaction can occur to a greater extent than during typical construction techniques. Construction personnel should be trained on the proper protection of agricultural fields and soils during the removal of existing poles (i.e. “wrecking out”) and a project-specific wreck out procedure document should be included with the construction and mitigation plan(s). The applicants should follow the procedure from a previous 345 kV ATC project (as included in Ex.-DATCP-Weiss-4-2). (#7, Direct-DATCP-Weiss-14)
4. The applicants shall consult with affected landowners to determine the least damaging locations for transmission structures and off-ROW access roads. (#12, Direct-DATCP-Weiss-16)
5. The applicants shall undertake post-construction monitoring to ensure that any damage to agricultural fields or operations from construction activities has been repaired or mitigated. Where construction activities have caused damage to agricultural fields or operations, the applicants should work with landowners to address the problems as soon as practicable. Problems could involve construction debris, erosion control devices, altered or damaged fencing, altered field drainage, settled areas, or newly wet areas. This post-construction monitoring could be within the scope of work for the IAM and/or included in the construction and mitigation plan(s). (#14, Direct-DATCP-Weiss-16)
6. If **Western-South** is selected, the applicants should work with the UW Platteville Pioneer Farm (Subsegment G08) so that project activities do not interfere with its research projects. (#2a, Direct-DATCP-Weiss-12)
7. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **DATCP:** | Ex.-DATCP-Weiss-4-2; Direct-DATCP-Weiss |
| **Commission Staff:** Supports 22a. through f. |  | Ex.-PSC-FEIS, Table 11-56, Items 1, 2, 4, 5, 6, 7 ,8, 9, 10, 12, 14; Direct-PSC-Ingwell |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 23: What additional conditions related to archaeological and historic resources and impacts should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** The Commission could include the following conditions to mitigate impacts to archaeological sites, historic buildings, and human burial sites. These conditions can reduce disturbances to artifacts, archaeological sites, burials of Native American ancestors, and historic buildings.1. If Nelson Dewey-South is selected:
	1. The applicants shall complete new surveys of human burial sites GT-0750/BGT-0395, GT-0022/BGT-0326, and GT‑0037/BGT-024 within the final project alignment to map the burial locations and determine the presence, nature, and extent of any subsurface archaeological deposits. The results of the surveys shall be used to design construction procedures that will avoid and protect burials and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near these sites. (#17, Table 11-56, Ex.-PSC-FEIS)
	2. The applicants shall complete new surveys of archaeological sites GT-0753 and GT-0034 in order to determine boundaries, historic significance, integrity, and potential project effects. The results of the surveys shall be used to design construction procedures that will avoid and protect any sites that are potentially eligible for listing in the National Register of Historic Places. (#18, Table 11-56, Ex.-PSC-FEIS)
2. If Stoneman-North or Stoneman-South is selected, the applicants shall complete determinations of eligibility for the National Register of Historic Places and assess potential project effects on seven late 19th and early 20th century residences (AHI 44243, 236270, 236271, 236272, 236273, 236274, and 236275) as well as the St. Charles Borromeo Catholic Church (AHI 236278) in Cassville. The results shall be used by the applicants to work with the property owners to reduce or avoid impacts to properties that are potentially eligible for listing in the National Register of Historic Places. The applicants shall also work with the Cassville Historical Society to reduce or avoid impacts to their historic walking tour of these buildings. (#19, Table 11-56, Ex.-PSC-FEIS)
3. If Eastern-North or Eastern-South is selected:
	1. The applicants shall complete a new survey of human burial site IA-0067/BIA-0115 within the final project alignment to map the burial location and determine the presence, nature, and extent of any subsurface archaeological deposits. The results of the survey shall be used to design construction procedures that will avoid and protect the burial and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near the site. (#12, Table 11-56, Ex.-PSC-FEIS)
	2. The applicants shall complete new surveys of archaeological sites DA-1083, IA-0418, IA-0438, IA-0503, IA-0504, IA-0506, and the Margaret Peat Homestead within the final project alignment in order to determine boundaries, historic significance, integrity, and potential project effects. The results of the surveys shall be used to design construction procedures that will avoid and protect any site that is potentially eligible for listing in the National Register of Historic Places. (#13, Table 11-56, Ex.-PSC-FEIS)
4. If Eastern-South is selected, the applicants shall assess the potential effects of the project on the National Register of Historic Places property, Thomas Stone Barn. The applicants shall work with the property owner to reduce or avoid any impacts the property’s historic character and use in heritage tourism. (#14, Table 11-56, Ex.-PSC-FEIS)
5. If Western-North or Western-South is selected,
	1. The applicants shall complete new surveys of human burial sites GT-0792/BGT-0420, GT-0437/BGT-0187, GT‑0782/BGT-0412, GT-0788/BGT-0417 within the final project alignment to map the burial locations and determine the presence, nature, and extent of any subsurface archaeological deposits. The results of the surveys shall be used to design construction procedures that will avoid and protect burials and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near these sites. (#20, Table 11-56, Ex.-PSC-FEIS)
	2. If Western-North or Western-South is selected, the applicants shall complete surveys of archaeological sites GT-0158, GT-0089, GT-0090, GT-0464, GT-0665, GT-0685, and GT-0687 in order to determine boundaries, historic significance, integrity, and potential project effects. The applicants shall avoid and protect any sites that are potentially eligible for listing in the National Register of Historic Places. (#21, Table 11-56, Ex.-PSC-FEIS)
6. If Western-South is selected, the applicants shall complete surveys of the entire width of the Subsegment E07 ROW to determine the presence, nature, and extent of any human burial sites and subsurface archaeological deposits within the final project alignment. The results of the surveys shall be used to design construction procedures that will avoid and protect burials and related archaeological deposits. Archaeological monitors shall oversee ground-disturbing construction activities near all burial sites. (#22, Table 11-56, Ex.-PSC-FEIS)
7. If Black Earth Creek-North is selected, the applicants shall complete new surveys of archaeological sites DA-0667 and DA‑0668 within the final project alignment in order to determine boundaries, historic significance, integrity, and potential project effects. The applicants shall avoid and protect any site that is potentially eligible for listing in the National Register of Historic Places. (#11, Table 11-56, Ex.-PSC-FEIS)
8. Conditions, modofications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Members of the Public:** Expressed strong general support to protect archaeological and historic resources, especially as a means to preserve the cultural heritage of the Driftless Area and Native American burial sites. |  |  |
| **Commission Staff:** Supports all conditions in FEIS, 23a. through g. |  | Direct-PSC-Craft-3; Ex.-PSC-FEIS |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the general conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 24: What additional conditions related to endangered resources should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** Endangered resources include rare or declining species, high quality or rare natural communities, and unique or significant natural features. Endangered resources within and adjacent to an approved ROW could be affected by the construction, operation, and/or maintenance activities associated with the proposed project throughout the life of the constructed facilities. The applicants submitted a project specific Endangered Resources Review where the DNR identified “recommended”and “required”actions that the applicants should implement if the proposed project is approved in order to minimize or avoid take of listed endangered resources. The main difference between these two types of actions is that DNR can require applicants to perform “required” actions, but does not have authority to require the applicants to perform “recommended” actions. The Commission has commonly included DNR “recommended” actions as order conditions as a practical and informed mitigation method to minimize or avoid impacts to endangered resources. The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate impacts to endangered resources within the project area:1. The applicants shall provide an updated endangered resources review to the DNR and the Commission if the commencement of construction occurs greater than one year after the initial endangered resources review and at any point the review is greater than a year old and construction is still taking place. (Ex.-PSC-FEIS, Table 11-56, Item 24)
2. The applicants shall work with DNR and Commission staff to implement all of the actions listed in the Endangered Resources review for the Cardinal-Hickory Creek project, including recommended actions. (Ex.-PSC-FEIS, Table 11-56, Item 25)
3. The applicants shall work with the DNR Natural Heritage Conservation program prior to the commencement of construction to develop plans for additional surveys in areas where rare species information is lacking, particularly within and adjacent to Important Bird Areas and Conservation Opportunity Areas. (Direct-WDNR-Rowe-9-10.)
4. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports 24a through 24c, with emphasis to include “Commission staff” on any order conditions relating to 24b. In recent discussions with stakeholders, it appears that if these actions are listed as “recommended” in orders or if they are accompanied by language such as “to comply with Wisconsin’s Endangered Resources Law,” then it is not clear to utilities and others whether these order conditions are only “recommended” as opposed to “required” under the Commission order. | Ex.-PSC-FEIS, Table 11-56, Items 24 and 25; Direct-PSC-Burtley-9-10; Direct-DNR-Rowe |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 25: What additional conditions related to landowner rights and community impacts should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** The proximity of properties to a high-voltage transmission line is important because of real and perceived concerns about local aesthetics, changes to valued viewsheds, personal enjoyment and use of one’s property, potential impacts to property values, magnetic fields, and other electrical phenomenon, and personal and public safety. The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate some of the impacts that would occur as a result of the actions performed by the applicants during construction and maintenance phases of the proposed project: 1. The applicants shall work with landowners to develop mitigation strategies that optimize minimization of impacts to residences and property to the extent practicable. Some examples of mitigation strategies include (Ex.-PSC-FEIS, Table 11‑56, Items 58 and 61):
	1. Minor route adjustments, structure design changes, and lateral shifting of structures on the project centerline to increase space between transmission facilities and residences.
	2. Routing to avoid scenic areas.
	3. Routing through commercial or industrial areas instead of residential areas.
	4. Modifying form, color, or texture of transmission lines.
	5. Modifying material of structures to wood or rust brown oxidized steel to blend better with wooded landscapes.
	6. Installing stronger conductors to minimize line sag and provide a sleeker profile.
	7. Managing of ROW to include planting vegetative screens that block views of the line and structures.
	8. Leaving ROW in a natural state at road or river crossings to reduce the amount of aesthetic altered by new construction.
	9. Offering additional compensation to mitigate loss of screening vegetation.
	10. Offering additional compensation to residences located within ROW.
	11. Offering at least full property value compensation for relocation of landowners with residences within ROW.
2. Require the applicants to follow mitigation strategies 59-60, 62-66, and 76 in Ex.-PSC-FEIS, Table 11-56.
3. Depending on the route selected, the applicants shall consult with Alliant Energy, the DNR, the Prairie Enthusiasts, the Nature Conservancy, the Driftless Area Land Conservancy and any other landowners that have established/managed prairies to determine appropriate measures to avoid or minimize impacts during construction and ongoing management. The applicants shall document the results of this consultation to the Commission. (Ex.-PSC-FEIS, Table 11-56, Item 34) (Impacts to grasslands on each of the proposed route alternatives are described in greater detail in the Sections 6.2.3, 7.2.3, 8.2.3 and 9.2.3)
4. If **Western-South** is selected:
	1. The applicants shall work with the Esh's at 20032 Sunny Lane, Platteville, WI 53818 in realigning Subsegment H03 to minimize impacts to the Amish Country School and other structures on his property. (Ex.-PSC-FEIS, Table 11-56, Item 78)
	2. The applicants shall periodically report to Commission staff regarding the status of mitigation options offered to and chosen for implementation by Stephen and Drusilla Esh to minimize impacts to the schoolhouse, residence, and other structures on their property. (Ex.-PSC-FEIS, Table 11-56, Item 76)
5. If **Eastern-North** is selected:
	1. The applicants shall work with the landowners at 4047 James Road, Dodgeville, WI 53533 in realigning Subsegment P05 to minimize impacts to their residence and property. (Ex.-PSC-FEIS, Table 11-56, Item 39)
6. If **Eastern-South** is selected:
	1. The applicants shall work with the Ferrins at 244 Grove Street, Ridgeway, WI 53582 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.‑PSC‑FEIS, Table 11-56, Item 40)
	2. The applicants shall work with the Ladows at 3200 CTH Q, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 41)
	3. The applicants shall work with the landowners at 101-104 Pine Ridge Court, Barneveld, WI 53507 and the developers of that area to determine additional compensation to mitigate impacts to residences, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 42)
	4. The applicants shall work with the landowners at 104 Main Circle, Dodgeville, WI 53533 to determine additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS, Table 11-56, Item 43)
	5. The applicants shall work with the landowners at 1302 USH 18, Cobb, WI 53526 to determine appropriate mitigation options. (Ex.-PSC-FEIS, Table 11-56, Item 44)
	6. The applicants shall work with the landowners at 1756 USH 18, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 45)
	7. The applicants shall work with the landowners at 277 USH 18, Montfort, WI 53569 to determine additional compensation to mitigate impacts to property, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 46)
	8. If Eastern-South is approved, the applicants shall work with the landowners at 4045 USH 18, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 47)
	9. The applicants shall work with the landowners at 682 USH 18, Montfort, WI 53569 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 48)
	10. The applicants shall work with the landowners at 7453 USH 18, Barneveld, WI 53507 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 49)
	11. The applicants shall work with the landowners at 7811 USH 18, Barneveld, WI 53507 in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS, Table 11-56, Item 50)
	12. The applicants shall work with the landowners at 826 USH 18, Montfort, WI 53569 in realigning Subsegment Q02 to minimize impacts to their residences and property, determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 51)
	13. The applicants shall work with the Olsons at 4590 CTH J, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS, Table 11-56, Item 52)
	14. The applicants shall work with the Phillips at 2530 Commerce Street, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence. (Ex.-PSC-FEIS, Table 11-56, Item 53)
	15. The applicants shall work with the Steffen's at 2511 CTH JG, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.‑PSC‑FEIS, Table 11-56, Item 54)
	16. The applicants shall work with the Thomases at 2024 USH 18, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to residence. (Ex.-PSC-FEIS, Table 11-56, Item 55)
7. If **Eastern-South: Dodgeville** is selected:
	1. The applicants shall work with the Jones at 4873 Section Line Road, Dodgeville, WI 53533 to determine additional compensation to mitigate impacts to property, or offer to purchase the property at total appraised value. (Ex.‑PSC‑FEIS, Table 11-56, Item 56)
	2. The applicants shall work with the Shaulls at 1289 County Road B, Cobb, WI 53526 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.‑PSC‑FEIS, Table 11-56, Item 57)
	3. The applicants shall work with the Ferrins at 244 Grove Street, Ridgeway, WI 53582 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.‑PSC-FEIS, Table 11-56, Item 40)
	4. The applicants shall work with the landowners at 101-104 Pine Ridge Court, Barneveld, WI 53507 and the developers of that area to determine additional compensation to mitigate impacts to residences, or offer to purchase the property at total appraised value. (Ex.-PSC-FEIS, Table 11-56, Item 42)
	5. The applicants shall work with the landowners at 7453 USH 18, Barneveld, WI 53507 to determine additional compensation to mitigate impacts to residence, or offer to purchase the property at total appraised value. (Ex.‑PSC‑FEIS, Table 11-56, Item 49)
	6. The applicants shall work with the landowners at 7811 USH 18, Barneveld, WI 53507 in determining additional compensation to mitigate loss of screening vegetation. (#50, Table 11-56, Ex.-PSC-FEIS)
	7. The applicants shall work with the Olsons at 4590 CTH J, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS, Table 11-56, Item 52)
	8. The applicants shall work with the Steffens at 2511 CTH JG, Mt. Horeb, WI 53572 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.‑PSC‑FEIS, Table 11-56, Item 54)
8. If **Black Earth Creek-South** is selected:
	1. The applicants shall work with the landowners at 4344 Twin Valley Road, Middleton, WI 53562 in determining final structure placements on property, and in determining additional compensation to mitigate loss of screening vegetation. (Ex.-PSC-FEIS, Table 11-56, Item 38)
9. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports 25a. through h. | Ex.-PSC-FEIS, Direct-PSC-Tomaszewski; Direct-PSC-Burtley, Surrebuttal-PSC-Burtley |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 26: What additional conditions related to the seed mixes should implemented within an approved ROW should be attached to construction of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** The proposed project occurs in a unique part of the state where some of the last tallgrass prairie remnant communities remain. If the project is approved, enhancing the ROW for pollinators (e.g. utilization of native flora that blooms throughout the growing season), could have a positive effect on native and rare pollinators within and adjacent to the ROW. The applicants have provided examples of pollinator-enhanced seed mixes that could be utilized for the proposed project and state that the costs of implementing pollinator-enhanced seed mixes for the proposed project have been accounted for in its estimated project cost. The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate some of the ecological impacts that could occur as a result of the restoration practices implemented by the applicants within and adjacent to an approved ROW during the construction and maintenance phases of the proposed project: 1. The applicants shall implement pollinator-enhanced seed mixes in grassland areas to the greatest extent practicable. The applicants should work with DNR and Commission staff when determining where and when to use these seed mixes, and the contents of the mixes. (Ex.-PSC-FEIS, Table 11-56, Item 36)
2. In upland areas that are not agricultural crops, or road ROW, the applicants shall use a seed mix comprised of native grasses and forbs to minimize the spread of non-native plants and maintain species diversity. Pollinator-enhanced seed mixes should be considered in these areas. The applicants should work with DNR and Commission staff when determining where and when to use these seed mixes, and the contents of the mixes. (Ex.-PSC-FEIS, Table 11-56, Item 37)
3. In areas subject to DNR permitting, the applicants shall use a DNR approved seed mix. (Ex.-PSC-FEIS, Table 11-56, Item 72)
4. Revegetate ROW with appropriate seed mixes, include native species to the greatest extent practicable, and select plant species with season-long sources of pollen and/or nectar to ROWs for declining pollinator species. (Ex.-PSC-FEIS, Table 11-56, Item 74)
5. The applicants shall develop and implement a management plan for when native plant seed mixes are used.  This should include at least 2-3 visits per year to move and/or spot herbicide invasives and woody vegetation for 2-3 years.
6. Conditions, modifications, or objections to conditions described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **DNR:** | Direct-DNR-Rowe |
| **Commission Staff:** Supports 26a-e, with emphasis to include “Commission staff” on any order conditions. The applicants do not state with certainty where/how they would implement a seed mix enhanced for pollinators or the actual content of those seed mixes. Establishing native prairie seed can be difficult and in order to be successful, the applicants could manage these areas for the first few years to reduce the invasion of invasive and non-native plant species. | Ex.-PSC-FEIS; Direct-PSC-Burtley-10-11 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 27: What additional conditions related to the vegetation management practices implemented during the construction and maintenance phases of the proposed project to meet the requirements of Commission approval? |
| **Issue Scope:** Utility vegetation management practices were discussed in detail, and vegetation management within utility ROWs was a major source of concern for landowner parties. The ecological and socioeconomic impacts of vegetation management varies by the region, landscape, and methods implemented by each easement owner. Vegetation management includes management of vegetation in an approved ROW for construction and maintenance, including the process of preventing vegetation from interfering with the safe operation of transmission facilities. The impacts of vegetation management practices implemented within utility ROWs occur throughout the life of constructed facilities. It is up to each transmission owner/utility to choose how it manages vegetation within its ROWs. The transmission owner’s/utility’s right to manage vegetation within its ROWs are written into easement agreements with landowners. For the proposed project, ITC and DPC would own, operate, maintain, and acquire easements for an approved route in the Mississippi River and Western Routing Areas; ATC and DPC would own, operate, maintain, and acquire easements for an approved route in the Eastern and Dane County Routing Areas. Therefore, the types of vegetation management practices that would be implemented within an approved ROW for the proposed project may differ depending who maintains that portion of the ROW. ATC and ITC submitted information regarding their vegetation management practices confidentially and have not disclosed their policies or programs to each other. The Commission’s Final Order for the proposed project could include the following additional conditions that could mitigate some impacts that may occur as a result of the utility vegetation management practices implemented by the applicants within an approved ROW during the construction and maintenance phases of the proposed project consistent with the FEIS: 1. Allow compatible tree and shrub species to grow within an approved ROW, particularly along the edge of existing forests or natural areas. The applicants should work with Commission staff on creating a list of compatible species within the proposed ROW. (Ex.-PSC-FEIS, Table 11-56, Item 68)
2. Implementation of an integrated vegetation management (IVM) program within the proposed ROW that could be accredited by the ROW Stewardship Council during vegetation maintenance cycles. (Ex.-PSC-FEIS, Table 11-56, Item 73)
3. Other parties identified additional conditions relevant to this issue as described in party positions below that were identified in the record and are supported by citations to the record.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports 27a-b, and additional conditions as follows: Require the applicants to individually submit their VM plans for the Cardinal-Hickory Creek project to DNR and Commission staff. Plans must include any VM related order conditions linked to practices and/or landowner rights. Each company should work with Commission staff to determine whether the plan is most useful as a stand-alone document or as a component of its CMP. The submission process for vegetation management plans would follow the CMP process identified in Issue 19. |  | Ex.-PSC-FEIS, Direct-PSC-Burtley, Surrebuttal-PSC-Burtley-11 through 13 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** None. |
| **Alternative Two:** Any of the conditions listed above are necessary for approval of the proposed project, as the Commission deems appropriate. |
| **Commissioner Notes:**  |

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| Issue 28: Should the Commission allow the applicants to utilize eminent domain authority to acquire hazard tree easements for properties that are not encumbered by a standard transmission line easement?  |
| **Issue Scope:** Most transmission line easements contain language that specifically grants the utility the right to remove hazard trees outside of the easement, along with the permission to enter off-ROW areas in a reasonable manner in order to conduct tree removal activities. The applicants have stated that such language is standard in their easement contracts. Utilities can identify and respond to potential power line natural hazards under Wis. Admin. Code § PSC 113.0512(3). For the proposed project, applicants intend to use the eminent domain authority granted them through a Commission Order to acquire additional land rights through the use of a “hazard tree easement” for properties outside of the proposed ROW.The Commission could include a condition in any order authorizing the proposed project that states:1. The applicants shall not use eminent domain authority granted through a Commission Certificate of Public Convenience and Necessity (CPCN) to acquire hazard tree easements for properties not encumbered by a standard transmission line ROW easement.
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| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Commission Staff:** Supports condition 28a. In docket 137-CE-186, ATC expressed that it may acquire additional easements to secure the rights to remove hazard trees on properties not encumbered by a standard transmission line easement. In the final decision for docket 137‑CE-186, the Commission neither expressly authorized nor expressly foreclosed ATC from obtaining hazard tree easements, either through negotiation or condemnation. It did not appear in that docket that ATC was requesting any such authorization. |  | Ex.-PSC-FEIS at 145-146; Direct-PSC-Burtley-12-13, Surrebuttal-PSC-Burtley-5-8 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Yes, the Commission allows the applicants to utilize eminent domain authority to acquire hazard tree easements for properties that are not encumbered by a standard transmission line agreement. |
| **Alternative Two:** No, the Commission does not allow the applicants to utilize eminent domain authority to acquire hazard tree easements for properties that are not encumbered by a standard transmission line agreement. |
| **Commissioner Notes:**  |

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| Issue 29: If approved, would the proposed project comply with Wis. Stat. § 196.491(3)(d)6. and not unreasonably interfere with the orderly land use and development plans for the area involved? |
| **Issue Scope:** A finding that the proposed project would not unreasonably interfere with the orderly land use and development plans for the area involved is a requirement before the Commission can issue a Certificate of Public Convenience and Necessity (CPCN). |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **Members of the Public:** The Mount Horeb School District would be negatively impacted. Development on the southwest and east sides of Mount Horeb would be inhibited by a transmission line. |  | Tr. 2199-2201, 2350-2352, 2415, 2609 |
| **Commission Staff:** The Eastern-South route is less impactful to local land use plans than the Eastern-North route. The town of Vermont’s “ridgetop protection areas” would be negatively impacted by the Eastern‑North route: |  | Direct-Rahn-PSC-2-3; Ex.-PSC-FEIS at 258-259, 315-316, 383-385 |
| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Yes, the project would comply with Wis. Stat. § 196.491(3)(d)6 as it does not unreasonably interfere with the orderly land use and development plans in the project area. |
| **Alternative Two:** No, the proposed project does not comply with Wis. Stat. § 196.491(3)(d)6 as it unreasonably interferes with the orderly land use and development plans in the project area. |
| **Commissioner Notes:**  |

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| Issue 30: Has the Commission complied with the Wisconsin Environmental Policy Act (WEPA) pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4? If so, will the proposed project have undue adverse impact on other environmental values as defined in Wis. Stat. § 196.491(3)(d)4.? |
| **Issue Scope:** An Environmental Impact Statement (EIS) was prepared, jointly, by Commission and Department of Natural Resources staff in accordance with the requirements of the above-stated statute and administrative code. The purpose of the EIS is to provide the decision makers, the public, and other stakeholders with an analysis of the economic, social, cultural and environmental impacts that could result from the construction of the proposed project. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Yes, the Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4, and the proposed project will not have an undue adverse impact on other environmental values as defined in Wis. Stat. § 196.491(3)(d)4. |
| **Alternative Two:** Yes, the Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4, and the proposed project will have an undue adverse impact on other environmental values as defined in Wis. Stat. § 196.491(3)(d)4. |
| **Alternative Three:** No, the Commission has not complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4. |
| **Commissioner Notes:**  |

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| Issue 31: What is the estimated cost of the proposed project? |
| **Issue Scope:** The applicants estimate the cost of the proposed project to be from $474 million to $560 million depending on the route selected. Specific modifications identified subsequent to the application, if authorized, could affect the final authorized cost of the proposed project. Items of increased cost generally relate to the length or structure configuration of a modified segment, additional corner structures, or additional required studies. Some route modifications would result in a lower authorized cost. (Commission staff will work with the applicants to determine the appropriate authorized cost based on the Commission’s routing decisions.) |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** The applicants’ estimate the cost of the proposed project to be from $474 million to $560 million depending on the route selected. These costs include substation costs, distribution line relocation cost, and allowance for funds used during construction (AFUDC), but do not include changes resulting from the Commission’s routing decisions. |
| **Alternative Two:** The applicants’ estimate of the cost of the proposed project does not include all costs of the proposed project, and should be re-assessed. |
| **Commissioner Notes:**  |

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| Issue 32: What is the basis for the one-time environmental and annual impact fees associated with the proposed project pursuant to Wis. Stat. § 196.491(3g)? |
| **Issue Scope:** Under Wis. Stat. Section 196.491(3g)(a), a person who receives a CPCN for a high-voltage transmission line that is designed for operation at a nominal voltage of 345 kilovolts or more shall pay the Wisconsin Department of Administration an annual impact fee and one-time environmental impact fee for distribution to eligible counties and municipalities. The annual fee is 0.3 percent of the cost of the high-voltage transmission line, and is distributed to municipalities (towns, villages and cities) based on the proportionate length of the transmission line through each municipality. The one-time environmental impact fee is 5 percent of the cost of the high-voltage transmission line, and distributed 50 percent to counties and 50 percent to the municipalities based on the proportionate length of the transmission line through each county and each municipality, respectively. The Commission has the authority to determine the cost basis for the calculation of both fees.Commission staff will work with the applicants to determine the cost basis for the annual impact fee and one-time environmental impact fee based on the Commission’s routing decisions. The basis for the fees generally excludes lower voltage transmission and distribution line costs, operation and maintenance costs during construction, pre-certification costs, AFUDC, and environmental fee-related costs, each of which is included in the estimated gross project cost subject to Commission approval.The proportionate allocation of the fees to the respective counties and municipalities is determined based on the route segments selected, if the project is authorized. |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Accept the applicants’ proposed basis for determining the annual fee and one-time environmental impact fee. |
| **Alternative Two:** Do not accept the applicants’ proposed basis for determining the annual fee and one-time environmental impact fee, and require the calculation to be modified by adding to the cost basis all costs associated with project-related modifications to lower voltage transmission lines and distribution lines. |
| **Commissioner Notes:**  |

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| Issue 33: Should the Commission grant a CPCN for the proposed project? |
| **Issue Scope:** The Commission shall approve an application for a CPCN if all of the criteria are met as listed in Wis. Stat. § 196.49(3)(d). The Commission may reject or modify an application for a CPCN under the criteria included in Wis. Stat. § 196.491(3)(e). |
| **PARTY POSITIONS** | **AMOUNT\*** | **TRANSCRIPT REFERENCES** |
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| **COMMISSION ALTERNATIVES** |
| **Alternative One:** Yes. |
| **Alternative Two:** Yes, with conditions. |
| **Alternative Three:** No. |
| **Commissioner Notes:**  |

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