

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application for Grant County Solar, LLC to Construct a New
Solar Electric Generation Facility to be located near Potosi and Harrison Townships, in Grant County, Wisconsin Docket No. 9804-CE-100

REPLY BRIEF OF GRANT COUNTY SOLAR, LLC

GCS¹ has established that the Application and record in this proceeding demonstrate that the Project meets all statutory requirements for the issuance of a CPCN and is likely to benefit both participating and non-participating individuals economically, through increased tax revenue and newly created jobs, and environmentally, through decreased air and water emissions. As the record demonstrates, the Project provides these benefits to the local community and the State without producing any significant adverse impacts to noise, glint and glare, electric and magnetic fields, stray voltage, or property values.

In its Brief, GCI opposes the Project based upon speculative, unscientific and unsubstantiated assertions unsupported by record evidence. GCI's arguments have been addressed and refuted by GCS in its Initial Brief and record testimony, therefore GCS will only respond briefly to certain issues.² Consistent with the record evidence, the Commission should issue a CPCN for the Project as required by law.

I. THE CPCN APPLICATION MUST BE REVIEWED AS A WHOLESALE MERCHANT PLANT

The Project is a "wholesale merchant plant." Wis. Stat. § 196.491(1)(w)(1). As a result, it is exempt from requirements that do not apply to wholesale merchant plants. Wis. Stat.

¹ All abbreviations used herein are as defined in GCS's Initial Brief.

² Importantly, the failure to respond to a certain issue or argument should not be interpreted as agreement or acquiescence therewith; GCS stands by all the positions advanced in its testimony and Initial Brief and urges that they be adopted.

§§ 196.491(3)(d)(2), (3)(d)(3), and (3)(d)(5). Nevertheless, in its Brief, GCI asserts that the Project should not be reviewed as a wholesale merchant facility because it may be acquired by a regulated utility in the future. GCI Brief at 1. GCI's assertions are inconsistent with both Wisconsin statute and Commission precedent.

GCS's Application has been appropriately reviewed by the Commission as a wholesale merchant plant, and the statutory criteria applicable to wholesale merchants has been applied. While acquisition of the Project has been proposed, as of this date, there has been no sale. As the Commission has held, "[t]he fact that a project may be acquired by a public utility at some point in the future does not transform the project into a non-merchant plant nor does it require that the potential would-be buyers be co-applicants."³ Therefore, it remains appropriate to evaluate the Project as a merchant plant. Further, nothing in Wis. Stat. § 196.491 prohibits the transfer of rights granted under a CPCN.

II. THE PROJECT IS IN THE PUBLIC INTEREST AND MEETS ALL APPLICABLE REQUIREMENTS OF THE CPCN STATUTE

The Commission *shall* approve the CPCN application if it determines that the Project is in the public interest, applying the statutory criteria set forth in Wis. Stat. § 196.491(3)(d)(3). The record evidence clearly establishes that the Project meets the applicable statutory requirements and is in the public interest. Accordingly, the Commission should issue a CPCN for the Project.

³ Final Decision, *Application for Certificate of Public Convenience and Necessity of Wood County Solar Project, LLC to Construct a Solar Electric Generation Facility in the Town of Saratoga, Wood County, Wisconsin*, Docket No. 9803-CE-100, p. 8 (March 4, 2021) (PSC REF#: 406282) ("Wood County Final Decision"); *see also* Final Decision, *Application for a Certificate of Public Convenience and Necessity of Badger Hollow Solar Farm, LLC to Construct a Solar Electric Generation Facility, to be Located in Iowa County, Wisconsin*, Docket No. 9697-CE-100, Final Decision, issued on April 18, 2019 (PSC REF#: 364425) ("Badger Hollow Final Decision"), pp.8-9; Final Decision, *Application for a Certificate of Public Convenience and Necessity of Two Creeks Solar, LLC to Construct a Solar Electric Generation Facility, to be Located in Manitowoc and Kewaunee Counties, Wisconsin*, Docket No. 9696-CE-100, p. 8 (April 18, 2019) (PSC REF#: 364423)("Two Creeks Solar Final Decision").

A. The Design and Location of the Project is in the Public Interest Considering Alternative Locations

GCI asserts that GCS failed to consider alternative locations because “alternative locations” do not equal 25% of the Project footprint. GCI Brief at 3-4. GCI also claims that GCS fails to adequately analyze the use of brownfield sites. *See id.* at 23-27. GCI’s assertions are inconsistent with both the record evidence and Commission precedent and should be rejected.

1. Alternative Locations

The Project is in the public interest considering alternative locations. Wis. Stat. § 196.491(3)(d)3. “The Commission’s standard for reviewing proposed siting areas is to determine whether each proposed site is “reasonable,” i.e., is it a feasible location for the project that would not directly conflict with any of the statutory criteria for granting a CPCN, and whether the sites are sufficiently distinct to offer different packages of benefits that present the Commission with a choice.”⁴ The Commission has found that a solar project meets the requirement if the “alternate areas offer more than 25 percent additional possible solar siting areas.”⁵ The Commission has required only that the alternatives provided are sufficient to site 25% more capacity.⁶

GCS’s Application includes areas that comprise both the Proposed Array and Alternative Array. Specifically, GCS included in the site layout additional sites incorporating an additional 25% MW capacity on additional land beyond the minimum necessary for the desired project size of 200 MW. Direct-GCS-Gil-r-8; Ex.-GCS-Application: Sections 1.1.1.2; 1.4.2.1. The Proposed Array includes thirteen panel array areas that are separately fenced. Direct-GCS-Guzman-4. There

⁴ Final Decision, *Application for Certification of Public Convenience and Necessity of Point Beach Solar, LLC to Construct a Solar Electric Generation Facility, to be located in Manitowoc County, Wisconsin*, Docket No. 9802-CE-100, p. 11 (Feb. 12, 2020)(PSC REF#:383720) (“Point Beach Solar Final Decision”); *Two Creeks Final Decision*, p. 12; Final Decision, *Application of Wisconsin Electric Power Company for a Certificate of Public Convenience and Necessity to Construct a Wind Electric Generation Facility and Associated Electric Facilities, to be located in the Towns of Randolph and Scott, Columbia County, Wisconsin*, Docket No. 6630-CE-302, p. 18 (January 22, 2012) (PSC REF#: 126124) (“Glacier Hills Final Decision”).

⁵ Point Beach Solar Final Decision, p.12; Two Creeks Solar Final Decision, p. 12; Wood County Final Decision at 12.

⁶ *Id.*

are two additional panel array areas that are available as the Alternative Array, if selected. Thus, the Project meets this alternative location requirement.

2. Brownfield Sites

Wisconsin Stat. § 196.491(3)(d)8 requires the Commission to determine that a CPCN generation project must be sited in a brownfield area “to the extent practicable.” The Project requires over 1,400 acres of nearly contiguous developable land in close proximity to a transmission interconnection. Direct-GCS-Gil-r-9. GCS evaluated existing brownfield sites within the region and did not discover any brownfield location that would meet Project site criteria. Consistent with Commission precedent, the use of brownfield sites for the Project is not practicable, and the Project satisfies Wis. Stat. § 196.491(3)(d)8.⁷

B. The Design and Location of the Project is in the Public Interest Considering Individual Hardships

GCI asserts that “individual hardships exist and weren’t given adequate consideration” by GCS. GCI Brief at 4. GCI’s claims cannot withstand scrutiny. As the record establishes, the Project does not pose any individual hardships. Wis. Stat. § 196.491(3)(d)3. GCS has made, and will continue to make, good faith efforts to address individual concerns. And, the Project is likely to benefit both participating and non-participating individuals economically, through increased tax revenue and newly created jobs, and environmentally, through decreased air and water emissions. Direct-GCS-Loomis-r-4; Ex.-GCS-Loomis-1; Direct-GCS-Gil-r-10.

GCS will appoint a dedicated contact person to report and fully investigate concerns submitted by landowners. Direct-GCS-Gil-r-20. If a concern is received, GCS will: (1) determine

⁷ Wood County Final Decision at 14. GCI also argues that distributed generation (“DG”) alternatives should be considered. GCI Brief at 25-26. GCI’s positions should be rejected. First, there is no requirement that DG be considered as an alternative. Moreover, as the record demonstrates, the Project is a 200 MW utility scale solar generation facility that will be connected to the bulk electric transmission system at one point of interconnection. From a cost, performance, and operations perspective, a utility scale solar plant is more practical, economic and efficient than a collection of 200 MW of separate distributed generations projects. Rebuttal-GCS-Gil-r-8-9.

if a reasonable and practical solution exists; and/or (2) if appropriate, GCS will work with the landowner on a reasonable mutually-agreeable solution. Consistent with the Final Decisions in the Two Creeks and Point Beach proceedings, parties may bring unresolved concerns before the Commission.⁸ As the Commission held in the Point Beach proceeding, existing Commission procedures are available to the public. Thus, a robust process will be available to address any concerns raised by participating or non-participating community members.

Lastly, the minor loss of farmland due to the Project will not present an individual hardship. The Project Site represents less than one percent (0.23%) of the acres used for farming in Grant County. Surrebuttal-GCS-Loomis-5. Farmers who lease their land to the Project would have the opportunity to lease or buy other land in Grant County. As the Commission held in the Badger Hollow proceeding, it is not “reasonable to conclude that the voluntary leasing by the owners of such property to [a solar generation developer] constitutes an individual hardship.”⁹ For these reasons, the Project is in the public interest considering individual hardships.

C. The Design and Location of the Project is in the Public Interest Considering Safety Factors

In its Brief, GCI repeats its unsubstantiated claim that the Project will not be designed to withstand extreme weather events. GCI Brief at 5. GCI’s claims are without merit. As the record demonstrates, the Project will be designed, constructed, and operated in accordance with all applicable safety standards of the National Electric Code (“NEC”), National Electric Safety Code (“NESC”), Wisconsin State Electric Code, and utility interconnection standards for safe and reliable operation of solar facilities. Direct-GCS-Guzman-4-5; Rebuttal-GCS-Paul Callahan-3.¹⁰

⁸ See Two Creeks Solar Final Decision, p. 26-27; Point Beach Solar Final Decision, pp. 25-26.

⁹ See Badger Hollow Final Decision, p.17

¹⁰ Importantly, the Project also will be designed to manage any permanent changes in stormwater runoff resulting from development of the Project, and will be required to obtain authorization under the Wisconsin DNR General Permit to Discharge under the Wisconsin Pollutant Discharge Elimination System WPDES Permit No. WI-S067831-5 (“WDNR Stormwater General Permit”) prior to the commencement of construction. Rebuttal-GCS-Locker-r-8-9.

Importantly, GCS will design and construct the Project to withstand various extreme weather events, including high winds, flooding, and accumulating winter precipitation. Rebuttal-GCS-Paul Callahan-7-8.¹¹ The Project will meet the site-specific wind load requirements of both the Wisconsin Department of Safety and Professional Services and the American Society of Civil Engineers (“ASCE”) 7-10. *See id.*; *see also* Ex.-PSC-Data Request: Response 2.02.

The Project facilities, including the racking system, the tracker support posts, and the PV module attachment to the racking system, will be designed in accordance with Risk Category I - ASCE 7-10. Rebuttal-GCS-Paul Callahan-8. Based on the Project location, compliance with Risk Category I - ASCE 7-10 requires the structural components of the Project to withstand wind gusts of up to 105 MPH. *Id.* The 105 MPH code specified wind speed is established based on historical wind speeds in the region and includes consideration of tornados. *Id.*¹²

GCS also will utilize “deer fencing” or equivalent around the PV solar array sites that is consistent with all applicable codes. Direct-GCS-Guzman-7; Ex.-GCS-Application: Section 2.2.8. Consistent with the public interest in a safe project design and location and to safeguard the public health, GCS will utilize a seven-foot chain link fence that includes one foot of barbed wire on top around the substation site. *Id.* at 7-8. The high voltages and resulting potential hazards associated with the substation necessitate additional barriers to entry provided by the barbed wire. *Id.*

Temporary stormwater best management practices will be used during Project construction, and construction will be completed in accordance with the WDNR Stormwater General Permit and Project specific Erosion Control and Storm Water Management Plans and Civil Grading Drawings will be prepared for the Project and submitted to and approved by WDNR prior to the commencement of Project construction. *Id.*; *see also* Rebuttal-GCS-Paul Callahan-11-12. Once constructed, the permanent stormwater facilities and perennial vegetation will be managed in accordance with the WDNR stormwater permits applicable to the Project. In contrast to agriculture, the Project will not require regular ground disturbance once the Project is constructed and vegetation is established. *See id.*

¹¹ GCI asserts that GCS has not identified the solar panels to be utilized in the Project. Contrary to GCI’s assertion, as set forth in Section 1.1.1.3 of the Application, GCS is considering two photovoltaic modules for the Project -- thin film modules and mono crystalline modules. *See also* Direct-GCS-Guzman-5. Representative panel technical data was included in Appendix C to the Application. The use of representative panel types is consistent with Commission precedent. *See Point Beach Solar Final Decision*, p. 7; *Wood County Final Decision*, p. 7.

¹² And, in the unlikely event of damage to the Project resulting from extreme weather, GCS will follow the procedure set forth in its Initial Brief.

Lastly, as set forth in Section 6.1.2 of the Application, the Project will be installed to conform to all applicable electrical and fire codes and will not require any unique fire, police, or rescue services.¹³ Rebuttal-GCS-Paul Callahan-13; Ex.-GCS-Application: Section 6.1.2. The Project operations team will meet with local responders to educate them about any potential assistance that may be required. Rebuttal-GCS-Paul Callahan-13. Municipal first responders will be provided keys to the lock box at the Project Site upon request.

III. THE DESIGN AND LOCATION OF THE PROJECT IS IN THE PUBLIC INTEREST CONSIDERING ENVIRONMENTAL FACTORS AND WILL NOT HAVE AN UNDUE ADVERSE IMPACT ON THE ENVIRONMENT, CONSISTENT WITH WIS. STAT. §§ 196.491(3)(d)3. AND 4

The record evidence demonstrates that the design and location of the Project is in the public interest considering environmental factors, and that the Project will not have undue adverse impacts upon environmental values including ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water, and recreational use. Wis. Stats. § § 196.491(3)(d)3 and 4.¹⁴ Specific issues raised by GCI in its Brief are addressed below.

A. The Project Will Not Have an Undue Adverse Impact on Ecological Balance

As the record demonstrates, there will be no undue adverse impact on wetlands, waterways, wildlife, endangered resources, and/or agricultural land. *See* Wis. Stat. § 196.491(3)(d)3 and 4. The Final Environmental Assessment prepared by Commission staff confirms that “approval and construction of this project is unlikely to have a significant impact on the human environment.” Ex. PSC-FEA-70.

¹³ Moreover, despite the substantially low risk of the Project causing stray voltage, consistent with Wis. Admin. Code § PSC 128.17, GCS will conduct pre- and post-construction stray voltage testing at any confined agricultural operation located within 0.5 mile of the Project Site in coordination with the local distribution utility. Ex.-GCS-Application: Section 5.13.7.4; Rebuttal-GCS-Paul Callahan-6.

¹⁴ The Commission has acknowledged the similarity of analysis between the consideration of environmental factors pursuant to Wis. Stat. § 196.491(3)(d)3 and the consideration of environmental values pursuant to Wis. Stat. § 196.491(3)(d)4. Two Creeks Solar Final Decision, p. 34.

1. The Project will not have an undue adverse impact on wetlands or waterways

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project is designed to avoid impacts to wetlands and waterways. No wetlands or waterways will be impacted due to construction or operation of the Project. Direct-GCS-Locker-r-4-6. Both permanent and temporary wetland impacts have been avoided by all Project components. *Id.* at 6. The Project includes minimum 20-foot setbacks around wetlands and 75-foot setbacks around both field delineated and WDNR mapped waterways. Underground collection line crossings of waterways and wetlands within both the Proposed Array and Alternative Array will be installed via Horizontal Direct Drilling. *Id.*

No sensitive wetlands, state or federally listed waterways, trout streams, fisheries, wilderness areas, wild or scenic rivers, recreational areas, or other sensitive resources of state or federal concern will be impacted by Project construction activities. *Id.* No surface waters were identified as outstanding or exceptional resources will be impacted. *Id.* Thus, no undue adverse effect to wetlands or waterways will occur as a result of the Project.

2. The Project will not have an undue adverse impact on wildlife habitat

GCI requests, without support, a condition requiring a post-construction fencing wildlife impact study. GCI Brief at 17. The Project will use deer fencing around solar arrays, which the Commission determined in the recent Point Beach Solar proceeding is “less hazardous to wildlife.”¹⁵ And, the array areas will be individually fenced “which has avoided some sensitive natural areas and create natural wildlife corridors that will allow for the continued passage of wildlife.” H.Tr. 189.

3. The Project will not have an undue adverse impact on endangered resources

An ERR was submitted to the WDNR on January 21, 2020, and was approved with

¹⁵ Point Beach Solar Final Decision at 26.

concurrence and recommendations on January 23, 2020. Direct-GCS-Locker-r-12. GCS will refresh the ERR closer to construction, and not more than one year prior to commencement of construction. Direct-GCS-Locker-r-13; Rebuttal-GCS-Locker-r-5. No significant adverse impacts to threatened or endangered resources are anticipated. Wis. Stat. § 196.491(3)(d)3 and 4.

4. The Project will not have an undue adverse impact based on changes to land use

GCI asserts that the Project will unreasonably interfere with orderly land use and development plans because a solar project will be located upon the land. GCI Brief at 22-23. GCI's assertions cannot withstand scrutiny. As the record demonstrates, the Project will be located upon voluntary easements. The Project will not have an undue adverse impact based on changes in land use—agricultural land is the largest land use within the Project Study Area, intermixed with other developed land, small ranges of woodland and grassland/pasture. The agricultural land in the Project Study Area is dominated by row crops; no specialty crops were identified.

According to the 2017 Census of Agriculture, there are approximately 14,318,630 acres of farmland in Wisconsin. (*See* Ex.-GCS-Locker-4). The Project, with its approximately 1,403-acre footprint, will have an extremely minimal impact on agricultural land in the State.¹⁶ Moreover, the construction and operation of the Project will result in limited soil disturbance. Direct-GCS-Locker-r-14. GCS will minimize the amount of grading that is required to reduce disruption to the valuable topsoil. *Id.* at 14. Construction and operation of the Project is not anticipated to significantly negatively change the soil nutrient content in the Project Site. *Id.* In fact, GCS's

¹⁶ GCS consulted with the Wisconsin Department of Agriculture, Trade and Consumer Protection and confirmed that there are no effective farmland preservation agreements in the Town of Potosi. (*See* Ex.-GCS-Application: Appendix P). The Grant County branch of the Farm Service Agency confirmed that no lands within the Project Study Area are currently enrolled in the Conservation Reserve Program or Conservation Reserve Enhancement Program. Direct-GCS-Locker-r-13. The Federal Farmland Protection Policy Act ("FPPA") does not authorize regulation of farmland for private or non-federal projects (like the Project). Thus, the Project is not subject to FPPA regulation. *See* Ex.-GCS-Locker-6: Farmland Protection Policy Act: Program Overview and NRCS Responsibilities.

Vegetation Management Plan will stabilize soil and protect neighboring crop fields and natural areas by minimizing the establishment of invasive vegetation and noxious weeds and maintain the health of the soil for future agricultural use. *Id.*; Ex.-GCS-Application: Appendix H.; H.Tr. at 193-195. Once the site is fully decommissioned, each property owner will be able to return the land to agricultural use.¹⁷

B. The Project Will Not Have an Undue Adverse Impact on the Public Health and Welfare

The Project will not have an undue adverse impact on the public health and welfare. Wis. Stat. § 196.491(3)(d)3 and 4. The Commission has previously held that renewable generation projects *promote* public health and welfare by generally avoiding most of the impacts created by other types of electric generation. Glacier Hills Final Decision at 40; Two Creeks Solar Final Decision at 19. As in Glacier Hills, solar generation will “produce none of the ‘criteria’ air pollutants that are regulated under the federal Clean Air Act, will release no greenhouse gases . . . and will emit no hazardous air pollutants.” *Id.* Moreover, the Project will generate power without using a significant amount of water or producing any solid waste. Additionally, the Project will support the State’s renewable energy policy while providing diversification of the state generation pool, all without producing any significant adverse impacts to noise, glint and glare, electric and magnetic fields, stray voltage, or property values. No undue adverse impacts on environmental values will result from the Photovoltaic Heat Island (“PVHI”) effect. Certain topics identified in GCI’s Brief are addressed more fully below.

1. The Project will not create an undue adverse impact regarding glint and glare

GCI asserts that the Glare Hazard Analysis performed for the Project is “not sufficient.”

¹⁷ See Ex.-PSC-FEA-50. (“[i]t is likely that thorough decommissioning, including decompacting soils and repairing any damaged drainage tiles, would allow for a return to agricultural use.”)

GCI's assertion is without support. As discussed more fully in Ex.-GCS-Blank-3, the Glare Hazard Analysis was conducted in accordance with FAA guidelines for solar projects located on federally funded airports.¹⁸ In addition, potential glare at 128 houses and a church within a one-mile radius of the Project site were analyzed. *Id.* at 6. Potential glare was also analyzed for drivers on nine roads adjacent to the array blocks, including Highway 61. *Id.* Driver viewing heights of five feet for cars and nine feet for large trucks were used for the analysis. *Id.* The Glare Hazard Analysis demonstrates that the neither the Proposed Arrays nor the Alternative Arrays are predicted to result in adverse glare to aircraft (including pilots training at the Lancaster Airport), traffic, or nearby residents, and therefore do not create an adverse impact on public health and welfare. *See* Direct-GCS-Blank-6; Rebuttal-GCS-Blank-r-2-3; Wis. Stat. § 196.491(3)(d)3, 4.

2. The Project will not create an undue risk of potential PVHI effects

GCI requests that PVHI studies “within and surrounding Grant County Solar” be conducted. GCI's request is without support and should be rejected. The Project will not create an undue risk of potential PHVI effects. Measurement-based studies indicate that any effect on air temperature is highly-localized. Direct-GCS-Locker-r-19; Ex.-GCS-Locker-5. Based on the studies, it can be concluded that potential increases in air temperature are limited to the space directly above, and in close proximity to, the solar arrays. *Id.* Any increase will quickly dissipate with distance from the array perimeter due to daytime convective mixing. The panels also completely cool at night. Moreover, the presence of access roads between arrays and re-vegetation under and around the arrays have additional cooling effects. *Id.* And, the temperate climate of the Project will further reduce any potential PVHI effect. The implementation of vegetation to provide cooling benefits through ground shading and evapotranspiration will further reduce any potential

¹⁸ The Glare Hazard Analysis is included as Appendix T to the Application. Ex.-GCS-Application: Appendix T.

PVHI effect. (See Ex.-GCS-Locker-5; Ex.-GCS-Locker-10 and Ex.-PSC-Data Request: Response 2.01). Significantly, the Project Site will be planted with perennial vegetation beneath and around arrays. A Vegetation Management Plan was developed and submitted in Appendix H (Ex.-GCS-Application: Appendix H) to ensure the long-term condition of the on-site vegetation, providing further cooling. As the Environmental Assessment holds, “it is not anticipated that the [PVHI] effect should be a significant concern. See Ex.-PSC-FEA-35.

Thus, due to the documented dissipation of PVHI with distance from the facility, the decreased PVHI effect anticipated for lower background temperatures, and the anticipated temperature reducing effects of vegetation established beneath and around the arrays, the PVHI effect will not create undue adverse impacts on environmental values including the public health and welfare. See Direct-GCS-Locker-r-19-20; see also Wis. Stat. § 196.491(3)(d)3 and 4. Accordingly, consistent with the Commission’s Final Decision in the Wood County proceeding, there is insufficient evidence in the record to require a PVHI study at the Project.¹⁹

3. The Project will not create undue adverse impacts to property values

GCI asserts that the Project will result in a negative impact to property values. GCI Brief at 5, 9-10. GCI provides no evidence to support its assertion and, without support, urges the Commission to summarily reject the Market Impact Analysis conducted by GCS. GCI’s assertions should be rejected. As the record demonstrates, consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not result in an undue adverse impact to property values. GCS performed a Market Impact Analysis that analyzed the potential impact, if any, on the value of surrounding residential and/or agricultural properties from the development of the Project. Direct-GCS-MaRous-2; Ex.-GCS-Application: Appendix AA. The Market Impact Analysis demonstrates that construction and

¹⁹ Wood County Final Decision, pp. 22-23.

operation of the Project will not have a negative impact on either rural residential or agricultural property values in the surrounding area. Market data from Wisconsin, as well as from other states, of actual sales occurring in the area of operating and proposed solar farms, support this conclusion. Direct-GCS-MaRous-3, 6. For agricultural properties that host photovoltaic panels, the additional income from the solar lease(s) may enhance value and marketability. Direct-GCS-MaRous-3.

The Commission has previously rejected assertions in specific contested cases that solar generation facilities such as the Project adversely affect property values. *See* Badger Hollow Final Decision, p. 18 and Two Creeks Solar Final Decision, pp. 12-14. No evidence has been presented that would warrant the Commission reaching a different conclusion in this case.

4. The Project will generate local economic benefits

GCI claims that the Project will result in negative economic impacts. GCI Brief at 5-6, 8-9. GCI's assertions cannot withstand scrutiny and should be rejected. As the record demonstrated, the Project will provide a positive impact to the local community and economy, consistent with the public health and welfare. *See* Wis. Stat. § 196.491(3)(d)3 and 4. The Project will enhance the road infrastructure and create improvements. Direct-GCS-Gil-r-12. During construction, 250-350 jobs will be available with two to three full-time equivalent jobs once the Project is in operation. Direct-GCS-Gil-r-12. Local businesses will experience an increase in revenue because the workers will require places to eat, sleep, buy food and gas, and other day-to-day amenities. Local earnings will be positively impacted by the Project.²⁰ Moreover, the Project has and intends to continue to be an active community partner. As set forth more fully in Section 6.2.3 of the Application, the local communities in which the Project is located will receive state revenue sharing payments

²⁰ The construction of the Project will result in over \$40 million in new local earnings for Grant County and the State of Wisconsin. Direct-GCS-Loomis-r-4. Moreover, local output for Grant County and the State of Wisconsin are projected to collectively increase over \$65 million. *Id.* at 5.

pursuant to the formula outlined in Wis. Stat. § 79.04.²¹ The Project will contribute to the local economy through the lease payments that have been made, and will continue to be made, to landowners. The Project will have a positive economic impact on the local economy for decades.

5. The Project will be properly decommissioned within twelve months of the Project ceasing operation

GCI requests the Commission require GCS to submit a decommission plan for the Project. GCI Brief at 10-11. As set forth in Section 1.7.3 of the Application and direct and rebuttal testimony, GCS will provide a formal decommissioning plan for the Project prior to the commencement of construction. Direct-GCS-Gil-r-17-18; Rebuttal-GCS-Gil-r-2. Moreover, in the final decommissioning plan, GCS will provide non-binding estimated decommissioning cost information on a confidential basis. In addition, in order to demonstrate its financial viability, GCS will provide security in the form of a surety bond, letter of credit, parent/corporate guarantee, or other financial instrument in the amount of the non-binding estimated decommissioning cost upon the commencement of Project operation. Direct-GCS-Gil-r-17; Rebuttal-GCS-Gil-r-3.

IV. THE PROJECT WILL NOT UNREASONABLY INTERFERE WITH THE ORDERLY LAND USE AND DEVELOPMENT PLANS, AS REQUIRED BY WIS. STAT. § 196.491(3)(d)6

GCI summarily asserts that the Project will unreasonably interfere with orderly land use and development plans. But, consistent with Wis. Stat. § 196.491(3)(d)6, the Project will not unreasonably interfere with the orderly land use and development plans. There are no specific zoning requirements or limitations on the development of solar facilities. Ex.-GCS-Application: Section 5.9.6.1.²² However, GCS will voluntarily adhere to the Grant County Shoreland

²¹ Under the Wisconsin Shared Utility Aid Formula, Grant County is expected to receive approximately \$466,667 and the Town of Potosi is expected to receive \$333,334 on an annual basis as a direct result of the construction of the Project. Direct-GCS-Loomis-r-5.

²² See Ex.-GCS-Application: Appendix Q – Local Permitting and Correspondence for a letter from the Grant County Corporation Counsel indicating that the County will not require certain permits under the County’s Comprehensive Zoning.

Ordinance. Direct-GCS-Locker-r-7. No parcels at the proposed Project Site are enrolled in the farmland preservation program. Direct-GCS-Locker-r-13. Nevertheless, the Project qualifies as an allowable use in farmland preservation zoning districts. *See* Wis. Stat. §§ 91.42(2) and 91.46(1)(f); Ex.-PSC-FEA: p. 33. The Project comprises a temporary, low- to no- impact generating facility that avoids wetlands and waterways. The Project maintains land as “open” space rather than residential or other high traffic types of development and benefits local landowners who have chosen to lease their farmland for the Project through rent payments and improved soil health resulting from the Vegetation Management Plan. The Project will not impair farm operations on surrounding land and the construction plan for the Project minimizes impacts to remaining agricultural land. Based on nearly identical information, the Commission recently concluded that a solar generation project did not unreasonably interfere with orderly land use and development plans. *See* Two Creeks Solar Final Decision, p. 17. Given the State’s goal of increasing renewable generation and the absence of any local requirements restricting such development, the Project is consistent with the orderly land use and development.

Because the Project meets all statutory requirements, GCS requests that the Commission issue a CPCN for the Project.

Respectfully submitted this 15th day of March 2021.

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