

**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

INITIAL BRIEF OF GRANT COUNTY SOLAR, LLC

INTRODUCTION

On May 8, 2020, Grant County Solar, LLC (“GCS” or the “Applicant”) filed a certificate of public convenience and necessity (“CPCN”) application with the Public Service Commission of Wisconsin (“PSCW” or the “Commission”) seeking authority to construct a solar electric generating facility including an associated electric gen-tie transmission line (“Gen-Tie”) of less than one-mile in Grant County, Wisconsin (collectively, the “Project”). As set forth more fully below, the Project meets all statutory requirements. Accordingly, the Applicant requests that the Commission issue a CPCN for the Project.

PROJECT OVERVIEW

The Project is a 200 MW alternating current (“AC”) photovoltaic (“PV”) generating facility located on approximately 1,403 acres of agricultural land in Grant County, Wisconsin. Direct-GCS-Gil-r-5. The major Project components include the PV panels, metal posts and racking, power conversion units (“PCUs”), inverters, collection lines, a generation step-up transformer (“GSU”), a Project collector substation (“Project Substation”) located within the Project boundary, and a 200-foot 138 kV transmission line connecting the Project Substation to the Point of Interconnection (“POI”).¹ In addition, GCS anticipates building an operation and

¹ The POI is the new Tennyson Interconnection Switchyard that is expected to be constructed and owned by American Transmission Company (“ATC”). Direct-GCS-Gil-r-5.

maintenance (“O&M”) building for storage of O&M materials and to provide a temporary workspace for Project personnel.

The Project Site includes areas that comprise GCS’s preferred array of solar panels and related facilities (“Proposed Array”) and an alternative array of solar panels and related facilities (“Alternative Array”). Direct-GCS-Guzman-3-4. The Project Site, including the Proposed and Alternate Arrays, comprises approximately 1,607 acres. *Id.* at 4.²

The Midcontinent Independent System Operator (“MISO”) found that the POI is suitable for generation from an injection capacity perspective without the need for costly network upgrades or a lengthy Gen-Tie. Direct-GCS-Gil-r-7. GCS executed a Large Generator Interconnection Agreement (“LGIA”) with the MISO and ATC on April 3, 2020. Pursuant to the LGIA, GCS will construct the less than one-mile Gen-Tie line and Project collector substation and ATC will construct and retain ownership of a new three position ring bus and 138kV substation – the new Tennyson substation. Additional information concerning the Project is set forth below.

ARGUMENT

I. THE PROJECT MEETS THE REQUIREMENTS OF WISCONSIN’S ENERGY PRIORITIES LAW

The Project advances the energy priorities of the State as defined by the Legislature. Specifically, pursuant to Wis. Stat. section 1.12, to the extent cost-effective and technically feasible, it is the goal of the State that “all new installed capacity for electric generation in the state be based on renewable energy resources,” including solar energy. Wis. Stat. § 1.12(3)(b). Moreover, in meeting the energy demands of the State, the utilization of non-combustible renewable energy resources is the highest priority generation alternative. *Id.* at Wis. Stat. § 1.12(4).

² The final Project footprint will be sited on approximately 1,403 acres, as it will not include both the Proposed and Alternative Arrays. Direct-GCS-Gil-r-6; Direct-GCS-Guzman-4.

Importantly, pursuant to Wis. Stat. § 196.025(1)(ar), to the extent it is cost-effective, technically feasible, and environmentally sound, the Commission is required to implement the priorities set forth in Wis. Stat. § 1.12, “in making all energy-related decisions and orders.” Specifically, the Commission is directed to “encourage public utilities to develop and demonstrate electric generating technologies that utilize renewable sources of energy.” Wis. Stat. § 196.377(1).

The Project is based on solar energy, a renewable energy resource that is the highest priority generation alternative. The Project’s minimal environmental impact, as demonstrated in the record and described below, shows the Project is “environmentally sound.” Moreover, the Final Environmental Assessment, Ex.-PSC-FEA, confirmed that “this project is unlikely to have a significant impact on the human environment as defined by Wis. Stat. § 1.11” and that “Commission staff has not identified any potential environmental effects of the proposed project that could be considered significant.” Ex.-PSC-FEA-52. Thus, through the utilization of renewable solar energy, the Project meets the requirements of Wisconsin’s Energy Priorities Law.

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).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 The Project is a “wholesale merchant plant.” Wis. Stat. § 196.491(1)(w)(1). As a result, it is exempt from the requirements that specifically do not apply to wholesale merchant plants, including: alternative sources of supply, engineering, economic factors, the “reasonable needs” analysis, and the “certificate of authority” criteria. Wis. Stat. §§ 196.491(3)(d)(2), (3)(d)(3), and (3)(d)(5).

A. The Design and Location of the Project is in the Public Interest Considering 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 Project meets this alternative location requirement.

GCS’s application includes areas that comprise both the Proposed Array and Alternative Array. Specifically, consistent with the alternative location requirement included in Wis. Stat. § 196.491(3)(d)3, 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 are two additional panel array areas that are available as the Alternative Array, if selected.

By offering the Commission the ability to select locations of solar panels within the greater Project Area that will comprise an approved project, GCS is providing the Commission a variety

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”); 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. 12 (April 18, 2019) (PSC REF#: 364423)(“Two Creeks Solar Final Decision”); 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.

of feasible alternative locations, limited only by the request that GCS be able to optimize the electrical and structural arrangement if certain areas are removed from consideration. The Proposed Array and Alternative Array were both selected based on the same criteria: transmission and injection capacity, proximity to existing land and infrastructure, constructability (such as topography, environmental factors), site suitability, cultural and historical resources, construction and O&M efficiencies; and community and landowner feedback. Direct-GCS-Gil-r-9; Ex.-GCS-Application: Sections 1.4.2.1; 1.4.2.1.1.

The primary difference between the Proposed Array and Alternative Array is that the Proposed Array utilizes larger contiguous parcels that allow for more efficiency and therefore, maximizes the energy and capacity production of the Project. The Proposed Array also minimizes the amount of tree clearing and avoids wetlands and waterways. The Alternative Array results in more potential impacts to wooded acres and requires horizontal directional drilling crossings of high-quality wetlands and waterways. Moreover, the Alternative Array is not as efficient as the Proposed Array from both a constructability and cost standpoint. Thus, the Proposed Array is better suited for development, construction, and operation of the Project when compared to the Alternative Array. Direct-GCS-Gil-r-9. Based on all of the information provided regarding the Project Site selection criteria and the identification of the Proposed Array and Alternative Array locations, the design and location of the Project is in the public interest considering alternative locations. *See Wis. Stat. §§ 196.491(3)(d)3.*

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

The Project does not pose any individual hardships. Wis. Stat. § 196.491(3)(d)3. The Project is therefore in the public interest. The design and location of the Project includes mitigation and elimination of potential individual hardships. GCS has made, and will continue to make, good

faith efforts to address individual concerns as the Project progresses. Moreover, 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 implemented a broad outreach process to minimize impacts from the Project on property owners in the vicinity of the Project. GCS met with, telephoned, or emailed all identifiable County and Township representatives and stays in contact with representatives from both the County and Township such as the Administrator of the Grant County Conservation, Sanitation and Zoning Department. Direct-GCS-Gil-r-18. GCS also met with PSCW staff on October 17, 2019 to discuss the overall Project, determine and confirm appropriate permit requirements and processes, review schedule and data needs, review public and agency outreach, and review Project alternatives and related matters. Direct-GCS-Gil-r-4.

GCS also hosted two public open house meetings that were advertised in local print newspapers and presented at three public Town board meetings. The first open house was held on October 7, 2019 at the Youth and Ag Center in Lancaster, WI, and the second open house was held on January 13, 2020 at the Holiday Gardens Event Center in Potosi, WI. Both events were well-attended, with over a combined total of 180 people in attendance at both events. Direct-Gil-r-18.

The Project team presented the Project at the Potosi Township Board Meeting on November 11, 2019, the Harrison Township Board Meeting on November 12, 2019, and again at the Potosi Township Board Meeting on January 13, 2020 where a solar met station application was voted upon. On February 6, 2020, the Project team presented an application for a Conditional Use Permit for a solar met station in front of the Grant County Conservation, Sanitation and Zoning Committee Meeting, and the permit was granted after a favorable Committee vote. On February 26, 2020, a public website was launched specific to the Project, and on March 10, 2020,

a tri-fold brochure was mailed to all landowners and neighbors of the Project. On April 17, 2020, a digital postcard was sent to landowners and stakeholders surrounding the Project. In June of 2020, another letter was mailed to all landowners within one-mile of the Project Site. Lastly, a Road Use Agreement for the Project was approved during Potosi Township's July 13, 2020 board meeting. Direct-GCS-Gil-r-18-19.

Moreover, GCS will provide notice of construction to all parties on the Commission mailing list prior to the commencement of construction. Rebuttal-GCS-Gil-r-5. The notice will include the contact information for a dedicated Project contact person to answer inquiries and receive any concerns. In addition, GCS will clearly post contact information at construction site entrances.

GCS will fully investigate concerns submitted by landowners and will facilitate the submission of concerns through the use of a dedicated contact person. Direct-GCS-Gil-r-20. If a concern is received, GCS will: (1) determine if a reasonable and practical solution exists to resolve the issue; and/or (2) if appropriate, GCS will work with the landowner on a reasonable mutually-agreeable solution. Consistent with the Final Decisions issued by the Commission in the Two Creeks and Point Beach Solar proceedings, parties may bring unresolved concerns before the Commission. *See* Two Creeks Solar Final Decision, pp. 26-27; Point Beach Solar Final Decision, pp. 25-26. As the Commission held in the Point Beach Solar proceeding, existing Commission procedures are also available to the public to bring concerns before the Commission. Thus, a robust process will be available to address any concerns raised by participating or non-participating community members.

Moreover, GCS will contemplate "good neighbor payments" on a case-by-case basis, *i.e.*, payments made to non-participating landowners (pursuant to an effects easement agreement) as a way to mitigate potential concerns regarding the Project. Direct-GCS-Gil-r-20. GCS has executed

two effects easements with non-participating landowners. In addition, GCS has proposed several other effects easements to non-participating landowners. Rebuttal-GCS-Gil-r-6.

Lastly, there has been no evidence presented demonstrating that the minor loss of farmland due to the Project is so significant that replacement farmland cannot be found in the market. 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 to farm. As the Commission held in the Badger Hollow Solar Project 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.” See Docket 9697-CE-100, *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*, Final Decision, issued on April 18, 2019 (PSC REF#: 364425) (“Badger Hollow Final Decision”), p.17.

For these reasons, the Project is in the public interest considering individual hardships – none of which have been identified in this proceeding.

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

The Commission must consider safety factors when reviewing whether a CPCN application is in the public interest. Wis. Stat. § 196.491(3)(d)3. At NextEra Energy and all of its affiliates (including GCS), safety is a core value and is recognized as the cornerstone of sustaining operational excellence. Direct-GCS-Guzman-14. Safety will be a primary priority at the Project location.

NextEra Energy’s vision for its employees is to establish and promote a safety culture based on the principle that zero injuries at work and home is an achievable result. *Id.* GCS has

adopted best management practices that include frequent communication among the land services, environmental, engineering, and construction teams during the permitting and construction phases to ensure a safe and successful project. *Id.* GCS expects companies providing services to GCS to have the same high safety standards. *Id.*

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. During construction of the Project, each morning field teams will convene a safety and environmental meeting to discuss activities planned for the day, including daily safety-related behaviors, conditions, and job hazard analyses as well as review any environmental compliance that could impact construction activities. Direct-GCS-Guzman-14.

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. 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.

Consistent with applicable requirements, 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.*

In the unlikely event damage to the Project occurs as the result of extreme weather events, GCS will take the following steps, as applicable: (a) respond to any emergency situation and notify appropriate first responders and regulatory agencies, as applicable; (b) make any necessary repairs to resume service; and, (c) file appropriate insurance claims or legal claims to recover damages. *Id.* at 8. Moreover, if it is demonstrated that damage from the Project has occurred due to an extreme weather event, and such damage has resulted in an adverse impact to neighboring property, GCS will work with landowners to identify and address any such adverse impacts. *Id.* at 8-9.

GCS will utilize “deer fencing” or equivalent around the PV solar array sites that is consistent with all codes, including NEC and North American Electric Reliability Council Critical Infrastructure Protection requirements. Direct-GCS-Guzman-7; Ex.-GCS-Application: Section 2.2.8. For public safety reasons 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.*

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. Rebuttal-GCS-Paul Callahan-13; Ex.-GCS-Application: Section 6.1.2. In addition, the Project operations team will meet with local responders to review the Project configuration and educate local responders about any potential assistance of emergency responders that may be required. Rebuttal-GCS-Paul Callahan-13. Municipal first responders, depending on their preference, will be provided keys to the lock box at the Project Site.

D. The Design and Location of the Project is in the Public Interest Considering Reliability Factors

The Commission must consider reliability factors when reviewing whether a CPCN application is in the public interest. Wis. Stat. § 196.491(3)(d)3. The Project will not adversely affect system reliability. As discussed above, the Project will meet the applicable safety standards of the NEC and the NESC, Wisconsin State Electric Code, and utility interconnection standards for safe and reliable operation of solar plants. Rebuttal-GCS-Paul Callahan-3. GCS has complied with the MISO interconnection process which is designed to ensure that interconnection of the Project will not result in any adverse reliability impacts to the electric grid. GCS executed a LGIA with the MISO and ATC on April 3, 2020. Ex.-GCS-Application: Appendix B.

III. THE DESIGN AND LOCATION OF THE PROJECT IS IN THE PUBLIC INTEREST CONSIDERING ENVIRONMENTAL FACTORS AND THE PROJECT 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, Wis. Stat. § 196.491(3)(d)3, 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. Stat. § 196.491(3)(d)4.⁶

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

The Project will not adversely impact ecological balance. *See* Wis. Stat. § 196.491(3)(d)3 and 4. As described in greater detail below, there will be no undue adverse impact on wetlands, waterways, wildlife, endangered resources, and agricultural land. The Final Environmental

⁶ 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.

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.

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 Wisconsin Department of Natural Resources (“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, Wis. Admin. Code NR 102, 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

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not have an undue adverse impact on wildlife habitat. Wetlands and forested habitat within the Project area have been avoided to the extent practicable. The predominant land use within the Project area is agricultural (row crops and pastureland). The Project will have minimal impact on wildlife species or their preferred habitats because the majority of construction and operation activities will be on actively tilled agricultural land. Direct-GCS-Locker-r-8.

For the life of the Project, GCS will voluntarily develop and implement a Wildlife Response and Reporting System (“WRRS”) for the Solar Project. Direct-GCS-Locker-r-9. The WRRS will be derived from a voluntary WRRS for wind generating facilities that was previously developed and implemented by NextEra Energy Resources in collaboration with the U.S. Fish and Wildlife Service (“USFWS”). *Id.* The purpose of this WRRS is to standardize actions taken by site personnel to detect wildlife incidents within project boundaries. *Id.* The WRRS provides direction for project personnel who may encounter wildlife on-site, in an effort to fulfill obligations in reporting wildlife incidents. *Id.* All dead, injured, or stranded wildlife found by project personnel or others in the Solar Project area will be reported to the company’s appropriate Environmental Services personnel. *Id.*

Significantly, the GCS site is a low risk site for avian collisions. Direct-GCS-Locker-r-9. Staff witness Mr. Tomaszewski acknowledges that negative impacts to birds from a solar facility are likely to be less significant than impacts from building window strikes or cats. Direct-PSC-Tomaszewski-9. Nevertheless, Mr. Tomaszewski asserts that the Commission “could require GCS [to] participate in a post-construction avian impact study to build knowledge”.

Staff’s request for an avian mortality study is not supported by the record. Based on research from multiple sources (including USFWS and independent scientists), there are various anthropogenic causes of avian mortality. Direct-GCS-Locker-r-2; Rebuttal-GCS-Locker-r-2. The greatest avian mortality causes are cats and collisions with buildings and vehicles. Avian fatalities due to wind turbines have been extensively studied in the U.S. and are consistently found to cause considerably less than one percent of avian fatalities. *See Ex.-GCS-Locker-3.* Assuming that PV solar facilities result in less avian mortality than wind turbines due in part to the stationary nature and lower profile of PV solar in comparison to wind, avian mortalities at this facility will not impact avian populations regionally or nationally. As such, there is no empirical evidence that

avian studies are necessary for solar PV facilities in the Midwest. Moreover, post-construction avian mortality monitoring will be conducted at both the 300 MW Badger Hollow Solar generation facility located in Iowa County, which is approximately thirty miles from the Project, and the Two Creeks Solar Facility in Manitowoc and Kewaunee Counties. *See* Badger Hollow Final Decision, issued on April 18, 2019; *see also*, Two Creeks Solar Final Decision issued on April 18, 2019. The avian studies at these geographically diverse solar facilities, which share the same fundamental technology as the Project, will provide the Commission with a scientifically meaningful basis to address this issue. Moreover, the Project Site has similar vegetation, avian habitat, and is in general environmentally like the Badger Hollow Solar site. Any additional study of avian mortality at the Project Site would be redundant, costly, and unnecessary. The Commission implicitly recognized the redundancy of such a study when it declined to require it in the Point Beach Solar proceeding. *See generally* Point Beach Solar Final Decision, p. 29.

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

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not have an undue adverse impact on endangered resources. A Certified Endangered Resources Review (“ERR”) was submitted to the WDNR on January 21, 2020. Direct-GCS-Locker-r-12. The WDNR approved the ERR and provided concurrence and recommendations on January 23, 2020. The ERR summarizes state-listed rare species, natural communities, and other natural features with element occurrence records within one mile of the Project segments for terrestrial and wetland occurrences and within two miles for aquatic occurrences. *Id.*

No state-listed threatened or endangered species were determined to be potentially present in the Project Study Area. Although one state threatened fish and one state endangered amphibian

had records within the surrounding area, there is a lack of suitable habitat within the Project Study Area and no actions were required or recommended by WDNR. *Id.*

In addition, informal consultation with USFWS also determined there are no records of federally listed species within the Project Study Area. After consultation with USFWS and WDNR, it was determined that no pre-construction studies were required if tree clearing occurs outside the northern long-eared bat and affected migratory birds of concern roosting and nesting seasons and follows USFWS guidelines regarding acceptable dates for clearing in Wisconsin and GCS has appropriate surveys conducted prior to construction to avoid impacts to active roosts or nests; and/or coordinates with WDNR prior to construction. GCS will refresh the ERR closer to the construction start date, no more than one year prior to commencement of construction. Direct-GCS-Locker-r-13; Rebuttal-GCS-Locker-r-5. Accordingly, no significant adverse impacts to threatened or endangered resources are anticipated.

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

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.

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).

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. 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 Vegetation Management Plan will stabilize soil following construction activities 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. See Ex.-PSC-FEA-50 ("it is likely that thorough decommissioning, including decompacting soils and repairing any damaged drainage tiles, would allow for a return to agricultural use.")

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. Specifically, 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. As set forth below, 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 (“EMF”), stray voltage, or property values. No undue adverse impacts on environmental values will result from the Photovoltaic Heat Island (“PVHI”) effect. Accordingly, the Commission should conclude that the Project will not have an undue adverse impact on the public health and welfare. *See Wis. Stat. §§ 196.491(3)(d)3 and 4.*

1. The Project will not create an undue adverse impact regarding noise

The Project will not result in an undue adverse impact regarding noise. GCS conducted a pre-construction ambient sound survey of the substation and PV inverter areas for the Project to quantify the existing acoustic environment. Sound evaluation was conducted in accordance with PSCW’s “Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Electric Power Plants.” Direct-GCS-R. Callahan-2. Aerial imagery, land ownership records, and field surveys were utilized to identify residences, schools, churches, hospitals, and other sensitive areas located near the Project. Seven sound level measurement locations were chosen based on feedback from the Commission staff. *Id.* at 2-3; Ex.-GCS-Application: Appendix S.

Sound levels recorded during the ambient noise survey indicated generally low background sound at all sites, with peaks occurring during times of heavier traffic along U.S. Route 61. Ambient A-weighted sound levels ranged from approximately 50 to 63 decibels A-weighted (dBA) in the morning hours; 37 to 57 dBA at midday; 31 to 52 dBA in the evening; and 32 to 56 dBA in the nighttime. Direct-GCS-R. Callahan-4. The results are typical of a rural environment with

sources including vehicular traffic, aircraft, farming activities, and natural sounds from wildlife (birds). *Id.*

Expected sound levels from the Project were predicted through acoustic modeling at the boundaries of properties near the proposed substation and array. The predicted sound level for the substation at approximately 1,500 feet is 39 dBA. The nearest residence to the substation is approximately 1,500 feet from the proposed location. *Id.*

In addition, the maximum predicted worst-case cumulative sound level for an inverter at approximately 400 feet is 39 dBA. This value is less than the nighttime impact required of wind energy systems under Wis. Admin. Code § PSC 128.14 of 45 dBA. The nearest residence to an inverter is approximately 460 feet away, therefore, the impacts of the inverters on the nearby residences will meet the standards applicable to wind energy systems⁷ and found in Wis. Admin. Code § PSC 128.14.⁸

Lastly, to determine more accurate noise levels and whether noise mitigation measures are necessary, GCS will conduct a post-construction noise study including monitoring consistent with PSCW noise guidelines as part of the final design. Rebuttal-GCS-R. Callahan-r-2. Accordingly, the construction and operation of the Project will not result in any undue adverse impacts to public health and welfare relating to noise. *See* Wis. Stat. §§ 196.491(3)(d)3 and 4.

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

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not result in an undue adverse impact regarding glint or glare. GCS performed a Glare Hazard Analysis for the Project on April 30, 2020. Ex.-GCS-Application: Appendix T. As discussed more fully in Ex.-GCS-Blank-

⁷ No specific noise standards exist for solar generating facilities.

⁸ The Commission did not impose a nighttime noise limit in the recent proceeding relating to the neighboring Two Creeks Solar Facility. *See* Two Creeks Solar Final Decision. There is no basis in the record in this proceeding to impose a noise limit on the Project.

4, the Glare Hazard Analysis was conducted in accordance with FAA guidelines established for solar projects located on federally funded airports. The Glare Hazard Analysis analyzed potential glare impacts on airplanes landing in both northward and southward directions at the Lancaster Municipal Airport, located approximately 0.6 mile north of the Project. Direct-GCS-Blank-5-6. Helicopters landing at the Grant Regional Health Center Heliport in Lancaster and airplanes landing at a potential private airstrip in the Town of Ellenboro (both greater than five miles from the Project), were also analyzed. *Id.* 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; *see also* Rebuttal-GCS-Blank-r-2-3; *see* Wis. Stat. § 196.491(3)(d)3 and 4.

3. The Project will not create an undue adverse EMF impact

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not result in undue adverse EMF impacts. GCS performed an EMF Study for the Project. Ex.-GCS-Application: Appendix G; Ex.-PSC-Data Request: Response 4.01.

The EMF Study assessed the potential maximum electric and magnetic field strengths in the vicinity of the Project's underground electrical cables to determine if the levels are a risk to human health and environment. Direct-GCS-Blank-4. The EMF Study considered five collection line scenarios based on the number of parallel feeders within the underground trenches. *Id.* The Solar Project EMF Study concluded that the maximum level of electric and magnetic fields that

are expected at the approximate centerline of the trench configurations for the collection lines ranged from 10.61 to 11.40 mG (maximum magnetic field). *Id.* at 4. In each scenario, at 50 feet from the centerline, the magnetic field was below 2.0 mG. *Id.*

For the Project Gen-Tie Line, the level of electric and magnetic fields that are expected approximately one meter (3.28 feet) above the ground varies by configuration from 0.818 to 3.969 kV/m (maximum electric field) and 149.29 to 594.88 mG (magnetic field at 100% loading). *Id.* at 5. Within 200 feet of the Gen-Tie line, the magnetic field at 100% of peak load diminishes to approximately 5.29 – 13.98 mG, depending on the structure. *Id.*; *see also* Rebuttal-GCS-Blank-r-4-5. By way of comparison, a typical electric blanket gives off 0.25 kV/m and a typical microwave gives off 60 mG. Consequently, potential maximum electric and magnetic field strengths in the vicinity of the Project are extremely small, and the Project will not have an undue adverse EMF impact. *See* Wis. Stat. § 196.491(3)(d)3 and 4.

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

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, 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 very 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 will completely cool at night. Moreover, the presence of access roads between arrays and re-vegetation under and around the arrays will have additional cooling effects. *Id.*

In addition, the temperate climate of the Project Site will further reduce any potential PVHI effect. In contrast to the majority of studies documenting the PVHI effect, the GCS Project is located in a temperate region. *Id.* Importantly, studies on this hypothesis have primarily been

conducted in arid and semiarid landscapes on solar facilities (e.g., Arizona) with bare ground beneath and around arrays. However, background temperatures could greatly impact the PVHI effect. *Id.* As demonstrated in Ex.-GCS-Locker-5, Wisconsin is consistently cooler than southern Arizona in both maximum and minimum temperatures across all seasons.

In addition, the implementation of vegetation to provide cooling benefits through ground shading and evapotranspiration will reduce any potential PHVI effect. Research has demonstrated that PV installations that were revegetated with grasses under the panels had a strong cooling effect, significantly lowering air temperatures within the array when compared to arrays underlain by bare ground. (*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 – Vegetation Management Plan to CPCN Application (Ex.-GCS-Application: Appendix H) to ensure the long-term condition of the on-site vegetation, providing further cooling. Accordingly, 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.

5. The Project will not create undue adverse stray voltage impacts

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not result in undue adverse stray voltage impacts. Stray voltage issues are generally caused by improperly grounded and/or isolated electrical circuits found in older buildings, factories, or barns. Direct-GCS-

Guzman-15-16; Rebuttal-GCS-Paul Callahn-3. Grounding for GCS's PV array will be designed and certified by a licensed electrical engineer according to current applicable electric code requirements. *Id.* Nevertheless, 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. The Project Site, rather than the "project area" or "Project Study Area" is the appropriate focus of any such testing and is consistent with reference to "facility" in Wis. Admin. Code § PSC 128.17, given that the Project facilities will be within the Project Site. GCS will provide the results of the stray voltage testing to Commission staff. In the highly unlikely event that a stray voltage problem attributable to the construction and operation of the Project is discovered, GCS will work with the local distribution utility and agricultural facility owner to rectify any such issue.

6. The Project will not create undue adverse property value impacts

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 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. In fact, for agricultural properties that host photovoltaic panels, the additional income from the solar lease(s) may increase the value and marketability of those properties. Direct-GCS-MaRous-3.

Importantly, the PSCW 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.

7. The Project will not result in an undue adverse impact to line-of-sight and broadcast communications

Consistent with Wis. Stat. § 196.491(3)(d)3 and 4, the Project will not result in an undue adverse impact to line-of-sight and broadcast communications. The standard height of the solar panels does not typically obstruct microwave beam paths or degrade broadcast communications signals. Direct-GCS-Gil-r-12. However, in the unlikely event it is demonstrated that the Project has resulted in an adverse impact to line-of-sight communications or broadcast reception post-construction, GCS will work with landowners to mitigate any such adverse impacts to broadcast communications that are demonstrated to be caused by the Project post-construction. This approach is consistent with the Commission's recent decisions on the issue in the Two Creeks Point Beach Solar proceedings. *See* Two Creeks Solar Final Decision, p. 38; Point Beach Solar Final Decision, p. 37. Accordingly, the Commission should conclude that the Project will not result in an undue adverse impact regarding line-of-sight and broadcast communications.

8. The Project will generate local economic benefits

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 for widespread benefit. Direct-GCS-Gil-r-12. During construction, 250-350 jobs will be available with two to three full-time equivalent jobs available once the Project is in operation. Direct-GCS-Gil-r-12. Due to the higher volume of Project personnel, 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. As the record demonstrates, local earnings will be positively impacted by the Project.⁹ 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 be distributed state revenue sharing payments by the Wisconsin Department of Revenue pursuant to the formula outline in Wis. Stat. § 79.04.¹⁰ The Project will also contribute to the local economy through the lease payments that have been made, and will continue to be made, to landowners. As a result, the Project will be a positive economic asset to the local economy for decades to come.

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

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. In general, decommissioning activities will include: (1) dismantling and removal of all above ground equipment (solar panels, racking, transformers, Project Substation, etc.); (2) excavation and removal of all above ground cabling; (3) removal of posts; (4) break-up and removal of concrete pads and foundations; (5) pumping and break-up of any septic tank (backfilled with clean soil) and abandonment of leach field (if applicable); (6) abandonment of underground utilities; and (7) scarification of compacted areas within and contiguous to the solar plant facility (including but not limited to internal and external access roadways). *Id.*

⁹ 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.

¹⁰ Under the Wisconsin Shared Utility Aid Formula, Grant County is expected to 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.

In order to facilitate a return to agricultural use following decommissioning, the land would be tilled to break the new vegetative growth, which will enhance the topsoil condition. Once the Project is fully decommissioned, the property owners can sample the soils and, as needed, add fertilizer to match the crop(s) to be planted. As such, it is very likely the cropland will be returned to pre-construction yields.

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.

C. The Project Will Have No Undue Adverse Impact on Known Historical or Cultural Resources

The Project will not adversely impact historical or cultural resources. *See* Wis. Stat. § 196.491(3)(d)3 and 4. A complete investigation of cultural resources in the Project Study Area was conducted. Records retained at the Wisconsin Historical Society and the Wisconsin Historical Preservation Database were searched to identify if the Project would potentially impact any previously recorded historic properties within one-mile of the Project Study Area. Direct-GCS-Locker-r-15; Ex.-GCS-Application: Appendix N. In 2018 and 2019, field surveys were conducted to identify additional potential cultural resources within the Project Study Area, and to resurvey areas of previously recorded historical resources. *Id.* Sites of previously recorded historical or

cultural resources located within the Project Site have been avoided in the design of the Project facilities. Direct-GCS-Locker-r-15-16.¹¹

The Project, as designed, will have no effect on known cultural or historical resources. Direct-GCS-Locker-r-15-16. Pursuant to Federal and Wisconsin laws, if grave markers or human skeletal remains are encountered during construction, all activities in the area will cease and the State of Wisconsin Burial Sites Preservation Office will be contacted for further instructions. *Id.* In addition, GCS will develop an unanticipated discoveries plan prior to construction for direction in the event that any previously unknown cultural materials are encountered during the construction of the Project. *Id.* Accordingly, the Commission should conclude that the Project will not result in an undue adverse impact regarding historical or cultural resources.

D. The Project Will Have No Undue Adverse Impact on Geological Formations

GCS conducted a geotechnical site investigation to explore the soil properties and subsurface conditions of the Project Site. Direct-GCS-Guzman-8; Ex.-GCS-Application: Appendix L. This work included soil borings, electrical resistivity testing, and cone penetration testing. The study also included lab testing of the soil to determine soil types, thermal resistivity, corrosive properties, and moisture content. Based on the site and lab work, the geotechnical engineer makes recommendations regarding foundation design, road construction considerations, and seismic considerations. The geotechnical study results and recommendations will be incorporated into the detailed design phase for the Project to ensure that the Project is properly designed and constructed in accordance with the specific soil and geologic conditions of the site. *Id.* As such, the Project

¹¹ Four (4) previously unrecorded archaeological sites were identified within the Project Study Area, as well as one (1) previously unrecorded archaeological site abutting the Project Study Area. Three (3) of the newly identified archeological sites do not meet National Register of Historic Places eligibility criteria and were not recommended for further investigation. The above ground historical resource study identified one farmstead with nine (9) previously surveyed structures that Commonwealth resurveyed and recommended as not eligible for the National Register of Historic Places.

will not result in an undue adverse impact to any geological formations. *See* Wis. Stat. § 196.491(3)(d)3 and 4.

E. The Project Will Have No Undue Adverse Impact on the Aesthetics of Land and Water

The Project will not result in any undue adverse impacts to the aesthetics of land and water. Wis. Stat. § 196.491(3)(d)3 and 4. A study of visual resources within the Project Study Area was completed to compare the existing conditions to the expected visual landscape upon completion of the Project. Direct-GCS-Locker-r-16. Five simulated views were selected based on the presence of sensitive receptors, public thoroughfares, aerial imagery, topography, and proposed Project infrastructure. Photograph location selection was coordinated and approved with PSCW staff. The visual study demonstrates that although in close views of the Project Site the PV arrays would be visible and identifiable, in broader, more long-distance views, the Project is likely to appear mostly absorbed into the existing agricultural landscape. The rows of PV arrays would appear consistent with a general pattern of row and field crops. *Id.* at 16-17. The Project would be segmented with portions frequently appearing compartmented by existing natural features, such as riparian areas and tree lines. As a result, the total scale of the Project's overall footprint would not be evident in most views. *Id.* The PV arrays would appear as part of a larger, working landscape, which already contains elements of mechanization and electrical transmission. The segmented layout would also result in a relatively few views within which the Project would appear to dominate the landscape. The visual appearance of the Project, therefore, will not create any undue adverse impacts on the aesthetics of land and water. *See* Wis. Stat. §§ 196.491(3)(d)3 and 4.

Nevertheless, in response to reasonable requests by non-participating landowners, GCS will consider reasonable requests for vegetation screening, certain specific setbacks, or other similar measures on a case by case basis. Direct-GCS-Gil-r-20; Rebuttal-GCS-Gil-r-5. The visual

appearance of the Project will not create any undue adverse impacts on the aesthetics of land and water.

F. The Project Will Have No Undue Adverse Impact on Recreational Use

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 construction activities. Direct-GCS-Locker-r-6. The Project will not have an adverse impact on recreational use. Wis. Stat. § 196.491(3)(d)3 and 4.

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

Consistent with Wis. Stat. § 196.491(3)(d)6, the Project will not unreasonably interfere with the orderly land use and development plans for the area. There are no specific zoning requirements or limitations on the development of solar facilities. Ex.-GCS-Application: Section 5.9.6.1.¹² However, GCS will voluntarily adhere to the Grant County Shoreland Ordinance even though local zoning ordinances are not applicable to a Project receiving a CPCN. 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-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

¹² 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.

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 concerning land use and development plans, 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.

V. THE PROJECT WILL NOT HAVE A MATERIAL ADVERSE IMPACT ON COMPETITION IN THE RELEVANT WHOLESALE GENERATION MARKET

The Project is injecting additional energy into the market and is anticipated to have a positive impact on wholesale energy prices. Direct-GCS-Gil-r-14. If anything, the Project will facilitate additional competition in Wisconsin's wholesale electricity markets by providing a new low cost "benchmark" for renewable, reliable power. As such, the Project is not anticipated to result in an adverse impact on wholesale energy prices. *See Wis. Stat. § 196.491(3)(d)7*. The Commission reached the same conclusion, based on substantially similar facts, in the recent Two Creeks Solar proceeding. *See Two Creeks Solar Final Decision*, p. 16.¹³ For these reasons, the Commission should conclude that the Project will not have a material adverse impact on competition in the relevant wholesale electric market. *See Wis. Stat. § 196.491(3)(d)(7)*.

VI. USE OF A BROWNFIELD SITE FOR THE PROJECT IS NOT PRACTICAL

To the extent practical, brownfields should be utilized for large electric generation facilities. The statutory definition requires that such brownfields be idle or underused industrial or

¹³ *See also* Final Decision, *Application of Forward Energy LLC for a Certificate of Public Convenience and Necessity to Construct a Wind Electric Generation Facility and Associated High Voltage Electric Transmission Facilities, to be Located in Dodge and Fond du Lac Counties*, Docket 9300-CE-100 (July 28, 2005) (PSC REF#: 37618) (finding lack of adverse impact on competition in the relevant wholesale generation market, in the context of a wholesale merchant plant selling power to utilities pursuant to PPAs).

commercial facilities. The Project location required over 1,403 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 is not aware of a Wisconsin brownfield location that would meet Project site criteria. The Commission should conclude that the use of brownfield sites for the Project is not practicable, and the Project satisfies Wis. Stat. § 196.491(3)(d)8.

CONCLUSION

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

Respectfully submitted this 8th day of March 2021.

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