

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

APPLICATION OF WISCONSIN POWER
AND LIGHT COMPANY FOR A CERTIFICATE
OF AUTHORITY FOR ACQUISITION,
CONSTRUCTION, INSTALLATION AND
OPERATION OF SIX SOLAR ELECTRIC
GENERATION FACILITIES IN WISCONSIN

Docket No. **6680-CE-182**

**ROBERT AND ELLEN HUDOVERNIK'S NON-PARTY BRIEF IN OPPOSITION TO
APPLICATION FOR A CERTIFICATE OF AUTHORITY**

A. INTRODUCTION

Robert and Ellen Hudovernik, intervenors for Onion River Solar, Ref.# 9805-CE-100, file this Non Party Brief in Opposition to the Application of Wisconsin Power and Light Company for a Certificate of Authority for Acquisition, Construction, Installation, and Operation of Six Solar Electric Generation Facilities in Wisconsin, Ref. # 6680-CE-182. In particular, we ask the PSC to completely strike the Ranger Power, Onion River Solar CPCN, docket Ref. # 9805-CE-100 from this application based on Ranger Power, Onion River Solar and Town of Holland board blocking of us and the residents of the township from full participation, thus preventing a just and fair democratic process. Based on our extremely negative experiences with this solar proposal, we believe the other 5 solar proposals should be investigated for the same reasons put forth here.

We are here to report evidence denying us of our rights as citizens and property owners in the Onion River Wetlands in which we own property at W3682 County Road A South, Oostburg, WI, 53070. We are reporting this information to you, the PSC Commissioners, on behalf of the residents of our community, our fellow residents of the State of Wisconsin, and our public officials: Governor Evers, Attorney General Raul, Senator Baldwin, and President Biden.

This brief addresses the following issues.

- A. The blocking of information about said solar proposal, lack of transparency and lying to us by Ranger Power, Onion River Solar, omitting important information and supplying us with conflicting facts to redirect us from knowing the truth.
- B. Abuse of power and violations of Open Meeting Law by our Town of Holland Board, preventing us from acquiring information in real time, thus preventing us from real time participation.
- C. Application violations by Ranger Power hiding important information from PSC, including missing endangered bird data, missing airport data, and reusing "generic information" about the impact of real estate values and other important issues.

For all of these reasons we respectfully request that the Commission deny the application of Wisconsin Power and Light for a Certificate of Authority for acquisition, construction, installation and operation of Onion River Solar LLC in the Town of Holland, Sheboygan County, Wisconsin.

II. Evidence

Please review our sworn comments from the February 23, 2021 Public Hearing Session Transcript Tr.63-112, PSC REF# 405480 (Robert Hudovernik, page 74, and Ellen Hudovernik, page 90). These comments recount the above events we witnessed. In the Onion River Docket Ref, #9805-CE-100, Ranger Power's missing information about birds and airport data listed in C. above are documented in Ex.-RH-Hudovernik-03 and in Ex.-RH-Hudovernik-03 showing irrefutable photos. Our surrebuttals address the "generic information (vs. actual onsite info) Ranger Power is using in Surrebttal-RH-Hudovernik To Trevino and Surrebttal-RH-Hudovernik To Karczewski and Surrebttal-EH-Hudovernik argues generic real estate values with actual Onion River real estate accounts. In particular, read Ex.-EH-Hudovernik-15, Letter to Governor Evers & PSC in which we are asking for help with the corruption caused by solar coming into our community. Please read Ellen Hudovernik's complaint about our Town of Holland's violation of the Wisconsin Open Meeting Law while she was trying to learn about Ranger Power in Ex.-RH-Hudovernik-09 and study our July 1, 2020 letter to Alliant Energy CEO John O. Larsen in Ex.-RH-Hudovernik-01 on the Onion River Solar docket Ref #9805-CE-100. We never received a reply from John O. Larsen addressing the chaos that Ranger Power is causing in our community. Mr. Larsen has never replied to our accounts of how the Town of Holland blocked us, or how our State Senator Devin LeMahieu censored our ad we

tried to place about the Town Board's secret session about Ranger Power, in his local newspaper. We also told him about Supervisor Stanley Lammers breaking Wisconsin law by burning toxic waste or how they covered-up a racist encounter in our township, which is photo-documented in Ex.-EH-Hudovernik-14.

Please see our directs and our exhibits on the Onion River Solar docket, Ref. # 9805-CE-100 for an expansive view of all that has gone down in our previously serene township, See Direct-EH-Hudovernik, Direct-RH-Hudovernik, Ex.-EH-Hudovernik-01-21, and Ex.-RH-Hudovernik-01-14

Please review the Comment by Alicia Ackens Cosgrove in this docket PSC Ref. #406205, by which she presents parallel facts about Ranger Power and the lawlessness of her own Town Board that she is dealing with in another solar project. Here is an excerpt of Alicia Cosgrove Aiken's experience with Ranger Power:

"I've worked with local governments before. I've heard people complain about corruption when there isn't really corruption, just a few mistakes, That's not what I experienced as Ranger Power's new neighbor. I have watched unimaginable conflict of interests, a town board that knowingly left the Town Plan Commission in place even two years after their terms were up (just so these hand selected individuals could rubber stamp the Ranger Power project) I've watched what I believe is my Town board give free road work to Ranger Power. I have documents showing my Town Board intentionally not posting Plan Commission meetings so that the project could get snuck in without public input. I have documents showing that Ranger Power had secret and undocumented meetings with our Town Plan Commissioner at his work office. Oddest of all, my Town Board called the sheriff on me for requesting all these public meetings, and videoed me while I voted to intimidate me and get me to stop requesting documents that show the level of corruption under this project."

Finally, please read about the confidential investigative report on Ranger Power by PSC Investigator Peter Wong. Goto Robert Hudovernik's letter to Governor Evers in Ex.-EH-Hudovernik-15 in Onion River Solar docket Ref.# 9805-CE-100.

III. Conclusions

In Congress, July 4, 1776

“The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.“

We also submit Wisconsin Statute 1.11 to support our argument that our environmental rights were violated by Ranger Power (and the Town of Holland Board), who carelessly and intentionally did not address the impact of how their blocking of information and facts negatively influenced the "human species" in their Onion River Solar application. The statute states: "We define ecological values generally as the level of benefits that the space, water, minerals, biota, and all other factors that make up natural ecosystems provide to support native life forms." It is our stance that ecological values can accrue to both humans and nonhumans alike.

We, Ellen and Robert Hudovernik respectfully oppose the Application of Wisconsin Power and Light Company for a Certificate of Authority for Acquisition, Construction, Installation, and Operation of Six Solar Electric Generation Facilities in Wisconsin, Ref. # 6680-CE-182. We believe Wisconsin Power and Light should be made to make a separate application for each utility scale solar plant they wish to purchase rather than grouping them altogether in one application for Certificate of Authority. Just as each of these solar projects must be individually evaluated on their own merits or negatives so the review process is fair so too should a separate CA be applied for regarding each of these six solar projects. This allows the general public greater opportunity to participate.

Furthermore, based on our experience with Ranger Power blocking our participation, supplying outdated, generic, information about our land, and other abuses of power, we believe that every merchant developer solar company be required to pay for an EIS-Environmental Impact Study, that is conducted by a neutral, unbiased party, so that Wisconsin citizens who will be forced to live in the shadows of these utility scale solar plants are assured the PSC Commissioners are looking out for their best interests, in particular their property values, their long term health and the surrounding ecosystem. We deserve fairness and honesty if our way of life is going to be so profoundly negatively impacted by utility scale solar. If you were in our shoes you would demand nothing less for yourselves and your children. In addition, we do not believe it is proper to have this application involving six solar projects be allowed to be submitted to the PSC before these

individual solar farm applications have even been evaluated and ruled upon by the PSC Commissioners.

Finally, with all due respects to the PSC, by pushing solar projects so quickly along, with sub-standard, biased information about our natural and human environment, paid for by solar companies, it gives the impression that the PSC review process is "rigged" and we do not think the PSC wants to generate a negative narrative suggesting they are assembly-lineing and approving every single industrial solar plant application without fully investigating and evaluating all sides and if damaging issues arise, denying some of these applications. By approving every merchant developer application along with their partners, the state public utilities, it makes the entire process look suspect. It is our belief that there will be a very rocky road ahead for the State of Wisconsin if things continue by rote. It's impossible to believe that every application that comes before the PSC can pass the PSC litmus test.

We, Ellen and Robert Hudovernik respectfully ask the PSC to remove Ranger Power's Onion River Solar from the Application of Wisconsin Power and Light Company for a Certificate of Authority for Acquisition, Construction, Installation, and Operation of Six Solar Electric Generation Facilities in Wisconsin, Ref. # 6680-CE-182 based on our submitted evidence.

For additional information and evidence on the Onion River Solar case please see our final brief in docket Ref. #9805-CE-100.