



33 East Main Street
Suite 201
Madison, WI 53703-3095

T +1.608.663.7460
F +1.608.663.7499
PerkinsCoie.com

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Brian H. Potts
BPotts@perkinscoie.com
D. +608.663.7493
F. +608.663.7499

VIA ERF

Ms. Steffany Powell Coker
Secretary to the Commission
Public Service Commission of Wisconsin
North Tower, 6th Floor
Hills Farm State Office Building
4822 Madison Yards Way
Madison, WI 53705-9100

Re: Request to Reopen Docket No. 05-CE-146

Dear Secretary Coker:

On behalf of American Transmission Company LLC and ATC Management Inc. (collectively, “ATC”) and ITC Midwest LLC (“ITC”), I write to request that the Public Service Commission of Wisconsin (“Commission”) act on its own motion to rescind the Final Decision granting the Certificate of Public Convenience and Necessity (“CPCN”) issued for the Cardinal-Hickory Creek 345-kilovolt Transmission Line Project (“Project”) and reopen the above-captioned docket to consider next steps.¹

Last week, ATC and ITC discovered information that indicates former Commissioner Michael Huebsch engaged in regular communications with an ATC employee, a former independent contractor for ITC, and other individuals over several years and while the CPCN application was pending. The communications occurred using the Signal software application.² A text communication referencing the use of Signal is included as Attachment 1.³ Signal is used by companies and individuals because it enables users to send private, encrypted messages, which, depending on the user’s settings, can be automatically deleted after a preset time period.⁴

¹ See Wis. Stat. § 196.39(1) (“The commission at any time, upon notice to the public utility and after opportunity to be heard, may rescind, alter or amend any order fixing rates, tolls, charges or schedules, or any other order made by the commission, and may reopen any case following the issuance of an order in the case, for any reason.”).

² No Dairyland Power Cooperative employees or representatives were involved in these communications. Dairyland does not object to this filing and will indicate so by separate filing.

³ In this attachment, the message recipient labeled as “Other” and “Unspecified Participant” is the ATC employee.

⁴ See, e.g., Signal Support, available at <https://support.signal.org/hc/en-us/articles/360007320391-Is-it-private-Can-I-trust-it->; <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages>.

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We have no information that these Signal communications were related to the Project or the CPCN docket. And we are working to retrieve these communications. However, given the retention settings of the Signal application, we are presently uncertain whether these messages can be fully recovered.

While we are disappointed by these recent developments, they have no bearing on the state's need for the Project, which is vital to ensuring a cleaner, more reliable, and more affordable energy future for Wisconsin. The Project will reduce energy costs, improve transmission reliability, support the interconnection of nearly 10 gigawatts of renewable generation within the region, and reduce regional greenhouse gas emissions. From this perspective, the Project is critical to advancing the state's goal of ensuring that all electricity consumed within Wisconsin is 100 percent carbon-free by 2050.⁵

Although the benefits of this Project to the state and region remain unchanged, ATC and ITC are also committed to preserving the transparency, fairness, and integrity of all regulatory and judicial proceedings. As such, ATC and ITC request that the Commission rescind the Final Decision granting the CPCN and reopen this docket to consider next steps, without the participation of former Commissioner Huebsch.

Respectfully,



Brian H. Potts

⁵ See Executive Order 38, Relating to Clean Energy in Wisconsin (August 16, 2019), available at <https://evers.wi.gov/Documents/EO%20038%20Clean%20Energy.pdf>.

Attachment 1

Short Message Report



Conversations: 1	Participants: 3
Total Messages: 20	Date Range: 2/11/2019 - 1/31/2020


Outline of Conversations



NODISPLAY 20 messages between 2/11/2019 - 1/31/2020 • Mike Huebsch •
UNSPECIFIED_PARTICIPANT • _\$!<Other>!\$_

Messages in chronological order (times are shown in GMT +00:00)

-  **NODISPLAY**
- MH **Mike Huebsch** 2/11/2019, 6:24 PM
Check Signal. I probably shouldn't do that to Bert... right?
- O **_\$!<Other>!\$_** 6:28 PM

- O **_\$!<Other>!\$_** 6:28 PM
There's my answer
- O **_\$!<Other>!\$_** 6:28 PM
Messing with Bert. What's wrong with that?!
- MH **Mike Huebsch** 6:33 PM
Because knowing him he won't leave Reagan. He'll just rebook and go home.
- MH **Mike Huebsch** 6:33 PM
Which takes this from funny to fricken hilarious, I guess.
- O **_\$!<Other>!\$_** 6:34 PM
And you know that's exactly what he'd do to. Sort of like Sheldon in the Big Bang Theory, never leaving the train station.
- MH **Mike Huebsch** 6:36 PM
Exactly! Should probably set this straight... eventually.
- MH **Mike Huebsch** 4/18/2019, 5:36 PM
My thoughts and prayers are with you tomorrow, bro! Brother Bert will keep us informed but we'll all be anxious. So hustle and don't screw this up!
- U **UNSPECIFIED_PARTICIPANT** 6:19 PM
Thanks very much, Mike. I really appreciate it. I hope things go well and I'm back in the game soon.
- MH **Mike Huebsch** 6:24 PM
I'll try not to screw it up until you're back.

But no promises. 
- MH **Mike Huebsch** 4/20/2019, 1:24 AM
Hey fella! How ya feelin? I'm hearin good things!!
- MH **Mike Huebsch** 9/28/2019, 1:41 PM
Good Saturday morning, John! Baas and I are golfing Wild Rock w Jeff Mayers Wednesday aft. Can you join us?
- MH **Mike Huebsch** 1:45 PM

Oh. Sorry. Didn't know Baas had already checked w you. Next time!

- U **UNSPECIFIED_PARTICIPANT** 1:51 PM
Sorry I can't make it...I hope we can get a round in yet this year. With all my cardiology stuff this year, I haven't played much at all.
- MH **Mike Huebsch** 1:52 PM
Understandable, bro!
- U **UNSPECIFIED_PARTICIPANT** 11/19/2019, 6:55 PM
Are you still in town and available for dinner? WEC and Quarles guys wondering about that.
Thanks
- MH **Mike Huebsch** 7:01 PM
Still in town. I've got a dinner tonight but could catch you guys later
- MH **Mike Huebsch** 1/31/2020, 9:04 PM
You got a sec for a quick call John?
- O **_\$!<Other>!\$_** 9:32 PM
You bet