

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

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Joint Application of American Transmission Company LLC, ITC Midwest LLC, and Dairyland Power Cooperative, for Authority to Construct and Operate a New 345 kV Transmission Line from the Existing Hickory Creek Substation in Dubuque County, Iowa, to The Existing Cardinal Substation in Dane County, Wisconsin, to be Known as the Cardinal-Hickory Creek Project

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5-CE-146

**REPLY COMMENT OF RENEW WISCONSIN  
ON THE COMMISSION'S INTENT TO RESCIND**

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RENEW Wisconsin ("RENEW") files this comment after reviewing comments from other parties in response to the request of Joint Applicants to rescind the final decision granting a Certificate of Public Convenience and Necessity for the Cardinal-Hickory Creek transmission line project. RENEW reviewed the initial comments to develop a fuller understanding of the procedural options that would come into play should the Public Service Commission ("Commission") grant Joint Applicants' request. RENEW fully supports the proposed rescission, which we believe is necessary to alleviate concerns of any bias influencing the outcome of the original vote, and to preserve the transparency, impartiality, and integrity of the Commission's review process.

In consideration of the procedural steps that should follow a rescission, RENEW makes the following observations:

- 1) **The existing record provides a legally sufficient and unbiased foundation upon which to base a new vote.** The record that was presented to the Commission for

consideration was developed by Administrative Law Judge Michael Newmark. Judge Newmark was responsible for the veracity and validity of the evidence entered into the record, as well as its completeness. The Commissioners did not participate in the gathering and testing of the record evidence developed by the Administrative Law Judge. Whatever bias that might have influenced former Commissioner Huebsch, if there was any, did not influence the record evidence developed for the initial Commission vote. Thus, there is no need to reopen the factual record in this proceeding.

**2) The Commission can proceed with an unbiased re-vote on the record.** No claims of bias have been alleged against Commissioner Ellen Nowak. Previously asserted claims of bias on the part of Commissioner Rebecca Valcq have been dismissed by the courts. We see no evidence of any alleged taint that disqualifies Commissioners Nowak and Valcq from taking a fresh vote on a Certificate of Public Convenience that would enable the Cardinal-Hickory Creek project to proceed.

**In light of the above observations, RENEW supports Commission actions that would (a) rescind the existing Final Decision and (b) put in place a procedure that leads to a new vote based on the existing factual record.** Even though the case for approving Cardinal-Hickory Creek is even stronger now than it was in 2019, particularly as critical infrastructure for facilitating zero-emission renewable energy deployment in Wisconsin and the surrounding region, the public interest in this proceeding argues for an expeditious process that will fully and properly address any lingering concerns of bias.

Dated July 19, 2021

Respectfully submitted,

/s/Michael Vickerman

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