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Public Service Commission of Wisconsin
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September 30, 2005

BY ELECTRONIC FILING

Christy L. Zehner
Secretary
Public Service Commission of Wisconsin
610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Re: **PSC Docket No. 05-CE-113**

Joint Application of Minnesota Power Company, Wisconsin Public Service Corporation, American Transmission Company LLC, and ATC Management Inc., for Authority to Construct and Place in Service Electric Transmission Lines and Other Electric Facilities for the Arrowhead-Weston Project, Located in St. Louis County in Minnesota, and Chippewa, Clark, Douglas, Lincoln, Marathon, Oneida, Price, Rusk, Sawyer, Taylor and Washburn Counties in Wisconsin

Dear Ms. Zehner:

American Transmission Company LLC and ATC Management Inc., have received W.O.L.F.'s request that ATC's motion to close this docket be denied. W.O.L.F. contends that the Commission must evaluate the settlement agreement between ATC and Douglas County ("Agreement") in accordance with the following:

1. Does it address all issues pending in this docket?
2. Is it equitable?
3. Does it address issues in a manner that are not injurious to the public interest?

(p. 2, W.O.L.F. 9/26/05 Reply.)

There is no question that the grant of the easements by Douglas County resolves all of the issues to be addressed in the reopened docket. The Commission opened this docket in response to the Douglas County Board of Supervisors' vote "to prohibit the County from negotiating with the Applicants regarding the use of county-owned land." (PSCW 2/14/05 Order.) The signing of the Agreement marked the reversal of the Board of Supervisors' earlier vote and gave permission for the use of county-owned land for the Project.

The only issue pending in this docket was "for the limited purpose of considering alternate routes as may be necessary for the construction of the Arrowhead-Weston transmission line." (PSCW 2/14/05 Order.) With Douglas County allowing the use of County-owned land, the already approved route may be used and, therefore, no alternate route is necessary for the construction of this Project. The need for this docket has been eliminated and it should be closed.

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Whether the Agreement is "equitable" or "in the public interest" is not an issue currently before the Commission and, is therefore, irrelevant to the Commission's determination on whether to close this docket. (The Commission does not review and approve the agreements by which utilities acquire rights-of-way to ensure they are "equitable" or "in the public interest.")

As an aside, the Agreement is a public document and available through the Douglas County Clerk's office. We have already forwarded a copy of the Agreement to W.O.L.F. W.O.L.F. then filed the Agreement in this docket and it is now available on the Commission's website.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP

Lauren L. Azar

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cc: Service List

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