PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of City of Plymouth, as an Electric Public Utility, to Construct a New Electrical Distribution Station to Serve the Southwest Portion of its Service Territory, in the Town of Mitchell, Sheboygan County, Wisconsin — 4740-CE-106

FINAL DECISION

This is the Final Decision in the proceeding conducted by the Public Service Commission of Wisconsin (Commission) on the application of the Plymouth Utilities (applicant), as a municipally-owned public utility in the City of Plymouth, Wisconsin, for authority under Wis. Stat. § 196.49 and Wis. Admin. Code ch. PSC 112 to construct and place in service a new distribution substation with two 138/12.47 kilovolt (kV) transformers rated at 15/20/25 megavolt amperes (MVA), accommodation for up to four 12.47 kV circuits with planned current use for two of those circuits, circuit protective devices, and associated feeder exits, within the Town of Mitchell, Sheboygan County, Wisconsin. The applicant will also reconfigure its existing distribution circuits to separate the existing circuit 204 into two new circuits, circuits 501 and 511. The new substation would be located north of County Trunk Highways (CTHs) A and V and west of CTH A. The total cost of the project is estimated at $14,761,308, not including Allowance for Funds Used During Construction (AFUDC). (PSC REF#: 486214.) The project to interconnect the proposed distribution substation to American Transmission Company LLC's (ATC's) 138 kV transmission system will be separately considered in docket 137-CE-205.

The application is GRANTED, subject to conditions in this Final Decision.

Introduction

On October 19, 2023, the Commission issued a Notice of Investigation opening this docket. (PSC REF#: 482410.) The Notice stated that the Commission intended to conduct its investigation without a hearing. No person filed to intervene, and no hearing was requested or held. Pursuant to Wis. Stat. § 196.49(5r)(b), the Commission is required to take final action on the application within 90 days after the Commission issues a notice opening the docket, unless an extension of time is granted by the Commission Chairperson. Due to the revised application, Commission staff requested an extension of time from the Commission Chairperson, which was granted. (PSC REF#: 485272.) The extended deadline for Commission action is April 16, 2024.

On December 21, 2023, a Commission staff memorandum was issued for comment by parties and the public. (PSC REF#: 487370.) No comments were received.

Findings of Fact

1. The applicant is a municipally-owned electric public utility, as defined in Wis. Stat. § 196.01(5)(a). The applicant's proposed project consists of constructing a new distribution substation and associated feeder exits, as well as reconfiguration of its distribution feeder circuits, at an estimated cost of $14,761,308, not including AFUDC.

2. The applicant's prior year electric operating revenues were $27,160,616.

3. No unusual circumstances suggesting the likelihood of significant environmental consequences are associated with the proposed project.

4. Alternatives to the proposed project have been considered, but no other reasonable alternatives to the project exist that could provide adequate service in a more reliable, timely, cost-effective, and environmentally responsible manner. Wis. Stat. § 1.11(2)(c)3.

5. Energy conservation, renewable resources, or other energy priorities listed in Wis. Stat. §§ 1.12 and 196.025, or their combination, would not be cost-effective, technically feasible, or environmentally sound alternatives to the proposed project.

6. The general public interest and public convenience and necessity require completion of the proposed project.

7. Completion of the proposed project at the estimated cost will not substantially impair the efficiency of applicant's service, will not provide facilities unreasonably in excess of probable future requirements, and when placed in operation, will not add to the cost of service without proportionately increasing the value or available quantity thereof. Wis. Stat. § 196.49(3)(b).

8. Critical proposed facilities that could be damaged by flooding are not located in the 100-year floodplain. Consequently, there is no flood risk to the project per 1985 Executive Order 73 (Order 73).

Conclusions of Law

1. The applicant is a municipally owned electric public utility engaged in rendering electric service in the state of Wisconsin pursuant to Wis. Stat. § 196.01(5)(a).

2. The Commission has jurisdiction to act upon applicant's application under Wis. Stat. §§ 1.11, 1.12, 196.02, 196.025, 196.395, 196.49, and 196.85, and Wis. Admin. Code chs. PSC 4 and 112, to issue a Final Decision and Certificate authorizing applicant, as an electric public utility, to construct and place in operation the facilities described in this Final Decision, subject to the conditions stated in this Final Decision.

3. The estimated gross cost of this project exceeds the minimum threshold of utility projects requiring Commission review and approval under Wis. Stat. § 196.49 and Wis. Admin. Code § PSC 112.05.

4. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02, 196.395, and 196.49.

5. The application is a Type III action under Wis. Admin. Code § PSC 4.10(3). No unusual circumstances suggesting the likelihood of significant environmental effects on the human environment have come to the Commission's attention. Neither an environmental impact statement (EIS) under Wis. Stat. § 1.11 nor an environmental assessment (EA) is required.

Opinion

The applicant, as a municipally-owned electric public utility, provides electric service in the city of Plymouth and surrounding area. The applicant proposes to construct a new 138/12.47 kV distribution substation with two transformers rated at 15/20/25 MVA and associated protective equipment and feeder lines, as well as reconfiguration of its distribution circuits, within the towns of Mitchell and Scott, Sheboygan County, Wisconsin. The applicant is required to obtain from the Commission a Certificate of Authority to construct the project under Wis. Stat. § 196.49 and Wis. Admin Code ch. PSC 112, as the cost of the project exceeds the construction cost filing threshold listed in Wis. Stat. § 196.49(5g) and Wis. Admin. Code § PSC 112.05(3).

Project Description and Need

The applicant operates a 12.47 kV distribution system to provide electrical service to its customers, purchasing power through WPPI Energy from the regional electric transmission

system owned by ATC. The applicant currently has four substations serving customer loads, stepping down transmission system voltages of 138 kV or 69 kV to the distribution system voltage of 12.47 kV. Substations 1 and 2 each have one 33.3 MVA transformer and can serve the city of Plymouth for any system contingency with just one of the substations in service. Substation 3 has one 25 MVA transformer which serves rural areas to the east of the city of Plymouth and assists in system contingency events. Substation 4 has two 25 MVA transformers and serves the Johnsonville area and the northeast portion of the applicant's service territory. The existing substations can reinforce the other substations in some contingency events, though substation 2 has some long radial circuits serving load capabilities, including the loads in the southwest of the applicant's service territory. Radial circuits do not provide additional electrical paths to load in the event of a substation serving the load being unavailable, which makes the system less reliable than systems with multiple network interconnections. One reason that would necessitate the construction of a new substation is the introduction of large new loads in the southwest portion of the applicant's service territory.

The largest loads in the applicant's service territory include the ANR Pipeline Company (ANR) facility, the Kettle Moraine State Correctional Institution, and the Kettle Moraine State Fish Hatchery. The applicant has made incremental improvements to distribution circuits 204 and 206, which span 17 miles and 12 miles, respectively. These improvements have included adding active voltage regulation and upgrading the circuit conductors and poles. ANR recently informed the applicant of expected load growth from 300 kilo-volt-ampere (kVA) to 7.4 MVA due to a compressor station installation planned for 2025. The applicant has concluded that the incremental improvements to circuit 204, which serves ANR's load, will not be sufficient to

support the increased load. This increased load and the geographic size of the distribution system make it infeasible for the applicant to serve all customers in the southwest portion of its service territory with the existing substations and distribution circuit arrangement. Within the existing system, substation 2 serves all of the loads in the towns of Mitchell and Scott, in addition to the large loads discussed above.

Monthly data supplied by the applicant showed a peak demand of approximately 53 megawatt (MW) for the entire system in the past decade. For substation 2, the monthly data indicated a peak demand of approximately 16 MW over this same period. The applicant estimates that the current system has a reliable system capacity of 66.6 MVA, which it defines as taking the largest transformer out of service (either of the 33.3 MVA transformers at substations 1 or 2) and adding together 80 percent of the nameplate capacities of the remaining system transformers. Construction of the proposed substation 5 with the two new transformers would increase the reliable system capacity to 86.6 MVA. Moreover, studies of the extant system suggest that substation 2 would not be capable of meeting the increased load requested to be served at the ANR facility. The ANR facility is near the end of circuit 204, which currently experiences a system constraint causing voltages to drop to unacceptably low levels. The addition of the ANR compressor load in 2025 would also overload substation 2, exacerbating system reliability concerns.

The applicant described the challenges of serving distant, large loads such as the ANR load, which is near the end of the approximately 17-mile-long circuit 204. The applicant's experience has shown that distribution voltages of 12.47 kV and 400 amperes can reach approximately 9 miles before voltages drop too low, assuming even loading across the circuit.

Uprating the system to 25 kV would extend that range to approximately 36 miles at the same load, but would be prohibitively expensive. A conversion to a 25 kV distribution system would require the replacement of the five extant transformers at the four substations, as well as thousands of distribution transformers and overhead and underground circuits. The applicant estimates that such an effort would cost a minimum of $50 million dollars. While an entire system overhaul and upgrade to 25 kV may be pursued in the future, that is not deemed to be a practicable alternative at this time. A system partially comprised of 25 kV equipment and partially of 12.47 kV equipment is also not regarded as practical, due to training logistics and having to stock two types of spares, among other issues.

The other major alternative is to construct a substation more centrally located to the southwest portion of the applicant's service territory, which reduces the distance to the load and improves the 12.47 kV distribution system's ability to deliver electricity to load at sufficiently high voltage. The applicant and its engineering contractor developed twenty different options that evaluated different ways to serve the ANR load while also improving customer benefits to other loads in the towns of Mitchell and Scott. Three broad categories of alternatives were considered:

- Extension of a new ATC 138 kV transmission system directly to the ANR site, with construction of a 138/12.47 kV substation at the site;
- Tapping the existing ATC 138 kV transmission system, constructing a tie line to a new distribution substation remote from the ANR facility site, and providing 12.47 kV or 25 kV distribution service to the ANR facility; and,
- Construction of a new distribution substation adjacent to existing infrastructure and running dedicated distribution circuits to the ANR facility.

Variants of these alternatives also considered two transformers at the new distribution substation to provide redundancy in case of the failure of one of the transformers at the site. In total, twenty alternatives were considered, in addition to a "no build" alternative. The two transformers option would eschew the possibility of radial transmission service, instead allowing for networked transmission service using line breakers and other necessary equipment. All of the alternatives were also considered for the benefits that each alternative could provide to other customers in the towns of Mitchell and Scott.

The other aspect of the proposed project is separating circuit 204 into two new circuits, identified as 501 and 511. Circuit 204 will be truncated back to the intersection of CTHs V and S. The new circuits 501 and 511 will exit the proposed substation 5 underground on the north end of substation 5, before turning west, then traveling south along the west side of the substation until reaching CTHs A and V. Circuit 511 will travel east along CTH V until it ties in with the truncated circuit 204. An electrical switch capable of tying circuits 511 and 204 together will be installed. Circuit 511 will also run along CTHs A and W and connect to circuit 501, providing loop feed capability to circuit 501. Circuit 501 will travel mostly along the path of the erstwhile circuit 204, ultimately terminating at the ANR facility. The new circuits 501 and 511 will be mostly rebuilt within existing road right of way. The applicant asserts no easements will be necessary for the project.

Standard for Approval

The applicants seek approval under Wis. Stat. § 196.49 for a CA. Wisconsin Stat. § 196.49(2) states:

> [n]o public utility may begin the construction, installation or operation of any new plant, equipment, property or facility, nor the construction or installation of any

> extension, improvement or addition to its existing plant, equipment, property, apparatus or facilities unless the public utility has complied with any applicable rule or order of the commission[…]

The Commission may require by rule or special order "that no project may proceed until the Commission has certified that public convenience and necessity require the project." Wis. Stat. § 196.49(3)(b). The Commission may refuse to certify the acquisition if it appears that it will do any of the following:

1. Substantially impair the efficiency of the service of the public utility.
2. Provide facilities unreasonably in excess of the probable future requirements.
3. When placed in operation, add to the cost of service without proportionately increasing the value or available quantity of service unless the public utility waives consideration by the commission, in the fixation of rates, of such consequent increase of cost of service.

Wis. Stat. § 196.49(3)(b). Electric utilities must obtain Commission authorization to begin construction on a project whose costs exceeds the threshold established in Wis. Admin. Code § PSC 112.05(3), such as the applicant's Plymouth substation project. Wis. Admin. Code § PSC 112.05(1)(a).

The record in this matter involves the proposed construction of a new substation located in the towns of Mitchell and Scott, Sheboygan County, Wisconsin. The proposed construction of a new substation and reconfiguration of existing distribution circuits does not meet any of the criteria described above that would necessitate a refusal of the project.

The applicant's construction and operation of the project are reasonable and in the public interest, and the Wis. Stat. § 196.49(3)(b) standards are satisfied. The project will not substantially impair the efficiency of the applicant's service. The project will allow the applicant to provide reliable electrical power to current and future customers, including serving a substantially increased new load from an existing customer. The project will not provide

facilities unreasonably in excess of the applicant's probable future requirements. Rather, the project is needed so that the applicant can reliably serve increased customer load, while maintaining adequate electric supply for other customers on the same distribution circuit. Finally, when the project is placed in operation, it will not add to the cost of service without proportionately increasing the value or available quantity of service. The design and planning for the proposed substation and distribution circuit reconfiguration sought benefits for all of the customers served in the southwest portion of the applicant's service area. As it exists, circuit 204 may affect thousands of customers if the distribution circuit has an outage. By sectionalizing the new proposed circuits and constructing the new substation 5 with two transformers, it is expected that no more than 500 customers would be affected by a distribution circuit outage, as compared to thousands before when circuit 204 from substation 2 served the entire southwest portion of the applicant's service territory.

Alternatives

System Alternatives

The applicant considered approximately twenty system alternatives, including the proposed project, and determined that there were no viable alternatives to the proposed project. The applicant used a Best Value Planning (BVP) approach since all alternatives involved interconnection to the transmission system, working in conjunction with ATC staff. The applicant notes that the BVP process does not necessarily pick the least costly method, but rather the best alternative to solve an identified issue for the longest time relative to the project cost. The evaluated alternatives included a variety of options, discussed below.

Upgrade the distribution system to 25 kV

The first alternative was to upgrade the applicant's distribution system to 25 kV, including the replacement of five transformers at four substation locations and the upgrade of distribution circuit components, both overhead and underground. This alternative was estimated to cost at least $50 million and would have necessitated changing the entirety of the applicant's system, not just the portion serving the ANR facility. This alternative was rejected due to the comparative expense and inability to implement prior to the new load coming online as well as the complications associated with storing replacement parts for different operating voltages and properly training staff to safely and reliably operate and repair systems with different voltages.

Construction of a new substation with distribution upgrades

As previously described, 10 sites with consideration of one (radial configuration) or two (network configuration) transformers were screened using the BVP process. From that total of 20 configurations, two were selected for final consideration. As discussed in the memorandum, some options, including all of those that relied on radial line configurations to serve the ANR load were ultimately rejected due to risk to customer load in the event of system contingencies, as the system loads that were radially connected would not have network backup from the rest of the system. Construction of a dedicated, networked substation at the ANR facility was rejected due to there not being benefits for other applicant customers due to the locational remoteness of the site. There was also anticipation of a significant environmental impact to extend the transmission lines to the dedicated ANR facility substation, with new transmission line construction through the Towns of Mitchell, Scott, or the nearby Kettle Moraine State Forest. Construction of a new substation next to the existing Auburndale Substation was rejected due to

higher applicant cost, the construction of a dedicated 25 kV system when the rest of the system is 12.47 kV, less benefit to other customers, and construction of an 8-mile circuit through the Kettle Moraine State Forest. Another option to construct a substation near CTH A was rejected for similar reasons. The remaining options were deemed too expensive for the applicant, due to the upgrade to 25 kV infrastructure, as well as benefitting too few other customers for the cost. That left the proposed project, which was recommended.

Proposed project

The proposed project involves tapping into a 138 kV transmission line, connecting that tap to a newly constructed 138 kV/12.47 kV substation (substation 5) with two transformers, while feeding the ANR facility and other loads to the south of the substation with reconfigured 12.47 kV circuits. The proposed project has the best combination of reasonable cost, serving multiple customers in addition to the ANR facility, improved redundancy to serve load in the event of one transformer being out of service, eschewing the need to upgrade to a 25 kV system, and being able to serve the higher load at appropriate voltage and thermal levels. The proposed project also avoids the need for significant new distribution circuit construction in new right-of-way (ROW), instead mostly using existing road ROW. The new proposed substation location also was chosen to ameliorate the concerns of some community property owners who otherwise would have been nearby or directly adjacent to the previously proposed substation location.

No-Build Alternative

The applicant determined that a no-build option would not address the need to serve the increased load at the ANR facility. Continuing to serve the load from circuit 204 and substation

2 would risk overloading substation 2 and delivering voltages that are too low for the ANR facility to use. Therefore, a no-build option is not practical. Construction of a new distribution substation and reconfiguration of the distribution circuits are necessary to provide adequate and reliable electric service to the existing and future customers in the area.

For the purposes of this investigation, the Commission deems reasonable the applicant's consideration of alternatives. The Commission further finds that the applicant's basis for choosing the proposed project over other system and route alternatives is reasonable.

Energy Efficiency and Conservation and Alternative Sources of Electric Supply

Energy efficiency measures cannot replace the need to increase the reliability of the applicant's electric system. As the project is primarily driven by the need to serve a new large load near the end of a long existing distribution circuit and provide acceptable service to other loads, increases in energy efficiency would not eliminate the need for the project. No special circumstances exist that would support a conclusion that additional conservation activities, renewable resources, or any other energy priorities listed in Wis. Stat. §§ 1.12 and 196.025 would be a cost-effective alternative to the proposed project. The Commission finds that energy efficiency, conservation, and other sources of electric supply are not technically feasible, cost-effective alternatives to the proposed project.

Environmental Review

The environmental review focused primarily on impacts to archeological and historical resources, threatened and endangered species, wetlands and waterways, and flood hazards. A review of the Wisconsin Historical Society's Historic Preservation Database was conducted, and the review identified that the proposed project area for distribution lines overlapped with two

human burial sites. The applicant stated that the work near the burials would be minimal, and that the route could be modified to avoid impact if necessary. A data request was sent to the applicant inquiring if the route could be modified to avoid both sites. (PSC REF#: 481349.) In response the applicant stated that to mitigate impacts to both sites, the existing poles would be left intact, and the necessary facilities for the area would be placed underground on the opposite side of the road from either burial. The proposed construction of the distribution substation and reconfiguration of distribution circuits is not expected to affect any archeologic resources or any historic properties under Wis. Stat. § 44.40.

Wisconsin Department of Natural of Natural Resources (DNR) completed an Endangered Species Review for the project site. Twenty-eight species of concern were identified within the review buffers. No further actions were required for this project to comply with endangered species law. Recommended actions were included for two species, including one species of reptile. DNR staff recommended time of year restrictions and use of exclusion fencing to help protect the reptile species. The applicant stated within its application that all recommended follow-up actions would be incorporated into the project. The proposed construction is not anticipated to impact any threatened or endangered species under Wis. Stat. § 29.604.

Temporary wetland fill for the project is anticipated to be approximately 700 square feet due to the placement of construction matting for vehicle access for pole placement. The project would require permanent wetland fill of 14 square feet for the placement of overhead distribution line poles. Clearing of ROW would occur in preparation for construction, including removal of shrubs and trees within the ROW. A single waterway, Mink Creek, intersects with the overhead distribution line route. There is currently an existing line over the creek that is proposed to be

replaced in the project and the supporting structures will be placed outside of the immediate vicinity of the creek. Structures will be accessed from the adjacent roadway to avoid unnecessary impact.

Flood Hazards

The locations of the proposed facilities were reviewed for potential flood hazards. There are no flood-sensitive facilities located within the 100-year floodplain. There is no significant flood risk to the project per Order 73.

Federal, State, and Local Permits

The applicant shall obtain any federal, state, county, or city permits as necessary before construction commences. The applicant stated a Sheboygan County ROW permits will be required to construct and reconfigure the distribution circuits. The applicant also states a Sheboygan County access permit will be required to construct a driveway from CTH A to the substation site. The applicant expects that erosion control and stormwater management permits from the DNR and Sheboygan County will be required to construct the substation. The applicant noted that other permits may be required in addition to these listed to complete the construction.

Compliance with the Wisconsin Environmental Policy Act

This is a Type III action under Wis. Admin Code § PSC 4.10(3). No unusual circumstances suggesting the likelihood of significant environmental effects on the human environment have come to the Commission's attention. Neither an EIS under Wis. Stat. § 1.11 nor an EA is required.

Project Cost and Construction Schedule

Construction of the proposed project as authorized is estimated to cost $14,761,308, including $12,457,308 for material and labor, $149,000 for land purchases, and $2,155,000 for the engineering services and contingencies.

Estimated Project Cost

Plant Number – Account	
360 – Land and Land Rights	**$149,000.00**
362 – Substation Equipment	
Material	$4,115,000.00
Labor	$1,971,000.00
Other	$0.00
362 Subtotal	**$6,086,000.00**
364 – Poles, Towers, and Fixtures	
Material	$701,175.35
Labor	$996,008.01
Other	$0.00
364 Subtotal	**$1,701,183.36**
365 – Overhead Conductors and Devices	
Material	$1,480,976.65
Labor	$1,122,439.99
Other	$0.00
365 Subtotal	**$2,603,416.64**
366 – Underground Conduit	
Material	$243,936.00
Labor	$464,640.00
Other	$0.00
366 Subtotal	**$708,576.00**
367 – Underground Conductors and Devices	
Materials and supplies	$1,206,978.00
Labor	$121,154.00
Other	$0.00
367 Subtotal	**$1,328,132.00**
370 – Meters	
Materials and supplies	$30,000.00
Labor	$0.00
Other	$0.00
370 Subtotal	**$30,000.00**
Engineering Services	**$382,000.00**
Contingencies	**$1,773,000.00**
TOTAL PROJECT COST	**$14,761,308.00**

Construction is expected to begin in the spring of 2024 with an autumn 2025 in-service date.

Certificate

The applicant is granted a Certificate of Authority authorizing it to construct and place in service a new substation and reconfigure its distribution circuits, as described in its application and data request responses and as modified by this Final Decision, at an estimated total cost of $14,761,308. The Commission grants the applicant a Certificate pursuant to Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code § PSC 112.07(1) to proceed with the project.

Order

1. The applicant is granted a Certificate of Authority to construct a new distribution substation and reconfigure its distribution circuits, at an estimated total cost of $14,761,308, as described in its application and data request responses and as modified by this Final Decision.

2. The Commission, consistent with its past practice, shall review in a future rate proceeding the recoverability of costs associated with the construction, O&M costs, and revenues associated with the project. If it is discovered or identified that total cost for the project, including *force majeure* costs, may exceed the estimated cost of $14,761,308, not including AFUDC, the applicant shall notify the Commission within 30 days of when it becomes aware of the possible cost increase.

3. The applicant shall notify and obtain approval from the Commission before proceeding with any substantial change in the scope, design, size, or location of the approved project.

4. The applicant shall acquire all necessary federal, state, and local permits and approvals prior to commencement of construction.

5. The applicant shall submit to the Commission the final actual costs, segregated by major accounts, within one year after the in-service date. For those accounts or categories where actual costs deviate significantly from those authorized, the final cost report shall itemize and explain the reasons for such deviations.

6. Beginning with the quarter ending March 31, 2024, and within 30 days of the end of each quarter thereafter and continuing until the authorized facilities are fully operational, the applicant shall submit quarterly progress reports to the Commission that include all of the following:

a. The date that construction commences;

b. Major construction and environmental milestones, including permits obtained, by agency, subject, and date;

c. Summaries of the status of construction, the anticipated in-service date, and the overall percent of physical completion;

d. Actual project costs to-date segregated by line item as reflected in the cost breakdown listed in this Final Decision; and

e. The date that the facilities are placed in-service.

7. Beginning with the year ending December 2024, and within 30 days of the end of each year thereafter and continuing until the authorized facilities are fully operational, the applicant shall submit annual revised total cost estimates for the project to the Commission.

8. If the applicant does not begin on-site physical construction within one year of the effective date of this Final Decision, the Certificate authorizing the approved project shall become void unless the applicant:

a. files a written request for an extension of time with the Commission before the date on which the Certificate becomes void; and

b. is granted an extension by the Commission.

9. If the applicant has not begun on-site physical construction of the authorized project and has not filed a written request for an extension before the date that this Certificate becomes void, the applicant shall inform the Commission of those facts within 20 days after the date on which the Certificate becomes void.

10. This Final Decision is effective one day after the date of service.

11. Jurisdiction is retained.

Dated at Madison, Wisconsin, the 4th day of March, 2024.

For the Commission:

Cru Stubley
Secretary to the Commission

CS:DG:dsa DL: 01969015

See attached Notice of Rights

Docket 4740-CE-106

PUBLIC SERVICE COMMISSION OF WISCONSIN
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE NAMED AS RESPONDENT

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.[1] The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

[1] *See Currier v. Wisconsin Dep't of Revenue,* 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.