



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

June 7, 2021

Governor Tony Evers
115 East, State Capitol
Madison, WI 53707
(Delivered Electronically)

Dear Governor Evers:

Last month, we held a listening session in Belmont regarding The Uplands Wind Project, a proposed wind turbine development in our district. Our listening session was well attended, with more than 100 residents who came to express concerns related to this project. We were grateful for the opportunity to hear their perspectives on this renewable energy plan.

The large Uplands Wind Project has plans to install 120 to 200 turbines that are 698 feet tall (double the height of the Wisconsin State Capitol building) over 30,000 acres in Lafayette and Iowa Counties. Pattern Energy is slated to start construction in 2023. The project will affect a significant portion of southwest Wisconsin.

While renewable energy advocates have praised Uplands Wind, others have expressed serious concerns that it will have negative impacts on home values, farms, health, and the beauty of our Driftless Area. Additional perspectives shared at our listening session included concerns stemming from administrative rules and state statutes relating to the Public Service Commission (PSC), a product of Wisconsin Act 40 which was signed into law under Governor Doyle in 2009. Many of our constituents voiced their frustrations with the PSC's ongoing willingness to approve large scale industrial projects despite public disapproval.

You have long advocated for our state to be 100% carbon-free by 2050. The renewable energy proposals planned to achieve this goal largely impact our rural communities who are often forced to live with the local effects of wind turbines. Unfortunately, policy decisions made in Madison are frequently implemented without communication with those whom the policy directly impacts.

Because of this, we respectfully ask that you schedule a listening session in our region this summer to hear from the Wisconsinites who are directly impacted by your carbon-free goal.

We are proud to represent rural southwest Wisconsin and the residents who call it home. We will continue to advocate for our community members who have concerns about energy projects like Uplands Wind. Their opinions on this issue deserve to be heard.

Thank you for your consideration of our request. Please do not hesitate to contact us if we may provide additional information or help facilitate a listening session.

Sincerely,



Howard Marklein
State Senator
17th Senate District
(608)-266-0703



Todd Novak
State Representative
51st Assembly District
(608)-266-7502



Travis Tranel
State Representative
49th Assembly District
(608)-266-1170



Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson
Ellen Nowak, Commissioner
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4822 Madison Yards Way
P.O. Box 7854
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June 21, 2021

Senator Howard Marklein
Representative Travis Tranel
Representative Todd Novak
P.O. Box 7882
Madison, WI 535707-7882

Dear Senator Marklein and Representatives Novak and Tranel,

On June 7th, Governor Evers received your letter about the Uplands Wind Project in Southwestern Wisconsin. As Wisconsin's independent regulator of our state's investor-owned and municipal utilities, the Public Service Commission (Commission) has oversight and review of the siting and construction of large power plant and transmission line projects. The State Legislature and the Governor do not have statutory authority to approve or reject the permitting of large power plants. For this reason, the Governor asked that the Commission respond.

The Commission ensures safe, reliable, affordable, and environmentally responsible utility services and equitable access to telecommunications and broadband services. It works to ensure that, in the absence of competition, adequate and reasonably priced service is provided to utility customers. All of our state's large investor-owned utilities have goals that our electricity become carbon-free or neutral by 2050—a goal shared by our state. It is the Commission's role to make sure that this transition from fossil fuel sources of generation is done safely, service remains reliable, and rates are kept affordable.

Media accounts about the project that you referred to in your letter report that the rated capacity of the project is above the statutory 100 megawatt (MW) threshold and would place the review and permitting of this project at the Commission. A large wind project would likely require a Certificate of Public Convenience and Necessity (CPCN) from the Commission before construction can begin.

After an application for a CPCN is filed, the PSC notifies the public that the review process is beginning. A public notification letter is sent to all property owners on or near the potential sites, as well as to local government officials, local libraries, the media, and other agencies and interested persons. This notification briefly describes the project; includes a map; identifies the level of environmental review the project will require; lists places where copies of the application are available for review; and gives contact information for comments and questions.

When the Commission opens a proceeding on an application, it issues a notice and sends it to existing parties, media outlets, and local officials in the area of concern. If the proceeding involves a proposal to build utility facilities, like a large power plant, a notice is sent to any person who owns land in the potentially affected area. This notice includes instructions on how and when to file a request to intervene in the proceeding.

All proceedings provide the opportunity to participate either as a party, or as a member of the public. How a person participates in a proceeding depends on that person's interest in the issues and outcome of the case. Anyone may participate in a proceeding as a member of the public to express a personal opinion on the case.

Public participation is of vital importance to the Commission when reviewing a CPCN application. Public input is essential to reach the most fair and reasonable decision possible. There are many ways a member of the public can participate in a proceeding.

Once an application is complete, Commission staff will produce an Environmental Assessment (EA), to determine whether a more detailed Environmental Impact Statement (EIS) is required. The public will be asked to provide comments and suggestions on what the Commission staff should be aware of in the area when preparing the EA. Once the EA is complete, the members of the public are welcome to provide additional comment on the Preliminary Determination of whether an EIS is required, and/or the EA itself.

Later, a public comment period will be made available on the project as a whole, typically culminating with one or more public hearings. Written and verbal testimony from the public hearing and the public comments become part of the written record that the Commissioners must review, and on which they must base their final decision.

In the interest of transparency, all comments, application materials, correspondence, memoranda, legal briefs, and data requests and their responses are publicly available on the Commission's website through our electronic records filing system. Technical hearings for the parties as well as the public hearings and the meeting where the Commissioners make their decision, are all open to the public and noticed in accordance with state open meetings laws.

As you hear from your constituents on this matter, I encourage you to direct them to these many avenues in which their voices and opinions can be heard by the Commission, who are the decision makers on large energy and water construction projects. We appreciate and value your partnership in this regard. Likewise if you have concerns about a project that is before the Commission for review, please feel free to participate as well. The more thoughtful input we receive, the more robust the written record and the more informed the Commissioners' decisions.

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To date, the Commission has not received an application for the Uplands Wind Project, nor has the developer been in contact with Commission staff in anticipation of filing an application. If an application is filed, the Commission will review the project in accordance to state law and administrative code, and make a final decision based on the written record, without prejudice.

Thank you for your interest in the Commission's review of energy construction projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Sweeney", with a stylized flourish at the end.

Matt Sweeney
Public and External Affairs Director
Public Service Commission of Wisconsin