

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of  
Thursday, April 24, 2025

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Strand, Commissioner Nieto and Commissioner Hawkins.

**Minutes**

The Commission approved the minutes of the open meeting of Thursday, April 10, 2025.

**5-AE-264 - Joint Application for Approval of a Generation-Transmission Interconnection Agreement and Guarantee or Letter of Credit Transaction for the Elm Road Point of Interconnection Relocation Project between American Transmission Company LLC and Wisconsin Electric Power Company**

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

**2630-CW-107 - Application of the City of Hudson, as a Water Public Utility, for Authority to Construct a Service Center Addition, in the City of Hudson, St. Croix County, Wisconsin**

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

**4220-FR-2024 - Application of Northern States Power Company–Wisconsin for Reconciliation of Actual Fuel Costs to the Authorized 2024 Fuel Cost Plan**

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

**6690-FR-2024 - Application of Wisconsin Public Service Corporation for Reconciliation of Actual Fuel Costs to the Authorized 2024 Fuel Cost Plan**

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

**11266-TI-100 - Application of TAG Mobility, LLC for Designation as an Eligible Telecommunications Carrier**

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

**190-TW-103 - Application of the City of Appleton, Outagamie, Calumet and Winnebago Counties, Wisconsin, as a Water Public Utility, for Approval to Add an Additional Meter Charge Tariff (Schedule Am-1)**

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

**520-WR-106 - Application of the Village of Black Creek, Outagamie County, Wisconsin, as a Water Public Utility, for Authority to Adjust Water Rates**

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

**3270-UR-126 - Application of Madison Gas and Electric Company for Authority to Adjust Electric and Natural Gas Rates**

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

**4220-UR-127 - Application of Northern States Power Company-Wisconsin for Authority to Adjust Electric and Natural Gas Rates**

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

**6385-WR-103 - Application of Westboro Sanitary District, Taylor County, Wisconsin as a Water Public Utility, for Authority to Adjust Water Rates**

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

**6680-UR-125 - Application of Wisconsin Power and Light Company for Authority to Adjust Electric and Natural Gas Rates**

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

**9300-PLI-135 - Investigation of the Complaint of Wisconsin Power and Light Company against James Peterson Sons, Inc., Referred to the Commission Pursuant to Wis. Stat. § 182.0175(3)(br)2**

**Proposed Consent Agreement**

The Commission agreed to dismiss the complaint of Wisconsin Power and Light Company against James Peterson Sons, Inc. (Respondent) by joint execution of a consent agreement between the Commission and the Respondent. The Commission accepted the proposed consent agreement as drafted, which assesses a forfeiture against the Respondent in the amount of \$9,500 and a surcharge of \$950 dollars to Diggers Hotline, Inc. within 45 days of the Commission's order approving the consent agreement.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

**9809-CE-100 - Application for a Certificate of Public Convenience and Necessity of Dawn Harvest Solar Energy LLC to Construct a Photovoltaic Electric Generation Facility, Battery Energy Storage System, and a 138 kV Generator Tie Line and Interconnection Switchyard in the Towns of La Prairie and Harmony, Rock County, Wisconsin**

The Commission reviewed the application of Dawn Harvest Solar Energy LLC (applicant) for a Certificate of Public Convenience and Necessity (CPCN) to construct a photovoltaic electric generation facility, battery energy storage system (BESS), and a 138 kV generator tie line and interconnection switchyard in the Towns of La Prairie and Harmony, Rock County, Wisconsin (together, project) and made the following determinations:

1. The Commission accepted all of the uncontested alternatives identified in the Final Decision Matrix. ([PSC REF#: 541039](#)).
2. The project complies with Wis. Stat. § 196.491(3)(d)6. and would not unreasonably interfere with the orderly land use and development plans for the area involved.
3. The applicant has considered the use of brownfield sites to the extent practicable. No existing brownfield sites meet the siting criteria for the proposed project.
4. All of the proposed and alternative sites for solar arrays, BESS, and its associated facilities meet the siting criteria of Wis. Stat. § 196.491(3)(d)3.
5. The Commission authorized the primary route for this project.
6. The following standard conditions are necessary for approval of the project:

- a. The applicant is authorized to construct the proposed solar PV electric generation facility, generation tie line facilities, and all other associated facilities, as described in the application and data request responses and as modified by the Final Decision. The applicant is authorized to construct the project at an installed capacity of no greater than 150 MW AC for the solar PV electric generation facilities and no greater than 50 MW AC for the BESS facilities.
- b. The applicant shall provide the Commission with final detailed as-built engineering plans for the project, including the final designs and equipment plans for the proposed project as soon as practicable after the project in-service date. If Commission staff identifies safety or reliability issues upon review of these plans, when considering safety and reliability, final location, individual hardships, and environmental factors, then the matter shall be returned to the Commission.
- c. The applicant shall construct, maintain, and operate the BESS facilities to follow best industry safety practices for ensuring battery fire safety.
- d. Prior to commencement of operations, the applicant shall provide the Commission a copy of the applicant's emergency response plan that includes discussion of what follow-up steps would occur for site treatment and materials disposal after a fire, thermal runaway, or storm damage event. This information would be provided to the Commission for informational purposes.
- e. The applicant shall provide reporting on any safety incident at the BESS that triggers reporting under any emergency response plans resulting from the Hazard Mitigation Analysis, and provide reporting on any alterations to the BESS that the applicant reasonably believes will result in a change of best practices regarding the safety of the BESS. Such reporting shall be done within 60 days of the safety incident or alteration.
- f. The applicant shall perform post-construction noise studies as described in the most current version of the PSC Noise Measurement Protocol. The applicant shall work with Commission staff to determine appropriate locations and conditions for the noise measurements. In the event of a substantial change to the proposed facility layout, the applicant shall confer with Commission staff to determine if a new pre-construction noise study must be completed. The applicant shall file a copy of the post-construction noise study report with the Commission.
- g. The applicant shall construct, maintain, and operate all applicable project facilities to comply with National Electric Code or the National Electrical Safety Code and Wis. Admin. Code ch. PSC 114, as appropriate. In case of conflict or overlap between code requirements, the applicant shall construct, maintain, and operate all applicable project facilities to comply with whichever code has the more stringent requirements.
- h. Should the scope, design, or location of the project change significantly, the applicant shall notify the Commission within 30 days of becoming aware of possible changes. The applicant shall obtain approval from the Commission

before proceeding with any substantial change in the scope, design, size, or location of the approved project.

- i. The applicant shall work with the applicable distribution utility to make available stray voltage testing at each agricultural confined animal operation within one half-mile of the project facilities, prior to commencing any construction activity that may interfere with testing and after the project is energized. The applicant shall work with the distribution utility and farm owner to rectify any identified stray voltage problem arising from the construction or operation of the project, in compliance with the Commission's stray voltage protocol. Prior to testing, the applicant shall work with the applicable distribution utility and Commission staff to determine where and how it will conduct the stray voltage measurements. The applicant shall report the results of its testing to Commission staff in writing.
- j. If the applicant cancels the project or enters into any arrangement with another party regarding ownership or operation of the proposed facilities, the applicant shall provide prior notice to the Commission.
- k. All commitments made by the applicant in its application, subsequent filings, and the provisions of the Final Decision, shall apply to the applicant, any agents, contractors, successors, assigns, corporate affiliates, and any future owners or operators of the project.
- l. The transfer of rights and obligations under this CPCN to a third party does not confer either additional rights or additional obligations upon that third party than what is afforded to the applicant at the time of application and as specified in this Final Decision. If a successor, assign, or future owner or operator of the project is a public utility, this CPCN is conditional upon the public utility waiving any rights it may otherwise have under Wis. Stat. §§ 32.02 and 32.075(2) for the project. This CPCN does not confer any "right to acquire real estate or personal property appurtenant thereto or interest therein for such project by condemnation" under Wis. Stat. §§ 32.02 or 32.075(2) as otherwise provided under Wis. Stat. § 32.03(5)(a).
- m. The applicant shall mitigate impacts to line-of-sight communications and landowners who can show disruption to broadcast communications post-construction.
- n. The applicant and its selected contractors shall participate in a pre-construction meeting with Wisconsin Department of Natural Resources (DNR) and Commission staff to discuss construction plans and/or final site designs, permits, and associated requirements and Best Management Practices. Plans shall be provided to Commission and DNR staff a minimum of 14 days prior to the meeting date to allow time for review.
- o. The applicant shall obtain all necessary federal, state, and local permits for the project prior to commencement of construction on the portion of the project requiring the permit.

- p. The applicant shall conduct an updated ER review closer to the start date of construction (no more than one year prior to construction start).
- q. The applicant may use the proposed or alternative array sites as needed to accommodate environmental, technical, and landowner issues as they arise during construction of the project, provided, however, that the project size shall remain at the maximum nameplate capacity approved in this Final Decision. If the situation arises where the applicant elects to use an alternative array area, the applicant shall provide written notice to the Commission identifying such alternative arrays within 30 days of the decision to use the alternative arrays.
- r. The applicant may propose minor adjustments to the approved locations of project facilities for the protection of environmental resources, landowner requests, or technical design changes that arise during final stages of engineering (up to the authorized nameplate capacity the solar facility stated in the application), but any changes from the approved layout may not affect a type of resource not discussed in the EA, nor may they affect new landowners who have not been given proper notice and hearing opportunity or affect landowners who were given proper notice and hearing opportunity in a significantly different manner than was originally approved, nor may they include a unique occurrence not discussed in the EA of, for example, a particular human burial, archaeological site, or protected species. The applicant shall consult with Commission staff regarding whether a proposed change rises to the level at which Commission review and approval is appropriate. For each proposed adjustment for which Commission review is appropriate, the applicant shall submit for Commission staff review and approval a letter describing:
  - 1) The nature of the requested change;
  - 2) The reason for the requested change;
  - 3) The incremental difference in any environmental impacts;
  - 4) Communications with all potentially affected landowners regarding the change;
  - 5) Documentation of discussions with other agencies regarding the change; and
  - 6) A map showing the approved layout and the proposed modification(s) of all facilities proposed to be modified, property boundaries, relevant natural features such as woodlands, wetlands, waterways, and other sensitive areas.

Regarding item (3), provide a table with incremental changes in acreage for all the land acres contained within the perimeter fences and the land acres that blocks of arrays/subarrays occupy, changes in length of all collector lines, access roads, and tie lines, and changes in distances to adjacent landowner buildings for all inverters/PCUs and substations where there is a shift in the originally approved location. Identify each change using the infrastructure identification used in the application (i.e. array 1A, inverter #22).

Regarding item (4), provide documentation of communications with any landowner, participating or nonparticipating, related to proposed changes wherein any project facility (including perimeter fences as well as items within those fences such as inverters or panels) is proposed to be re-located closer to an inhabited residence than the location that was approved in the Commission's order. Documentation should include all the information provided to the landowner regarding changes, include any feedback provided by the landowner, identify any way in which landowner feedback has informed the changes proposed, and whether the landowner agrees to the proposed changes. Approval of the requests is delegated to the Administrator of the Division of Energy Regulation and Analysis with advice and consent from the Administrator of the Division of Digital Access, Consumer, and Environmental Affairs.

- s. Beginning within 30 days after the end of the quarter during which the Final Decision is signed and served, 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:
  - 1) The date that construction commences;
  - 2) Major construction and environmental milestones, including permits obtained, by agency, subject, and date;
  - 3) Summaries of the status of construction, the anticipated in-service date, and the overall percent of physical completion;
  - 4) The date that the facilities are placed in service;
  - 5) Its efforts, and the efforts of its contractors, to recruit Wisconsin residents to fill employment opportunities created by the construction of the proposed project;
  - 6) Its efforts to collaborate with state registered apprenticeship programs; and
  - 7) The actual number of Wisconsin residents and out-of-state workers employed on-site to construct the proposed project.
- t. The CPCN is valid only if construction commences no later than one year after the latest of the following dates:
  - 1) The date the Final Decision is served;
  - 2) The date when the applicant has received every federal and state permit, approval, and license that is required prior to commencement of construction by construction spread under the CPCN;
  - 3) The date when the deadlines expire for requesting administrative review or reconsideration of the CPCN and of the permits, approvals, and licenses described in par. (2); and
  - 4) The date when the applicant receives the Final Decision, after exhaustion of judicial review, in every proceeding for judicial review

concerning the CPCN and the permits, approvals, and licenses described in par. (2).

- u. If the applicant has not begun on-site physical construction of the authorized project within one year of the time period specified by this Final Decision, the certificate authorizing the approved project for which construction has not commenced shall become void unless the applicant:
    - 1) Files a written request of an extension of time with the Commission before the effective date on which the Certificate becomes void; and
    - 2) Is granted an extension by the Commission.
  - v. 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 days after the date on which the Certificate becomes void.
  - w. The Final Decision takes effect one day after the date of service.
  - x. Jurisdiction is retained.
7. The following project-specific condition is necessary for approval of the project:
- a. In a minimum of 15 percent of the array areas, the applicant shall exclude the non-native grass red fescue in the initial seeding of the Permanent Short Stature seed mix with pollinator plant species. If necessary to meet stormwater permit requirements, the applicant may include red fescue in remedial seeding within that 15 percent of the array areas. In that event, the applicant shall communicate and summarize with DNR endangered resources staff the remedial seeding efforts required.
8. The following project-specific environmental resource conditions related to wetlands and waterways are necessary for approval of the project, the applicant shall.
- a. Prior to construction, install signage at wetland and waterway boundaries that are within the project construction area to alert construction crews to not work within or access across these areas unless permit coverage was granted for the area.
  - b. Develop and implement a Storm Water Erosion Control Plan and a Stormwater Management Plan that meet or exceed the standards found in Wis. Admin. Code Chs. NR 216 and NR 151. Implement the technical standards developed per Subchapter V of Wis. Admin. Code Ch. NR 151.
  - c. Install all site-specific sediment and erosion control measures and devices prior to any construction activities commencing and regularly inspect and maintain them through all construction and restoration phases.
  - d. Provide copies of all plans and environmental documents to construction crews and inspectors. Plans should clearly label the locations of wetlands and waterways and include language stating vehicle access, storage of materials, grading, and all other construction activities are not permissible within these



- areas. Plans should also clearly label where sediment and erosion control measures and devices need to be installed if working adjacent to wetlands and waterways.
- e. Implement a construction sequencing plan that minimizes the amount of land disturbed or exposed (susceptible to erosion) at one given time across the project.
  - f. Vegetate disturbed areas and areas of exposed soil as soon as possible and seed with a cover crop and/or native seed mix to minimize erosion potential and prevent the establishment of invasive species in accordance with the Commission's directive in issue 7a (above).
  - g. Prepare and implement an invasive species management plan that identifies known areas of invasive species populations and includes specific protocols to minimize the spread of invasive species.
  - h. Leave existing vegetative buffers in place to the maximum extent practicable.
  - i. Avoid the use of herbicide in wetlands and near waterways, or utilize herbicides approved for use in aquatic environments.
9. The proposed project will not have undue adverse impacts on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.
10. The Commission grants a CPCN for this project, with conditions.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

The Commission adjourned the meeting at 11:10 a.m.

A handwritten signature in black ink, appearing to read 'Cru Stublely', with a stylized, flowing script.

Cru Stublely  
Secretary to the Commission

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