



# **The Public Service Commission**

## *PSC 101*

**RENEWABLE ENERGY SUMMIT**

**Madison, Wisconsin**

**January 12, 2021**

**Cynthia Smith**

**Chief Legal Counsel**

**Public Service Commission of Wisconsin**

# Agenda

- **Who We Are**
  - Organizational Structure
- **What We Do**
  - Authority and Jurisdiction
- **Procedural Overview**
  - How Commission Makes Its Decisions
  - How to Participate in the Commission's Decision-Making Process relating to Renewable Energy

# Who Are We?

The Public Service Commission (PSC or Commission) is an independent state agency that oversees more than 1,100 Wisconsin public utilities that provide electricity, heat, water and telecommunications services.

# Who Are We?

- Three governor-appointed commissioners serve staggered, six-year terms
- Established by state law – Wis. Stat.15.79 (1)
- Administrative duties are vested in the chairperson
- Decision-making authority can be delegated to an individual Commissioner or to Commission staff, usually a Division Administrator

# Who Are We?

- Three governor-appointed commissioners serve staggered, six-year terms.



**Rebecca Cameron Valcq**  
**Chairperson**



**Commissioner**  
**Tyler Huebner**



**Commissioner**  
**Ellen Nowak**

- Mission: Ensure safe, reliable, affordable and environmentally responsible utility services and equitable access to telecommunications and broadband services.

# What We Do?

- Commission authority generally found in chapter 196 of the Wisconsin Statutes
- State law grants the Commission broad authority to regulate public utilities:
  - Wis. Stat. § 196.02(1) Jurisdiction. “The Commission has jurisdiction to supervise and regulate every public utility in this state and to do all things necessary and convenient to its jurisdiction.”

# Who Does the Commission Regulate?

- The PSC regulates:
  - Investor Owned Electric Utilities (IOUs)
  - American Transmission Company (ATC)  
(for construction but not rates)
  - Municipal Electric Utilities
  - Natural gas utilities (interstate/distribution)
  - Water utilities and consolidated water and sewer facilities
  - Limited telecommunications
  - Enforcement of Diggers Hotline Violations

# Who Does the Commission Regulate?

- The PSC does not generally regulate:
  - Electric cooperatives\*
  - Independent Power Producers\*
  - Municipal wastewater, stormwater utilities, and sewerage districts\*\*
  - Cable TV
  - Intrastate gas pipelines

\* Except when those entities wish to construct large energy infrastructure such as a power plant or a high voltage transmission line.

\* \* Except when there is a complaint brought pursuant to Wis. Stat. § 66.0821(5).



# What We Do?

- Regulate retail rates, construction, stock and bond issuance, accounting practices, mergers and acquisitions, and holding companies
- Address consumer complaints, regulate quality of service, and educate consumers
- Administers several state and federal grant and other programs
  - Broadband Expansion Grants (Wis. Stat. §196.504)
  - Energy Innovation Grant Program (2009 ARRA funded)
  - USF grants for non-profit groups (Wis. Stat. § 196.218(5)(a)(1)) and telemedicine grants (Wis. Stat. § 196.218(4u))
  - Intervenor Compensation Grants and Awards (Wis. Stat. § 196.31)
  - Statewide energy efficiency program (Focus on Energy)

# Renewables - What We Do?

- Authorize construction of renewable energy resources (wind and solar electric generation facilities and related transmission facilities)
  - *Application of Forward Energy LLC for a Certificate of Public Convenience and Necessity to Construct a Wind Electric Generation Facility and Associated High Voltage Electric Transmission Facilities, to be Located in Dodge and Fond du Lac Counties, docket 9300-CE-100 (July 14, 2005)*
  - *Application of Highland Wind Farm LLC for A Certificate of Public Convenience and Necessity to Construct a 102.5 Megawatt Wind Electric Generation Facility and Associated Electric, to be Located in the Towns of Forest and Cylon, St. Croix County, Wisconsin, docket 2535-CE-100 (Oct. 25, 2013, Oct. 21, 2014, Aug. 11, 2016)*
  - *Application for a Certificate of Public Convenience and Necessity of Two Creeks Solar, LLC to Construct a Solar Electric Generation Facility, to be located in Manitowoc and Kewaunee Counties, Wisconsin, docket 9696-CE-100 (Apr. 18, 2019)*
  - *Application for a Certificate of Public Convenience and Necessity of Badger Hollow Solar Farm, LLC to Construct a Solar Electric Generation Facility, to be located in Iowa County, Wisconsin, docket 9696-CE-100 (Apr. 18, 2019)*
  - In 2020, authorized construction of three additional utility-scale solar electric generation facilities (dockets 9801-CE-100, 9802-CE-100, 9803-CE-100) and have 6 additional applications pending.

# Renewables - What We Do?

- Authorize utility renewable energy customer services and programs
  - *Application of Wisconsin Electric Power Company, as an Electric Public Utility, for Approval to Implement a Solar Now Pilot Tariff and a Dedicated Renewable Energy Resource Pilot Tariff, docket 6630-TE-102 (Dec. 28, 2018)*
  - *Application of Madison Gas and Electric Company for Authority to Offer a Renewable Energy Rider, docket 3270-TE-102 (July 14, 2017)*
  - MGE Shared Solar Program, dockets 3270-TE-101 and 3270-TE-104
  - Wisconsin Power and Light Community Solar Tariff, Renewable Energy Partner Tariff, and Customer-Hosted Renewables Pilot Tariff, docket 6680-TE-104 (July 19, 2019)
  - *Application of Northern States Power Company-Wisconsin, as an electric public utility, for Approval of Electric Vehicle Home Service Programs, docket 4220-TE-104 (July 16, 2020)*
  - Pending dockets 6630-TE-106 and 6690-TE-11 (EV)

# Renewables - What We Do?

- Administer Statewide Renewable Resource Program through Focus on Energy
  - Wis. Stat. s. 196.374
  - Docket 5-FE-101 (2019-2022)
  - Docket 5-FE-104 (2023-2026)
  - [www.focusonenergy.com](http://www.focusonenergy.com)
- Administer Energy Innovation Grant Program (EIGP) funded by grant awarded by the Department of Energy
  - 2020 Grant Program, docket 9709-FG-2020

# Renewables - What We Do?

- Rulemaking
  - In the Matter of Rulemaking to Update Wisconsin Administrative Code Ch. PSC 118 for Interconnecting Distributed Generation Facilities
- Generic Dockets
  - Investigation of Electric Vehicle Policy and Regulation, docket 5-EI-156
  - Investigation of Parallel Generation Purchase Rates, docket 5-EI-157

# Organizational Structure

- Commissioners Office
  - Chairperson Valcq and her Chief of Staff Carrie Templeton
  - Commissioner Nowak and her Executive Assistant Bob Seitz
  - Commissioner Tyler Huebner and his Executive Assistant Mark Bender
  - Chief Legal Counsel, Cynthia Smith
  - Secretary to the Commission, Steffany Powell Coker
  - Administrative Law Judge, Michael Newmark
  - Communications and Legislative Director, Matt Sweeney

# Organizational Structure

- Division of Energy Regulation and Analysis
  - Administrator Martin Day
  - Bureaus of Rates and Finance, Audit and Accounting, Electric Analysis and Engineering, Natural Gas Analysis and Safety
- Division of Water Utility Regulation and Analysis
  - Administrator Denise Schmidt
  - Bureau of Water Regulation
- Division of Digital Access, Consumer and Environmental Affairs
  - Administrator Kristy Nieto
  - Bureau of Consumer Affairs, Office of State Broadband & Telecommunications, Office of Environmental Analysis, and Office of Energy Innovation
- Division of Business Operations and Office Management
  - Administrator Eric Esser
  - Financial Services Bureau and Office of Business and IT Services
- Office of General Counsel
  - Chief Legal Counsel Cynthia Smith

# **How Does the Commission Actually Work?**

- Procedure tailored to the case, usually culminating in an open meeting deliberation of the three Commissioners
- Ranges from informal staff investigations all the way to contested case proceedings



# **How Does the Commission Actually Work?**

- Docket – Wis. Admin. Code § PSC 2.02(7)
  - Investigation, Proceeding or other matter opened by vote of the Commission

# How Does the Commission Actually Work?

- Bringing an Action to the Commission
  - Actions are initiated by:
    - Application
    - Complaint
    - Petition
    - On the Commission's Own Motion

# How Does the Commission Actually Work?

- Common Renewable Resource Related Investigations
  - Acquisitions (buy-sell) of Renewable Generation Resources (e.g. solar facilities)
  - Tariff Changes or New Service Offerings that do not require hearing

# How Does the Commission Actually Work?

- Common Proceedings
  - Construction Cases that require a hearing (Wis. Stat. § 196.491)
  - Declaratory Rulings
  - Complaints
  - Rulemaking requests

# Tracking Cases?

- At the beginning of a case, our records management assigns a case number, or “docket number.”
- There are 3 parts to a docket number
- XXXX-XX-XXX
- First number is the Utility Identification number, assigned alphabetically to each utility. Eg. ATC (137), NSPW (4220), More than one Utility (5)

# Tracking Cases?

- XXXX-XX-XXX
- Second number is the docket type, a two letter designation to identify the type of docket. Commonly used include: UR (utility rates); WR (water rates);; SB (stocks/bonds); BF (Broadband Grants); FG (federal grants); IC (intervenor compensation)
- Common docket types for renewable-related work – FE (Focus on Energy); TE (tariff-electric); CE (construction-electric)

# Tracking Cases?

- XXXX-XX-XXX
- Third number is a sequential designation, by utility and docket type that starts at 100
- For certain dockets that are opened on annual basis, last number may denote year (xxxx-xx-2015)

# Finding Information About a Case

- The PSC has an Electronic Records Filing System (ERF) which allows easy computer access to information about pending dockets
- Go to [psc.wi.gov](http://psc.wi.gov) and click on the E-Services portal on the top of the homepage



# E - Services



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## Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.

### New Broadband Grants



### Tools you can use



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## Electronic Records Filing System

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## Procedural Overview: Participation

- Whether an investigation or a proceeding, anyone can request to formally participate as a party
- The type of investigation or proceeding will dictate the level of participation by parties and members of the public
- In general, parties can:
  - Seek discovery from applicant
  - Offer comments or testimony
  - Cross examination witnesses if hearing held
  - Seek Intervenor Compensation to help pay for participation
- Members of the public can provide comments or testify at any public hearings

# Public Participation

## Public Service Commission of Wisconsin

The Public Service Commission of Wisconsin (PSC) is an independent regulatory agency dedicated to serving the public interest. The agency is responsible for the regulation of Wisconsin public utilities, including those that are municipally owned, since 1907.

### New Broadband Grants



Governor Walker announced a new round of Fiscal Year 2018 Broadband Expansion Grants. [Click here](#) to learn more and apply!



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# Procedural Overview: Typical Investigation

- Sample: 4220-TE-102, Application of NSPW for Approval to Implement Green Tariff Program

Step 1 – Application Filed by Utility ([PSC REF #351474](#))

- Description and Supporting Analysis by Utility

Step 2 – Commission Issues Notice of Investigation ([PSC REF #352567](#))

- For certain types of investigations (affiliated interests, certificates of authority), a statutory clock starts upon issuance of notice
- Environmental Review (Type 1, Type II or Type III case)

Step 3 – Interventions (e.g., CUB's – [PSC REF #352726](#))

- Typical deadline is 14 days, but sometimes will be shorter

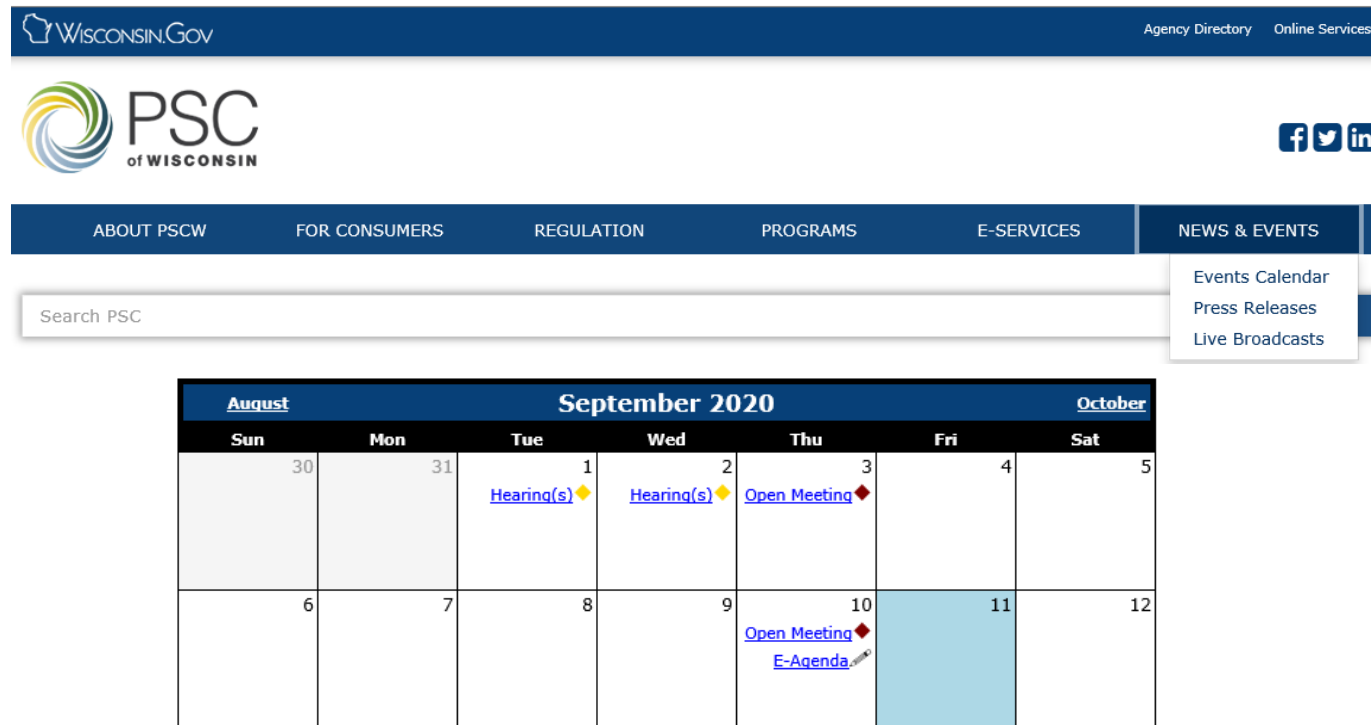
Step 4 – Data Request/Discovery ([PSC REF # 352696](#), [PSC REF # 3542271](#))

Step 5 – Commission Agenda Memorandum for Comment ([PSC REF # 354765](#)) and Receipt of Comments (e.g., CUB comment ([PSC REF # 355332](#)), public comment ([PSC REF # 355591](#)))

# Procedural Overview: Typical Investigation

- Sample: 4220-TE-102, Application of NSPW for Approval to Implement Green Tariff Program

Final Steps – Open Meeting Deliberation(s) and Written Order ([PSC REF # 356122](#))



The screenshot shows the PSC of Wisconsin website interface. At the top, there is a navigation bar with 'WISCONSIN.GOV' and 'Agency Directory Online Services'. Below this is the PSC logo and social media icons for Facebook, Twitter, and LinkedIn. A main navigation menu includes 'ABOUT PSCW', 'FOR CONSUMERS', 'REGULATION', 'PROGRAMS', 'E-SERVICES', and 'NEWS & EVENTS'. A search bar is located below the menu. A dropdown menu under 'NEWS & EVENTS' lists 'Events Calendar', 'Press Releases', and 'Live Broadcasts'. The central focus is a calendar for September 2020, with August and October visible on the sides. The calendar shows the following events:

August	September 2020							October
Sun	Mon	Tue	Wed	Thu	Fri	Sat		
30	31	1 <a href="#">Hearing(s)</a> ♦	2 <a href="#">Hearing(s)</a> ♦	3 <a href="#">Open Meeting</a> ♦	4	5		
6	7	8	9	10 <a href="#">Open Meeting</a> ♦ <a href="#">E-Agenda</a> ✎	11	12		

## Procedural Overview: Typical Proceedings

- Standard Steps for all Proceedings

### Step 1 – Application Filed

- Certain applications, for construction of a large electric generating or high-voltage transmission facilities, require pre-application steps be taken. See Wis. Admin. Code § PSC 112.06
- CPCNs have formal completeness determinations to be made within 30 days of filing and the finding of completeness starts statutory clock

### Step 2 – Notice of Proceeding Issued by Commission

- CPCN example: [PSC REF #352880](#)
- Environmental Review and Customer and/or Landowner Notifications

### Step 3 – Interventions



# Ex Parte Rules

- The filing of the Notice of Proceeding for a contested case triggers “ex parte” Wis. Stat. § 227.50
  - Type Communication precluded: relative to the merits, threat, Offer of reward
  - Timing: Before decision is rendered and until the time period for filing an appeal has passed

# Ex Parte Rules

- Persons Prohibited from receiving an ex parte communication:
  - The hearing examiner
  - Any official or employee of the agency who is involved in the decision-making process. For PSC, this provision of Wis. Stat. § 227.50 was clarified by 2013 Wisconsin Act 28 to make clear that only Commissioners (and not their Executive Assistants) are subject to the ex parte limitations

# Ex Parte Rules

- Persons Prohibited from making an ex parte communication:
  - Agency official
  - Other public employee “engaged in the prosecution or advocacy in connection with the matter under consideration or a factually related matter”
  - A party or its agent to the contested case proceeding
  - A person or their agent who directly or indirectly would have a substantial interest in the proposed agency action

## Step 3: Pre-Hearing Process

- Prehearing Conference before ALJ (e.g., [PSC REF #368037](#))
  - Sets schedule and identifies issues
  - Prehearing Conference memorandum (e.g, [PSC REF # 371788](#))
- Parties may make Discovery/Data Requests to each other, Wis. Admin. Code § PSC 2.24
- Pre-Filed Testimony/Exhibits
  - Direct, rebuttal, surrebuttal—some of which may be filed in whole or in part confidentially (e.g. [PSC REF #375558](#))
  - Each round of testimony narrows the issue for the hearing
  - Type I and II cases, EIS or EA completed

# Step 4: The Hearing

- General Process
  - Notice of Hearing issued (e.g, [PSC REF #374001](#) (physical location) [PSC REF #395043](#) (no physical location))
  - Hearing conducted by administrative law judge
  - Recorded by court reporter
  - Commissioners may attend
- Technical Hearing
  - Trial-type hearing, with testimony and cross-examination
  - Generally public but could be closed session in camera
  - Public Hearing
- Members of the public may provide input electronically on ERF or by testifying at public hearing

## Step 4: The Hearing

- Introduction of pre-filed testimony and exhibits
- Cross Examination
- Public Testimony
- Live broadcasts of hearings held in Madison
- Received Evidence
  - Factual basis of decision must be based solely on the evidence and matters officially noticed. Wis. Stat. § 227.44(9)
  - Received Evidence List (e.g., [PSC REF #359861](#))

# Step 5: Post Hearing

- Briefs
  - Cannot present new evidence
- Decision Matrix prepared (e.g. [PSC REF #359858](#))
  - Summary of issues, party positions and record citations
  - Guide for Commissioners, non-binding
- Commissioners receive briefings from Commission staff
- Open Meeting Discussion(s)
- Written Final Decision Wis. Stat. § 227.47
  - Statement of Facts
  - Conclusions of Law
  - Identification of the Parties and persons who appeared before the agency
  - Notice of Appeal Rights

# Procedural Overview: Grants

- Sample: Current EIPG Grant Round, docket 9708-FG-2020

First Step – Commission determines parameters (eligibility, budget, other requirements)([PSC REF# 398392](#))

Second Step – Release of Application with Instructions ([PSC REF# 398793](#))

Third Step – Submittal of Complete Application by deadline (incomplete/late applications routinely rejected from further consideration). Current deadline for open EIGP grant round is **January 21, 2021 at noon.**

Fourth Step – Screening Panel Review and Recommendations

Fifth Step – Commission Open Meeting followed by written order identifying the awards and conditions

Sixth Step – Grant Agreement



# More Detailed Information



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## Reference Center

The Public Service Commission's main statute related to the regulation of public utilities is [Chapter 196](#). The PSC's appropriations are housed in [Chapter 20.155](#). The Legislative Reference Bureau maintains the electronic versions of these statutes.

[Wisconsin State Statutes](#)

# PSC Contact Information

- **Phone:**
  - General Inquiries: 1-888-816-3831
  - Consumer Affairs: 1-800-225-7729
- **Web Site:** <https://psc.wi.gov/Pages/Home.aspx>
- **Facebook:** <http://www.facebook.com/PSCWisconsin>
- **Twitter:** <http://twitter.com/PSCWisconsin>
- **Address:** 4822 Madison Yards Way  
Madison, WI 53705-9100

# Questions?