

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Joint Application of American Transmission Company
LLC and Northern States Power Company – Wisconsin
for Authority to Construct and Place in Service a 345kV
Electric Transmission Line from the La Crosse area, in
La Crosse County, to the greater Madison area in
Dane County, Wisconsin

Docket No. 05-CE-142

INTERVENOR LAURA KUNZE’S POST- HEARING REPLY BRIEF

I. INTRODUCTION

Laura Kunze, Intervenor in the above-entitled docket, hereby submits this Reply Brief based on the Initial Briefs of the Applicant NSP Wisconsin (“NSP”) and American Transmission Company (“ATC”) and other parties who commented on relevant issues. Upon reviewing the briefs of other parties, it is clear that I am not alone in my concern over the Project’s inability to comply With Wisconsin Stat. 196.491 to obtain a Certificate of Public Convenience and Necessity. The Applicant has not been able to show any figures, even approximate figures, that represent the specific cost and benefit to Wisconsin ratepayers. Furthermore, there are deficiencies in the FEIS that would impede the ability of the Commissioners to make an informed decision on the potential impacts of the proposed Project along Segment A. Utilizing the limited information in the FEIS and other documents in the record, it is demonstrated that choosing Segment A would not fully satisfy and comply With Wisconsin. Stat. 196.491 due to the potential impact on material environmental values such as ecological balance, public health and welfare, individual hardship, aesthetics of land and recreational use.

II. PROJECT DOES NOT FULFILL OBLIGATION UNDER WISCONSIN STAT. 196.491 TO PROVIDE BENEFIT TO RATEPAYERS.

On page 1 of the Applicant's brief, it is stated that the Project will provide \$118 to \$702 million in net economic benefits to Wisconsin ratepayers over its 40-year life, while on page 9 of the Applicant's brief, it is stated that the Badger Coulee Project Wisconsin yields positive net economic benefits ranging from approximately \$196 million to \$350 million. See Burmester Direct, p. 7; but also see *Id.* at p. 37, l. 2-5. This discrepancy, both essentially unsupported estimates, shows that the benefits are not concrete and may well be speculative. Such a disparity means we should consider that the difference could potentially fall in the negative direction — that the project may cost Wisconsin ratepayers. Simple math tells us that \$118 million divided by 2.9 million Wisconsin ratepayers only gives us \$40.69 per person benefit, which is supposed to be spread over 40 years. See “Slow Growth” future, Ex.-Applicants-Henn-1: Appendix D, Table G1. Mr. Hodgson, the Applicants' expert witness, who explained in his testimony during the Technical Hearing that he is responsible for “the financial analysis, specifically looking at applying tariffs to the costs to get to the ratepayers costs.” (Tech. Hearing Vol. 8, p.203:12-14), later went on to say, “And to go to the extent of looking at the individual customer costs or the individual customer benefits would involve all of those retail tariff applications, which I'm not qualified to testify to.” Tech. Hearing Vol. 8, p. 205:11-15. According to Hodgson, “I don't think we have anyone that would be speaking to that.” (Tech Hearing Vol. 8, 205:22-24) So, the Applicants' expert is responsible for calculating actual ratepayer benefit until pressed for actual ratepayer numbers, then he claims he is not responsible for those numbers, then it is made clear that nobody was responsible for disclosing actual ratepayer benefits. Mr. Hodgson claims that the aforementioned benefit figure does not even account for the “tariffs and other things involved” (Tech. Hearing Vol. 8, p. 205 l. 2-4), which would further diminish this meager

benefit by an unknown and undisclosed amount. \$40.69 spread over 40 years does not leave much room for local distribution companies' fees, costs and tariffs. Furthermore, Mr. Hodgson testified that cost and benefit to Wisconsin ratepayers has not actually been calculated and that no Applicant witness could testify as to how Wisconsin utilities would pass on costs and any related benefits. Hodgson, Tr. Vol. 8 p. 205:2-24. There is no proof and no quantifiable figure provided that supports a determination by the Commission that this project will benefit Wisconsin ratepayers. The only quantifiable benefit is that the Project benefits the business of the Applicant, as "ATC is a transmission-only level company" Hodgson, Tr. Vol. 8, 205:7. There are no figures whatsoever that indicate a benefit to Wisconsin ratepayers and there is testimony that those numbers cannot be provided. Therefore, the Applicant has not satisfied the requirement under Wisconsin Stat 196.491(3)(d) regarding benefit to ratepayers.

III. A Choice Between Segments B and D in Conjunction With Northern Route Adequately Satisfies Wisconsin Stat. 1.12 (6)(a), Wisconsin Stat. 196.491 and the Preference of Applicants

A. North Route with Segment B would in large part utilize existing corridor

The record supports a choice of other than Segment A in conjunction with the Northern Route, as segments are interconnected at several points and are interchangeable. FEIS, XVII. All segments have been analyzed in the FEIS and are available to the Commission as routing choices. The Northern Route utilizing Segment B would still utilize a larger portion and greater percentage of existing corridors than the Southern Route. Holtz Direct, p. 21, l. 9-12. In their Initial Briefs, Applicants argue that the Commission should utilize existing corridors. Applicants' Initial Br. P. 20, Wis. Stat. 1.12(6) and 196.491(3)(d).

“... Even though the Northern Route is longer (approximately 182 miles vs. 159 miles), it utilizes existing corridors to a much greater extent than the Southern Route. Notably, 91 percent of the Northern Route is within existing ROW by length and 62 percent is within shared ROW versus 59 percent and 35 percent for the Southern Route, respectively. Direct-Applicants-Parrett-5: Table1; Ex.-PSC-Weiss-1:Section12.2”

Segment B, at 7.3 or 7.4 miles, comprises only 4 percent of the entire Northern Route and still utilizes 12.4%-15.4% shared ROW (FEIS Table 12.1-35, p. 397), which will have no significant detrimental effect on the high percentage of new and shared ROW listed above when used in conjunction with the Northern Route, thus still satisfying Wis. Stat. 196.491(3).

Additionally, Segment B would share a corridor with the Cardinal Hickory Creek line, the other portion of MVP 5. Rauch Ex. 1, MISO MVP Portfolio Jan. 12, p. 27-28. Use of Segment B would additionally satisfy the CPCN criteria which favors corridor sharing. Wisconsin Stat. 1.12(6)(a).

B. Use of Segment A has great impact on ecological balance, public health and welfare, aesthetics of land and water and recreational use.

The Commission must also determine that:

The proposed facility will not have undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water and recreational use...

Wis. Stat. 196.491(3)(d)(4). Use of Segment A would have an adverse effect on many of the above factors. Ecological balance will be affected, as expert witness Steele pointed out, because neighborhood and agricultural habitats are significant and removing them could cause wildlife to move to another area. Steele, Tr. Vol. 11, p.104:23-25, p. 105:1-4. This would detrimentally upset the ecological balance along Segment A, which includes two subdivision designed to

preserve and enjoy nature and wildlife. Ex.-Kunze-Kunze-1; see also Zuelsdorff, Tr. Vol. 11, 172:1-17, 173:5-9. The record reflects that public health and welfare would be impacted Zuelsdorff, Tr. Vol. 11, 175:1-5 Vol. and Ex.-PSC-Weiss-3. The overwhelming majority of public comments from the Segment A and B areas filed with the Commission note that the route along Bronner and Koch is used as a walking/jogging/biking route by children and adults and expressed health and welfare concerns due to close proximity to the transmission lines. Ex-PSC-Weiss-3. This majority representation of comments also includes concerns about impacts on aesthetics on land, property values and ability to resell property. Greater public comment (76% in opposition of Segment A), larger population and involvement already indicate a more significant, negative public impact along Segment A. Ex-PSC_Weiss-3; Kunze Initial Brief. Another important distinction of impacts of transmission on Segment A is the potential impact on Morey Field in Middleton:

2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.17(a)(3): A height that increases a minimum instrument flight altitude within a terminal area (TERPS criteria); the proposal would penetrate the departure Initial Climb Area (ICA) for RWY 28 by 31 feet requiring Take-off Minimums and (Obstacle) Departure procedures note. The current published departure procedures would mitigate an increase to the climb gradient.

Application, App. H, p. 16, see also p. 29, 36, 42. Adding the likely potential increased impact of the FAA's stipulations (see IV, below) tips the scales even further away from Segment A.

C. Proximity impacts are greater on Segment A than Segment B

Where a home is close to the line, the closer it is, the greater the impacts, including impacts on value, ecological balance, public and animal health, aesthetics, and recreational use. The Applicants' Initial Brief claims that fewer Segment A residences are within 300 feet of the centerline when compared to Segment B. ATC and NSPW's Brief, p. 23. What the Applicants

did not address is that the difference is only by 2 homes in that category between A and B-B-south. FEIS Table 11.3.1, p. 379. The centerline proximity of these homes should also be considered, because the closer the home is to the line and ROW, the greater the impact. There are three homes within 51-100 feet of the centerline in Segment A and none in B and B-north, a strong impact that seems to have gone overlooked. FEIS Table 11.3.1, p. 379. A home within this distance could well be within the Right of Way itself, and could be displaced. Neither the displacement or proximity issue, nor the cost has been addressed by the Applicants: “I don’t believe we budgeted for any relocations anywhere on the project”, Henn, Tr. Vol. 8, 100:9. Further, depending on the width of ROW and pole height that is determined for this segment, these three homes on Segment A could be well within the ROW of the proposed line and would constantly be subjected to a greater EMF than was originally calculated (FEIS Appendix B, Table 2, p.3), potentially anywhere from 40 mG to 70 mG, basing estimate on Table 2 because actual figures for this scenario are not present in the EIS or Application. Based on testimony of Lorenz and Beske, the magnetic field level could be higher still. Lorenz, Tr. Vol. 9, Beske, Tr. Vol 9 p. 78-79. This is many times greater than the 1 mG – 3 mG exposure of typical ambient magnetic field levels, FEIS, App. B, p. 3. This many-fold increase will further affect adjacent landowner health and property values. The record reflects that the close proximity of these homes is a severe impact that was not correctly analyzed or given the weight it deserves. The record also reflects that landowners this close would not be compensated for anything but the arguable monetary value land the easement rests on, and nothing else. Henn Tr. 8, Jan. 6, p.12:22-24.

D. Cost Difference Between Use of Segment B in Lieu of Segment A is Insignificant

Utilizing Segment B in conjunction with Southern Route is approximately \$40 million less expensive. FEIS, Table 2.4-7, p. 36.

The cost of utilizing Segment A in conjunction with Northern Route is insignificant. The difference of the cost of Segment B vs. A is \$4,750,000, which is 0.8% of the overall cost of the project. FEIS p. 35, Table 2.4-6. If the Applicants can argue that 0.2% is “close to zero”, Applicants’ Initial Brief, p. 12, then 0.8% of the total cost, a difference of six tenths of a percentage point could also be deemed “close to zero” considered “insignificant”. Therefore, the use of Segment B fully satisfies Wis. Stat. 196.491(3), as there is no significant cost difference between Segments A and B.

IV. MULTIPLE PARTIES AND COMMENTORS RAISE VALID CONCERNS REGARDING SEGMENT A IMPACTS AND SUPPORT REJECTION OF SEGMENT A AS A ROUTE OPTION

A. Applicants’ Initial Brief claims that “One party, Intervenor Laura Kunze opposes segment A”.

Applicants’ Initial Brief, p. 2-3. This statement is only a partially correct statement in that Kunze is the sole intervening party residing on Segment A. However, many have raised concerns about routing along Segment A.

No one on Segment B has intervened.

Multiple parties raise valid concerns regarding Segment A

- Intervenor, Laura Kunze
- Intervenor Town of Middleton
- Federal Aviation Administration
- Rich Morey, Airport Manager, Morey Field a.k.a. Madison Municipal Airport

- 76% Public Comments from Area, per Ex.-PSC-Weiss-3

Regarding Segment A concerns and opposition, the record documents the concerns and comments of the Town of Middleton, another intervening party. The Town of Middleton is particularly concerned about conflicts of transmission infrastructure routing with their longstanding land use plan, concerns which pertain specifically to the Bronner Road area along Segment A. Direct-Middleton-Ludtke-5:13-15; see also Ludtke, Tr.Vol 10 p.206:13-13. These land use concerns are echoed in the Land Use Plan of Springfield. Application Appendix A, Figure 8b, p10 and Prairie Preservation plan of Prairie Home Estates, Ex.-Kunze-Kunze-1. The FAA has also raised concerns regarding use of Segment A, FEIS 11.3.5, p. 382 and its impact on the Morey Field Airport. Airport manager, Rich Morey, also expressed concern and requested selection of more westerly route than Segment A, Ex.-PSC-Weiss-3. “The FAA expressed a concern related to the expected structure heights that could increase the instrument flight altitude within the terminal areas of Morey Field.” FEIS 11.3.5, p. 382. See also Application, Appendix H, p. 11, 16, 29, 36, 42.

B. Many public comments raise valid concerns regarding Segment A

In addition to these two intervenors’ comments against Segment A, the public weighed in with significantly large percentage against Segment A, 76% of those in the record, citing issues such as human environmental, individual hardship, socio-economic and agricultural reasons. Ex.-PSC-Weiss-3.

The Public Service Commission Staff pointed out in the FEIS, p. 380, “In summary, residential property owners will experience the greatest visual impact associated with the new transmission line on Segment A”.

The FAA has submitted 1336 pages of comments, many of which are regarding the Segment A section near Morey Field. Application, Appendix H, see p. 11, 16, 29, 36, 42.

There are no intervenors against Segment B and there are very few comments in the record regarding Segment B. Ex.-PSC-Weiss-3. That said, this is not an election. The numbers are not the only factor to determine public impact – it is the legitimacy of the comments and issues raised that the Commission is to consider. Arguments against Segment A are both quantitatively and qualitatively strong.

V. FEIS and Applicants did not fully study, analyze and recognize severity of impact, required by Wisconsin Stat. 1.11

The FEIS, and the Application upon which it is based, did not disclose, nor did it fully recognize, study, or analyze the severity of the impacts on Segment A, nor did it appropriately detail mitigation, or for where impacts are not subject to mitigation, compensation for those impacts. In addition, the record does not sufficiently identify nor does it address those impacts which are noncompensable. Environmental Policy Act (WEPA), Wis. Stat. 1.11, PSC 4.30, requires a full and complete EIS. “Due to a lack of data, the potential adverse socio-economic effects on communities that could be affected by construction of the Badger Coulee 345 kV transmission line cannot be addressed.” FEIS 12.1.1, p. 386.

In their Initial Brief, the ATC/NSPW Applicants state that “... no intervenors dispute the Applicants’ methods of studying the Project or question any of the Applicants’ results.” This is a boldly inaccurate blanket statement, and Applicant’s methods and questioning of results is not a criteria upon which the Commission will make its decision. Further, based on correspondence, discovery requests, testimony, rebuttals, witness questioning and briefs, it is clear that several

intervenors question the methods and results, this writer included. The record reflects these questions, including identification of inaccuracy of Applicants' need statements, inadequacy of studies on health effects, lack of analysis of environmental and socio-economic impacts and individual hardships, inadequate provision of ratepayer cost and benefit information, inadequate outreach methods and studies and poor communication with individuals and municipalities. Direct Testimonies and Initial Briefs for Town of Holland, Initial Brief Town of Middleton, CETF/SOUL, Concerned Citizens of Hwy 33, CLEAN Wisconsin.

In my own communications, I have questioned the lack of study of the FAA's concerns regarding the placement of the transmission line within the Height Restriction Ordinance Zone along Segment A. Ex.-Kunze-Kunze-2. This is a Discovery Request in which I asked for the FAA's studies to be conducted, along with a topographical study, so that foreseeable direct, indirect and cumulative environmental, economic and other impacts could be recognized, studied and analyzed. Valuable impact assessment information has not been supplied.

“Transmission lines are a potential hazard to aircraft during takeoff and landing. To ensure safety, local ordinances and FAA guidelines limit the height of objects in the vicinity of the runways. Utilities can route transmission lines outside of the safety zone, use special low-profile structures, construct a portion of the line underground or install lights or other attention-getting devices on the structures and/or the conductors. Large brightly colored balls or markers may be installed...” FEIS, 4.5.3, p. 98-99

Lights, different pole structure, markings, brightly-colored balls and other attention-getting measures would have a very different, far more severe impact on this already sensitive, densely populated, residential area. WEPA requires state agencies to consider environmental factors when making major decisions. Wis. Stat. 1.11, see also FEIS “To the Reader”. There is no resolution of this issue in the record. It is not prudent, nor is it in the public interest to choose the route and study it later, when the resulting impact of such studies and mitigation measures would

create very different, substantive, negative environmental, public health and safety, engineering, individual hardship and economic impacts, analysis of such factors required by Wis. Stat. 196.491(3)(d)(3).

Outreach for this project has not been effective, questioned by Testimony and Initial Briefs of Town of Middleton, CETF/SOUL and Laura Kunze. In my testimony, and in my lines of questioning in the technical hearing, I raised several questions and issues about outreach. Discussions, meetings, and mailings by the Applicants are not sufficient. PSC Staff and Contributors to the EIS recognize that it is not complete, relying on voluntary effort of land owners. Zuelsdorff, Tr. Vol. 11, p. 173, l. 9-11; FEIS 12.1.1, p. 386, Halpin Vol. 11, p. 12, l. 13-16. My property appears not to have been included in the study, and I did not receive a survey, as I did not fall within the parameters of the AIS survey group. There appear to be other missing properties. In fact, per Ms. Zuelsdorff's testimony, she was not even aware of my neighbor's farm and unique situation. Weiss, Tr. Vol. 11, p. 15, l. 11-14. Vol. All witnesses concur that information and study method are "incomplete". *Id.* In a standard mass-mailing, there is no way to confirm that mailed correspondence was even received. Verbal communication of concerns by property owners in attendance of scoping sessions was not made part of the record; therefore, it is impossible to determine if such input was even considered. When a property owner will be impacted by a transmission line to the degree that the proposed ROW will be on their property, adjacent to their property or potentially run right up to their door or over their house, they deserve more than a postcard invitation to an informational scoping session with cookies and pop. Application, Appendix E, Ex. 2, p. 4 (emphasis added). Such an invitation is not commensurate with the gravity of the situation. The Applicants and the PSC would receive a more accurate depiction of impact if they utilized a more direct and personalized form of

communication, as they had done in their more detailed investigation of the Town of Holland area in which they went door-to-door to meet all of the potentially affected landowners.

Rebuttal-Applicants-Langan-5:7-9. This type of outreach was not conducted for Segment A, despite the very close proximity of properties to the proposed transmission lines and ROWs. The PSC's own testament of incompleteness and Applicants' lack of appropriate outreach supports that Wisconsin Stat. 1.11 was not adequately fulfilled for Segment A.

The record shows that the property owner on the corner of Bronner and Koch will, at the very least, have the right of way 10 ft. from their front door. FEIS, 11.3.2.1, p. 377. Should the Segment A route be chosen and should poles be lowered to 65 ft., Lorenz, Tr. Vol. 9, p. 152, l. 9-18, these homes could be further adversely affected. Ten feet from the door, or potentially engulfed within the RoW is significant, but the latter scenario is a severe and unacceptable impact. This property owner was not contacted about potential impact. An "approve now, study later" approach, allowing Applicants a permit so they can figure out a way to make the project work, completely overlooks the severe impact of completely taking a person's property or completely removing their front yard and landscaping, without analysis, disclosure or outreach to the property owner. Depending on the magnitude of increase of ROW, another home may also fall within the expanded ROW. Not only were the property owners not contacted and information not disclosed, but relocation of property owners was not factored into the cost of this project: "I don't believe we budgeted for any relocations in this project." Henn, Vol. 8, 100:3-10.

Applicants and PSC staff may not have used accurate measurements. When dealing with homes that are very close to the ROW, it would be prudent to use more precise measuring tools than the scale on a map. It is difficult, if not impossible, to determine the distance of the homes

on Bronner Road, which appear much closer than what can be accurately determined by the map in the Application. Appendix A of the Applicant, p 12. When making a statement that a home is 10 ft. from the ROW, there is no room for error. FEIS, pg 367. That 10 feet is too short of a distance for an approximation. That home may well be within the proposed ROW. It is also my opinion that the Applicants and/or their subcontractor/agent have gained access to my property to conduct a survey and stake the property for the proposed ROW without my permission. This additional act of their “decide now, details later” approach is bad form and shows a lack of respect to individual property owners and perpetuates the “steamroller” public image of the Applicants and this process that is perceived by many.

VI. APPLICANTS MISUSE STATUTE AND DISREGARD STATUTORY REQUIREMENT THAT COMMISSION ADDRESS INDIVIDUAL HARDSHIPS.

Applicants’ Initial Brief states, “concerns identified by Ms. Kunze are not unique to her property; they are general in nature and could potentially be raised by any landowner along any route.” Applicant Initial Brief, p. 23. I beg to differ. Although some of my concerns may be shared by some people along some routes some of the time, the Applicants’ perspective is wrong on two counts. Most importantly, the statute requires that the Commission make a determination regarding individual hardships. For a project to receive a Certificate of Public Convenience and Necessity, the Commission must determine that:

The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors

Wis. Stat. § 196.491(3)(d)(3)(emphasis added).

As I have detailed in my Initial Brief, it is indeed unique to have a property that would experience so many impacts simultaneously. Following is a list of categories or degrees of impacts mentioned in various places of the FEIS and elsewhere by the PSC staff to describe notable impacts on specific properties or groups of properties. All of these noteworthy impacts, often noted as a singular defining characteristic, construed as being unique to their respective properties, can also collectively be found on the Kunze property:

- Impact on Property Value on a “high-end” home. Ms. Zuelsdorff used this distinction in Surrebuttal-PSC-Zuelsdorff-6, l. 15-21, so it must have unique connotation and weight.

- “Newer homes on very large lots or significant acreage on which a 120-foot wide ROW could have a considerable effect on the personal enjoyment of one’s home or property and the potential market value”, FEIS p. 378, regarding Segment B area, which also pertains to Kunze property, evidenced by Ex.-Kunze-Kunze-6; Ex.-PSC-Weiss-3; Kunze Initial Brief, p. 4

- Aesthetic and visual impact on recreational users of this property. FEIS, p. 381 re: Segment B property, which also pertains to Kunze property, evidenced by Kunze Initial Brief and public comments in Ex.-PSC-Weiss-3; Zuelsdorff, Tr. Vol. 11, p. 174, l. 12-25

- Residential property owners will experience the greatest visual impact associated With the new transmission line on Segment A, FEIS pg. 380.

- No existing ROW at that location on property. “One additional drawback to corridor sharing is that landowners who have agreed to an easement... may further limit their rights and the use of their property.” FEIS 4.2.2, p. 86

- Located Within an Agricultural Preservation District, FEIS p. 375, Application, Appendix A, Figure 8b, p. 10

- Windbreaks or tree lines would be cleared, increasing the potential for wind erosion in neighboring fields or drift of agricultural chemicals. FEIS, 11.2.1.1, p. 363.

- Located on “Prime” farmland, along With other farmland on Segment A that contains additional distinction as farmland of “statewide significance” FEIS 11.2.1 p. 362; Ex. Kunze 5. Prime farmland is less common in Segment B and “farmland of statewide significance” is not present in Segment B.
- Livestock (horses and cattle) contained via electric fence and metal barbed wire directly adjacent to proposed transmission line, within ROW. Kunze Direct, p. 8, 13-23
- Risk of horses “spooking” during construction and maintenance process, potentially causing harm to themselves, humans and property. Henn, Tr. Vol. 8, p. 66, 1.7-17; also Kunze Direct, p. 8, l. 6-11; Henn Tr. Vol. 8, p.67, 1.5-18
- Risk of long-horned cattle becoming frightened during construction or maintenance, potentially causing harm to themselves, humans and property. Kunze Direct, p.8
- Possible inability to contain horses to limit their exposure to stressful situation. Henn, Tr. Vol. 8, p. 27, l. 4-14
- Possible inability to contain horned cattle during construction process, leading to safety risk to construction workers. Kunze Direct, p. 8, l. 19-21
- Beef cattle production loss - stressful environment and stray voltage can lead to increased cortisol levels, health concerns and decrease in beef weight gain and reproduction productivity. Kunze Direct 7:18-23, 8:1-4
- Hay crop production loss, FEIS 4.1.1, p. 83; Kunze Direct, p. 7, l. 10-11
- Decreased crop productivity due to pole placement. Halpin, Tr. Vol. 11, p. 14-15
- Decreased hay crop and pasture area leads to decrease in number of animals raised, decreasing production in perpetuity. Kunze Direct, p. 8, l. 13-19
- Potential loss of 10% of pasture and hay crop area. Kunze Direct, p. 8, l. 16-17

- Organic farming concerns pertaining to herbicide use in ROW. Halpin, Vol. 11, p. 33, l. 1-3
- Limitations on placement of livestock shelters near ROW. Kunze Direct p. 8, l. 18-19
- Increased induced voltage risk on rubber-rimmed horse carriage, concerns originally raised by the Amish, confirmed by Applicants' Mr. Beske Rebuttal-Applicant-Beske. As a competitive carriage driver and trainer/instructor, who trains on a route that goes near, along and under the proposed lines, I share these concerns. Furthermore, consequences of the occurrence of a "nuisance" shock to a horse pulling a carriage could be injurious, even fatal as I represented in the Technical Hearing Tech. Hearing Vol. 8, p. 21-22; 667-69; 256; 263.
- Pole placement between existing fence line and property border may result in unusable remnant of farmland Application, Maps, Appendix A;
- Loss of Wildlife and Habitat. Steele, Tr. Vol. 11, p. 104, l. 23-25, p. 105, l. 1-4
- Increased severity of impact brought on by lighting, markings, pole structure, brightly-colored balls and other attention-getting measures due to FAA's stipulations for mitigation measures for transmission line within Height Restriction Zoning Ordinance. Zuelsdorff, Tr. Vol. 11, p. 169, l. 16-19; FEIS, 4.5.3, p. 98-99; FEIS 11.3.5, p. 382

Each of these points of individual hardship must be considered by the Commission when it makes its determination regarding the route for this transmission project. Wis. Stat.

§196.491(3)(d)(3).

While I do not wish to minimize the impacts placed upon other property owners, as I have a great deal of empathy for them, I believe it is rare for others to experience the quantity and severity of both short- and long-term impacts on one property that the Kunze property does. Ms. Zeuelsdorff identified another property along Segment P that has some, but not all, of the qualities/impacts listed above in her Surrebuttal-PSC-Zuelsdorff-6, l. 15-21 (general). In that

document, Ms. Zeulsdorff claimed that placement of a high voltage transmission line through the “high end” subdivision, bisecting primary work operations on a family homestead farm along an area designated as conservation property would be unreasonable. Given the many qualities of Segment A and my individual property, similar to or greater than those stated in Ms. Zeulsdorff’s Surrebuttal example, the Commission should find it also unreasonable to impose such impacts upon the Kunze property.

For example, FEIS 4.1.2, p. 2-3 states, “... the degree of impact of a proposed transmission line is determined by the quality or uniqueness of the existing of the existing environment along the proposed route. The quality of the existing environment is influenced by several factors.” These factors are as follows:

- “[D]egree of disturbance that already exists... evaluated by comparing how close the area resembles pre-settlement conditions.” View in the direction of Subsegment A5, from and along the Kunze property, contains no transmission lines and sweeping rural view of the virtually untouched agricultural landscape (Ex.-Kunze-Kunze-6).
- “The uniqueness of the resource... reviewed for the presence of species or community types that are uncommon or in decline in the region or state.” Ex.-Kunze-Kunze-2 presents that the Prairie Home Estates and Stonebrook Estates subdivisions were designed around a DNR-coordinated area, created to preserve and protect this natural conservation area, saving it and protecting the habitat and view it from future development.
- “The threat of future disturbance... The resource is compared to surrounding land uses that may affect the quality of the existing resource over time. Considerations include whether the current and likely future land uses may threaten some aspect of the resource or whether the resource is valued by adjacent community and whether the existing resources and quality of the land is likely to be preserved.

These factors present a much more nuanced range of impacts than the analysis in the FEIS.

VII. Despite the Aforementioned Reasons, Should the Commission Decide in to Utilize Segment A, Specific Orders Should be Given to Provide Protection, Mitigation and Compensation to the Laura Kunze

Proposed in the AIS are a number of reasonable conditions. If need for the project is established, I request that the DATCP recommendations be incorporated into any routing permit:

- The Applicants should hire agricultural monitors, who are approved by DATCP, to oversee compliance with the portions of the PSC’s order for the project dealing with agricultural issues; and to observe and document project construction and construction-related work on agricultural property. These monitors must be adequately trained, experienced and knowledgeable in agricultural issues and practices, and in measures to prevent and mitigate damage to agricultural land caused by transmission line projects.
- The Applicants should hire an agricultural specialist to conduct pre-construction interviews with farmers and farmland owners who will be directly affected by the acquisition of easements for this project. At a minimum, the interview should determine whether the affected farm operation has a biosecurity plan, the types of crops grown and livestock raised, and the location of any existing or planned drainage systems or other agricultural infrastructure.
- Information from the pre-construction farm interviews should be incorporated into the bid packages and line lists used by the contractors, inspectors, and monitors.
- The Applicants should consult with affected farmland owners to determine the least damaging locations for transmission support structures.
- If the project is approved and Segment D is part of the approved route, the transmission line should follow the fence lines and avoid farm operation buildings in agricultural areas in order to minimize the impact on farming in accordance with Dane County Land and Water staff recommendations.
- Landowners who will have easements acquired for the proposed project should be familiar with the “Landowners’ Bill of Rights” which is found in Wis. Stat. §182.017 (7). The Applicants may ask landowners to waive some or all of the rights listed in

this statute, but the landowners are not required to waive any of these rights. Refer to the Appendix for the text of the “Landowners’ Bill of Rights.”

- The county conservationists in the counties affected by the proposed project should be consulted to ensure that construction proceeds in a manner that minimizes drainage problems, crop damage, soil compaction, and soil erosion.
- If an approved route passes through a drainage district, the Applicants should consult with the relevant Drainage Board(s) to ensure that construction will not permanently disrupt the operation of the district(s).
- All farmland owners and operators should be given advance notice of acquisition and construction schedules so that farm activities can be adjusted accordingly. To the extent feasible, the timing of the ROW acquisitions and construction by the Applicants and their contractors should be coordinated with farmers to minimize crop damage and disruption of farm operations.
- The Applicants should implement training for all construction supervisors, inspectors and crews to ensure that they understand the steps needed to protect the integrity of agricultural lands during project construction and restoration.
- The Applicants should ensure that their contractors and subcontractors incorporate all necessary site-specific easement conditions to protect agricultural resources, as well as all statutory requirements and PSCW permit conditions regarding agricultural land protection into their construction line list, and into any bid documents for the project.
- Construction on agricultural land should occur as much as possible when the ground is frozen. This will minimize soil compaction and reduce the risk of spreading diseases and pests between farms.
- If ruts are created in the portion of the ROW that crosses farmland, the Applicants should make reasonable attempts to restore the affected soils as quickly as possible.

- The Applicants should strip and segregate the topsoil over and around all excavation sites on the project to ensure that the uniquely valuable topsoil is not mixed with lower quality subsoil and underlying parent material.
- The Applicants should make sure that all excavated soil below the topsoil layer displaced by the pole and foundation, and other spoil material, are removed from the site and not deposited on or mixed with any cropland.
- If the Applicants remove any existing power line support structures within or immediately adjacent to cropland, they should remove all of the support structure and replace it with clean fill to the level in the adjacent soil where the topsoil begins. Imported topsoil of similar quality to the adjacent topsoils should then be placed over the remainder of the hole. If a support structure cannot be completely removed from cropland, as much of the structure between his/her equipment and the remainder of the buried structure.
- After construction of the line is complete, the Applicants should test the soil profile to determine whether the soils in the ROW have been compacted by construction or other equipment. This is commonly done by comparing the compaction levels of soils on the portion of the ROW that carried the traffic to comparable soils off the right-of-way. If soils are compacted, steps should be taken to correct this problem.
- The Applicants should undertake post-construction monitoring to ensure that no damage to agricultural fields along the project route has occurred.
- Property owners should be awarded compensation for independent appraisers, along with legal fees to be used to understand landowner rights and to understand and negotiate contract(s) with Applicants and utilities
- Property owners should not incur any expenses for inconveniences and costs associated with the construction, maintenance and existence of the transmission line. Any such burden should be compensated, as it is unfair and unjust for a property owner to bear any burden for the Project that is forced upon the property owner.
- AIS p. 2. These AIS conditions should be incorporated into Order Points whichever route is chosen.

Furthermore, there should be additional conditions in the Order. Because of the magnitude of impacts on the environment, incompatibility with land uses and land use plans, and individual hardships to Kunze and other landowners, the Order must provide protection, mitigation and compensation to the Laura Kunze family. For example, the Commission should Order compensation to the Kunze property owners for temporary and ongoing, long-term impacts, incl., but not limited to, easement purchase, diminution of overall property value, temporary loss of hay crop, ongoing crop loss in unusable remnant, replacement of removed tree line to mitigate wind erosion and chemical drifting, plus the additional ongoing loss of hay and crop production due to planting of replacement tree line, temporary and ongoing decrease in beef productivity (weight gain) and insemination rates, inconveniences and psychological effects of transmission line based on perception of the hazard. The Commission should also Order that Applicants provide insurance to cover shock and health risk to horses, livestock, and humans. Where impacts are non-compensable, the route Segment should be avoided.

THE COMMISSION SHOULD AVOID USE OF SEGMENT A WHEN UTILIZING EITHER NORTHERN OR SOUTHERN ROUTE.

CONCLUSION

As above, Applicants express a willingness to choose a more expensive and longer route in order to balance various impacts and interests involved. The Northern Route has been indicated as their preferred route. Applicant Initial Brief, p. 6. However, the FEIS states that the Commissioners may choose any combination of segments and routes using different combinations of segments to obtain a complete route. See Applicant Initial Brief, p.3. Choosing the preferred Northern Route does not have to include Segment A. Both Segments A and B are very short, at 4.6 and 7.4 miles respectively, when compared to the preferred route length of 182

miles. The difference between Segment A and Segment B is only 1.5% of the length of the entire project and only 0.8% higher in cost for a \$540 – \$580 million dollar project. Application, p. 40.

Choosing Segment A would not better fulfill Wis. Stat. 196.491(3), as impact on ecological balance, public health and welfare, individual hardship and aesthetics of land and recreational use is significant, and in many ways greater, on Segment A. Furthermore, due to lack of complete information, especially as it pertains to the FAA's requirements, lack of information, study, disclosure and impact to the residents surrounding Morey Field on Segment A, choosing Segment A would not satisfy the requirement of Wis. Stat. 1.11.

As above, should the Commission choose Segment A for routing, there should be additional conditions in the Order to provide protection, mitigation and compensation to the Laura Kunze family and those property owners on Segment A. The Commission should Order compensation to the Kunze property owners for temporary and ongoing, long-term impacts, incl. easement purchase, diminution of overall property value, temporary loss of hay crop, ongoing crop loss in unusable remnant, replacement of removed tree line to mitigate wind erosion and chemical drifting, plus the additional ongoing loss of hay and crop production due to planting of replacement tree line, temporary and ongoing decrease in beef productivity (weight gain) and insemination rates, inconveniences and psychological effects of transmission line based on perception of the hazard. The Commission should also Order that Applicants provide insurance to cover shock and health risk to horses, livestock, and humans. Where impacts are non-compensable, route Segment A should be avoided.

Further, the DATCP recommendations must be incorporated into any routing permit, as detailed above.

If need for the project is determined, and the Commission issues a permit for the route for this project, the Commission should not utilize Segment A.

Dated: February 13, 2015

s/ Laura Kunze

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