

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Joint Application of Dairyland Power Cooperative,
Northern States Power Company-Wisconsin, and Wisconsin
Public Power, Inc., for Authority to Construct and Place
In Service 345 kV Electric Transmission Lines and
Electric Substation Facilities for the CapX Twin Cities-
Rochester-La Cross Project, Located in Buffalo, Trempealeau,
And La Crosse Counties, Wisconsin

Docket No. 05-CE-136

**REQUEST TO INTERVENE AND NOTICE OF APPEARANCE
OF THE CITIZENS UTILITY BOARD**

Pursuant to Wis. Admin. Code § PSC 2.21, the Citizens Utility Board (“CUB”) hereby files this request to intervene in the above-captioned proceeding. CUB’s attorney also files a Notice of Appearance.

I. STATEMENT OF INTEREST IN THE PROCEEDING.

CUB has more than 9,000 members, primarily citizens of Wisconsin. CUB was originally created by the Wisconsin legislature under Chapter 72, Laws of 1979, to advocate on behalf of residential and other customers on utility issues. CUB subsequently reorganized and is currently a nonstock, nonprofit corporation organized and existing under Wis. Stat. ch. 181. CUB’s purpose, as stated in its bylaws, is to:

1) provide public interest legal services to ensure effective and democratic representation of residential, farm and small business utility customers before regulatory agencies and the courts; 2) advocate for reliable, affordable, and sound utility service; 3) educate consumers on utility service through the preparation, compilation, analysis, and dissemination of information and resource materials relating to utility regulation and public energy and telecommunications policy, and generally engage in and support public education regarding utility regulation and public energy and telecommunications policy.

CUB Bylaws, Article III. CUB intends that its advocacy benefit not just its own members but all residential ratepayers of the state.

CUB's members include residential, farm and small business customers of Northern States Power Company of Wisconsin ("NSP"). CUB and its members have a substantial interest that will be affected by a decision in this proceeding. *See* Wis. Admin. Code § PSC 2.21(1). Specifically, the Joint Application states that the application propose to construct a new 345 kV transmission line and two new 161 kV transmission lines at a cost ranging between \$195 million and \$225 million, depending on the route chosen. CUB's members' rates include costs for transmission projects constructed by NSP, and these members' substantial interests may be affected by the Commission's actions regarding the Certificate of Public Convenience and Necessity application. Thus, CUB should be granted intervention under Wis. Admin. Code § PSC 2.21(1).

Alternatively, CUB should be granted permissive intervention in this proceeding. CUB's advocacy on behalf of residential and small business ratepayers will promote the proper disposition of the issues to be determined. No schedule has been set in this case, and CUB will work within all deadlines set to not impede the timely completion of this docket. Thus, CUB should be granted intervention under Wis. Admin. Code § PSC 2.21(2).

In addition to the above reasons, CUB should also be allowed to participate in this matter on the basis of its purpose and historic origin. In 1979, the Legislature created CUB to, among other things, represent the rights of residential ratepayers at hearings before administrative agencies. *See* Wis. Stat. § 199.02. Although CUB is currently incorporated as a nonstock, nonprofit corporation, its purpose remains the same and, more importantly, has been found to alone create standing for CUB in proceedings such as the one at bar. *See Application of the*

Wisconsin Power and Light Company, as an Electric, Water and Natural Gas Public Utility, to Change Electric, Water and Natural Gas Rates, Docket No. 6680-UR-112, Motion Hearing of September 25, 2002, Tr. at 3-6.

II. NOTICE OF APPEARANCE.

Kira Loehr will serve as the attorney for CUB in this case. All further documents and correspondence should be served on:

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III. CONCLUSION.

For the aforementioned reasons, CUB respectfully requests that the Commission grant its request to intervene in the above-captioned proceeding.

Dated this 24th day of June, 2011.

Respectfully submitted,

/s/ Kira E. Loehr

By: _____

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