

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 345kV Electric
Transmission Lines and Electric Substation Facilities
for the CapX Twin Cities-Rochester-LaCrosse
Project, Located in Buffalo, Trempealeau, and
LaCrosse Counties, Wisconsin

05-CE-136

**NO CAPX 2020's REPLY TO
CLEAN WISCONSIN'S RESPONSE TO
NO CAPX 2020'S OBJECTION TO
CLEAN WISCONSIN'S REQUEST TO INTERVENE OUT OF TIME**

No CapX 2020, intervenor with full party status in the above-captioned docket, makes this Reply to Clean Wisconsin's Response to No CapX 2020's Objection to Clean Wisconsin's Request to Intervene Out of Time.

Clean Wisconsin claims entitlement to intervention as a matter of right. Clean Wisconsin is neither a directly affected landowner nor a local unit of government nor in any other way "a person whose substantial interests may be affected." Clean Wisconsin has stated a general interest in "potential impacts to sensitive natural resources," "impacts to wetland functional values" and "wildlife refuges and threatened or endangered species." How are these general interests substantive interests? Clean Wisconsin is not entitled to intervention as a matter of right. PSC 2.21(1).

Clean Wisconsin may be allowed to participate with permissive intervenor status if good cause is demonstrated for failing to file within the prescribed time. However, Clean Wisconsin has not addressed good cause for its failure to file, and the CapX 2020 was not a secret – CapX 2020 has very publicly marched through Minnesota beginning with planning in 2004-2005 and its Certificate of Need application in 2006. Route applications have been occurring since 2008, and the Minnesota portion of this line was filed in 2009. The RUS Environmental Impact Statement has been ongoing in both states since 2009.

Again... what "new information and issues have arisen" that have caught Clean Wisconsin's attention and prompted this intervention request, and what is Clean Wisconsin's significant interest? What interests does Clean Wisconsin have that are not represented by other intervenors and/or the Applicant?

Clean Wisconsin's pleading is devoid of substance, these requisite details are missing.

NoCapX 2020 requests that the Commission Order that Clean Wisconsin's untimely request to intervene as a Matter of Right and Permissive Intervention be denied, and note that it may renew its request for Permissive Intervention with a filing containing the proper information under PSC 2.21(4)(1). Clean Wisconsin should identify the new information and issues that have arisen since the intervention deadline, fully disclose its interests in this transmission proceeding with specificity, and explain how its interests are not represented by any of the other timely intervenors and/or the Applicant so that the Commission can evaluate its request to intervene out of time.

If Clean Wisconsin is allowed to intervene out of time based on pleadings thus far, NoCapX 2020 requests that its intervention be limited, under PSC 2.21(4)(c) to the "interests" raised by Clean Wisconsin, specifically (1) potential impacts to sensitive natural resources where they live, work, and recreate; (2) impacts to wetland functional values which play an important role in floodplain management, and (3) threats posed by several alternative line routes to wildlife refuges and threatened or endangered species.

Respectfully submitted:



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