

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 345kV Electric

5-CE-136

Transmission Lines and Electric Substation Facilities

For the Applicants Twin Cities-Rochester-LaCrosse

Project, Located in Buffalo, Trempealeau, and

LaCrosse Counties, Wisconsin

CLEAN WISCONSIN'S RESPONSE TO NO CAPX 2020'S OBJECTION

TO CLEAN WISCONSIN'S REQUEST TO INTERVENE OUT OF TIME

Intervening party "No CapX 2020" objects to Clean Wisconsin's request for party status in the above captioned docket, stating that Clean Wisconsin has failed to sufficiently identify its interests in the proceeding. The Commission should grant this Request to Intervene because Clean Wisconsin satisfies the standards for both intervention by right and permissive intervention.

I. THE COMMISSION SHOULD GRANT CLEAN WISCONSIN INTERVENTION BY RIGHT.

The Commission standard for intervention by right requires an intervenor to demonstrate that the intervenor has a substantial interest that may be affected in the proceeding. Wis. Admin. Code §PSC 2.21(1). Clean Wisconsin satisfies this standard.

Clean Wisconsin is a nonprofit Section 501(c)3 organization that works to protect Wisconsin's air and water and advocates for clean energy. Founded in 1970 as Wisconsin's Environmental Decade, Clean Wisconsin has 10,000 members statewide and has been a full party in many proceedings before the Public Service Commission of Wisconsin ("Commission"). Many Clean Wisconsin members live and work in the area of the Applicants' proposed Project.

Clean Wisconsin members have a substantial interest in, and will be affected by, decisions that are made by the Applicants and the Commission in this proceeding. Specifically, Clean Wisconsin members are affected by: (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.

Clean Wisconsin, as an organization committed to protecting the environment, has the authority to intervene on behalf of its members in this proceeding. *See Wisconsin's Env'tl. Decade, Inc. v. Pub. Serv. Comm'n. of Wis.*, 69 Wis. 2d 1, 20, 230 N.W.2d 243 (1974) ("[A]n organization devoted to the protection and preservation of the environment has standing to sue in its own name if it alleges facts sufficient to

show that a member of the organization would have had standing to bring the action in his own name.”) Accordingly, the Commission should grant Clean Wisconsin intervention by right.

II. IN THE ALTERNATIVE, THE COMMISSION SHOULD GRANT CLEAN WISCONSIN PERMISSIVE INTERVENTION.

The Commission standard for permissive intervention requires an intervenor to demonstrate that the intervenor will likely promote the proper disposition of the issues in the proceeding and will not impede the timely completion of the proceeding. Wis. Admin. Code §PSC 2.21(2). Clean Wisconsin satisfies that standard here.

Clean Wisconsin will promote the proper disposition of the issues through its participation in this proceeding by providing the unique perspective of an environmental advocacy organization, a perspective Clean Wisconsin has provided in numerous cases before the Commission over its forty-one year history working in Wisconsin. Further, Clean Wisconsin will comply with all Commission deadlines in this proceeding, and, as stated in its original request, will not impede the timely completion of the docket.

Therefore, the Commission should grant Clean Wisconsin intervention by right in this proceeding or, in the alternative, permissive intervention.

Dated this 27th day of September, 2011.

Respectfully Submitted,

/s/ Katie Nekola

Katie Nekola
General Counsel, Clean Wisconsin

634 W. Main Street, Suite 300
Madison, WI 53703
knekola@cleanwisconsin.org