**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 Crosse Project, Located in Buffalo, Trempealeau, and La Crosse Counties, Wisconsin	5-CE-136
Application for Intervenor Compensation filed by Citizens Energy Task Force for \$40,785 to Participate in Docket 5-CE-136	1-IC-455

ORDER

At its open meeting of January 25, 2012, the Commission modified and approved the application for intervenor compensation for the participation of Citizens Energy Task Force (CETF) in the proceeding investigating the application of Northern States Power Company-Wisconsin, Dairyland Power Cooperative, and WPPI Energy, for authority to construct a new 345 kV electric transmission line between Alma, Wisconsin and La Crosse, Wisconsin.

The Commission approved a total of \$14,905.50 for CETF to examine the proposed project from the perspective of local stakeholders. The approved amount includes \$12,155.50 for the legal services of Legalectric; \$1,750 for participation of CETF member Mr. George Nygaard; and \$1,000 for other expenses. The Commission's approved amount is conditioned upon none of the award being used for CETF's public outreach activities.

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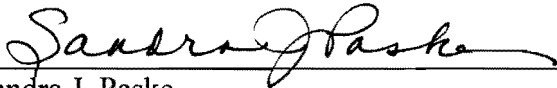
In approving this application, the Commission finds that CETF meets the intent of Wis.

Admin. Code ch. PSC 3.

Commissioner Nowak dissents. (See separate dissent attached.)

Dated at Madison, Wisconsin, February 2, 2012

By the Commission:



Sandra J. Paske
Secretary to the Commission

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See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.¹ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

¹ See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

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DISSENT OF COMMISSIONER ELLEN NOWAK

I saw several problems with the initial and resubmitted application for intervenor compensation filed on behalf of the Citizens' Energy Task Force (CETF) in the CapX docket. First, CETF did not adequately demonstrate its connection to Wisconsin. Initially it appeared as if the majority of its board and members were from Minnesota. After several requests, CETF provided information regarding its board and the number of Wisconsin members. This information included one post office box address in La Crosse, Wisconsin, for all board members, and a claim that the majority of its members were from Wisconsin. I am not convinced that this information, which was only obtained after several requests from Commission staff, created a sufficient nexus between CETF and Wisconsin residents who may be materially affected by this proceeding.

In addition, CETF's proposed work is duplicative of the work being done by Commission staff and other intervenors. It plans to investigate the need for the line, which will also be evaluated by Commission staff, the CapX applicants, and the Citizens Utility Board. Though CETF claims that its grassroots approach is different, it failed to sufficiently justify how or to

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what degree. Because CETF's application did not meet the standard set out in Wis. Admin. Code § PSC 3.02(1), specifically, subsections (a) and (c), I dissent from the opinion to grant intervenor compensation to CETF.

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