

**BEFORE THE  
 PUBLIC SERVICE COMMISSION OF WISCONSIN**

Joint Application of American Transmission )  
 Company LLC and Northern States Power )  
 Company – Wisconsin, as Electric Public )  
 Utilities, for Authority to Construct and ) Docket No. 5-CE-142  
 Operate a New 345 kV Transmission Line )  
 from the La Crosse area, in La Crosse )  
 County, to the greater Madison area in Dane )  
 County, Wisconsin. )

**REPLY BRIEF OF THE ENVIRONMENTAL LAW & POLICY CENTER**

The Public Service Commission of Wisconsin (“Commission”) must determine whether or not the joint application of American Transmission Company LLC and Northern States Power Company – Wisconsin (collectively, “Applicants”) has met the statutory requirements for an order granting a Certificate of Public Convenience and Necessity (“CPCN”) to construct the proposed expensive new “Badger-Coulee” transmission line. Wis. Stat. §§ 1.11, 1.12, 196.025, 196.49, and 196.491, and Wis. Admin. Code chs. PSC 4, 111, and 112. The Environmental Law & Policy Center’s (“ELPC”) focus is on the Applicants’ failure to conduct a full and fair cost-benefit analysis of the proposed new Badger-Coulee transmission line under a realistic and reasonable near-zero or negative load growth scenario. The Applicants’ initial brief did not raise any issues not already covered in ELPC’s initial brief. Accordingly, ELPC reiterates and summarizes its request that the Commission should require Applicants to fully and fairly analyze a near-zero or negative load growth scenario before it decides whether or not to grant the requested CPCN.

Wisconsin law requires that the Commission may grant a CPCN for the proposed new Badger-Coulee transmission line and associated facilities only if the Applicants demonstrate that:

2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy.

...

3t. For a high-voltage transmission line that is designed for operation at a nominal voltage of 345 kilovolts or more, the high-voltage transmission line provides usage, service or increased regional reliability benefits to the wholesale and retail customers or members in this state and the benefits of the high-voltage transmission line are reasonable in relation to the cost of the high-voltage transmission line.

Wis. Stat. § 196.491(3)(d).

Applicants argue that the proposed new Badger-Coulee transmission line will have economic and reliability benefits based on planning analyses that they argue were “rigorous and persuasive.” (Applicants’ Initial Brief at 6) Those planning analyses relied on “six different, plausible future scenarios.” (Applicants’ Initial Brief at 7) All of those future scenarios, however, assumed positive load growth. (Application-Appendix D-Exhibit 1-Tables 12 and 13) As explained in ELPC’s initial brief, there is strong evidence in the record supporting near-zero or negative load growth future scenarios in American Transmission Company’s Wisconsin footprint.

The Applicants have not met their burden of proof to demonstrate that the proposed new Badger-Coulee transmission line and associated facilities will provide significant reliability and economic benefits to Wisconsin citizens in order to obtain the Commission’s approval of CPCN under Wis. Stat. § 196.491. Unless the Commission requires Applicants to conduct a reasonable economic and reliability analysis that uses near-zero or negative load growth, the Commission cannot fulfill its statutory responsibility to determine whether or not the proposed new Badger-Coulee transmission line will, in fact, bring economic and reliability benefits that outweigh the line’s very high costs. The Commission should make its CPCN determination with reasonable, realistic and complete information, rather than rely on potentially too-high load growth estimates. The Commission should require the Applicants to provide complete analyses using near-zero or

negative load growth estimates before the Commission decides whether or not to enter an order granting the requested CPCN in this case.

Dated this 13th day of February 2015.

Respectfully submitted,

/s/ Justin Vickers

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