

Transmission Line Review Process



Necessary Certificates

A utility must receive a Certificate of Public Convenience and Necessity (CPCN) from the Public Service Commission of Wisconsin (Commission or PSCW) for a transmission project that is either:

- 345 kilovolts (kV) or greater; or,
- less than 345 kV but greater than or equal to 100 kV, over one mile in length, and needing some new right-of-way (ROW).

The CPCN review process includes a public hearing in the affected project area. A Certificate of Authority (CA) from the Commission must be issued for all other transmission line projects if the project cost is above a certain percentage of the utility's annual revenue. The CA review process does not automatically include a public hearing.

The size and complexity of a proposed project will determine the review process. When reviewing a transmission project, the PSCW considers alternative sources of supply and alternative locations or routes, as well as need, engineering, economics, safety, reliability, individual hardships, and potential environmental effects.

Route Selection and Alternatives

Applicants need to provide detailed information for more than one possible route for projects that require a CPCN. Proposed routes are often subdivided into various route segments.

The utility may hold public meetings to encourage the public to provide information and comments on the proposed project before the application is submitted to the PSCW. All proposed routes are analyzed during review by the PSCW. Impacts to forests, waterways, community resources, aesthetics, farm operations, archeological/historical sites, protected species, etc. are reviewed. The PSCW examines the potential for placing new lines within existing utility corridors and adjacent to railroads and roads. The selected route, chosen by the Commission, may be the applicant's preferred route, an alternative route offered by the applicant, a combination of reasonable route segments, or a route variation suggested by the public.

Transmission Right-of-Way

The electric transmission right-of-way (ROW) is the strip of land that a utility uses to construct, maintain, and repair a power line. Generally, the applicant acquires an easement for the transmission line ROW, providing a one-time payment to the property owner. For large projects that require a CPCN, the Commission must approve the project before the applicant can begin negotiating for ROW easements.

An easement is a private agreement between a landowner and the applicant that contains details about the ROW. Wisconsin law (Wis. Stat. § 182.017(7)(c) to (h)) lists the rights of landowners whose properties are affected by transmission lines of 100 kV or larger and over one mile in length or for easements acquired since 1975. The PSCW offers a publication with more detailed information about landowner rights called, “[*Right-of-Way and Easements for Electric Facility Construction*](#)”.

Public Notification Letter and Scoping Meetings

After an application has been filed, the PSCW notifies the public that the review process is beginning. A public notification letter is sent to all property owners on or near the proposed ROW, as well as local government officials, libraries, media, and other interested persons. The notification describes the project, includes a map, identifies the level of environmental review the project requires, lists locations where copies of the application are available for review, solicits public comments, and provides contact information.

The PSCW may hold a project scoping meeting in the project area after notifying the public about the project. A project scoping meeting is not a hearing. It is an informal event that gives the public a chance to learn about the PSCW’s review process, ask questions and talk directly with PSCW staff, and provide information to the PSCW about local resources and issues.

The Environmental Review

All transmission project applications are reviewed for environmental impacts, electrical performance, need, and cost/benefit. There are three levels of environmental review. The size and complexity of the project dictates the level of review that will be conducted.

- Type 3 projects, which are not expected to result in a potential for significant environmental impact on the natural and human environment, receive a basic environmental review.
- Type 2 projects, are those for which an environmental assessment (EA) is prepared to determine if the potential environmental impacts would result in a significant effect on the natural or human environment. After the EA is completed, a determination may be made that the environmental review is sufficient or that the project warrants preparation of an environmental impact statement (EIS).
- Type 1 projects are those for which an EIS is prepared. An EIS is a detailed assessment of how the proposed project would significantly affect the natural and human environment. The EIS document includes all of the relevant knowledge and information about the expected environmental effects acquired by reviewing the project application and peer-reviewed literature, visiting the project area, regulatory staff experience with similar projects, consulting other agencies, and public comments. Projects for which an EIS is prepared always require a public hearing in the project area.

The PSCW Hearing and Decision

Members of the public are encouraged to testify about their views and concerns at public hearings. Public testimony may be provided in person at the hearing or through comments submitted to the PSCW by mail or on a dedicated project website at the PSCW after the hearing notice is issued.

Public comments and testimony that are most useful to the Commission are those which are specific in nature and have a basis in personal knowledge or experience. Useful comments may also include reasonable alternatives to the proposed routes or ways to reduce or eliminate specific impacts.

All testimony is recorded and made part of the permanent case record. Once a hearing is completed, the record is closed and no new information may be added. The Commission must use the information in the record as a basis for its decision.

Public hearings are always held for projects that require a CPCN, but are not usually held for projects requiring a CA. Comments from the public can still be submitted by telephone, in writing or on the PSCW's website. The public can also request a hearing for a CA project and the Commission will decide whether a hearing would be useful in making its decision.

The Commission is responsible for making the final decisions regarding proposed transmission lines. The Commissioners reviews the application, the case record, the environmental document prepared by staff, memos, and briefs. The Commission discusses the issues raised in the hearing and makes their decision in an open meeting.

At open meetings, transmission line proposals are approved, denied, or modified. The Commission decides whether a transmission line should be built, how it should be designed, and where it will be located. The Commission's decisions are described in a detailed written order to the project applicant.

The timeframe for reviewing an application, preparing the environmental document (EA or EIS), conducting the required hearings and issuing the Commission's final decision ranges from approximately 90 days to 360 days for all transmission line projects. Larger, more complex projects generally require the maximum timeframe allowable, 360 days.

Public Involvement

The PSCW has a long tradition of encouraging public participation in its proceedings. There are a number of ways that individuals and organizations can get involved in matters before the Commission.

Public involvement is sought during the development of the environmental document and at various periods throughout the application review process. At the start of an application review process for Type 1 and Type 2 projects, notifications containing a summary of the proposed project are mailed to the members of the public. The notifications ask for help identify issues and concerns for the development of the environmental document (EA or EIS). These public comments are used by Commission staff but are not made part of the official record in a case. The comments may be submitted by organizations or individuals electronically by using the Commission's Electronic Regulatory Filing (ERF) System or by mail. The ERF system can also be used to keep informed about the project. More information about searching the ERF system can be found on the PSC web page: http://psc.wi.gov/apps40/ERF_public/info/howto.aspx.

For projects with public hearings, individuals and organizations may submit testimony. All testimony provided at public hearings is included in the record that the Commission reviews in making a decision. Testimony can be submitted in person at the hearings or in writing. Written comments can also be submitted either through the ERF system or by mail during the time period listed on the Commission's Notice of Hearing. For more information, please see the PSCW publication, [*Guide to Public Hearings*](#).

Additional information about public involvement is provided on the PSCW website:
<http://psc.wi.gov/consumerInfo/intervenor.htm>.

The Public Service Commission of Wisconsin is an independent state agency that oversees more than 1,100 Wisconsin public utilities that provide natural gas, electricity, heat, steam, water and telecommunication services.



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