

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of American Transmission Company LLC, as an Electric
Public Utility, for Authority to Build a 138 kV Transmission Line
Between Its Existing Venus Substation and a New Metonga Substation
in Oneida and Forest Counties

137-CE-126

FINAL DECISION

Introduction

On August 8, 2005, the Commission received an application from the American Transmission Company LLC (ATC), pursuant to Wis. Stat. § 196.491 and Wis. Admin. Code ch. PSC 111. The application seeks authority to construct a new 138 kilovolt (kV) transmission line that will be operated at 115 kV, from the existing Venus Substation in the town of Monico, Oneida County, to a proposed new distribution substation that Wisconsin Public Service Corporation (WPSC) intends to build in the city of Crandon, Forest County. ATC's proposed transmission line would be 12.9 miles to 18.7 miles long with an estimated cost of \$8,699,000 to \$15,774,900, depending on the final route selected.

The application is GRANTED subject to conditions.

The Commission declared ATC's application for a Certificate of Public Convenience and Necessity (CPCN) complete on September 7, 2005. Wis. Stat. § 196.491(3)(g) requires that it take final action within 180 days after it finds the CPCN application complete, *i.e.* no later than March 6, 2006. The Commission held morning, afternoon, and evening public hearings at the Crandon Community Building in Crandon, Wisconsin on December 1, 2005, at which it accepted testimony and exhibits from ATC, Commission staff, and members of the public.

Findings of Fact

1. ATC is a public utility engaged in rendering electric transmission service in Wisconsin, pursuant to Wis. Stat. §§ 196.01(5)(a) and 196.485. ATC's project consists of constructing new substation and transmission line facilities at an estimated cost of \$8,699,000.
2. The facilities approved by this order are necessary to provide adequate and reliable service to present and future electric customers.
3. The facilities will adequately address the present needs of ATC's electric system and address the needs of WPSC to provide service to its customers.
4. Energy conservation, renewable resources, or other energy priorities listed in Wis. Stat. §§ 1.12 and 196.025 are not cost-effective alternatives to the proposed facilities.
5. The facilities will not have a material adverse impact on competition in the relevant wholesale electric service market.
6. Construction and operation of the facilities at the estimated cost will not impair the efficiency of ATC's service, will not provide facilities unreasonably in excess of probable and future requirements and, when placed in operation, will not add to the cost of service without proportionately increasing the value or available quantity thereof.
7. Alternate plans, designs, and routes for various portions of the facilities were considered but no other reasonable alternatives to the proposed project exist that could provide adequate support in a more reliable, timely, cost-effective, and environmentally acceptable manner.
8. Construction of the facilities to satisfy the reasonable needs of the public for an adequate supply of electrical energy is necessary and appropriate.

9. The facilities will not have a significant effect on the human environment and the preparation of an environmental impact statement is not necessary.

10. Construction, operation, and maintenance of the proposed facilities will not have undue adverse impacts on environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, aesthetics of land and water, and recreational use.

11. The facilities will not unreasonably interfere with the orderly land use and development plans for the area.

12. There are no known archeological or historic sites located on the proposed route.

13. Requiring ATC to take steps to protect the endangered or threatened species known to be present in the project area is reasonable and necessary.

Conclusion of Law

The Commission has jurisdiction under Wis. Stat. §§ 1.11, 1.12, 196.025 and 196.491 and Wis. Admin. Code ch. PSC 111 to issue a CPCN authorizing ATC to construct and place in operation a new 138 kV transmission line and related facilities, operated at 115 kV, as described herein and subject to the conditions stated in this Final Decision, at an estimated total construction cost of \$8,699,000.

Opinion

Proposed Facilities, Project Need, and Estimated Project Cost

Facilities related to the new line will be installed by ATC at the Venus Substation. The Venus Substation is owned by WPSC, and is located south of the unincorporated hamlet of Monico, just east of U.S. Highway (USH) 45. WPSC will acquire the property options needed for

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the expansion. Additional fenced area will be required to accommodate a new circuit breaker and 115 kV terminal facilities for the transmission line, as described later in this order.

The proposed new Metonga Substation will be a distribution facility owned by the local distribution utility, WPSC. WPSC will install two 115/24.9 kV transformers, and ATC will install a 115 kV bus and line terminal. The substation construction will not require WPSC to obtain a CPCN from the Commission, nor will the cost of construction meet the threshold that would require Commission review for a Certificate of Authority.

WPSC is acquiring the Metonga Substation site from the Forest County Highway Commission, which has accepted WPSC's offer to purchase. The site is located on a parcel of land east of the intersection of State Highway (STH) 55 and Rosa Road.

The proposed electric transmission line would be constructed at 138 kV standards, but would be operated initially at 115 kV. It would connect the existing Venus Substation with the new WPSC Metonga Substation west of Crandon. Two main routes and a variant have been proposed. The routes are referred to as the "North Option" and "North Option with Alternate Segment" (12.4 miles long) and the "South Option" (18.7 miles long). The routes are described in detail below.

The proposed Metonga distribution substation is needed to correct voltage and capacity problems on the existing distribution facilities serving the Crandon and Laona areas. These distribution facilities, in their current configuration, are no longer capable of providing reliable services required by its customers.

Currently, the greater Crandon area is served by long distribution lines originating either at the Venus Substation or the Goodman Substation. The Venus 242 distribution feeder serves the

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area to the east of the Venus Substation. This area includes the city of Crandon and the nearby lake area which is approximately 13 miles from the transmission source at the Venus Substation. Goodman Substation, located east of Crandon, has a single 24.9 kV distribution transformer and feeder which serves the area north and west of the substation. The majority of WPSC's Goodman 241 distribution feeder (approximately 55 percent) serves the area to the west, most notably the community of Laona. Laona is approximately 25 circuit miles southwest of the Goodman Substation. The longest single-phase lateral extending from Goodman Substation is approximately 35 circuit miles.

For the years 1999 through 2003, the system average interruption duration index (SAIDI) and system average interruption frequency index (SAIFI) for the Venus 242 and Goodman 241 feeders have been consistently higher than the WPSC system average. Over that period, with the high and low annual values excluded, the SAIDI for the Venus 242 and Goodman 241 feeders has ranged from 238 to 322 and from 149 to 527 minutes, respectively. Over that same period, the total company SAIDI index ranges from 90 to 254 minutes; 153 to 232 minutes per outage with the high and low annual values excluded.

Over the same period, the SAIFI for the two feeders has also been consistently higher than the WPSC system average. With the high and low values excluded, the SAIFI for the Venus 242 and Goodman 241 feeders ranged from 1.66 to 2.38 and 0.92 to 2.36, respectively. Over that same period, the total company SAIFI index ranges from 0.90 to 1.26; 0.9 to 1.11 outages per customer with the high and low annual values excluded.

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Both the Venus 242 and the Goodman 241 feeders are listed near the top of WPSC's list of worst performing circuits in its Wis. Admin. Code § PSC 113.0604(2)(b) Annual Reliability Report filed with the Commission on April 29, 2005, in docket 5-GF-113.

The Metonga Substation would serve load transferred from the outer reaches of the Venus 242 and Goodman 241 feeders, along shorter distribution circuits. The shorter distribution circuits would improve reliability for WPSC customers now served from longer circuits originating from the Goodman and Venus Substations.

ATC estimates the total project cost to be \$8,699,900. If the North Route is selected with the alternate segment, the project cost would be \$9,107,900. The South Route has an estimated cost of \$15,774,900.

Route Options

ATC's proposed North Option is approximately 12.9 miles long. From the Venus Substation it would extend north, inside an existing right-of-way (ROW) and located on new, weathering steel, double-circuit transmission structures with the existing Venus-Three Lakes 115 kV line. These double-circuit structures would be direct-embedded tangent poles and self-supporting steel-corner and dead-end poles on concrete foundations. At the intersection of Old 26 South Road and USH 8, the line would extend east along the north side of USH 8 for 11 miles until it reaches Hanley Road and Rosa Road. The 24.9 kV distribution line to Crandon that is presently in this corridor would be installed as an underbuild on new, single-pole wood structures, which would be located on the centerline of the existing distribution line. Along the portion of USH 8 that is in Oneida County, an additional 40 feet of new ROW would be needed; along USH 8 in Forest County, an additional 20 feet of new ROW would be needed. At Rosa Road, the line would turn south for about 0.5 miles to

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the site of the proposed access driveway to the new Metonga Substation. A new 45-foot ROW would be needed along Rosa Road and a new 80-foot ROW would be needed along the access driveway; single wood poles would be used on these portions of the route. ATC prefers the North Option route.

ATC's North Option with Alternate Segment is also approximately 12.9 miles long. The transmission line would only follow USH 8 until it reaches County Highway (CTH) S. At that intersection the line would turn south for about 0.5 miles to the intersection with Great View Road. The route would turn east along Great View Road for one mile, to the intersection with Rosa Road, and then follow Rosa Road north to the substation's access driveway. The sections along CTH S, Great View Road and Rosa Road would each require 45 feet of new ROW.

ATC's South Option is approximately 18.7 miles long. From the Venus Substation, ATC would construct a double-circuit line with the existing Venus-Summit Lake 115 kV line in the existing ROW. This double-circuit line would extend south for about 4.5 miles to the intersection of the existing line with CTH B. ATC would use single-pole, weathered steel structures for this double-circuit portion of the route. From that intersection, the line would run east along CTH B for about 10.5 miles as a single circuit, then north along STH 55 for about one mile and north along CTH S for about 1.4 miles to the intersection with Great View Road. The line would need 45 feet of new ROW next to these two roads. It would be installed on wood poles and include WPSC distribution lines that currently are present on the road as underbuild. At the intersection with Great View Road, this route would become the same as the North Route with Alternate Segment.

ATC would need to expand the Venus Substation to accommodate any of the routes. If either of the North Routes were used, ATC would move the substation's fenced boundary eight feet

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further east to allow for vehicle access to a new 115 kV terminal. If the South Route were used, ATC would move the boundary 43.5 feet further east to allow space for installing the new 115 kV terminal.

Completion Date

ATC proposes to commence substation construction work in June 2006 and transmission line construction work in November 2006. This would allow ATC to meet WPSC's requested in-service date for its Metonga Substation of June 2007.

Environmental Review

The Commission reviewed the project for environmental impacts. This is a Type II action under Wis. Admin. Code § PSC 4.10(2). Commission staff prepared an environmental assessment to determine if an environmental impact statement (EIS) would be necessary under Wis. Stat. § 1.11. Commission staff solicited comments on the proposed project in a letter dated September 20, 2005. The Commission received no written responses. On December 6, 2005, the Commission's Wisconsin's Environmental Policy Act (WEPA) Coordinator issued a letter stating her preliminary determination that no EIS would be needed and seeking comments regarding this determination. Two responses to this letter were received. At the Commission's hearing on the project, testimony was entered from ATC's technical witnesses, Commission staff, and a member of the public regarding possible transmission line environmental impacts.

The Commission's WEPA Coordinator ultimately determined that because construction and operation of the proposed transmission line would result in relatively minor impacts, many of which would be short-term in nature, an EIS was not required. The Commission agrees.

North Route

Construction of the proposed transmission line along the North Route, requiring between 20 to 80 feet of additional or new ROW clearing, would result in the cutting of 27.8 acres of woodland. The acreage lost would be a mixture of northern hardwood communities, swamp hardwoods, swamp conifers, aspen stands, and plantation pines and spruces. Woodlands would be affected mainly by the company trimming the edge of woodland blocks along the road ROW. There are a few places where wooded fencerows exist near open fields. These fencerow trees would be removed. ROW clearing would require the removal of all tall-growing trees to allow proper clearance for the line and access for maintenance. Vegetation also would be cut at or slightly above the ground surface, but low-growing vegetation would be allowed to remain or reestablish itself. Root stocks would be left in place to regenerate after construction, but re-growth of tall-growing species under the transmission line would be prevented.

Potential woodland impact occurs because of the use of heavy equipment during ROW clearing. Construction could also crush low woody and herbaceous vegetation. Removal of trees in the transmission line corridor could reduce the habitat available for interior forest species such as the snowshoe hare, fisher, barred owl, hermit thrush, black-throated green warbler, and blackburnian warbler. While the forest edges would be incrementally cut back, there would be no new linear opening in the forests. Therefore, there could be an increase in the amount of habitat available for species that utilize open and disturbed habitats, such as the woodchuck, killdeer, striped skunk, raccoon, and some hawks. This loss of habitat for local species could also reduce the ability of the more general area to support broader ranging species such as timber wolves, bald eagles, pine martens, bobcats, and others that depend, in part, on the wildlife in these local habitats. Soil

compaction remedies are needed to help the vegetation reestablish itself. Damage from heavy equipment could be minimized by avoiding wet soil conditions.

Thirty-three wetlands totaling approximately 32.7 acres were identified within the existing and new ROW for the North Route. Wetland of all types, sedge meadows, hardwood/conifer swamps, shallow marsh, and alder thicket are present on all routes. Construction in wetlands can introduce invasive plants such as purple loosestrife in non-infested areas. Clearing trees and shrubs from forested wetlands ROW can expose previously shaded areas to full sun and enhance the potential for the introduction of purple loosestrife. Once introduced, purple loosestrife spreads rapidly, crowding out native vegetation. Other impacts include soil compaction, alterations of microtopography within the wetland, and soil disturbance directly around the structures. To mitigate these impacts, efforts should be made to span all wetland segments when possible, avoid areas of exceptional habitat and unique or sensitive wetlands and minimize the number of structures by strategic spotting. If it is determined that a structure will be needed in a wetland, it is reasonable to require that ATC access the structure using existing roads where possible. If a wetland is located in a portion of ROW, ATC states that it will route its equipment through the upland portion of the ROW to the extent possible. Furthermore, if possible, ATC will avoid the use of heavy equipment in wetland areas. No temporary or permanent fill placement is proposed for wetland access routes. If wetland access is required, ATC will minimize disturbance to the wetland by timing construction during the dry or frozen seasons, use of low ground pressure tires, and use of timber mats (16 to 20 feet long and 4-foot wide mats of heavy timbers bolted together). Wetlands with purple loosestrife should be identified during the 2006 growing season. Construction equipment should be cleaned when moving from an area identified as containing purple loosestrife to one that does not to

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minimize the potential for spreading this invasive plant. If purple loosestrife is present along the ROW, portions of the approved ROW that pass through uninfested wetlands should be surveyed for a period of three years following construction to ensure that construction disturbance did not result in the spread of purple loosestrife. If new plants or plant populations are found, they should be removed using recommended Wisconsin Department of Natural Resources (DNR) procedures.

Upon completion of the transmission line, ATC will perform all necessary site restoration and revegetation. The route also requires water quality certification from DNR for the placement of fill in the wetlands.

The North Route would cross Monico Creek, Mud Creek, and the Wolf River. It would also cross eight unnamed waterways. The Wolf River is a State Wild and Scenic River and an Outstanding Resource Water. None of these waterways was identified as a trout stream or Exceptional Resource Water. Span bridges are needed at the Monico Creek and its tributary. ATC will need to acquire a Chapter 30 permit from DNR to place temporary clear span bridges. Potential impacts of the span bridges include disturbance to the fish, bed and bank of the waterway.

Ten threatened or endangered plant species are known to exist in Oneida and Forest Counties close to the North Route. Construction activity in forest, wetland and upland will have impacts on the habitat for these species. It is reasonable to require that ATC use measures such as minor route adjustments or pole replacement, construction during the winter, and placement of timber mats to minimize these impacts.

The project may also affect rare invertebrate, bird and reptile species. Six special concern, one threatened and one endangered species invertebrate may occur within the project area on both the North and the South Routes. These species depend on aquatic environments for part or all of

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their life cycles. It is reasonable to require that ATC minimize impacts of construction and maintenance on these species, using measures such as avoiding disturbances below the ordinary high water mark, erosion control, preservation of riparian buffers, and a minimum of 50 feet of vegetated buffer may be required. Also, some portions of the ROW along the North Route have suitable habitat for northern blue butterfly, an endangered species only found in Wisconsin. It is reasonable to require that ATC complete rare plant surveys for dwarf bilberry along portions of the ROW with potentially suitable habitat for the butterfly and, where dwarf bilberry is found, to complete surveys for the butterfly.

Three threatened and one special concern bird species are known to exist in the project area. There are also several bald eagles within two miles of the project area. DNR should be contacted for an update of the nest sites before start of construction. The U.S. Fish and Wildlife Service (USFWS) also needs to be contacted to determine whether to implement avoidance measures for activities that occur within .25 miles of any nest sites. Ospreys, a threatened species, and their nests are also found near the project area. Before construction of the line begins in autumn of 2006, the status of nest sites and the application of avoidance measures must be discussed and confirmed with DNR.

Agricultural land represents about 6 percent of the distance of the route to be followed if the North Route is selected. The farm land potentially affected is now in hay, pasture, or old orchard. Most of the impacts to the fields would be during construction. Potential impacts include soil compaction and less efficient tillage due to structure placement. ATC has indicated that it would work with potentially-affected farmland owners to ensure that any farm disease mitigation methods currently practiced by the landowner would be followed during transmission line construction. The most reasonable mitigation method appears to be to isolate the ROW property from the rest of the

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farm during construction and compensate the farm operator for crop or feed reductions and field operations restricted on the ROW land during that season.

The proposed electric transmission line would be located along edges of agricultural fields. No central pivot irrigation systems, conservation windbreaks or aerial application routes would be affected. No parcels along the routes are enrolled in the Farmland Preservation Program.

North Route with Alternate Segment

A total of 31 acres of woodland would be affected under this option. This includes the 27.8 acres of woodland affected under the North Route. This route alternative involves the same types of woodland affected, environmental impacts, and mitigation methods as the North Option.

Total wetland impacted is 33.6 acres, including the 32.7 acres of wetland for the North Route. All attributes described for the North Route concerning wetland, waterway crossings and impacts to more species apply for this route alternative.

If the North Route with Alternate Segment were selected, the percentage of agricultural land that would be impacted would increase slightly, to approximately 8 percent of the route. All agricultural impacts for this route option are the same as the North Route.

South Route

The South Route is longer than the North Routes and parallels a narrower road with trees growing closer to the road ROW. A total of 48.8 acres of woodland would be cut if this option were selected. In addition, 45 feet of additional ROW clearing would be needed. As with the North Routes, the woodland acreage lost would be a mixture of northern hardwoods, conifer swamps, aspen stands, and pine and spruce. ROW clearing and its impacts are similar to the North Routes described above.

Fifty-one wetlands totaling approximately 33.3 acres were identified within the existing and new ROW of the South Route. Wetland types observed within the existing ROW include wet meadow, sedge meadow, shallow marsh, shrub-carr and alder thicket. The potential impact and mitigation methods described for the North Routes are equally applicable to the South Option.

The South Route would cross Logan Creek, the East Branch of Logan Creek, the West Branch of Logan Creek and the Wolf River, as well as six unnamed waterways. It would also cross four trout streams. An unnamed tributary to the Wolf River is a Class I trout stream and Logan Creek, the East Branch of Logan Creek, and the West Branch of Logan Creek are Class II trout streams.

Four state special concern and one endangered plant species were identified by the Natural Heritage Inventory (NHI) database within approximately two miles of the project area. Similar to the North Routes, habitat that supports 10 threatened or endangered plant species is known to exist in Oneida and Forest Counties. The impact of construction activity on the habitats is described in relation to the North Routes.

The same rare species described in relation to the North Routes are found along the South Route. In addition, six threatened species of osprey nests may exist within 0.25 miles of the South Route. DNR should be contacted prior to construction if this site is chosen.

The red-shouldered hawk (*Buteo lineatus*), a threatened species, may also occur in the project area of the South Route. DNR recommends that a habitat assessment should be completed along the selected route by a biologist who has experience with the species. If suitable habitat is present, a survey should be completed during March or April. If the species is present, impacts can be mitigated through timing restrictions and preventing or minimizing the loss of forested land.

The spruce grouse, another threatened bird, prefers large tracts of lowland coniferous forests with swampy regions. Suitable habitat is much more likely to be present adjacent to or on the South Route. A focused survey may be needed to ensure that the species is not impacted if the South Route is chosen.

Habitat for wood turtle (*Clemmys insculpta*), threatened, exists within the project area. It prefers deciduous forests and open meadows along streams and rivers. Adverse impacts occur if construction activity creates hazards to wood turtle nests and overlaps the turtle's active season. Impact to this species can be mitigated by avoiding construction during the turtle's active period or installing fencing to exclude turtles from the work zone. A habitat assessment of the final route should be completed by a qualified herpetologist to determine whether avoidance measures are necessary.

With respect to aesthetics, if the South Route is chosen, it would be a new feature along CTH B, STH 55, and Great View Road. Other environmental attributes are similar to the North Routes, described earlier.

The percentage of agricultural land impacted by the South Route represents about 10 percent of the route's total distance. The agricultural impacts for the South Route are the same as those for the North Routes.

There are three historic era cemeteries and one historic Euro-American cabin-homestead site located directly adjacent to South Routes or its access roads. If this route is chosen, ATC intends to determine the boundaries of these historic locations before construction crews begin earth-moving activities to avoid disturbing the resources. Other than this, there appear to be no known and listed historic properties, including archeological sites, along any of the routes. However, the project area

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has not been field surveyed for historic sites. Other sites, yet unknown, may exist in the project area. All routes have the potential for new archeological resources to be discovered during construction. In order to avoid adversely affecting a heretofore undiscovered archeological resource, it is reasonable to require that ATC stop work immediately as soon as anything of historical or archeological value is discovered during construction. Work must cease until ATC has had the discovered site properly investigated. Burial sites, in particular, would need to be protected.

The lands surrounding the Crandon Municipal Airfield are zoned with maximum height limitations to keep aircraft flight paths clear of obstacles. Any line within the zoned area would have to comply with the height restrictions, effectively limiting how close the line should come to the airport. The South Route along STH 55 would be in compliance with the current recommended height guidelines. To ensure that the new transmission line is compatible with air navigation and airport height limitation zoning ordinances, any new poles along this portion of STH 55 would require Federal Aviation Administration (FAA) aeronautical studies. If the airport were expanded, the proposed line design might have to be modified.

Approved Route

As the Wisconsin Supreme Court recently declared, issuing a CPCN is a legislative determination involving public policy and statecraft. *Clean Wisconsin, Inc. v. Public Service Commission*, 2005 WI 93, ¶ 35, 282 Wis. 2d 250, 700 N.W.2d 768. The Power Plant Siting Act assigns to the Commission the role of weighing and balancing many actors, which often compete and conflict. When rendering a decision, the Commission must ultimately determine whether a CPCN will promote the public health and welfare.

The Commission finds that the proposed project is in the public interest, because of the need to serve WPSC's proposed Metonga Substation. The Commission must then select a route for this new transmission line and it concludes that the North Route is in the public interest. The record demonstrates that this route will impose the least economic cost on ratepayers and will impose the least overall environmental impact.

Certificate

ATC may construct a new 138 kV transmission line that it will operate at 115 kV, connecting the Venus Substation and WPSC's proposed Metonga Substation along the North Route, at an estimated cost of \$8,699,000. ATC is granted this certificate subject to the conditions stated herein.

Order

1. The facilities authorized to be constructed are those described in ATC's CPCN application. ATC shall construct the transmission line on the North Route, as described in its application and in this Final Decision at an estimated cost of \$8,699,000.
2. This authorization is for the specific project as described in the application and at the stated cost. Should the scope, design, or location of the project change significantly, or if the project cost is exceeded by more than 10 percent, ATC shall promptly notify the Commission.
3. ATC shall submit to the Commission the date that the facilities are placed in service.
4. ATC shall submit to the Commission the final actual costs segregated by major accounts within one year after the in-service date. For those accounts or categories where actual costs deviate significantly from those authorized, ATC shall itemize and explain the reasons for such deviations in the final cost report.

5. ATC shall inform property owners from whom ROW easements are required of their rights and obligations pursuant to Wis. Stat. § 182.017.

6. ATC shall work with farm operators and landowners from whom ROW easements are required to locate transmission poles, guy wires, structures, or appurtenances in locations that are reasonably acceptable to the farm operators and landowners.

7. ATC shall reasonably restore and grade, to its original condition or better, any property adversely affected by construction or operation of the new facilities.

8. ATC shall take all reasonable action to remedy any problems of businesses or property owners along the approved route that are directly attributable to construction or operation of the new facilities.

9. Proper erosion control methods using DNR Best Management Practices for Construction Sites shall be employed before, during, and immediately after construction of the project. Erosion control shall be regularly inspected and maintained throughout the construction phase of the project and until exposed soil has been stabilized.

10. Construction shall be conducted so as to avoid or minimize impacts to wetlands by spanning them wherever possible or performing work when wetlands are frozen. DNR permits related to wetlands or water quality certification shall be obtained, if necessary.

11. ATC shall inspect portions of the approved route that pass through wetlands for the presence of purple loosestrife before beginning any construction.

12. ATC shall ensure that all construction equipment is clean of purple loosestrife before beginning work on the project. In areas where purple loosestrife is present, all construction equipment shall be cleaned after completing construction but before leaving the site.

13. Following construction, all portions of the route passing through previously uninfested areas of wetlands shall be inspected for the presence of purple loosestrife for five growing seasons after completion of the project. New infestations of the plant shall be removed using methods recommended by DNR. Inspections and plant removal shall occur prior to seed dispersal, preferably in June or July. ATC shall provide written documentation of inspection and removal activities. This documentation shall describe the results of such activities and the dates on which they took place. Documentation shall be submitted to the Commission within 90 days of undertaking these activities.

14. Construction in agricultural areas shall be performed in winter if possible. ATC is responsible for all crops lost or damaged during construction and must take measures to prevent or remediate soil compaction caused by construction activities in all agricultural fields.

15. Pruning paint shall be applied to all final cuts made to oak trees during the period of April 15 to July 1 to reduce the potential for the introduction and spread of oak wilt disease.

16. ATC shall work with all landowners from whom ROW easements are required to locate transmission poles, guy wires, structures and the facilities in locations that are reasonably acceptable to the landowner in order to minimize impacts and hardships.

17. ATC shall work with all landowners regarding the removal of trees and shrubs from the proposed ROW and the final disposition of any cut trees and other vegetation.

18. ATC shall complete rare plant surveys at the optimal time of year, along portions of the approved route with suitable habitat and coordinate with DNR to define the scope of the surveys. If the results of the surveys are positive, ATC shall coordinate with DNR to define measures to avoid or minimize impacts that are compatible with the goals of the project.

19. ATC shall complete surveys for the dwarf bilberry along portions of the approved route with suitable habitat. In areas where dwarf bilberry is present, ATC shall complete surveys for the northern blue butterfly. The scope of the surveys shall be submitted to DNR for approval. If the northern blue butterfly may be impacted by the project, ATC shall work with DNR to determine the appropriate course of action.

20. For all eagle or osprey nest sites found within the protection zone designated by USFWS and DNR, ATC shall implement protection measures according to USFWS and DNR guidelines.

21. ATC shall complete a habitat assessment for the red-shouldered hawk along the approved route. If the results are positive, a species survey shall be completed according to DNR-approved protocols and ATC shall comply with DNR's recommended course of action.

22. ATC shall complete a habitat assessment and species survey for the wood turtle, along the approved route during the period when the turtles are most active. If the results are positive, ATC shall comply with DNR's recommended course of action.

23. ATC shall submit quarterly progress reports to the Commission indicating the project's major construction and environmental milestones, the extent of the physical completion to date and the expenditures to date. The first report is due on June 30, 2006.

24. Upon completion of the project, ATC shall notify the Commission and report the actual cost segregated by plant account and comparable to the cost breakdown of the application. For those accounts or categories where actual costs deviate significantly from those authorized, the final cost report shall itemize and explain the reasons for such deviations.

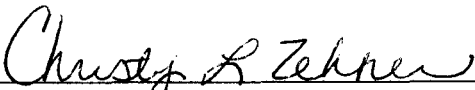
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25. This CPCN is valid only if construction commences within one year of the date thereof.

26. Jurisdiction is retained.

Dated at Madison, Wisconsin, February 28, 2006

By the Commission:



Christy L. Zehner
Secretary to the Commission

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See attached Notice of Appeal Rights

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed within 30 days after the date of mailing of this decision. That 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 Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in Wis. Stat. § 227.01(3), a person aggrieved by the order has the further right to file one petition for rehearing as provided in Wis. Stat. § 227.49. The petition must be filed within 20 days of the date of mailing of this decision.

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

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.

Revised 9/28/98