

WUA Issue Tracking 2013-14

May 31, 2013 Edition

Following are bills and issues on which WUA is engaged or monitoring during the 2013-14 Legislative Session. Bills include active links to the Legislature's homepage.

[AB 1/SB 1 \(Mining bill\)](#): Tiffany, Gudex/Suder, Honadel - Regulation of ferrous metallic mining and related activities, procedures for obtaining approvals from the Department of Natural Resources for the construction of utility facilities. WUA supported this bill which passed the Senate 17-16 (party-line minus Schultz) on Feb. 27, and was concurred-in by the Assembly March 7, on a 58-39 party-line (Pridemore not voting, 98th district vacant) vote. *The Governor signed it into law on March 12, 2013 as [2013 Act 1](#).*

[SB 35/AB 39 \(Transmission bill\)](#): Farrow/Honadel - Powers and duties of an electric transmission company and CPCN permits for certain electric generating facilities and high-voltage transmission lines. SB 35 had a public hearing February 26th. [SA 1, 2 & 3](#) were offered by the Senate Government Operations, Public Works and Telecommunications Committee and passage was recommended, as amended by SA 2&3, 7-0. AB 39, the companion bill, had a public hearing March 19th in the Assembly Energy & Utilities Committee which adopted [AA 1 & 2](#) and recommended passage, as amended. SB 35 was taken up on the Senate floor April 9 and passed 32-1 (Erpenbach), and was concurred-in by the Assembly on a voice vote the same day. *AB 39 was tabled. SB 35 was signed into law April 24th as 2013 [WI Act 10](#).* WUA supported this bill.

[AB 34 \(Nuclear RPS\)](#): Jacque/Lasee – Allowing the use of nuclear energy to comply with renewable portfolio standards (Kewaunee only) and the time period for using credits to comply with such standards. This bill resides in the Assembly Energy & Utilities Committee. *No action has been taken since it was introduced Feb. 18, 2013.* WUA has taken no position on this bill.

[SB 47 \(RPS Freeze\)](#): Grothman/LeMahieu, Kestell – Freezes RPS at 2011 level of compliance. This bill was introduced on February 28 and resides in the Senate Energy, Consumer Protection, and Government Reform Committee. *No action has been taken since Feb. 28th* and WUA has not taken a position on this bill.

[SB 64 \(25% RPS Goal\)](#): Risser/Hesselbein – Raises RPS for state agencies to 30% and 25% statewide as a goal by 2025. The bill was introduced March 7, 2013 and resides in the Energy, Consumer Protection and Government Reform Committee. *No action has been taken* and WUA has not publicly taken a position on this bill.

[LRB 1956 & 2348 \(Stray Voltage Utility Exemption\)](#): Honadel/Farrow – Circulating for co-sponsorship. Deadline extended to June 7th.

[SB 103 /AB 106 \(Municipal Utility Customer Information Privacy\)](#): Farrow, Shilling/Honadel, Kahl – These companion bills were introduced March 22nd and 26th and referred to the Senate Committee on Government Operations, Public Works, and Telecommunications, and the Assembly Energy & Utilities Committee, respectively. The bills impose restrictions on a municipal utility's release of customer information, which they define as, “*any information received from customers which serves to identify customers individually by usage or account status*”.

The bills prohibit a municipal utility from releasing customer information without the customer's consent and provide that it is also exempt from disclosure under the open records law. SB 103 had a public hearing April 17, adopted [SA1](#) on May 14 and the bill was tabled. Companion bill AB 106 had a public hearing April 2nd in the Assembly Energy and Utilities Committee which exec'ed the bill, as amended by [AA 1](#), 8-0, on April 30. AB 106 passed the Assembly, as amended, on a voice vote May 8th, was concurred-in by the Senate May 14 and was enrolled May 16th. *The bill awaits the Governor's signature. WUA supports these bills.*

[SB 71/AB 83 \(Wind Siting by Local Govt.\)](#): Lasee, Ellis/Jacque, Murtha – Allows local governments to impose wind siting standards more stringent than state standards under PSC 128 to protect public health & safety, on a prospective basis. SB 71 was referred to the Senate Committee on Government Operations, Public Works, and Telecommunications and a public hearing was held March 13, 2013. AB 83 was referred to the Assembly Energy & Utilities Committee March 14. *No action has been taken since the hearing.* WUA has not taken a position on these bills.

[SB 167 \(Wind Turbine Liability\)](#): Lasee/Thiesfeldt – This bill provides that, in an action for damages caused by a wind turbine, the prevailing plaintiff may recover damages for physical and emotional harm, reasonable attorney fees, damages for loss of property value and expenses incurred if he or she moves as a result, and other damages. Under the bill, if the wind turbine is within 1.5 miles from the plaintiff's residence, it is not a defense to assert that it was operating pursuant to an appropriate legal permit or local governmental approval. This bill was introduced April 30 and referred to the Judiciary and Labor Committee. *No action has been taken since the last report.*

[SB 180 /AB-197 \(Wind Turbine Utility Aid Payment Split\)](#): Thiesfeldt/Lasee – This bill changes the current 1/3 town – 2/3 county split in utility aid payments to ½ and ½ for local governments that host wind turbine facilities. SB 180 was introduced May 8th and referred to the Senate Committee on Energy, Consumer Protection & Government Reform. AB 197 was introduced May 13th and referred to the Assembly Energy and Utilities Committee. *No action has been taken on these bills.*

[AB 214/SB 194 \(Ex Parte\)](#): Honadel/Farrow – These bills clarify the law regarding ex parte communications in contested case proceedings, so that only decision-makers are prohibited from ex parte communications with parties, instead of all personnel involved in the decision-making process. SB 194 received a public hearing May 29th by the Senate Gov. Ops., Public Works & Telecom Committee and AB 215 received a public hearing May 28 in the Assembly Energy & Utilities Committee which unanimously recommended passage May 30th. *WUA lobbied in support of these bills. AB 214 is available for scheduling.*

Budget Items

PROPERTY TAXATION

Biogas Property Tax Exemption: Under current law, solar energy systems and wind energy systems are exempt from personal property taxes. Under this proposal, biogas energy systems are also exempt from personal property taxes. *This item was passed 16-0 by JFC on May 9th. WUA took no position.*

Utility Public Benefits Allocation: Under current law, DOA administers a program for making grants from the utility public benefits fund to provide assistance to low-income households for: 1) weatherization and other energy conservation services (weatherization and conservation assistance); and 2) payment of energy bills and early identification or prevention of energy crises (bill and crisis assistance). In each fiscal year, DOA must ensure that the amount spent under the program on grants for weatherization and conservation assistance is equal to 47 percent of a sum that is calculated for the fiscal year. As a result, 53 percent of the sum is available to be spent on grants under the program for bill and crisis assistance.

Under the Governor's proposal, Paper [#105](#), "This budget proposal requires instead that 50 percent of the sum must be allocated for grants for weatherization and conservation assistance, which results in allocating 50 percent for grants for bill and crisis assistance.

WUA lobbied JFC members in [support](#) in of the Governor's proposal. The Committee deferred action on a [motion](#) offered by Sens. Grothman and Lazich until May 29, when they voted 15-1 (Lazich), in favor of Alt. 1 in Motion 105 as amended by the DOA clarification. See [Haubrich graph](#).

ENVIRONMENT

AIR QUALITY

Title V Permit Fees ([see WUA memo](#)): Generally, current law requires an operator who has a federal operation permit to pay an annual fee of \$35.71 per ton of certain pollutants emitted in the previous year, subject to a 5,000 ton cap. The Governor recommended, in the ERRATA letter to JFC, a modified "Tiered Approach" that includes:

- Base fee of \$3K;
- Coal-Fired EGU fee of \$46,980;
- MATS & NSPS fees of \$960;
- PSD fee of \$1500; and
- Per ton fee of \$35.71

DNR asserts that fees have not been increased since the 1999-01 budget and if adequate positions are not added to staff the Title V program, EPA may issue a Notice of Deficiency. Because the fee structure includes a per-ton of emissions fee, as reductions in pollutant emissions are made, fees must increase to ensure that the program is adequately funded. According to DNR, pollutant emissions have fallen by about 1/3 between 2001-2013. WUA does not necessarily oppose a fee increase, as the program must be adequately funded. See JFC Budget Paper [#475](#) for background.

On May 21st the Joint Finance Committee voted 16-0 in favor of Rep. LeMahieu's motion #354, a.k.a. the "WMC Tiered approach" on Title V permit fees. WUA supported this motion which generally:

- Retains the \$35.71 per ton fee;
- Annual flat fee of \$900 for under 10 TPY; \$1300 for 10-25 TPY; \$1600 for 25-50 TPY; \$2300 for 50-80 TPY and \$3000 for more than 80 TPY; and
- Retains the annual fees recommended in the Gov's ERRATA letter to JFC of \$960 for MACT; \$960 for NSPS; \$1500 annually if federal prevention of significant deterioration permitting applies to the source; and \$46,980 for coal-fired EGU's.

Utility Aid Payments –JFC adopted Alt. 1 in Paper #[591](#) regarding Public Utility Aid Payments/Production Plant Retirements 16-0 on May 9th. WUA did not take a position on this proposal.

Public Service Commission

- Motion #115. Utility Relocation Costs to Accommodate Urban Rail Transit Systems. *Adopted, 12-4.*
- Motion #116. Modifications Due to Act 10. *Adopted, 15-1.*
- **PSC Positions in Budget** – WUA, in cooperation with a coalition that included WUI, WIEG, WPC, CUB and CFC, successfully lobbied JFC members in [support](#) of retaining existing positions in the PSCW budget. JFC acted on the [Commission's budget items](#) May 9th and did not reduce the agency's position authority.

Shared Revenue and Tax Relief – Direct Aid Payments

- [Paper #590](#). Public Utility Aid – Sum Sufficient Re-estimate. *Modification adopted by unanimous consent.*
- [Paper #591](#). Public Utility Aid – Production Plan Requirements. *Motion #138 adopted, 16-0. WUA did not take a position on these items.*

[Sale of State Power Plants](#) - JFC voted 12-4 (party-line) in favor of the co-chairs' [motion](#) #350 to allow sale of state power plants and other facilities but added JFC oversight. *WUA supports.*

Meter Testing/Retention Rules - PSC. [CR 13-033](#). PSC issued a notice of rulemaking on PSC 113.0921, re: Retention of electric, gas, and water meters for accuracy testing. A hearing was held Thursday, May 30. *WUA submitted general joint [comments](#).*