

# Sample 1

## Intervention Request

1.

-- Select Document Type --

Description:

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### Document Types

Application  
Brief/Reply  
Comments  
Contract  
Correspondence  
Data Request/Response  
Petition/Motion  
Prehearing/Prefiled Exhibit/Testimony  
Report  
Request for Intervenor/Party Status

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

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Application of Wisconsin Investor Owned Utility  
For a Certificate of Public Convenience and Necessity  
To Construct a Large Electric Generation Facility in Wisconsin

Docket No. 1234-CE-102

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**REQUEST TO INTERVENE AND NOTICE OF APPEARANCE  
OF THE CITIZENS UTILITY BOARD**

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Pursuant to Wis. Admin. Code § PSC 2.21, the Citizens Utility Board (CUB) hereby files this request to intervene in the above-captioned proceeding. CUB's attorney also files a Notice of Appearance.

**I. STATEMENT OF INTEREST IN THE PROCEEDING.**

CUB has more than 9,000 members, primarily citizens of Wisconsin. CUB was originally created by the Wisconsin legislature under Chapter 72, Laws of 1979, to advocate on behalf of residential and other customers on utility issues. CUB subsequently reorganized and is currently a nonstock, nonprofit corporation organized and existing under Wis. Stat. ch. 181.

CUB's purpose, as stated in its bylaws, is to:

- 1) provide public interest legal services to ensure effective and democratic representation of residential, farm and small business utility customers before regulatory agencies and the courts;
- 2) advocate for reliable, affordable, and sound utility service;
- 3) educate consumers on utility service through the preparation, compilation, analysis, and dissemination of information and resource materials relating to utility regulation and public energy and telecommunications policy, and generally engage in and support public education regarding utility regulation and public energy and telecommunications policy.

CUB Bylaws, Article III. CUB intends that its advocacy benefit not just its own members but all residential ratepayers of the state.

CUB's members include residential, farm and small business customers of Wisconsin Investor Owned Utility (Wi-IOU). CUB and its members have a substantial interest that will be affected by a decision in this proceeding. *See* Wis. Admin. Code § PSC 2.21(1). Wi-IOU is proposing to construct a large electric generating facility at a cost of approximately \$500 million. CUB's members' rates include costs for large electric generating facilities constructed by Wi-IOU, and these members' substantial interests may be affected by the Commission's actions regarding the Certificate of Public Convenience and Necessity application. Thus, CUB should be granted intervention under Wis. Admin. Code § PSC 2.21(1).

Alternatively, CUB should be granted permissive intervention in this proceeding. CUB's advocacy on behalf of residential and small business ratepayers will promote the proper disposition of the issues to be determined. No schedule has been set in this case, and CUB will work within all deadlines set to not impede the timely completion of this docket. Thus, CUB should be granted intervention under Wis. Admin. Code § PSC 2.21(2).

## II. NOTICE OF APPEARANCE.

Kira Loehr will serve as the attorney for CUB in this case. All further documents and correspondence should be served on:

Kira E. Loehr  
Dennis Dums  
Citizens Utility Board  
16 N. Carroll Street, Suite 640  
Madison, WI 53703  
Phone: (608) 251-3322  
Facsimile: (608) 251-7609  
loehr@wiscub.org  
dums@wiscub.org

**III. CONCLUSION.**

For the aforementioned reasons, CUB respectfully requests that the Commission grant its request to intervene in the above-captioned proceeding.

Dated this 10th day of April, 2013.

Respectfully submitted,

*/s/ Kira E. Loehr*

By:

\_\_\_\_\_  
Kira E. Loehr  
Attorney for Citizens Utility Board

16 N. Carroll Street  
Suite 640  
Madison, WI 53703  
608-251-3322 x. 12  
loehr@wiscub.org

SAMPLE 1

# Sample 2

## Notice of Proceeding

DATE MAILED

JUN 21 2011

Public Service Commission of Wisconsin  
RECEIVED: 06/22/11, 10:01:33 AM

## 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

## NOTICE OF PROCEEDING

**THIS IS A PROCEEDING** to consider the application of Dairyland Power Cooperative, Northern States Power Company-Wisconsin, and Wisconsin Public Power, Inc. (applicants), under Wis. Stat. § 196.491 and Wis. Admin. Code chs. PSC 100 and 111, for a Certificate of Public Convenience and Necessity for authority to construct new electric transmission facilities in order to meet future local community load serving needs for La Crosse, Buffalo City, Fountain City, Arcadia, Galesville, Trempealeau, Holmen, Onalaska, and other areas. The project would involve construction of a 345 kilovolt transmission line along the Mississippi River at Alma, Wisconsin, and would continue to a new substation in Wisconsin. The project would be 40 to 55 miles long depending on the route.

The applicants filed their initial application on January 3, 2011. That version of the application was determined to be complete on January 1, 2011. The applicants submitted additional application information and comments in its original filing. All additional supplemental data were received by the Commission by May 10, 2011. The application was deemed complete on June 1, 2011.

**NOTICE IS GIVEN** that the Commission considers it necessary, in order to carry out its duties, to investigate all business practices, and activities of the applicants. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the applicants in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

Any person desiring to become a party should file a request for party status (called a request to intervene) under Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21 no later than 14 days from the date of this notice, **because the Commission may schedule prehearing conferences and other activities in this docket without delay.** The request should be posted to the Commission's Electronic Regulatory Filing (ERF) system under the docket number. Go to the Commission's web site at <http://psc.wi.gov>, and click on the "ERF Electronic Regulatory Filing System" graphic on the side menu bar. From the side menu bar, click on "Help" for instructions on how to upload a document. A person who lacks access to the Internet shall make such request in a letter addressed to the Administrative Law Judge, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707-7854.

Docket 5-CE-136

At the time of filing, a copy of the request must be served on existing parties, which may respond to the request within five days. Parties wishing to request intervenor compensation are asked to do so as soon as practicable.

This is a Class I proceeding as defined in Wis. Stat. § 227.01(3)(a).

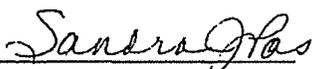
This is a Type I action under Wis. Admin. Code § PSC 4.10(1). It consequently requires the preparation of an environmental impact statement (EIS) under Wis. Stat. § 1.11. The Commission and the Department of Natural Resources will jointly prepare an EIS that will be the subject of a hearing later in this docket.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this docket or who needs to obtain this document in an alternate format should contact the docket coordinator listed below.

Questions regarding this matter may be directed to docket coordinator William Fannucchi by telephone at (608) 267-3594 or by e-mail at [wilfannucchi@dnr.wisconsin.gov](mailto:wilfannucchi@dnr.wisconsin.gov).

Dated at Madison, Wisconsin, June \_\_\_\_\_

By the Commission:

  
Sandra J. Paske  
Secretary to the Commission

SJP:WAF:jlt:g:\notice\pending\_36...doc

# **Sample 3**

## Notice of Prehearing Conference

**PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Wisconsin Public Service Corporation for Authority to Construct and Place in Operation a New Multi-Pollutant Control Technology System for Unit 3 of the Weston Generating Station, Marathon County, Wisconsin

6690-CE-197

**NOTICE OF PREHEARING CONFERENCE**

<b>Prehearing Conference Date:</b>	<b>Tuesday, July 10, 2012 - 10:00 a.m.</b>
<b>Conference Location:</b>	<b>Amnicon Falls Hearing Room - 1st Floor Public Service Commission 610 North Whitney Way Madison, Wisconsin</b>

**NOTICE IS GIVEN** that the Commission will hold a prehearing conference in this docket on Tuesday, July 10, 2012, at 10:00 a.m., in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and continuing at times to be set by the presiding Administrative Law Judge.

This prehearing conference provides an opportunity to comment on: (1) who, other than parties already identified, will actively participate as parties, (2) the issues, (3) the schedule, and (4) any other matter that will facilitate the proceeding. Parties will be bound by the designation of issues and the schedule adopted at the prehearing conference.

**DOCUMENTS.** All documents in this docket are filed on the Commission's Electronic Regulatory Filing (ERF) system. To view these documents: (1) go to the Commission's web site at <http://psc.wi.gov>, (2) enter "6690-CE-197" in the box labeled "Link Directly to a Case," and (3) select "GO."

**MEET AND CONFER.** By Monday, July 9, 2012, existing parties, persons who have requested intervention by 12 noon on Monday, July 2, 2012, and Commission staff shall discuss the proposed issues and schedule that appear below and any alternatives thereto. To the greatest possible extent, the persons described above shall either come to an agreement, or come ready to discuss any disagreement, with respect to the issues and schedule.

**ISSUE.** The proposed issue in this proceeding is:

**Docket 6690-CE-197**

- A. Should the Commission grant a Certificate of Authority for the project, pursuant to Wis. Stat. §§ 1.12, 196.025 and 196.49, and Wis. Admin. Code ch. PSC 112?

**SCHEDULE.** The proposed schedule is as follows:

- September 15, 2012, at 12 noon                      Applicant's direct testimony and exhibits
- November 4, 2012, at 12 noon                      Staff and Intervenor direct testimony and exhibits
- December 4, 2012, at 12 noon                      All rebuttal testimony
- January 10, 2013, at 9:30 a.m.                      Public Hearing Session – PSC Building,  
Madison
- January 10, 2013    Party Hearing Session – PSC Building,  
Madison (to begin directly after the  
conclusion of the public session)

**AMERICANS WITH DISABILITIES ACT.** The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this docket or who needs to obtain this document in a different format should contact the docket coordinator listed below. Any hearing location is accessible to people in wheelchairs. The Public Service Commission Building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building.

**CONTACT.** Please direct questions about this docket or requests for additional accommodations for the disabled to the Commission's docket coordinator, Kenneth Rineer, at (608) 267-1201 or [kenneth.rineer@wisconsin.gov](mailto:kenneth.rineer@wisconsin.gov).

  
Michael E. Newmark  
Administrative Law Judge

MEN:DL:00582559 : NOPC.docx

**Sample 4**

**Draft Prehearing  
Conference Memo  
(PCM)**





This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

#### **IV. OTHER FACILITATING MATTERS:**

##### **A. Filing and Service**

##### **1. Procedure**

- a. The assigned Commission staff attorney is the first point of Commission contact for a party on any procedural matter related to the docket.
- b. File by ERF. If ERF does not accept a document, serve the document and contact the Commission's Records Management Unit at (608) 261-8521, for further instructions.
- c. File all documents offered as exhibits in pdf format.
- d. File a redacted public version of every document filed under a request for confidential handling. See Prehearing Conference Memorandum § IV. C. and Wis. Admin. Code § 2.12(4).
- e. Use the following ERF protocols when filing:
  - i. Match the filing with the best available "Document Type."
    1. Use the naming convention for testimony and exhibits for the "Description" of the filing. See Prehearing Conference Memorandum §§ IV. D. 1 (a) and (c), but include no testimony page number.
    2. Except for the exhibit number, include no indication of confidential or public status.
  - ii. To upload a redacted public document:
    1. Use the "Redacted Document" section of the "Confidentiality Request Form" to upload such a document at the same time as the confidential version.
    2. Use the "Upload Redacted Document" form to upload such a document after the filing of the confidential version.
- f. Filing constitutes certification of service. See Wis. Admin. Code § PSC 2.06(3)(a).
- g. Serve all filings on parties and Commission staff.
- h. Serve by e-mail to the addresses on the Commission e-mail service list and the Commission docket coordinator. If size, format, or the protection from public release of information filed under request for confidential handling prevents e-mail service, serve by delivery on standard optical disc storage media to the same recipients on the e-mail service list and the Commission docket coordinator.
- i. The Commission e-mail service list shall contain only one e-mail contact for each party. Parties and Commission staff may establish and maintain a courtesy copy e-mail list to which the Commission attaches no service requirements.

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- j. Serve the Commission docket coordinator any, but, unless otherwise required, file no party to all-party correspondence.
- k. Party requests to the Administrative Law Judge sent by e-mail shall receive no response. Send no courtesy copy e-mails to the Administrative Law Judge, except in accordance with Prehearing Conference Memorandum § IV. B. 7.
- l. In computing any period of time that follows service by a party or Commission staff, or that follows an order of the Administrative Law Judge, the day of e-mailing is the day of mailing. *See Wis. Admin. Code § PSC 2.05(2)*. This applies regardless of any dated signature or ERF filing date stamp.

**2. Discovery**

- a. File any response to a party discovery request or Commission staff data request as information becomes available. For any request made prior to the deadline to file rebuttal testimony, respond in full no later than 21 days after service of the request, with an exception of 30 days allowed for just cause. For any request made in response to rebuttal testimony respond in full no later than 7 days after service of the request. For any request made in response to sur-rebuttal testimony respond in full no later than 2 days after service of the request.
- b. Notify a requester of the intent to answer a discovery request or data request solely by objection, or by objection and partial-response, notwithstanding the objection, within 3 days after service of the request. For any request made in response to rebuttal testimony serve the notice 2 days after service of the request. For any request made in response to sur-rebuttal testimony serve the notice within 1 day after service of the request.
- c. Serve any, but file no, party discovery requests or notices to object, with the Commission staff docket coordinator.
- d. File a request for protective order to a discovery request or data request. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.
- e. File any request to compel a response to a discovery request or data request. File the request by 12 noon, 3 days after receipt of a notice to answer solely by objection. File the request by 12 noon, 3 days after receipt of an answer by objection and partial response, notwithstanding the objection. File any response by 12 noon, 3 days after the filing of the request and any reply by 12 noon, 2 days after filing of the response.

**3. Other Requests**

- a. File any request for intervention under Wis. Admin. Code § PSC 2.21(4). File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.

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- b. Unless made at hearing, file any request to waive or modify the application of this order in particular circumstances for good cause. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.
- c. File any request for interlocutory review under Wis. Stat. § PSC 2.27. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.
- d. File any request for leave to file a non-party brief. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.

**4. Prehearing Testimony and Exhibits**

- a. File any prehearing testimony and exhibits indicated in the above schedule by the deadline assigned.
- b. The Commission shall not receive exhibits in formats other than pdf. For more information contact the Commission's Records Management Unit at (608) 261-8521.
- c. When offering as an exhibit an entire document already filed on ERF in this docket in ".pdf" format, file only a letter that identifies the document by PSC REF #: and the exhibit number requested. Limit one exhibit number to one existing filing. File the letter under the "Prehearing/Prefiled Exhibit/Testimony" document type. File all such requests in one letter for each round of testimony.
- d. When only part of a document relates to the purpose of the filer, file only the first page of the document and the relevant portion of the document.
- e. Offer the docket application for the through a request to the Commission docket coordinator that identifies all documents that make up the application that already appear on ERF in the docket. File the request no later than one week prior to the first deadline to file prehearing testimony
- f. Offer testimony from a prior docket, as an exhibit, only in the form of an excerpt from a sworn transcript.
- g. File any objection to prehearing testimony and exhibits by the deadline of the next round of filing. File any response by 12 noon 3 days after the filing of the objection and any reply by 12 noon 2 days after filing of the response. This paragraph does not apply to the last round of prehearing testimony and exhibits. See Prehearing Conference Memorandum § IV. E.2.
- h. File the volume of written testimony for any witness being compelled to appear, and corresponding exhibits, by the deadline to file rebuttal testimony.
- i. File all corrections to prehearing testimony and exhibits by one day prior to the party hearing session. Timely filed corrections require no request or pre-approval

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from the Administrative Law Judge, but such corrections are subject to objection at hearing.

- i. For testimony, a correction may take the form of either a replacement page or an errata sheet that indicates the location of each correction by page and line number.
- ii. For exhibits, a correction shall take the form of a replacement exhibit.

**5. Post Hearing**

- a. File any document not filed prior to the party hearing session but offered at the party hearing session by 12 noon 3 days after the last day of the party hearing session.
- b. File documentary evidence not previously filed but identified at the party hearing session and for which offer into the record is delayed until after the party hearing session, by 12 noon 3 days after the last day of the party hearing session, unless a different filing date is set at the hearing.
- c. File a complete replacement version of any prehearing testimony corrected prior to, or at the hearing.
- d. File the affidavit of any witness attesting to the truthfulness and accuracy of that witness's written testimony and exhibits offered into the record in the absence of a live oath or affirmation by 12 noon 3 days after the hearing.
- e. File any objection to or request to offer rebuttal or countervailing evidence for:
  - i. Any evidence offered by a member of the public, by 12 noon 2 days after service of the transcript of the public hearing session. File any response by 12 noon 3 days after the filing of the objection and any reply by 12 noon 2 days after filing of the response.
  - ii. Any documentary evidence not previously filed but identified at the party hearing session and for which offer into the record is delayed until after the party hearing session, by 12 noon 3 days after the date of filing. File any response by 12 noon 3 days after the filing of the objection and any reply by 12 noon 2 days after filing of the response.
- f. File any transcript correction by 12 noon 5 days prior to the deadline to file the initial post hearing brief. In a docket without briefs file any transcript correction by 12 noon 5 days after issuance of the final transcript volume.
- g. File any request for leave to present additional evidence [*See Wis. Stat. § 227.45(2)*] or request to take official notice under Wis. Stat. § 227.45(3). Verify any exhibits offered after the hearing by affidavit. File any response by 12 noon 3 days after the filing of the request and any reply by 12 noon 2 days after the filing of the response.

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- h.** File any response to a notice by the Commission of its desire to avail itself of any evidence in its possession under Wis. Stat. § 227.45(2), by 12 noon 3 days after the notice issues. File any reply by 12 noon 2 days after the filing of the response.
- i.** File any request for rehearing or reopening under Wis. Stat. § 196.39 or 227.49. File any response by 12 noon 5 days after the filing of the request. The Commission shall accept no reply from the requester.

**6. Paper Copies**

- a.** Within 5 calendar days after any filed document identified below appears on ERF, a party shall provide to the Commission Records Management Unit:
  - i.** 6 collated paper sets of its exhibits with corresponding divider tabs.
  - ii.** 6 divider tabs for every piece of its prehearing testimony.
  - iii.** 6 collated paper sets of the entire filing of any piece of its prehearing testimony that contains any page rendered in color collated together with the required corresponding divider tabs.
  - iv.** For any filing made under a request for confidential handling, only submit on paper, the confidential version of the filing. Do not submit a paper copy of the redacted version of the filing.
- b.** Format the paper copies reference above according to Prehearing Conference Memorandum § IV. D.2.

**B. Hearing Preparation**

- 1.** The scope of written testimony is narrowed with each round of filing such that it addresses only the testimony filed in the previous round.
- 2.** Unless a witness retracts a position stated in prior testimony, that position is retained. To avoid unduly repetitive testimony, if restating a position stated in prior testimony is necessary, instead of providing that position again, incorporate the prior statement by reference.
- 3.** No evidence shall enter the record solely by citation to an Internet hyperlink or PSC REF #.
- 4.** Any party who compels a witness to appear at hearing shall create a volume of written testimony for that witness in the form of either a deposition or interrogatory. This requirement shall not apply if the party receives consent of the other parties and Commission staff prior to the deadline to file such testimony.
- 5.** A party shall endeavor to identify its employees or members who wish to file written comments or participate at the public hearing session in support of that party's position and shall use best efforts to organize the testimony of such witnesses in a manner that avoids undue repetition.

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6. The applicant shall make an adequate number of personnel with knowledge of the issues in this docket available at each public hearing session to answer questions from members of the public.
7. Attempt to obtain consent under Wis. Stat. § 807.13, in sufficient time to plan an in-person witness appearance, if necessary.
8. Contact parties, Commission staff and the Administrative Law Judge by 12 noon 1 day prior to the first day of the party hearing session to:
  - a. Request to take a witness at a specific prearranged time.
  - b. Identify the witnesses that a party or Commission staff intends to cross-examine. This does not waive the right to cross-examine other witnesses.
  - c. Identify any need to conduct a portion of the hearing *in camera*.
  - d. Identify any witness appearing by telephone. *See* Prehearing Conference Memorandum § IV. E. 4.
  - e. Request the scheduling of additional hearing time.

**C. Confidentiality**

1. Wis. Admin. Code § PSC 2.12 already protects from public disclosure any record filed with the Commission under a request for confidential handling that meets the requirements of that section. Such protection renders unnecessary other protective measures available from the Administrative Law Judge to prevent public disclosure of a trade secret, or other confidential research, development, or commercial information filed in this docket unless and until a party demonstrates a specific and credible threat of disclosure.
2. The Commission shall hear *in camera* any oral testimony and cross-examination to which a claim that confidential handling under Wis. Admin. Code § PSC 2.12 should apply and place such testimony in a separate transcript volume. To maintain this claim, the claimant shall file a request as described in Wis. Admin. Code § PSC 2.12(3)(a) along with a redacted copy of the volume consistent with Wis. Admin. Code § PSC 2.12(4) by 12 noon 5 days after issuance of the volume by mail from the Administrative Law Judge. The claimant shall omit from the original volume any affirmation of the veracity of that volume from the court reporter. The redacted volume exists only for Commission staff to evaluate the claim and for public convenience. The redacted volume provides no authoritative record of the proceedings. In the case of any discrepancy between the original volume and the redacted volume, the original volume shall control.
3. The Commission shall afford to any transcript volume receiving confidential handling under Wis. Admin. Code § PSC 2.12 the same handling and retention process and

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procedure that applies to all other documents which the Commission grants confidential handling.

**D. Format Requirements**

**1. Prehearing Testimony and Exhibits**

- a. Paginate every page of prehearing testimony, centered at the bottom, and according to the following convention:
  - “[identify the round of testimony]-[identify the party]-[identify the witness]-[page #]”
  - “Direct-PSC-Smith-1”
- b. Page numbers for each filing shall begin at “1” and continue in numerical order for that filing.
- c. Mark every exhibit using a cover page centered at the bottom, and according to the following convention:
  - Ex.-[identify the party]-[identify the witness]-[exhibit #]”
  - “Ex.-PSC-Smith-1”
- d. Exhibit numbers for each witness shall begin at “1” and continue in numerical order for that witness.
- e. Shade (use no color highlighting) any specific text filed under request for confidential handling treatment as follows:
  - Public Version:  
“The cost was [REDACTED]....”
  - Confidential Version:  
“The cost was \$2.00....”
- f. The public version shall contain no text beneath a redaction that computer manipulation of the document can reveal.
- g. Paginate any written testimony and mark any exhibit filed under request for confidential handling treatment under the proper numbering convention succeeded by the letter “c”.
  - “Direct-PSC-Smith-1c”
- h. Paginate any prehearing testimony and mark any exhibit filed publicly for which another version is filed under request for confidential handling treatment the proper numbering convention succeeded by the letter “p”.
  - “Direct-PSC-Smith-1p”
- i. Paginate any replacement page and mark any replacement exhibit with the same page or exhibit number as the original version, except the letter “r” shall immediately succeed the number.
  - “Direct-PSC-Smith-1r”
  - “Direct-PSC-Smith-1cr”
  - “Direct-PSC Smith-1pr”

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## Docket XXXX-XX-XXX

- j. Refer to any existing prehearing testimony or marked exhibit by using the assigned page or exhibit number.
  - “As mentioned in Direct-PSC-Smith-15 ....”
  - “I prepared Ex.-PSC-Smith-1....”
- k. Except for the existing testimony or a marked exhibit in this docket, include in any reference to a document already posted on ERF, the ERF identifier in the following format “PSC REF#: \_\_\_\_\_”.
  - “As demonstrated in the Applicant’s March 2001 report (PSC REF#: 123456) ....”

### 2. Paper copies

- a. Organize the paper submissions required by Prehearing Conference Memorandum § IV. A.6., according to the following conventions:
  - i. Use 8.5” x 11” paper.
  - ii. Use 5-tab sized divider tabs.
  - iii. Punch each page to fit a standard three-ring binder.
  - iv. Include no binder.
- b. Divider tabs that correspond to prehearing testimony shall identify, in typeface, the following:
  - “[round of testimony]-[party]-[witness]”
  - “Direct-PSC-Smith”
- c. Divider tabs that correspond to exhibits, shall identify, in typeface, the following:
  - “Ex.-[party]-[witness]-[exhibit #]”
  - “Ex.-PSC-Smith-1”
- d. Every paper copy shall exactly duplicate its corresponding ERF filing, including any color rendering and, except for confidential versions, the PSC REF#.

### 3. Briefs

- a. For any filed motion, petition, brief, or request, and any response and reply thereto:
  - i. Use 12 point double-spaced type and one-inch margins.
  - ii. Shade (use no color highlighting) any specific text filed under request for confidential handling treatment as follows:
    - Public Version: “The cost was [REDACTED]....”
    - Confidential Version: “The cost was \$2.00....”
  - iii. The public version shall contain no text beneath a redaction that computer manipulation of the document can reveal.
  - iv. Cite to the record all noted evidence and assertions of fact.
  - v. Cite to no evidence or assertion of fact outside the record.
  - vi. Limit the number of pages as follows:

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**Docket XXXX-XX-XXX**

1. Initial brief - 30 pages.
2. Reply brief - 15 pages.
3. Non-party brief - 15 pages.
4. Request for rehearing or reopening and response to request - 15 pages.

**E. Hearing Procedure**

1. Before the call of witnesses, the Administrative Law Judge shall:
  - a. Hear corrections to the Pre-Hearing Witness and Exhibit List.
  - b. Hear any remaining corrections to the prehearing testimony and exhibits.
  - c. Hear any pending or allowable objections.
  - d. The Administrative Law Judge shall hear oral arguments in lieu of briefs at the beginning of the first day of the party hearing session with respect to any pending motion for which the deadline to file briefs would not expire prior to that day.
  - e. If the Administrative Law Judge issues a Pre-Hearing Witness and Exhibit List, the items on the list shall enter into the record at the beginning of the first day of the party hearing session, subject to any verification by the witness, pending or allowable objections, and corrections to the list.
2. Object to the last round of prehearing testimony and exhibits at the beginning of the party hearing session.
3. The sponsor of any pre-filed testimony or exhibit not received into the record may make such filings into an offer of proof. The sponsor of any oral testimony not received into the record may make a brief oral offer of proof. *See Prehearing Conference Memorandum § IV. F. 3.*
4. The order of appearances and cross-examination by parties shall follow the order of parties as provided in the list above. Commission staff shall follow all parties. Each party and Commission staff may arrange the order of its witnesses.
5. A rebuttable presumption of good cause under Wis. Stat. § 807.13 exists to allow witnesses to appear by telephone.
6. Prior to cross-examination, any witness may offer brief oral testimony that responds only to the last round of prehearing testimony or any subsequent testimony of another witness received at the hearing. Parties and Commission staff shall use best efforts in this matter to avoid undue surprise or prejudice.
7. Limit cross-examination of a witness by the length and scope required to reasonably investigate matters with respect to the testimony of that witness. To investigate beyond these parameters requires the party to have followed the applicable prehearing process for compelling the witness to appear at hearing for direct examination.
8. Provide an adequate number of copies of any document referred to during the hearing, but not previously offered into the record.

This draft prehearing conference memorandum is for informational purposes only, confers no rights or duties, and may change without notice. An official prehearing conference memorandum issued in any particular docket may vary from this document as discussed at the prehearing conference.

**Docket XXXX-XX-XXX**

9. The Commission intends to webcast all hearings held in Madison. Therefore, the Commission will make no phone lines available to monitor a hearing.

**F. Post-Hearing Procedure**

1. The record closes upon the issuance of the Post Hearing Witness and Exhibit List subject to a request for leave to present additional evidence or take official notice.
2. If before the Commission takes action to review the record a request is filed for leave to present additional evidence or take official notice, the Administrative Law Judge may grant the request upon reasonable terms if the additional evidence or noticed fact is material and good cause prevented its presentation at hearing. However, such request does not automatically stay any Commission open meeting discussion with respect to the existing record, or the issuance of a final decision by the Commission. Either action effects a denial of the request unless otherwise indicated by the Commission.
3. The record on review under Wis. Stat. § 227.55 shall contain any offer of proof. However, no offer of proof shall enter the evidentiary record unless the Commission or a court overturns the ruling to exclude the evidence and provides an opportunity for cross-examination or the offer of countervailing evidence.

**G. ALJ Orders**

1. Unless made at hearing, the Administrative Law Judge shall act only on a request officially filed.
2. Written orders and notices of the Administrative Law Judge shall be issued to parties using only the Commission e-mail service list.
3. Any request that contains a representation or certification of the consent of the parties and Commission staff shall be granted without order unless otherwise ordered within 3 days of filing.
4. Any request to which a response is authorized, but no timely response is filed, shall be granted without order unless otherwise ordered within 3 days after the deadline to respond.
5. The Administrative Law Judge may waive or modify the application of this order in particular circumstances for good cause.

DL: 00578917



# **Sample 5**

## Applicant Direct Testimony (pre-filing)

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF WISCONSIN**

Application of Wisconsin Public Service  
Corporation for a Certificate of Authority  
To Construct and Place in Operation a  
Multi-Pollutant Control Technology system  
for the Weston Unit 3 Generating Unit

Docket No. 6690-CE-197

**PRE-FILED DIRECT TESTIMONY OF  
H. James Peters  
FOR  
WISCONSIN PUBLIC SERVICE CORPORATION**

September 17, 2012

1 **Q. Please state your name and business address.**

2 A. My name is H. James Peters and my business address is Hamon Corporation, 58 East  
3 Main Street, Somerville, NJ 08876.

4 **Q. By whom are you employed and in what capacity?**

5 A. I am employed by Hamon Corporation as Executive Vice President of Strategic Planning  
6 and Business Development. In this capacity, I manage corporate sales and business  
7 development activities for Hamon Corporation, particularly focusing on the Hamon  
8 Research-Cottrell and Hamon Deltak businesses. Both of these businesses provide  
9 environmental control and heat recovery technologies for the utility and process  
10 industries.

11 **Q. Please state your educational background.**

12 A. I received a B.S. in Chemical Engineering from Carnegie-Mellon University in 1974.

Direct-WPS-Peters-1

1 **Q. Please describe your professional experience.**

2 A. I have over thirty-five years of professional experience in the environmental control  
3 industry. I spent the first fourteen years (1974 to 1988) of my career at Wheelabrator Air  
4 Pollution Control Division (now Siemens), where I was involved in the early  
5 development of Dry Flue Gas Desulfurization (“FGD”) systems, followed by twenty-  
6 three years (1988-2012) at Hamon Research-Cottrell (including Air & Water  
7 Technologies and Research-Cottrell prior to the Hamon acquisition). Currently I am  
8 employed with Hamon Corporation. During my career, I have held a variety of positions  
9 primarily related to process engineering, product and technology development, and  
10 business development. I have a diverse technical background in environmental control  
11 technologies, including fabric filters, electrostatic precipitators, ReACT multi-pollutant  
12 control, dry and wet FGD systems, urea to ammonia systems, NO<sub>x</sub> control systems, and  
13 fluid dynamics. I also served on the board of directors of the Institute of Clean Air  
14 Companies from 2000 to 2010.

15 **Q. What is the purpose of your testimony?**

16 A. The purpose of my testimony is to introduce the Commission to the ReACT multi-  
17 pollutant control system, including its process, history, pollutant removal capabilities, and  
18 its benefits over other potential control technologies for Wisconsin Public Service  
19 Corporation’s (“WPSC”) Weston Unit 3.

20 **Q. What is ReACT?**

21 A. Regenerative Activated Coke Technology (“ReACT”) is an advanced multi-pollutant  
22 technology that uses activated coke (“AC”) to reduce SO<sub>2</sub> emissions, with a coincident  
23 reduction of NO<sub>x</sub>, mercury, and other pollutants. ReACT technology has been

1           Both WFGD and DFGD processes consume significant quantities of water in the  
2 process, and WFGD processes have large liquid bleed streams that must be further  
3 processed. ReACT minimizes wastes, creates a saleable by-product and has only minor  
4 water usage.

5           ReACT also can achieve NOx reductions, which are not available from WFGD or  
6 DFGD systems, and provides high level co-benefit mercury reduction, where DFGD and  
7 WFGD systems may have to incorporate ACI systems or may have issues with mercury  
8 re-release.

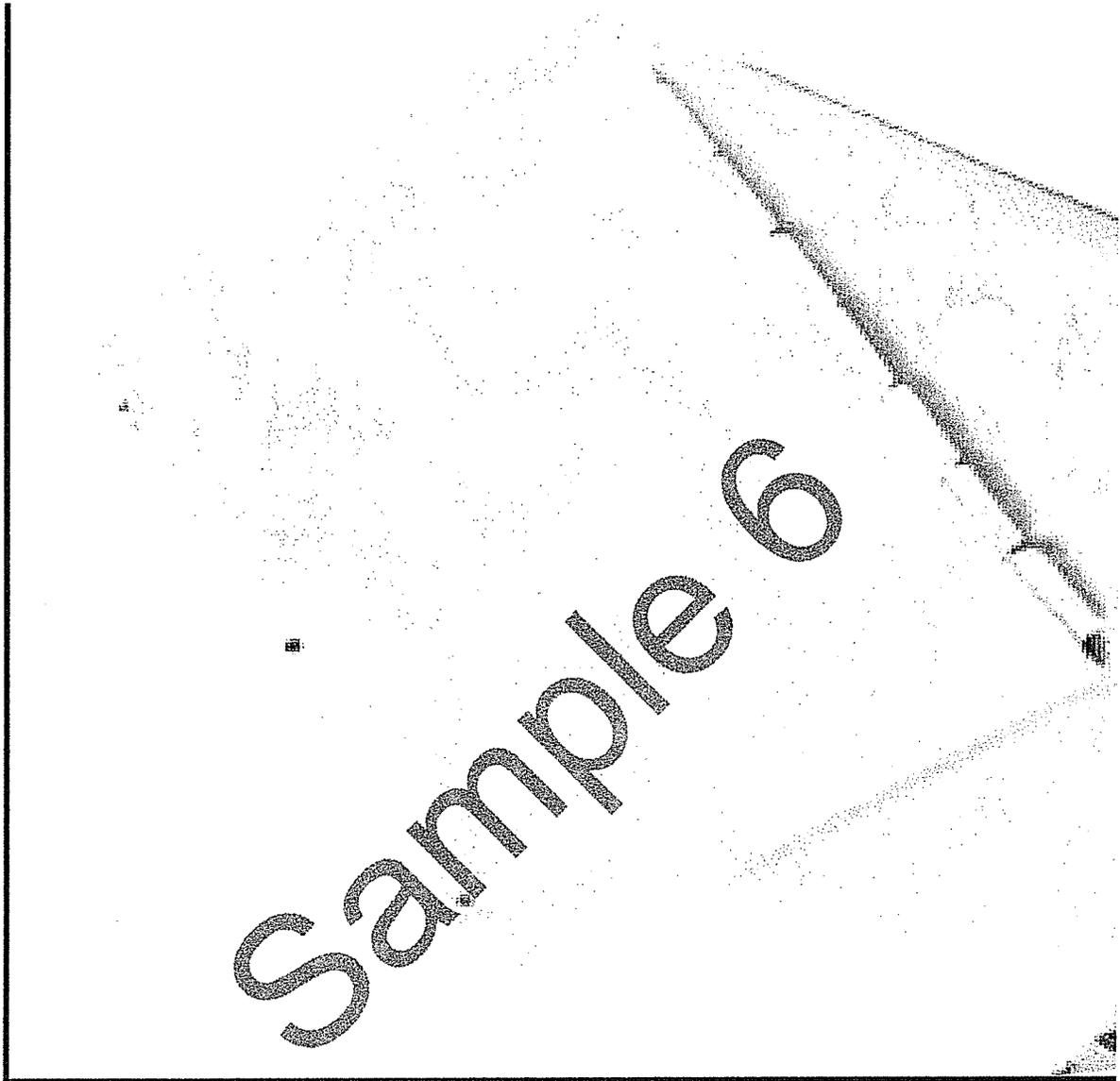
9   **Q.   Does this conclude your pre-filed direct testimony?**

10   **A.   Yes.**

Sample 5

# **Sample 6**

## Applicant Direct Testimony (post-filing, hard copy)



**Tab –**

**Direct-WPL-Guelker**

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF WISCONSIN**

Application of Wisconsin Power and Light  
Company to Install a Dry Flue Gas  
Desulfurization System at the Edgewater  
Generating Station on Unit 5

Docket No. 6680-CE-174

**PRE-FILED DIRECT TESTIMONY OF  
Eric J. Guelker  
FOR  
WISCONSIN POWER AND LIGHT COMPANY**

November 13, 2012

- 1 **Q. Please state your name, business address, and employer.**
- 2 **A. My name is Eric J. Guelker and my business address is 4902 North Biltmore Lane, Suite**
- 3 **1000, Madison, Wisconsin 53718.**
- 4 **Q. By whom are you employed and in what capacity?**
- 5 **A. I am employed by Alliant Energy Corporate Services, Inc. ("AECS") as Director of**
- 6 **Environmental Planning. In this capacity, I oversee and perform planning activities**
- 7 **associated with Wisconsin Power and Light Company's ("WPL" or "Company") current**
- 8 **and future power plant air emissions.**
- 9 **Q. Please provide your educational background.**

1 A. I received a B.S. Degree in Electrical Engineering from the University of Wisconsin –  
2 Madison in December 1990. I also received an Executive Masters of Business  
3 Administration degree from the University of Wisconsin – Madison in May 2001.

4 Q. Please describe your work experience.

5 A. I was employed by WPL from January 1990 through August 1994, working primarily in  
6 Generation Planning and Bulk Power Marketing. From September 1994 through May  
7 1998, I was employed by Goldman, Sachs, and Co. as a natural gas trader. I was  
8 employed by AECS in May 1998 as a Lead Energy Portfolio Management Engineer,  
9 worked as Manager - Bulk Power for AECS from March 1999 until November 2005, and  
10 began working in the environmental services department in November 2005.

11 Q. Have you testified in previous regulatory proceedings before the Public Service  
12 Commission of Wisconsin (PSCW)?

13 A. Yes. I have testified in both construction proceedings (05-CE-137; 05-CE-138; 6680-  
14 CE-170) and rate proceedings (6680-RR-104; 6680-UR-110; 6680-UR-111; 6680-UR-  
15 112; and 6680-UR-114.)

16 Q. What is the purpose of your testimony?

17 A. The purpose of my testimony is to discuss the need to install air emissions controls to  
18 reduce SO<sub>2</sub> emissions at the Edgewater Generating Station Unit 5, located in Sheboygan,  
19 Wisconsin. First, I discuss the project in the context of the WPL environmental  
20 compliance strategy including how it fulfills core principles that WPL uses in its air  
21 emissions planning. Second, I review the current and expected regulations related to SO<sub>2</sub>  
22 emission reductions and discuss how the project has been designed to satisfy these  
23 requirements. Finally, I provide information related to how the project will satisfy SO<sub>2</sub>

1 emission reduction requirements that would likely be required in any potential settlement  
2 that WPL, the EPA, and Sierra Club reach regarding alleged New Source Review (NSR)  
3 and Prevention of Significant Deterioration (PSD) air permitting violations.

4 **Q. What does one need to consider when developing an air emissions plan that**  
5 **addresses multiple types of emissions?**

6 A. Air emissions planning incorporating multiple types of emissions (e.g., SO<sub>2</sub>, NO<sub>x</sub> and  
7 mercury) requires evaluating current and potential future air emission rules and  
8 regulations and associated impacts to compliance. Understanding the regulatory  
9 framework governing current, proposed, and anticipated air emission requirements is  
10 essential to developing a flexible air emission plan that can adjust to changes in  
11 regulatory requirements. It is also important to consider and understand the linkages  
12 between one type of emission and another (e.g., SO<sub>2</sub> and PM<sub>2.5</sub>) as well as the impact of  
13 reducing one type of emission on the amounts of the others emitted (e.g., SO<sub>2</sub> and  
14 mercury).

15 **Q. What core principles does WPL use in its air emissions planning?**

16 A. Two basic principles form the foundation of WPL's approach to conducting its air  
17 emission planning. The first principle is to focus on a long-term compliance strategy,  
18 rather than only a step-by-step compliance strategy. The second principle is to  
19 implement high value-added emission control projects.

20 **Q. What does it mean to focus on a long-term rather than only a step-by-step**  
21 **compliance strategy?**

22 A. Focusing on a long-term rather than only a step-by-step compliance strategy requires  
23 adopting a planning time horizon that encompasses the remaining life of the plant or unit

1 in question or the expected useful life of emission controls installed, whichever is shorter.  
2 Instead of thinking only about compliance with the existing environmental rules and  
3 regulations, this approach requires one to consider current, proposed and anticipated  
4 environmental rules and regulations. Ideally, one would even go beyond these rules and  
5 regulations and consider all rules and regulations that will likely be in effect during the  
6 remaining life of the plant or the expected useful life of the emission controls installed to  
7 the extent they can be foreseen. In the current case, for example, the expected useful life  
8 of the proposed dry Flue Gas Desulfurization ("FGD") and fabric filter system  
9 (collectively "Control System") is year 2045, the remainder of the assumed operating life  
10 of Edgewater Unit 5. To the extent possible, WPL strives to consider all environmental  
11 rules and regulations that may apply during that time horizon.

12 **Q. What does it mean to implement high value-added emission control projects?**

13 **A.** Emission control projects create or add value by accomplishing two basic goals. First,  
14 the projects create value by providing direct environmental benefits. In the case of this  
15 project, the primary direct environmental benefits include the achieved reductions in the  
16 emissions of SO<sub>2</sub> into the atmosphere. Typically, greater reductions translate into greater  
17 direct environmental benefits. Second, the projects add value by enabling WPL to meet  
18 not only current, but also future compliance requirements. Combining the direct  
19 environmental benefits with the ability to meet compliance requirements yields a more  
20 comprehensive assessment of the value added by an emission control project.

21 **Q. Explain how this project fits within the environmental compliance strategy for**  
22 **WPL.**

1 A. WPL's environmental compliance strategy focuses on enabling long-term operation of its  
2 larger coal-fired units. Edgewater Unit 5 is one of the larger coal-fired units in WPL's  
3 fleet. Consistent with its strategy, WPL plans to invest in environmental control  
4 equipment necessary to enable long-term unit operation. The installation of the Control  
5 System on Edgewater Unit 5 reduces SO<sub>2</sub> emissions in a sufficiently large amount that  
6 WPL believes is adequate to satisfy stringent SO<sub>2</sub> emission requirements, unit-specific or  
7 otherwise, presumed over the remaining life of the unit.

8 **Q. How does this project focus on a long-term rather than only a step-by-step  
9 compliance strategy?**

10 A. This project supports compliance with current, proposed, and anticipated environmental  
11 rules and regulations that are or will likely be in effect during the remaining life of the  
12 plant. The project will enable Edgewater Unit 5 to contribute to the SO<sub>2</sub> emission  
13 reductions required within the WPL generation fleet for compliance with the Clean Air  
14 Interstate Rule ("CAIR"), the Cross State Air Pollution Rule ("CSAPR"), or the  
15 successor to CAIR or CSAPR. The Control System will also likely satisfy future SO<sub>2</sub>  
16 emission requirements that the State of Wisconsin may enact to preserve ambient air  
17 quality.

18 **Q. What air pollutant rule currently sets the SO<sub>2</sub> emission reduction standards that  
19 WPL needs to meet at Edgewater Unit 5?**

20 A. At present, the SO<sub>2</sub> emission reduction standards that WPL needs to meet at Edgewater  
21 Unit 5 are those promulgated pursuant to CAIR. In 2008, the U.S. Court of Appeals for  
22 the District of Columbia Circuit ("Court") found that CAIR suffered from "fundamental

1       flaws” and therefore ordered EPA to issue a new rule. The Court agreed, however, to  
2       allow CAIR to remain in effect until a replacement rule was in place.

3               The CSAPR, known as the “Transport Rule” when it was issued as a proposed  
4       rule in 2011, represented EPA’s effort to address the flaws in CAIR identified in the  
5       Court’s decision. But on August 21, 2012, the Court held that CSAPR exceeded EPA’s  
6       authority under the Clean Air Act’s “good neighbor” provision to order upwind states to  
7       reduce air pollutants “in amounts which will ...contribute significantly to nonattainment”  
8       in downwind states. The Court also invalidated EPA’s attempt to implement CSAPR  
9       through Federal Implementation Plans without providing an opportunity for states to  
10      implement it through State Implementation Plans if they chose to do so. Accordingly, the  
11      Court vacated CSAPR, but specifically ordered EPA “to continue to administer CAIR  
12      pending its development of a valid replacement,” though it “expect[ed] that EPA will  
13      proceed expeditiously on remand.”

14   **Q. Are there any other air pollutant requirements facing Edgewater Unit 5?**

15   A. Sierra Club and EPA have alleged violations of the PSD provisions of the Clean Air Act.  
16      WPL is in negotiations to resolve those allegations. While negotiations are not complete,  
17      WPL believes that the Control System would achieve the emissions limitations likely to  
18      be included in a Consent Decree resolving these alleged violations that WPL may enter  
19      into with EPA and Sierra Club.

20   **Q. What are the SO<sub>2</sub> emission reductions required by CAIR?**

21   A. CAIR establishes a large regional cap-and-trade system that allows unrestricted  
22      allowance trading between sources regulated by it. CAIR uses existing Acid Rain  
23      Program (“ARP”) allowances to meet its SO<sub>2</sub> emission requirements. To comply with

1 CAIR SO<sub>2</sub> emission requirements, WPL must annually surrender to the EPA an amount  
2 of SO<sub>2</sub> emission ARP allowances (as adjusted by CAIR through changes to the allowance  
3 surrender rate) equal to WPL's actual annual SO<sub>2</sub> emissions. CAIR increases the rate of  
4 ARP allowance surrender in two phases. WPL is currently subject to CAIR Phase I  
5 requirements in which the rate of allowance surrender is two ARP allowances per ton of  
6 SO<sub>2</sub> emissions. CAIR Phase II requirements begin in 2015. In 2015 and subsequent  
7 years, the rate of allowance surrender increases to 2.86 ARP allowances per ton of SO<sub>2</sub>  
8 emissions. As a result, WPL's annual SO<sub>2</sub> emissions (including WPL's share of jointly  
9 owned units) will be limited to approximately 12,700 tons assuming that WPL does not  
10 have additional emission allowances beyond those allocated to it available to use for  
11 compliance. Additional emissions allowances may be available to WPL as a result of  
12 third party purchases or prior year excess allowances that WPL banked for future use.  
13 Under CAIR, SO<sub>2</sub> allowance allocations are not retired when a generating unit retires.

14 **Q. How does this project contribute to WPL's plan to comply with CAIR?**

15 A. The proposed Control System at Edgewater Unit 5, together with the emission control  
16 systems being installed at the Columbia Units 1 and 2, and proposed operational changes  
17 at Edgewater Units 3 and 4, and Nelson Dewey 1 and 2, enables WPL to comply with the  
18 CAIR Phase II SO<sub>2</sub> emission reduction requirements. When WPL's plan is completely  
19 implemented, WPL anticipates total annual SO<sub>2</sub> emissions of approximately 2,100 tons  
20 from the WPL coal fleet.

21 **Q. What are the SO<sub>2</sub> emission reductions required by CSAPR before it was vacated?**

22 A. The CSAPR essentially established a state-wide annual SO<sub>2</sub> emission cap. Although  
23 each applicable electric generating unit received an allocation of emission allowances,

1 compliance with CSAPR could have been managed on a fleet-wide basis because  
2 emission allowances could be transferred between different units within the fleet.  
3 Complying with CSAPR would have required units to surrender one CSAPR allowance  
4 for each ton of pollutant emitted. Units could purchase additional CSAPR allowances to  
5 surrender if their emissions exceed their allowance allocations. Beginning in 2014,  
6 CSAPR could have penalized compliance pools (generating units having a common  
7 Designated Representative) whose emissions exceed their allowance allocation by 18%  
8 or more for annual SO<sub>2</sub> emissions. Unlike CAIR, CSAPR also required emission  
9 allowance allocations to end in the fifth year after a unit ceases operation for two  
10 consecutive calendar years (this is one major difference between CAIR and CSAPR). In  
11 the period after WPL's planned unit operational changes, including the reduction in  
12 allocated allowances due to unit retirements, WPL's annual CSAPR SO<sub>2</sub> emission  
13 allowance allocations would have been approximately 6,000 tons. This means that  
14 WPL's annual SO<sub>2</sub> emissions (including WPL's share of jointly owned units) would have  
15 been limited to approximately 6,000 tons assuming that WPL does not have additional  
16 emission allowances beyond those allocated to it available to use for compliance.  
17 Additional emissions allowances may be available to WPL as a result of third party  
18 purchases or prior year excess allowances that WPL banked for future use.

19 **Q. How does this project contribute to WPL's plan to comply with CSAPR before it**  
20 **was vacated?**

21 **A. The proposed Control System at Edgewater Unit 5, together with the emission control**  
22 **systems being installed at the Columbia Units 1 and 2, and proposed operational changes**  
23 **at Edgewater Units 3 and 4, and Nelson Dewey 1 and 2, would have enabled WPL to**

1 comply with SO<sub>2</sub> emission reduction requirements of CSAPR. Without the proposed  
2 project, WPL would exceed its annual CSAPR SO<sub>2</sub> emission allocation by approximately  
3 3,500 tons, which would have subjected WPL to potential CSAPR assurance provision  
4 related penalties.

5 **Q. What is the status of CAIR and CSAPR?**

6 A. As mentioned earlier in my testimony, the recent ruling by a three-judge panel of the  
7 Court vacated CSAPR and requires EPA to continue administering CAIR pending the  
8 promulgation of a valid replacement rule.

9 On October 5, 2012, EPA and other parties including representatives from several  
10 states and municipalities, industry groups, and organizations such as the American Lung  
11 Association, petitioned for rehearing of the decision by the three-judge panel of the Court  
12 by all eight judges of the Court (a rehearing en banc). Rather than dismissing the  
13 petitions outright, the Court asked the parties who prevailed in front of the three-judge  
14 panel to respond to the request for rehearing en banc by November 16, 2012. If the  
15 petition for rehearing en banc is ultimately denied, the EPA can still seek review by the  
16 U.S. Supreme Court. The EPA could also reconsider the CSAPR and address the flaws  
17 identified in the Court ruling through a revised rulemaking that it initiates.

18 Because of all these procedural steps, it is reasonable to expect that CAIR will  
19 remain in place at least through 2013 and, if EPA engages in rulemaking to promulgate a  
20 CAIR replacement rule, CAIR may remain in place for several years beyond this. WPL  
21 anticipates that federal or state implemented regulations that address the interstate  
22 transport of pollutants including SO<sub>2</sub> with compliance requirements that are similar to

1 CAIR or CSAPR will ultimately occur. However, it is also possible that a replacement  
2 rule requiring unit-specific SO<sub>2</sub> emission reductions could be developed.

3 **Q. What impact would changes to air pollution rules have on this project?**

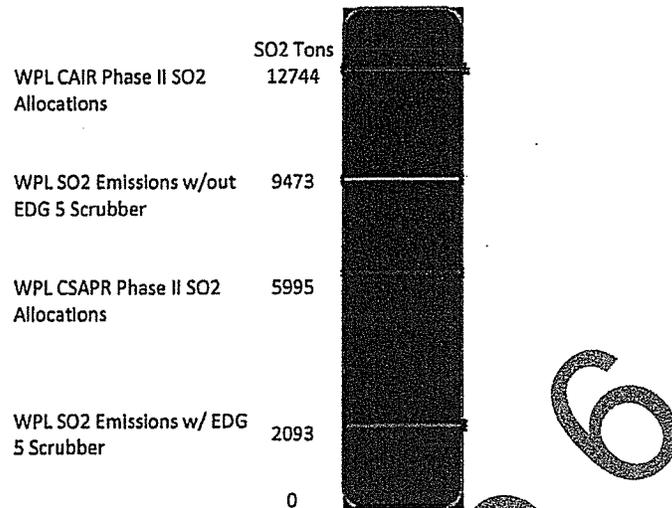
4 A. WPL anticipates the issuance of a successor to CAIR or CSAPR that addresses the  
5 interstate transport of SO<sub>2</sub> emissions. Regardless of possible rule changes, WPL believes  
6 it is unlikely that any changes to this project would be required. The Control System  
7 proposed would likely be able to satisfy any fleet-wide or unit-specific SO<sub>2</sub> emission  
8 reduction requirement that the changed air pollution rules would impose upon it, resulting  
9 in SO<sub>2</sub> emissions at Edgewater Unit 5 comparable to those at other similarly situated  
10 units.

11 **Q. Can you provide some perspective of what this uncertainty in rule outcome looks  
12 like relative to the proposed project?**

13 A. Chart 1 compares WPL fleet-wide SO<sub>2</sub> emissions with and without the proposed Control  
14 System at Edgewater Unit 5 with the Phase II CAIR and CSAPR SO<sub>2</sub> emission  
15 requirements. CAIR establishes an upper bound for WPL SO<sub>2</sub> emission requirements  
16 and the now vacated CSAPR establishes a lower bound. As indicated in Chart 1, WPL's  
17 SO<sub>2</sub> emissions with the proposed Control System at Edgewater Unit 5 satisfy both the  
18 CAIR and CSAPR SO<sub>2</sub> emission requirements; however, without the Control System  
19 installed, CSAPR SO<sub>2</sub> emission requirements are not satisfied.

1

Chart 1 – Comparison of WPL SO<sub>2</sub> Emissions and Rule Reduction Targets



2

3

4

**Q. How will this project reduce SO<sub>2</sub> emissions from Edgewater?**

5

**A.** SO<sub>2</sub> emissions will be reduced through the installation of the DFGD and baghouse system.

6

7

**Q. How much will the project reduce SO<sub>2</sub> emissions from Edgewater Unit 5?**

8

**A.** WPL expects SO<sub>2</sub> emissions from Edgewater Unit 5 to be reduced by roughly 90% after completion of the proposed Control System project. Over a 30-year period, the proposed Control System is expected to remove over 220,000 tons of SO<sub>2</sub> emissions from Edgewater Unit 5. On an annual basis, expected SO<sub>2</sub> emission reductions will be approximately 7,500 tons.

10

11

12

13

**Q. What would the SO<sub>2</sub> emission profile look like for Edgewater Unit 5 if the Control System is not installed?**

14

1 A. If the Control System is not installed, Edgewater Unit 5 will have the highest annual SO<sub>2</sub>  
2 emissions within the State, assuming all control projects currently planned are  
3 implemented and operated, and those controls that are already in place are operated.  
4 WPL reported 8,340 tons of SO<sub>2</sub> emissions from Edgewater Unit 5 in 2011. WPL  
5 expects that future SO<sub>2</sub> emissions from Edgewater Unit 5 will be at least this high if  
6 controls are not installed.

7 **Q. Describe the additional environmental impacts associated with the proposed project.**

8 A. The proposed project will have co-benefit reductions of mercury, acid gases, and other  
9 hazardous air pollutants. Controlling SO<sub>2</sub> emissions will reduce acid rain and the  
10 formation of fine particulate matter in the atmosphere. The proposed project will result  
11 in the addition of approximately 35 gallons per minute of water usage in the DFGD.  
12 Additionally, the project will generate a DFGD byproduct, which will be disposed at  
13 Edgewater's ash landfill, unless a beneficial use can be found for this material. There are  
14 no other significant anticipated environmental impacts from this project.

15 **Q. How does the possibility of a settlement with EPA impact this project?**

16 A. If WPL reaches a settlement with EPA, this project would likely be able to achieve any  
17 required SO<sub>2</sub> emission rate at Edgewater Unit 5, as well as support Edgewater Unit 5 and  
18 the Edgewater station's compliance with other requirements included in the settlement.  
19 A settlement will likely contain a specific date at which these requirements must be met  
20 whereas the successor to CSAPR will likely allow some flexibility in the timing of the  
21 SO<sub>2</sub> emission reductions and hence the completion of this project. Therefore, a  
22 settlement will likely affect the specific timing of the proposed project, but not the long-

1 term need for it based upon emerging environmental rules and regulations including the  
2 successor to CSAPR.

3 **Q. How does this project reduce the financial risk associated with meeting future  
4 compliance requirements?**

5 A. WPL recognizes the uncertainty in scope and timing of potential environmental  
6 regulations. This project reduces financial risk associated with meeting future  
7 compliance or possible EPA settlement requirements by reducing the likelihood of the  
8 need to alter operations at or temporarily shut down Edgewater due to the inability to  
9 otherwise comply with potential requirements without installed controls. Altered  
10 operations or a temporary shutdown would likely result in increased near-term fuel and  
11 purchased power costs.

12 **Q. Does this conclude your pre-filed direct testimony?**

13 A. Yes.

Sample 6



Tab –

Ex.-WPL-Kreft-4

COVER PAGE

Ex-WPL-Kreft-4

WISCONSIN POWER AND LIGHT COMPANY

DOCKET 6680-CE-174

Application of Wisconsin Power and Light Company  
to Install a Dry Flue Gas Desulfurization on  
Edgewater Generating Station Unit 5

Filed November 13, 2012

**Average Annual Heat Rates, BTU/kWh, Net Generation:  
 Edgewater Unit 5 Compared With Other Coal-Fired Generators in Eastern Wisconsin**

**3-Year Average**

Company	Generating Station	Unit	Capacity in 2011 (MW)	3-Year Average Heat Rate	3-Year Rank	3-Year Percent of Generating Stations Compared
WEPCO	Elm Road	2	630	9,171	1	5%
WEPCO	Elm Road	1	630	9,666	2	10%
WEPCO	Pleasant Prairie	2	594	11,012	3	15%
WEPCO	Pleasant Prairie	1	594	11,101	4	20%
WPL	Columbia	1	545	10,559	5	25%
WPL	Columbia	2	542	10,604	6	30%
WPS	Weston	4	463	9,306	7	35%
WPL	Edgewater	5	419	10,224	8	40%
WPL	Edgewater	4	388	10,066	9	45%
WPS	Weston	3	324	10,490	10	50%
WEPCO	South Oak Creek	8	312	9,463	11	55%
WEPCO	South Oak Creek	7	298	9,817	12	60%
WEPCO	South Oak Creek	6	264	10,260	13	65%
WEPCO	South Oak Creek	5	261	10,325	14	70%
WEPCO	Valley	1	140	14,399	15	75%
WEPCO	Valley	2	140	14,994	16	80%
WPS	Pulliam	8	134	10,874	17	85%
WPS	Weston	2	80	10,662	18	90%
WPS	Pulliam	7	77	11,930	19	95%
WPS	Pulliam	5	77	14,243	20	100%

**Average Annual Heat Rates, BTU/kWh, Net Generation:  
 Edgewater Unit 5 Compared With Other Coal-Fired Generators in Eastern Wisconsin**

**5-Year Average**

Company	Generating Station	Unit	Capacity in 2011 (MW)	5-Year Average Heat Rate	5-Year Rank	5-Year Percent of Generating Stations Compared
WEPCO	South Oak Creek	8	312	9,553	1	5%
WPL	Edgewater	4	338	9,989	2	11%
WEPCO	South Oak Creek	7	298	10,082	3	16%
WEPCO	South Oak Creek	5	261	10,213	4	21%
WEPCO	South Oak Creek	6	264	10,253	5	26%
WPL	Edgewater	5	419	10,280	6	32%
WPS	Weston	3	324	10,473	7	37%
WPL	Columbia	1	545	10,480	8	42%
WPL	Columbia	2	542	10,539	9	47%
WPS	Weston	2	80	10,702	10	53%
WPS	Pulliam	8	134	10,843	11	58%
WEPCO	Pleasant Prairie	2	594	10,914	12	63%
WEPCO	Pleasant Prairie	1	594	11,049	13	68%
WPS	Pulliam	7	77	11,883	14	74%
WPS	Pulliam	6	71	12,467	15	79%
WPS	Weston	1	57	13,247	16	84%
WPS	Pulliam	5	77	13,782	17	89%
WEPCO	Valley	1	140	13,900	18	95%
WEPCO	Valley	2	140	14,414	19	100%

**Average Annual Heat Rates, BTU/kWh, Net Generation:  
 Edgewater Unit 5 Compared With Other Coal-Fired Generators in Eastern Wisconsin**

**10-Year Average**

Company	Generating Station	Unit	Capacity in 2011 (MW)	10-Year Average Heat Rate	10-Year Rank	10-Year Percent of Generating Stations Compared
WEPCO	South Oak Creek	8	312	9,667	1	5%
WPL	Edgewater	4	338	9,916	2	11%
WEPCO	South Oak Creek	7	298	10,037	3	16%
WEPCO	South Oak Creek	5	261	10,077	4	21%
WEPCO	South Oak Creek	6	264	10,145	5	26%
WPL	Edgewater	5	419	10,267	6	32%
WPS	Weston	3	324	10,388	7	37%
WPL	Columbia	2	542	10,616	8	42%
WPL	Columbia	1	545	10,633	9	47%
WPS	Pulliam	8	134	10,666	10	53%
WPS	Weston	2	80	10,766	11	58%
WEPCO	Pleasant Prairie	2	594	10,828	12	63%
WEPCO	Pleasant Prairie	1	594	10,895	13	68%
WPS	Pulliam	7	77	11,619	14	74%
WPS	Pulliam	6	71	12,327	15	79%
WPS	Weston	1	57	13,221	16	84%
WPS	Pulliam	5	77	13,327	17	89%
WEPCO	Valley	1	140	13,654	18	95%
WEPCO	Valley	2	140	13,912	19	100%