



To: Members of the Senate Committee on Elections and Utilities

Date: October 24, 2017

From: Sarah Barry, Director of Government Relations

Re: Opposition to SB 475, Settlement Changes for PSC Dockets

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air and clean energy issues. We were founded forty-seven years ago as Wisconsin's Environmental Decade and we have 20,000 members and supporters around the state.

Clean Wisconsin objects to specific provisions in Senate Bill 475 related to Public Service Commission docket settlements (beginning on Page 20, Line 11).

The bill codifies the settlement process in Public Service Commission cases dealing with energy rates, power lines, and utility construction. A settlement is a process that can promote efficiency and save resources in PSC dockets by allowing all the parties to a case to come to an agreement. By its very nature, an agreement should be between all parties. That is the very definition of a settlement agreement.

SB 475 allows a “settlement” to happen without all parties agreeing. Requiring unanimous agreement incentivizes all parties to share all the information requested prior to a settlement. This provides a robust record for the PSC to consider. They will have all the information they need to determine everything outlined in the bill: presentation of evidence, the agreement is in the public interest, it is a fair and reasonable resolution, it complies with applicable law, and resulting rates are just and reasonable.

Without unanimity, important information may not be disclosed. This new process shifts the burden of proof onto the party that objects to a settlement because they must provide the evidence to support their position. Currently, Chapter 196 requires the applicant to present clear and convincing evidence to support their position. The settlement process in the bill is a big change, and one that Clean Wisconsin objects to because it is not in the public interest.

Clean Wisconsin will support the proposal with an amendment that requires any settlements to be unanimous prior to presentation to the Public Service Commission.

Clean Wisconsin supports fair Public Service Commission procedures that ensure all stakeholders have a voice and that the burden of proof remains with applicants in cases related to energy rates, power lines, and utility construction.