

# **Citizens Utility Board**

## **Annual Report**

**January 1 - December 31, 2011**



**CUB  
BOARD OF DIRECTORS**

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Madison

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**Associate Director**

Phil Kerckhoff

**Research Director**

Dennis Dums

**General Counsel**

Kira Loehr

**Manager of Communications  
& Outreach**

Richard Storck



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# From the Executive Director

Welcome to CUB's annual report of our activities for 2011. CUB had a good year in 2011, saving utility customers over \$143 million on electricity rates.

These savings came from the hard work of CUB staff, especially general counsel Kira Loehr and research director Dennis Dums, along with the expert witnesses and attorneys we hire on a case by case basis.

During 2011, Kira and Dennis led our efforts in many regulatory cases at the Public Service Commission of Wisconsin (PSC), the agency that regulates electric, natural gas, and water utilities.

Whenever the utilities want to increase rates, or build a new power plant, gas pipeline, or water facility, they need to get permission from the PSC. CUB "intervenes" in these cases, representing the interests of residential, farm, and small business customers of the utilities.

The 2011 savings to ratepayers came from CUB's intervention in regulatory cases involving the state's major utilities. CUB staff and consultants made numerous suggestions for how rates could be lowered, and thankfully, the commissioners and staff of the PSC followed much of our advice, and reduced the size of the electric rate increases by over \$143 million.

For customers of Alliant Energy, the PSC lowered Alliant's rate request by \$22 million, based on recommendations from CUB. Similarly, the savings to customers of Madison Gas & Electric were \$14.5 million, \$42 million for customers of We Energies, \$61.5 million for customers of Wisconsin Public Service Corp., and \$3.6 million for customers of Xcel Energy.

You wouldn't believe the arcane nature of utility regulation. Some of the details of our regulatory cases are mentioned in this annual report. My apologies if some of the descriptions include terms like "equivalent forced outage rates" and "day-ahead make whole payments," but that's why CUB is here: to represent your interests in the complex world of utility regulation.

It wasn't all roses in 2011. The PSC, utilities, industrial customers, and even legislators continued the march to provide subsidies to large industrial customers, and the subsidies will likely be paid for by residential customers and small businesses. In other words, your rates may be going up to pay for subsidies given to big businesses. CUB has opposed these discounted rates every step of the way, because it is simply unfair, and against the law, to force groups of ratepayers to pay higher



rates to provide subsidies to other ratepayers.

The supporters of these subsidized rates like to call them "economic development rates," to fool people in believing they will help retain businesses and spur new jobs, even though most of these rates have no requirements for creating new jobs or for increased business sales. Worse yet, these rates may increase utility profits, since the utilities will do everything they can to have residential customers and small businesses pay for the subsidies through higher electric rates.

Fortunately, legislation that would have made these subsidized rates legal failed in committee, but we're worried similar bills will come back in the future. CUB will continue opposing these subsidized rates at the PSC, the Legislature, and if necessary, the courts.

Back to good news, at the end of 2011, CUB unveiled an updated website. Communications and outreach manager Rich Storck led the effort to upgrade the website, with considerable support from associate director Phil Kerckhoff. The new website allows you to contact your elected officials regarding utility issues, and it shows you the latest news regarding energy issues in Wisconsin and elsewhere.

CUB also has new email capabilities to keep members abreast of CUB activities and action alerts, plus we're using social media networks like Facebook and Twitter to keep you in the loop on utility issues.

As always, I'd like to thank several organizations and foundations that have provided critical grants to support our operations: the Public Service Commission of Wisconsin, the Energy Foundation, and the RE-AMP Project.

But most importantly, I'd like to thank you, our Members, for your support in making 2011 another successful year for CUB.

# 2011 In Review

## Legal Activities

### **Bent Tree Wind Farm**

On August 28, 2009, CUB and the Wisconsin Industrial Energy Group filed a lawsuit against the Public Service Commission for ignoring state law in approving a 200-megawatt wind power project called the Bent Tree Wind Farm, which is located in Minnesota.

The wind farm is now operating, and is owned by Alliant Energy, and is being paid for by Alliant's Wisconsin customers.

CUB and WIEG contend that the PSC should have reviewed the project for a "certificate of public convenience and necessity," or CPCN, which requires a more thorough review than projects reviewed for a "certificate of authority," or CA. The PSC issued a CA for the project on June 30, 2009.

In filing the lawsuit, WIEG and CUB argued that the PSC ignored Wisconsin law, which states that a utility cannot build a power plant of 100 megawatts or more unless the utility has received a CPCN.

This case is of statewide importance because significantly less review by the PSC is required in granting a CA, and customer groups like CUB and WIEG may have no opportunity to provide testimony and legal opinions regarding a proposed project's appropriateness for providing Wisconsin consumers with electricity at reasonable prices.

Though the Dane County circuit court rejected our lawsuit on September 22, 2010, the Wisconsin Court of Appeals "certified" our case to the Wisconsin Supreme Court on November 23, 2011, and the Supreme Court accepted our case on December 14, 2011. CUB general counsel Kira Loehr represented CUB and WIEG in oral arguments before the court on April 17, 2012. We hope for a decision by the court by August 2012.

## Legislative Activities

### **"Economic Development Rates,"**

AB 145 & SB 102.

These bills would have forced residential and small business customers

to pay higher electric rates so that utilities could offer discounted electric rates to big industries. Under the guise of creating jobs, the bill required neither business expansion nor job creation. Had these bills passed, your electric rates would have gone up to subsidize lower rates for large businesses and potentially higher profits for utilities. CUB fought these bills and they failed in committee.

### **"Suspension of Wind Farm Placement Rules,"** AB 72 & SB 50.

These bills would have made it very difficult to build renewable energy wind farms in Wisconsin. Legislators tried to permanently suspend administrative rules for the placement of wind farms established by the Public Service Commission after a multi-year process. CUB supports the wind farm placement rules because they set reasonable setback and noise standards for wind farms, allowing wind farms to be placed without unreasonably disturbing neighbors. CUB fought these bills to suspend the rules, and the Senate bill was pulled from the Senate floor without enough votes for passage.

### **"Land Line Phone Deregulation,"**

January Special Session, SB 13, enacted as 2011 Wisconsin Act 22.

This new law removes the ability of the PSC to regulate telephone service, or to handle consumer complaints. Telephone companies that provide landline telephone service can now raise telephone rates as high as they want, and after April 2013, they no longer need to provide landline service at all. Though CUB successfully fought similar bills in the past, AT&T and other telephone companies rammed the bill through the Legislature in less than two weeks.

About 2 million landlines are in use in Wisconsin, with many elderly citizens preferring landline service. Further, many rural areas have landline phones, but don't have cell phone coverage, or Internet phones. We're worried that many people will soon be left with no phone service at all.

**"Less Support for Energy Efficiency Programs,"** AB 40, enacted as 2011 Wisconsin Act 32.

Despite a record of saving \$2 billion and creating more than 2,400 good jobs, the Legislature reversed funding increases for *Focus on Energy*, which helps Wisconsin households and businesses save money through energy efficiency. Unfortunately, the cuts to Focus on Energy will likely increase Wisconsin energy bills by at least \$700 million over the next three years, since homes and businesses will likely use more energy than they would have without the increased investments in energy efficiency. CUB urged the Legislature and Governor Scott Walker to restore the cuts to Focus on Energy, but they decided otherwise.

## Regulatory Cases

### **Alliant Energy, Economic Development Rates for Mercury Marine, 6680-GF-130**

On September 10, 2010, Alliant Energy applied for permission from the Public Service Commission to offer an economic development rate to Mercury Marine, an industrial company with a plant in Fond du Lac that makes engines for boats and other watercraft.

CUB opposes economic development rates because they usually force residential customers and small businesses to pay higher rates to subsidize the discounts given to industrial companies. Forcing a set of ratepayers to pay for subsidies that go to other ratepayers is a form of "rate discrimination," which has been prohibited by Wisconsin law for over 100 years. It's simply not fair to force ratepayers to pay higher rates while others receive lower rates with subsidized discounts.

CUB submitted comments in the Mercury Marine proceeding on August 15, 2011, noting our concerns against rates that allow utilities to pick winners and losers. In particular, CUB raised the concern that Mercury Marine had already decided to keep

continued on page 5 ➔

**Citizens Utility Board (CUB)** is a member-supported, nonprofit organization whose purpose is to:

- Provide public interest legal services to ensure effective and democratic representation of residential utility customers before regulatory agencies and the courts;
- Advocate for reliable, affordable, and sound utility service; and
- 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.

**Citizens Utility Board**

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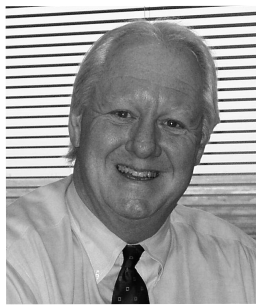
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## CUB Board Elections

### Thanks to Tim Lovett and Paula Hogan

Tim Lovett is stepping down after serving on the CUB Board since 2002.



Tim is an attorney in the Oconomowoc area, where he practices primarily in the legal areas of municipal law and zoning issues. He has also represented neighborhood groups on organizational matters, community issues, and before local planning boards and commissions.

Tim served as president of the CUB Board from 2005 to 2009. We greatly appreciate Tim's service on the CUB Board for over 10 years.



Paula Hogan is also stepping down after serving on the CUB Board since 2009.

Paula lives in Madison and is a journalist and author of numerous books and articles on environmental and natural history topics. Paula helped CUB navigate a strategic planning process, and helped with fundraising activities.

Many thanks to Paula for her contributions to CUB for the past three years.

### Please Vote for CUB Board of Directors!

It's election time to choose directors to serve on the CUB Board.

Current CUB members in good standing (that is, those who paid their membership dues during 2011 or 2012) are entitled to vote in this election. The return envelope enclosed in this newsletter is the election ballot. Please take a moment and cast your vote for the candidates for the Board.

The candidates include: Ms. Karyl Rice of Madison, who is running for her first term on the CUB Board; and Mr. Russell Wallace, who is running for re-election to a second term.

The CUB Board of Directors recommends and endorses the election of Karyl

and the re-election of Russell. Below are their biographies.

**Karyl Rice** of Madison seeks election to the CUB Board of Directors. Karyl (her first name is a Germanic variation of Carol) has more than 20 years of experience in real estate development, and she has a degree in construction management from the University of Wisconsin-Madison.

Karyl describes herself as a community activist and friend of the environment. As a member of the CUB Board, Karyl would like to support CUB's efforts in educating people about their utility. "We all use utilities, and we should work to ensure the affordability, safety, and environmentally sound delivery of utility services," said Karyl.

She also appreciates that CUB is a member-supported utility watchdog, whereas in other states, ratepayer advocacy is usually in the hands of an office of state government. According to Karyl, "Member driven associations are strengthened through knowledge and participation of the membership," and she believes strongly in individual participation, plus "giving back" when one is able.

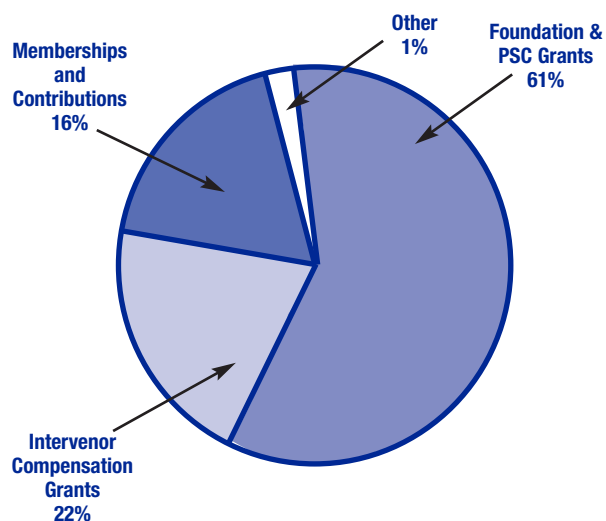
**Russell Wallace** of Madison seeks re-election to the CUB Board of Directors. Russell was appointed to the Board in October 2008, and elected to the Board in the June 2009.

Russell believes in CUB's mission to represent groups that otherwise would not have a voice in the utility regulation process. "Regulated monopolies function well only when every stakeholder has a seat at the table, and therefore, CUB's role is essential in helping the PSC properly balance the interests of consumers and utilities," said Russell.

Russell is a consulting electronic design engineer with an emphasis on electronic and mechanical design, PCB layout, technical and user manuals, field testing, and customer service. Russell has a degree in electric engineering from Cornell University in Ithaca, NY.

# 2011 Financials

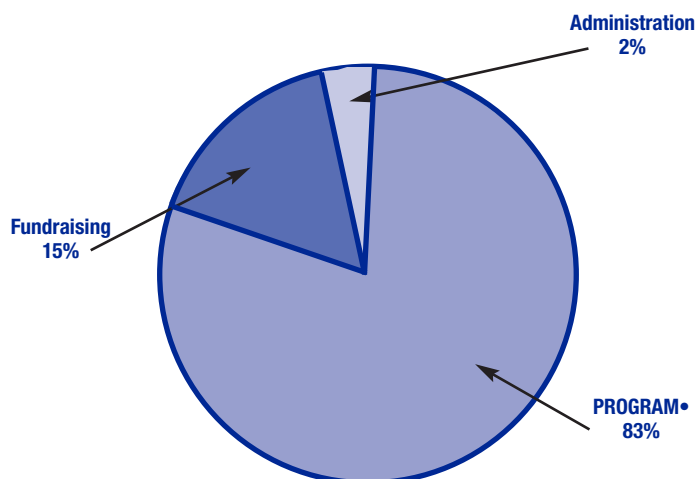
## 2011 Income by Source



### 2011 Income by Source

Memberships & Contributions	\$139,127	16%
Intervenor Compensation Grants	\$193,750	22%
Foundation Grants & PSC Grants	\$537,410	61%
Other	\$ 8,897	1%
<b>Total</b>	<b>\$879,184</b>	<b>100%</b>

## 2011 Expenses by Source



### 2011 Expenses by Source

Programs	\$701,993	83%
Administration	\$ 13,655	2%
Fundraising	\$126,954	15%
<b>Total</b>	<b>\$842,602</b>	<b>100%</b>

### Program Expenses by Activity

PSC Intervention	\$601,626	86%
Clean Energy	\$ 88,819	13%
Lobbying	\$ 11,548	2%
<b>Total</b>	<b>\$701,548</b>	<b>100%</b>

## ASSETS

### Current Assets

Cash	\$ 298,616
Grants & contracts receivable	53,913
Contributions receivables	1,160
Prepaid expenses	663
<b>Total current assets</b>	<b>354,352</b>

### Fixed Assets

Office equipment	22,242
Less: accumulated depreciation	21,388
<b>Net fixed assets</b>	<b>854</b>

**TOTAL ASSETS** \$ 355,206

## LIABILITIES & NET ASSETS

### Current Liabilities

Accounts payable	\$ 63,183
Accrued payroll & related	3,195
Accrued compensation absences	19,011
<b>Total current liabilities</b>	<b>85,389</b>

### Net Assets (Deficit)

Unrestricted net assets:	
Designated by Board for CUB legal & advocacy trust	\$ 8,867
Undesignated	96,501
<b>Total Unrestricted</b>	<b>105,368</b>
Temporarily Restricted	164,449
<b>Total net assets</b>	<b>269,817</b>

**TOTAL LIABILITIES & NET ASSETS** \$ 355,206

**Utility Names**

Over the years, utilities operating in Wisconsin have changed the names by which they do business. Nevertheless, they still use their older, formal names at the Public Service Commission.

Here's a quick guide for the larger utilities. If you want to review a utility's information at the Public Service Commission, be sure to use the formal name.

<u>Does Business As</u>	<u>Formal Name</u>
Alliant Energy	Wisconsin Power & Light
AT&T	Wisconsin Bell
Madison Gas & Electric	Madison Gas & Electric
We Energies	Wisconsin Electric Power Company
We Energies	Wisconsin Gas
Wisconsin Public Service Corporation	Wisconsin Public Service Corporation
Xcel Energy	Northern States Power



operations in Wisconsin before Alliant even applied for permission to offer economic development rates in November 2009. CUB asked, Why should Mercury Marine receive discounts if it is no longer threatening to leave Wisconsin and has turned things around financially?

The PSC issued its final decision on October 7, 2011, in support of allowing Mercury Marine to receive the economic development rate, which will provide Mercury Marine with about \$5 million in subsidies. All three commissioners said that the economic development rate was part of a package of incentives to keep Mercury Marine in Wisconsin, and therefore, Mercury Marine should get the rate. Alliant's shareholders will pick up the cost of the discount, though Alliant will probably ask to recover the discount from residential and small businesses in a future proceeding. CUB will challenge any attempt by Alliant or the PSC to force residential customers and small businesses to pay for subsidies given to Mercury Marine.

**Alliant Energy, Fuel Rules for 2012 Rates, 6680-FR-104**

On May 18, 2011, Alliant Energy filed an application with the Public Service Commission to increase electric rates in 2012 by \$13.4 million, or 1.3 percent, due to projected increases in the cost of fuel for making electricity.

Alliant updated its rate increase request to \$20.0 million, or 2.0 percent, on August 17, 2011, citing additional fuel costs due to air pollution rules recently promulgated by the U.S. Environmental Protection Agency. Updated numbers provided by PSC staff refined Alliant's request to \$30 million, or 3.1 percent.

CUB intervened in this proceeding, and hired Resource Insight as an expert witness. Resource Insight reviewed revenue allocation and rate design, the reasonableness of the proposed fuel cost plan, and analyzed whether Alliant's expected costs were appropriate for complying with the Cross-State Air Pollution Rule.

The PSC issued its final decision on December 23, 2011, allowing Alliant to increase electric rates by \$4.4 million, or 0.4 percent. The PSC agreed with CUB

and others and rejected Alliant's request to increase rates by \$22 million to comply with the air pollution rule (which was temporarily stayed on December 30, 2011).

**Madison Gas & Electric, Re-Opener for 2012 Rates, 3270-UR-117**

On May 4, 2011, MGE filed a request with the PSC to raise electric rates for 2012 by \$17.9 million, or 4.9 percent. MGE provided an update of its proposed rate hike on August 26, 2011, to \$21.5 million, or 5.9 percent. On November 10, 2011, it increased its request to \$35 million, or 9.7 percent, to recover costs associated with a federal rule on air pollution.

MGE said the other main drivers for the electric rate increase were projections of higher costs for fuel to make electricity, and higher costs to purchase electricity for re-sale to its customers.

CUB intervened in the case, and hired La Capra Associates as an expert witness to determine whether MGE's projection of fuel and purchased power costs were appropriate.

The PSC issued its final decision on December 15, 2011, and allowed MGE to increase electric rates by \$15.6 million, or 4.3 percent. The PSC agreed with CUB and others and rejected MGE's request to increase rates by \$14 million to comply with the Cross-State Air Pollution Rule (which was temporarily stayed on December 30, 2011).

Unfortunately, the PSC decided to raise the rates for residential customers and small businesses in part to pay for a discount to Airgas Merchant Gases, an industrial customer of MGE that distributes industrial, medical, and specialty gases. Airgas will receive about \$100,000 in subsidies through lower electric rates.

**City of Cudahy Water Utility, Request for Economic Development Rates, 1480-WR-105**

On August 11, 2011, the PSC opened an investigation into whether Cudahy Water Utility could create a new, reduced water rate for water-intensive businesses that relocate to the city or expand within the city.

CUB and Clean Wisconsin intervened in the docket, and then Cudahy withdrew its application to seek a new rate. Quoting PSC staff, “The Utility made this decision [to withdraw its application] after CUB and Clean Wisconsin filed to be intervenors in this case. The Utility wanted to avoid possible future expenses and negative publicity associated with the case.” CUB won, just for showing up!

**Whitewater Municipal Water Utility, Rates for Water, 6520-WR-104**

On April 29, 2011, Whitewater Municipal Water Utility submitted an application with the PSC to raise water rates by \$318,000 or 23 percent.

CUB intervened in the case and argued that Whitewater’s largest customer, LSP-Whitewater LP, which owns a 285 megawatt cogeneration power plant, was trying to shift costs onto residential ratepayers.

The PSC issued its decision on November 10, 2011. The PSC agreed with CUB and did not shift costs to other customers, as requested by LSP.

**We Energies, Fuel Rules for 2012, 6630-FR-103**

On August 3, 2011, We Energies filed an application with the PSC, requesting an increase in electric rates of \$50.0 million, or 1.8 percent, to cover higher costs for fuel to make electricity.

We Energies proposed to reduce the rate increase by \$26 million, which it received in a settlement with the U.S. Department of Energy regarding the federal government’s failure to take possession of nuclear waste from the Point Beach Nuclear Power Plant.

CUB intervened in the case and hired La Capra Associates as an expert witness.

The PSC issued its final decision on January 5, 2012, deciding that We Energies could not increase electricity rates.

In making its decision, the PSC agreed with CUB and reduced We Energies request by \$0.9 million regarding the appropriate time period for calculating “equivalent forced out-

age rates.” The PSC also agreed with CUB regarding the appropriate time period for estimating “day-ahead make whole payments” from the Midwest Independent Transmission System Operator (MISO), reducing the rate increase by \$2.4 million. The PSC also agreed with CUB that rates should not be increased by \$6.7 million, due to uncertainties regarding MISO “revenue sufficiency guarantee” tariffs that We Energies may or may not have to pay. In total, CUB saved ratepayers about \$10 million in this proceeding.

**We Energies, Rates for 2012, 5-UR-105**

On May 26, 2011, We Energies filed a request with the PSC, seeking no rate increase for 2012 if the PSC would allow various delays in charging ratepayers for some of the costs of providing electric service.

CUB intervened in the case, and argued it would be better if the PSC conducted a “full rate case,” in which all the projected revenues and costs of providing electricity service are reviewed, so that rates are set as accurately as possible. CUB was concerned that the request by We Energies for a zero rate increase would keep rates higher than they should be, especially in 2013 and after. The Wisconsin Industrial Energy Group also intervened and raised similar concerns.

On August 11, 2011, the PSC accepted We Energies’ offer of a zero rate increase for 2012, but ordered a hearing that took place on August 24 to determine if the We Energies request should be modified, as determined by a “mini-audit” conducted by PSC staff. At the hearing, CUB and WIEG argued that rates could be lower in future years if modifications were made to We Energies’ request.

Unfortunately, Chairman Phil Montgomery and Commissioner Ellen Nowak supported We Energies’ request on October 6, 2011, with Commissioner Eric Callisto dissenting. Montgomery and Nowak were swayed by We Energies’ contention that its proposal will result in no

increase in “base” electric rates. Callisto dissented because the process used in this proceeding failed to accurately determine the appropriate rates for We Energies.

**We Energies, Rates for Charter Steel, 6630-GF-132**

On May 3, 2010, the PSC approved a request by We Energies to offer “market-based rates” to Charter Steel, which operates an electric arc melting furnace and hot rolling mill in Saukville. On April 6, 2011, We Energies applied for permission to extend the contract with Charter Steel regarding market-based rates by four years, and the PSC approved this request on August 24, 2011.

CUB intervened in this proceeding to make sure the rates paid by Charter Steel would not be subsidized by other customers, as required in Wis. Stat. § 196.192, which allows utilities to offer market-based rates to customers.

Market-based rates allow a customer to purchase electricity at current prices offered in the electricity market run by the Midwest Independent Transmission System Operator. Current prices are “locational marginal prices,” or LMPs, which are the lowest marginal prices bid by generators in the MISO market, which spans a 12-state region in the upper Midwest. Since LMPs are based on marginal costs of producing electricity, they do not include fixed costs, which are typically 50 percent of the cost of producing electricity. Therefore, a customer paying market-based rates, which are based on LMPs, do not have to pay for the substantial fixed costs of producing electricity.

With a surplus of electricity in the MISO market, LMPs are very low, so Charter Steel is receiving considerable discounts for the electricity it purchases under market-based rates. Specifically, Charter is able to buy electricity at “LMPs + 20 percent” for electricity consumption above a threshold. For electricity purchased under the threshold, Charter pays regular rates.

# 2011 Friends of CUB

Those giving \$100 or more in total during the year.

Richard Abdo  
Grant Abert  
Debra Acker  
Steven Ahl  
Norman Akin  
Suzanne and William Ammerman  
Kai and Jill Andersen  
Diana Anderson  
Norman Bair  
David Barrett  
Warren Bauer  
Peter and Marie Becher  
David and Carolyn Benforado  
Charles Benish  
Todd I. Berens  
Michael Bergen  
Helen Bewick  
David Bjorklund  
Floyd and Barbara Blackmore  
Robert and Diane Bless  
Jonathan Blick  
Susanne Blix  
Jeffrey Blohm  
Dr Charles Boardman  
Dennis Bolstad  
Mary Borenz  
Adrian Bourque  
Todd Brachman  
Isabell Braun  
Melinda and Jack Brooks  
Jim and Nancy Bruins  
Lenore and Nicholas Burckel  
Elaine Burke  
Chip Burke  
Joan Burns  
Amy and Dave Calkins  
Margaret and Michael Cannestra  
Dennis and Jean Casper  
Vernon Childs  
Sandra Christensen  
Thomas and Joyce Christie  
Bill Christofferson  
Roxanne Ciatti  
Ione Clark  
Bill Colby  
Ernst and Jany Conrath  
Kenneth Cooley  
Cropp Cooperative Inc & Organic Valley  
Cecilia Coyle  
Nancy Crabb  
Kevin Crawford  
Lee Cullen  
Howard Czochke  
Philip Daub  
Robert De Mars  
Robert and Marina De Wet  
Dorothy Dean  
Warren and Nancy DeKraay  
John Delamater  
Rosario and Penny DePaola  
John Dixon  
Gretchen Doege  
Michael and Jean Donovan  
Warren and Ruth Downs  
Richard and Janice Doxtator  
John Duffin  
Margarita Dusek  
Ivan Eckholm  
Elmer and Harriet Eckland  
Dr Ivy Edelman  
Janis Edwards  
Frederick and Juanita Ehrke  
Betty Ermatinger  
Franklin Evans  
Robert Factor  
Camille Faherty  
Wendy Fearnside & Bruce Meier  
Herman Felstehausen  
Kristin and Robert Fewel  
James Fiala  
Mary and James Fico  
James and Barbara Fisher  
Nicole Fite  
Paul and Connie Flag  
Charles Flodquist  
Roberta Forman  
Marie Fraser  
Mary Clare Freeman  
Gary and Bonnie Friedman  
Susie Marie Fritz Jablonic  
Chuck Gates & Candy Schrank  
Jim Gebelian  
Robert Geiser  
Chris Geisler  
Chet Gerlach  
Rosemary Giesfeldt  
Barbara and Bradley Glass  
Ted Goeres  
Charles and Patricia Gohs  
James Gonyo  
Dorothy Gosting  
Roger and Marilyn Gottschalk  
Norma Gracey  
Robert Greenler  
Susan and Howard Gundlach  
Jon Hain & Stephanie Rearick  
Harold and Ruby Halfin  
Pinckney and Susan Hall  
Jean Hamann  
Jim Hammitt  
Jack Handley  
Eileen Hannigan  
James Harkonen  
Richard and Joan Haske  
Constance Hegerfeld  
Joseph and April Heindl  
James and Lynn Heindl  
Patrick Heinritz  
Gertrude Hessel  
Eileen Hesseling & James Pietrusz  
Peter Hewson  
Elizabeth Himpfel  
Jennifer Hirsch  
Peter and Suzanne Hirt  
Julie Hoel  
Anne Hoerburger  
Richard Honeyager  
Patrick Hourigan  
Kate Houston  
Geoff Hurtado  
John and Irene Igers  
Carmen Ilseman  
Norma Janecky  
Paulette Johnson  
James and Joan Johnston  
Ruth Jonen  
James and Joan Jones  
Lolita Kachel  
Fayth and Robert Kail  
Phil Kerckhoff  
Margaret Kindig  
Marna King  
David Kinyon  
Amy Kirkland  
Marian Klapperich  
Earl and Rosemarie Klossner  
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Mary Koenes  
Robert Kowal  
Norbert Kramer  
Bruce Krawisz  
Dora Kuehner  
Paul and Audrae Kulas  
Russel Kumrow  
Kathy Kuntz & Henry Huemmer  
Mary F Kurth  
Christopher LaForge & Amy Wilson  
Lawrence Landwehr  
Jennie Lane  
Barbara and George Larsen  
Willi Lehner  
Charles Lemke  
Mr. Francis Lewandowski  
Joseph Libnoch  
Don Lindsay  
Arthur and Susan Lloyd  
United Steel Workers Local 815 & Scott Schmidt  
Tom Lonsway  
Margot Lori  
W H Love  
Dennis and Theresa Lowder  
Barbara Lund  
Steve and Sue Macejkovic  
Bernice C Maertz  
Sil Maly  
Alan Manson & Colleen Peters  
Edward Marion  
James Martell  
Wayne and Gayle Mauer  
James Mauthe  
Patrick McBride  
Neil and Patricia McCarty  
David McIntosh  
Robert Meier  
Chris and Mary Meixner  
John and Linda Melski  
John and Linda Merrill  
Donald and Mary Metz  
Lou Metz III  
Sven Midelfort  
Gerry Miller  
Lawrence Miller  
Peter Mischke  
James Moore  
Anne Morrissey  
Thomas Morse  
Dean Muller  
Sally Mundt & Carolyn Schloemer  
Lucia and Jack Murtaugh  
Joan Naegeli  
William Napiecinski  
Allan and Aileen Nettleton  
John Neuschwander  
James Newton  
Barbara Norene  
Katharine Odell  
Karen Oechler  
Lester and Maryalice Oerum  
Sisters Of St Francis of the Holy Cross & Justice and Peace Coordinator  
David and Susan Ogden  
Vince O'Hearn  
Andy Olsen  
Marty Ordians  
Sarah Overholt  
Thomas and Elaine Pagedas  
Barbara Parsons  
M Catherine Pasell  
Edward Paulsen  
Ralph and Judith Paulson  
Curt Pawlisch  
Sandra Peterson  
Ursula Peterson  
Kathryn Philipp  
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John Powell  
Charles Pruett & Edna Pasko  
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Joseph and Jane Schirmer  
Elliott Schnackenberg  
Glenn and Mary Schnadt  
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Dolly Schoenberg  
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Brook Chase Soltvedt  
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Randal Sprecher  
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L A Sromovsky  
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AFSCME Milwaukee District Council #48	Lake Michigan Wind and Sun Ltd.	United Steel Workers of America Local 815
Better Environmental Services	Mother Fool's Coffeehouse	United Steel Workers of America Local 1343
Community Shares of Wisconsin	Public Service Commission of Wisconsin	Viking Electronics
Cropp Cooperative Inc.	The Silent Glide Canoe and Kayak Shop LLC	Wisconsin Energy Conservation Corporation
Culligan Water Conditioning	Skinner Construction Inc	Wisconsin State Historical Society
Federighe Services LLC	UAW Milwaukee Retired Workers Council Local 438	
Greater West Central Area Labor Council AFL-CIO		

## Supporting Foundations

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*We make every effort to be accurate in our listing of supporters. We regret any errors or omissions.*

In approving the extension of the rate contract between We Energies and Charter Steel, the PSC determined that the rates being paid by Charter will not force other customers to pay higher rates. Indeed, the PSC required We Energies to file a report by January 2013 that shows whether or not other ratepayers are paying higher rates because of the market-based rates paid by Charter. CUB will review this report and will challenge the use of these rates if other ratepayers are subsidizing Charter's rates.

### **We Energies, Two-Part Real Time Pricing Rate, 6630-GF-134**

On October 28, 2010, We Energies asked the Public Service Commission for permission to offer a "real-time pricing" rate to its industrial customers.

A real-time pricing rate would allow an industrial customer to pay marginal costs for electricity, but not the fixed costs, resulting in a roughly 50 percent discount on electricity rates. This means that an industrial company paying the real time rate would receive a 50 percent discount compared to another industrial company that is paying the full rate for electricity. Worse yet, no residential or small commercial customer is eligible for the discount. CUB opposes these types of rates because they provide discounts to certain customers while other customers pay higher rates, which is illegal under state law.

Despite CUB's opposition to the real-time pricing rate, the Commission approved it on August 11, 2011. Commissioner Eric Callisto voted against the rates, but Chairman Phil Montgomery and Commissioner Ellen Nowak supported them. In his dissent, Callisto noted that the approved real-time pricing rate for We Energies "is an open door to discounted electricity for a poorly defined and potentially limitless class of large energy users, selected at the sole discretion of the utility."

### **Wisconsin Public Service Corp., Energy Efficiency Pilots**

In December 2008, the PSC approved an agreement between CUB

and WPS that allows WPS to use revenue-per-customer decoupling for residential and commercial electric and gas customers. Along with decoupling, WPS agreed to double its payments to Wisconsin's statewide energy efficiency program called Focus on Energy. The ratepayers of WPS will provide Focus with an additional \$40 million between 2009 and 2012.

WPS also agreed to work with CUB and Focus on Energy to implement three community-based pilots to test enhanced energy efficiency programs and innovative rate options. The first pilot started in Brillion in October 2009, the second pilot started in Allouez in October 2010, and the third pilot started in Plover in June 2011. The pilots will conclude at the end of 2012.

### **Wisconsin Public Service Corp., Re-opener of Rate Case for 2012 Rates, 6690-UR-120**

On May 2, 2011, WPS filed an application with the PSC to increase electric rates for 2012 by \$33.7 million, or 3.5 percent, and natural gas rates by \$1.1 million, or 0.3 percent. WPS modified its request on August 19, 2011 to an increase in electric rates of \$64.2 million or 6.7%.

WPS said that complying with the Cross-State Air Pollution Rule (CSAPR) would cause some of the increase in electric rates. WPS also pointed to rising costs for fuel for making electricity.

CUB intervened in the case, and hired La Capra Associates as its expert witness. La Capra reviewed fuel costs, reviewed compliance with the new rules for recovery of the cost of fuel to make electricity, and developed rate options for complying with CSAPR.

The PSC issued its final decision in the case on December 9, 2011, allowing WPS to increase electric rates by \$8.1 million, or 0.9 percent, and to decrease natural gas rates by \$7.2 million, or 2.0 percent. In an unusual and welcome twist, residential and small commercial customers did not have to pay higher electric rates in 2012; the electric rate increase of \$8.1 million was borne entirely by large commer-

cial and industrial customers.

In reaching its decisions regarding rates for 2012, the PSC agreed with CUB and others to reduce the request by \$24.6 million, which WPS had sought to comply with CSAPR. The PSC agreed with CUB that, given the uncertainty of the costs for complying with CSAPR, WPS shouldn't charge ratepayers upfront for these costs, but rather WPS should track compliance costs for possible recovery in the future.

Due to extra contributions to energy efficiency programs that WPS customers had been making between 2009 and 2011, Focus on Energy had a surplus of unspent funds of \$26.7 million. Therefore, CUB and WPS agreed not to collect \$22.8 million from residential and small commercial electric and gas customers during 2012 for energy efficiency programs in WPS's territory. Instead, WPS and Focus on Energy will use the surplus of unspent funds to run the energy efficiency programs through December 2013, a year longer than originally planned.

In addition, CUB and WPS agreed that "decoupling" surcharges and credits would cancel each other out. WPS was owed a \$14 million surcharge for decoupling costs incurred in 2010, whereas WPS customers were owed a decoupling credit of \$14 million incurred in 2011. This resulted in a savings to ratepayers of \$14 million.

In total, CUB was able to reduce the rate increase by \$61.5 million, with WPS agreeing with CUB that \$36.9 million should not be included in rates for 2012.

### **Xcel Energy, Rates for 2012, 4220-UR-117**

On June 1, 2011, Xcel Energy (also known as Northern States Power-Wisconsin) filed an application with the PSC to raise electric rates by \$21.9 million or 3.8 percent. On June 15, Xcel increased its rate hike request to \$29.2 million, or 5.1 percent.

Xcel said that the proposed increase in electric rates was due to improvements made to various power plants,

transmission lines, and its distribution system. Xcel also expected higher costs for fuel for making electricity in 2012.

CUB intervened in the case, and hired La Capra Associates and Resource Insight as expert witnesses. Our experts reviewed the request by Xcel and suggested ways to reduce the rate increase by having Xcel change “equivalent forced outage rates,” develop appropriate estimates of market prices for electricity, defer compliance costs with the Cross-State Air Pollution Rule, and use appropriate “production capacity allocators.” Our experts also recommended ways to allocate costs between residential and industrial customers so that all pay their fair share; Xcel’s proposal would have had industrial customers paying lower rates at the expense of higher

rates for residential customers.

The PSC issued its final decision in the case on December 22, 2011. The PSC agreed with CUB regarding the appropriate estimates of market prices for electricity, reducing the rate increase by \$1.0 million. The PSC also agreed with CUB and reduced Xcel’s return on equity (profit) to 10.4 percent from Xcel’s request of 10.75 percent, resulting in a savings of \$2.6 million.

Finally, the PSC agreed with CUB and Xcel that customers should receive \$13 million from a settlement with the U.S. Department of Energy, regarding the federal government’s failure to take possession of nuclear waste from Xcel’s nuclear reactors in Minnesota. Xcel customers received the settlement proceeds through a one-time credit in their March 2012 electric bill.

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**Gretchen S.**

**Great page for getting the latest news regarding CUB’s utility watchdog activities!**

**Steve B.**

**CUB is a great organization! Thanks for all the work you do!**

**Nicci F.**

**We would be totally at the mercy of the big utilities without CUB. Over the years they have fought for us.**

**Dorothy D.**

**Support the consumer group that fights for you!**

**Andy O.**

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