

Citizens Utility Board

Annual Report

January 1 - December 31, 2010



**CUB
BOARD OF DIRECTORS**

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General Counsel

Kira Loehr

**Manager of Communications
& Outreach**

Richard Storck



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608.251-3322
Staff@wiscub.org



From the Executive Director

This annual report for our activities in 2010 includes mostly good news. Of course, there were also some setbacks, but I'll let you look through the report for those stories. Let me quickly summarize our victories here.

For 2010, CUB was able to save ratepayers throughout the state about \$83 million on their electricity rates.

The biggest savings came from CUB's intervention in a case in which Xcel Energy, which serves western Wisconsin, wanted to add a biomass gasifier to the Bayfront power plant near Ashland, so that it could burn biogas instead of coal. During the case, CUB staff discovered information that suggested that the gasifier may not work at the size and scope envisioned. We also raised concerns that the cost for the gasifier had been underestimated.

Ultimately, our concerns were found to be correct. In May 2010, Xcel determined that the cost of the proposed project would be too high, and the utility canceled the project, saving ratepayers \$63 million.

CUB was also able to reduce the increases in electric rates sought by Alliant Energy (also known as Wisconsin Power & Light), Madison Gas & Electric, and Wisconsin Public Service Corp. Altogether, CUB saved ratepayers of these utilities about \$19 million on their electric rates.

In April 2010, CUB was successful in stopping legislation that would have eliminated most remaining regulations regarding landline telephone service. CUB worked with an ad hoc telecom companies, unions, and small business associations to stop this telecom deregulation legislation, which was largely written by AT&T. The bills, AB 696 and SB 469, would have eliminated almost all remaining regulations for landline service, including requirements that phone companies charge fair rates, maintain their facilities, and provide service to customers willing to pay. The attempt to deregulated landline telephone service died in April 2010 when the state Senate declined to take action on the legislation.

In March 2010, We Energies asked the Public Service Commission for permission



to build and own a 50-megawatt cogeneration power plant that would burn wood and produce steam as well as electricity. Domtar Corporation, a paper company located near Wausau, would use the steam produced by the plant.

CUB raised concerns about the overall cost of the project, nearly \$300 million. We also raised concerns that Domtar would get a sweet-heart deal on the steam purchased from We Energies. The Public Service Commission agreed with CUB and said that Domtar must pay more for the steam. When this annual report went to press, Domtar and We Energies were still deciding whether to go ahead with the project. If they do, CUB will have saved ratepayers at least \$30 million.

This annual report also mentions other cases CUB was involved in, both at the PSC and before the courts. I hope you enjoy reading about the all the work made possible by your contributions: CUB continues to save ratepayers more than \$1,000 for every dollar contributed to CUB by our Members.

I'd also like to thank several organizations and foundations, which have provided CUB with critical grants to support our efforts in keeping utility rates affordable. CUB received vital grants from the Public Service Commission of Wisconsin, the Energy Foundation, the RE-AMP Project, and Wisconsin Energy Conservation Corporation.

Thanks to our Members and contributing organizations for making 2010 a successful year.

2010 In Review

Legal Activities

Economic Development Rates

On July 2, 2010, CUB filed a lawsuit against the Public Service Commission for authorizing “economic development rates” for Wisconsin Power & Light. WPL applied with the PSC on November 13, 2009 for permission to offer an economic development rate that would provide certain large industrial customers with discounts on electricity service. The PSC issued an order approving this rate on June 4, 2010.

CUB has long been opposed to rates with discounts, because they usually force other customers to pay for the discount. The laws that regulate utility service in Wisconsin prohibit utilities from charging rates that provide discounts to one customer that are subsidized by other customers. CUB noted many of these concerns in correspondence to the PSC dated February 17 and March 16, 2010, and in our lawsuit.

Although PSC Chairperson Eric Callisto and Commissioner Mark Meyer approved the discounted rates, Commissioner Lauren Azar voted against them, noting that subsidies for certain industrial customers may cause higher rates for residential and commercial customers. Commissioner Azar also issued a dissenting opinion on June 25, 2010, in which she called the rate “essentially a giveaway to businesses.”

CUB filed this lawsuit to protect residential and small business customers from subsidizing large, politically powerful companies. The job of the PSC is to set electric rates that are fair, just, and reasonable, and the economic development rate approved by the PSC violates these legal principles.

Unfortunately, the court rejected our lawsuit on February 11, 2011. The court said that because the PSC has not yet required other ratepayers to pay higher rates to cover the subsidies, ratepayers have not been

harmed, and therefore CUB’s lawsuit was premature. However, the court said that our lawsuit may have merit if or when the PSC decides to force other ratepayers to pay for the subsidies. This could happen sometime in 2011 or 2012, as the PSC considers whether to change rates for WPL.

Bent Tree Wind Farm

On August 28, 2009, CUB and the Wisconsin Industrial Energy Group filed a lawsuit against the PSC for ignoring state law in approving a 200-megawatt wind power project to be built in Minnesota, owned by Wisconsin Power & Light, and paid for by WPL’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.

In filing the lawsuit, WIEG and CUB contend 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, CUB and WIEG have asked for the case to be reviewed by the Wisconsin Court of Appeals, where the case now sits as of June 1, 2011.

Legislative

Telecom deregulation

In 2010, CUB worked with an ad hoc coalition of telecom companies, unions, and small business

associations to stop AB 696 and SB 469, which would have deregulated landline telephone service. The bills were largely written by AT&T, and would have eliminated almost all remaining regulations for landline service, including requirements that phone companies charge fair rates, maintain their facilities, and provide service to customers willing to pay.

Though AB 696 passed the Assembly, the legislation died when the Senate declined to take up the bill before adjourning on April 22, 2010.

Unfortunately, this story has a sad ending. Though CUB and others were able to defeat telecom deregulation legislation in 2010, a similar bill came back in early 2011, quickly sped through the Republican-controlled Legislature, and was signed into law by Governor Scott Walker on May 24, 2011.

The new telecom law removes the ability of the Public Service Commission to regulate telephone service, or to handle consumer complaints. Telephone companies that provide landline service can now raise telephone rates as high as they want, and after April 2013, they no longer need to provide landline service.

Currently, about 2.2 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.

Regulatory

“MGE Electricity Rate Increase Request Slashed by \$25 Million,” Madison Gas & Electric Co., Rates for 2011, Docket 3270-UR-117

On April 22, 2010, MGE filed an application with the PSC to increase electric rates by \$32.8 million (9.4%), with the new rates to take effect in January 2011.

CUB intervened in the case and argued against several proposals made by MGE.

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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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2010 Activities ... continued from page 2

The PSC issued its decision in this case on December 22, 2010: electricity rates for MGE's customers were increased by about \$8 million, or 2.3 percent, about \$25 million less than requested by the utility. Here are some of the outcomes of CUB's intervention in the case.

MGE proposed to increase the customer charge for residential service from the current rate of \$8.70 per month to \$9.50, an increase of 9.2%. The PSC agreed with CUB and kept the customer charge at the current rate of \$8.70 per month; keeping the customer charge at the current level will provide more appropriate price signals to customers, and reduce rate impacts for customers that use modest amounts of electricity.

MGE tried to have its customers pay for producing electricity at the West Campus Cogeneration Facility when it was not economical to do so. This situation arises when MGE is required to provide steam to the UW, but the electricity that is also produced has to be sold at a loss. The PSC agreed with CUB and reduced rates by \$1.8 million, which will protect customers from paying for these uneconomic costs of producing steam and electricity.

Finally, at CUB's urging, the PSC reduced MGE's return on equity (profits) to 10.3 percent, which reduced rates by \$500,000.

Altogether, CUB's intervention reduced rates for MGE customers by about \$2.3 million.

“Protecting Against Utility Fuel Cost Overcharges,” Public Service Commission, Fuel Rules, Docket 1-AC-224

In February 2006, the commission requested comments from CUB, the utilities, and other stakeholders on whether the “fuel rules” should be changed given the volatility in natural gas prices.

Drafting new fuel rules turned out to be an extremely complicated and drawn out affair, lasting nearly 5 years. At stake for ratepayers are potentially hundreds of millions of dollars in higher rates to cover the cost of fuel

utilities purchase to produce electricity. What follows is a brief review of the many steps and political twists and turns that it took to promulgate new fuel rules.

When new rules were proposed by PSC staff in early 2006, CUB and the Wisconsin Industrial Energy Group quickly joined together in opposition, because the proposed rules greatly favored the utilities at the expense of ratepayers. After several rounds of comments by CUB, WIEG, and the utilities, new rules were drafted by the PSC in 2008, but were not sent to the Legislature for approval due to legal concerns raised by CUB and WIEG.

In early 2009, the utilities attempted to undermine these legal concerns through legislation. Fearing that the utilities may have had the votes to get their fix through various committees, CUB and WIEG negotiated a compromise with the utilities that would allow the PSC to true-up costs for recovery or refund in the following year, while preserving a prohibition of automatic adjustment clauses. Legislation codifying this compromise, AB 600, was signed by Governor Doyle on May 18, 2010.

Despite the passage of this legislation, the PSC still had to send the proposed rules to the Legislature for final approval. The PSC sent the revised rules to the Legislature in late August 2010, and the senate energy and utilities committee sent the rules back to the PSC in late October for further modification. The issue: Sen. Jeff Plale (D - South Milwaukee), the chair of the senate committee, wanted to protect the ability of the utilities to manipulate the fuel rules to force ratepayers to pay for bonuses paid to utility executives, which totaled \$44 million above and beyond their salaries in 2009. The PSC has consistently prevented the utilities from having ratepayers pay for bonuses, so Sen. Plale's proposal would harm ratepayers. CUB and WIEG opposed this modification, but the PSC ultimately issued rules that included Sen. Plale's

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provision, which may allow utilities to charge ratepayers for the outrageous bonuses paid to utility executives. These new rules took effect January 1, 2011.

“Kilowatt Saved, Kilowatt Earned,” Public Service Commission, Quadrennial Planning Process for Energy Efficiency, Docket 05-GF-191

On October 23, 2009, the PSC opened this investigation in order to establish goals and funding levels for Focus on Energy, Wisconsin’s statewide energy efficiency program. CUB participated in this docket to make sure appropriate goals and funding were established to support Focus on Energy and its energy efficiency programs.

CUB, Clean Wisconsin and RENEW Wisconsin submitted joint comments to the PSC in November 2009, June 2010, and September 2010, providing our recommendations for funding levels and policies that would allow Focus on Energy to make additional investments in energy efficiency.

Since 2001, Focus on Energy has helped more than 2 million Wisconsin residents and businesses save nearly \$2 billion on their energy bills, above and beyond the cost of the Focus on Energy program itself. Focus on Energy also created the equivalent of over 2,400 full-time jobs since 2001.

In November 2010, the PSC sent a proposal to the Legislature’s Joint

Committee on Finance to greatly increase the funding levels for Focus on Energy. The PSC’s proposal, strongly supported by CUB, Clean Wisconsin, and RENEW, would nearly double the funding for Focus on Energy for 2011 through 2014. The Joint Committee on Finance, approved the new funding levels for Focus on Energy in mid-December 2010.

“Price Signals Work,” Public Service Commission, Rate Design, Docket 05-UI-116

On May 16, 2008, the PSC opened an investigation regarding alternative rate designs and load management. CUB, Clean Wisconsin, and RENEW Wisconsin submitted joint comments in April 2009 asking the PSC to prohibit “aggregators of retail customers” to operate in Wisconsin until their activities can be assessed by all interested parties. On October 14, 2009, the PSC issued an order temporarily prohibiting these aggregators from operating in Wisconsin until further investigation.

The PSC re-opened this docket in February 2011, and has asked graduate students of the University of Wisconsin-Madison to write a report on demand response, which will be issued later in 2011. The report will describe the benefits and costs of demand response, as well as various strategies for implementation. The report will also summarize demand response

activities in Wisconsin and other Midwestern states. CUB will provide comments on the draft report later in 2011.

“Cutting Costs and Pollution at the Same Time,” Public Service Commission, Wisconsin’s Excess Capacity Investigation, Docket 05-EI-150

During 2011, the PSC will investigate Wisconsin’s current situation in which there are too many power plants, or “excess generating capacity.” CUB will urge the PSC to relieve customers of the burden of paying for power plants that are not currently needed. The investigation could lead to a transition away from dirty, old coal-fired power plants. CUB and the environmental organization Clean Wisconsin believe that several old coal-fired power plants could be mothballed or retired, reducing operation and maintenance costs to ratepayers, and reducing pollution.

CUB and Clean Wisconsin submitted comments on August 9, 2010, suggesting that the PSC conduct extensive computer modeling to determine whether any coal plants should be mothballed or retired. Commission staff are currently preparing materials for comment from parties. Activity in the case will likely resume in mid-2011.

“Energy Planning in Wisconsin Used to Be a Requirement – Without it Utility Costs Have Skyrocketed,” Public Service Commission, Strategic Energy Assessment, Docket 05-ES-105

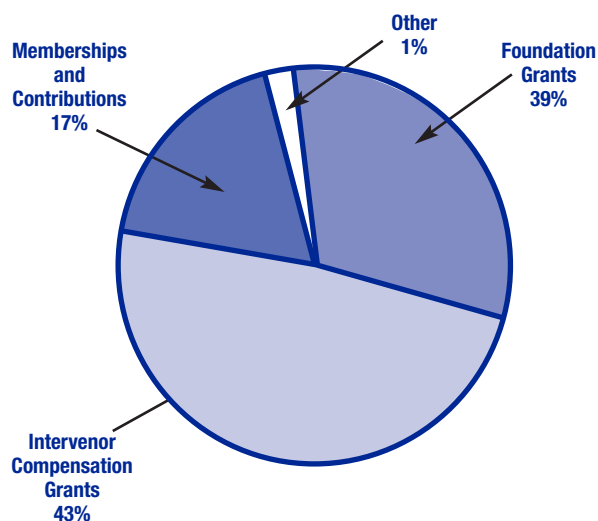
In October 2010, the PSC issued a draft of its latest assessment of Wisconsin’s supply of electricity. CUB and Clean Wisconsin submitted joint comments on the draft in January 2011, urging the PSC to include more information explaining why electricity rates have skyrocketed since 1997.

The PSC issued a final version of

Since 2005 CUB Has Helped Save \$1.8 Billion!

2010 Financials

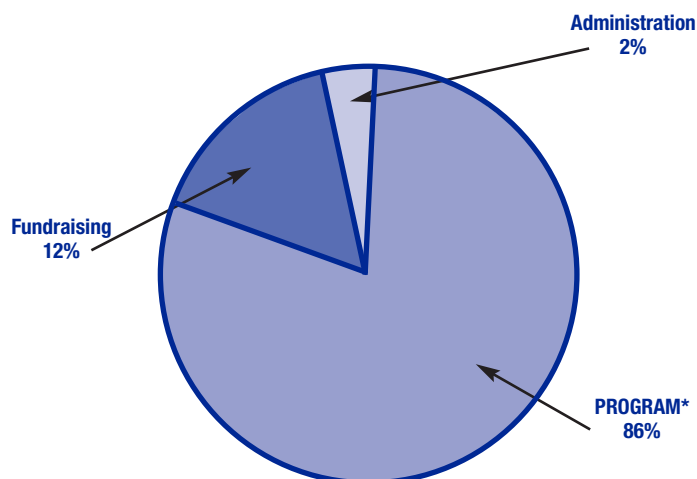
2010 Income by Source



2010 Income by Source

Memberships & Contributions	\$122,737	17%
Intervenor Compensation Grants	\$303,447	43%
Foundation Grants	\$277,017	39%
Other	\$ 9,583	1%
Total	\$712,784	100%

2010 Expenses by Source



2010 Expenses by Source

Programs*	\$597,857	86%
Administration	\$ 12,825	2%
Fundraising	\$ 81,701	12%
Total	\$692,383	100%

*Program Expenses by Activity

PSC Intervention	\$473,561	79%
Clean Energy	\$115,938	19%
Lobbying	\$ 8,358	2%
Total	\$597,857	100%

ASSETS

Current Assets

Cash	\$ 374,957
Grants & contracts receivable	132,162
Prepaid expenses	<u>1,325</u>
Total current assets	508,444

Fixed Assets

Office equipment	22,242
Less: accumulated depreciation	<u>21,279</u>
Net fixed assets	963

TOTAL ASSETS \$ 509,407

LIABILITIES & NET ASSETS

Current Liabilities

Accounts payable	\$ 89,210
Accrued payroll & related	16,359
Accrued compensation	11,136
Other accrued liabilities	<u>0</u>
Total current liabilities	116,705

Net Assets (Deficit)

Unrestricted net assets:	
Designated by Board for CUB legal & advocacy trust	\$ 8,880
Undesignated	58,943
Fixed assets	<u>963</u>
Total Unrestricted	68,786

Temporarily Restricted 323,916

Total net assets 392,702

TOTAL LIABILITIES & NET ASSETS \$ 509,407

CUB Board Elections

Thanks to Margot King



Margot King is stepping down from the CUB Board of Directors, after serving on the Board since 2005.

Margot is a retired school counselor who now lives in River Falls. Margot brought her strong interest in political organizing to the CUB Board. She remains deeply involved in local politics in the River Falls area of Wisconsin. We will miss her passion and enthusiasm for the issues that CUB works on.

A big ‘thank you’ to Margot and for her assistance on the CUB Board.

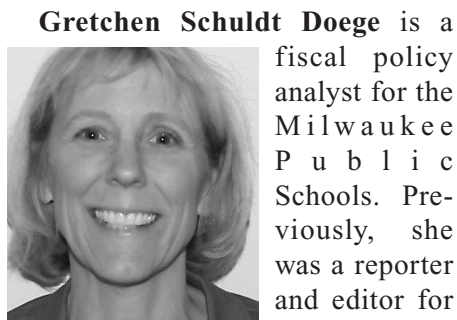
Its election time for the CUB Board of Directors!

Current CUB members in good standing (that is, those who paid their membership dues during 2010 or 2011) are entitled to vote in this election.

The candidates include Gretchen SchuldtDoege, who is running for her first term on the CUB Board, and Andy Olsen, who is running for second term. The CUB Board of Directors recommends and endorses the election of Gretchen and the re-

election of Andy. Below are their biographies.

Please use the ballot envelope enclosed with this annual report to cast your vote. Please mail your ballot by Tuesday, July 5, 2011.

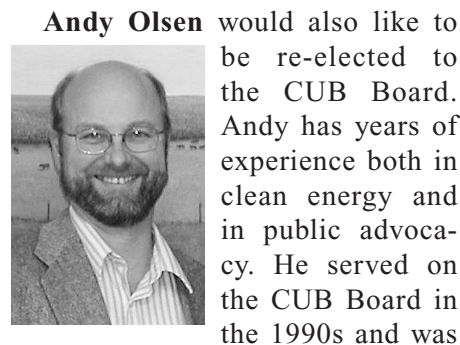


Gretchen Schuldt Doege is a fiscal policy analyst for the Milwaukee Public Schools. Previously, she was a reporter and editor for the Milwaukee Sentinel and the Milwaukee Journal Sentinel.

Gretchen received her bachelor of arts degree in mass communications from the University of Wisconsin-Milwaukee. She has served on the boards of several nonprofit organizations, including the Milwaukee Public Library Board, Sustainable Story Hill, Citizens Allied for Safe Highways, and the Miller Park Stadium District Board.

“I would like to continue serving on the CUB Board because I strongly believe in CUB’s commitment to giving residential utility customers a voice in rate cases and other proceedings where it is difficult for the average person to be heard,” said Gretchen. “I believe my background

and abilities can be helpful to CUB as it works in a difficult environment to ensure that residential and small business utility ratepayers are represented and their interests are protected.”



Andy Olsen would also like to be re-elected to the CUB Board. Andy has years of experience both in clean energy and in public advocacy. He served on the CUB Board in the 1990s and was

re-elected to the Board in 2008. He has served as a Dane County Supervisor, Dane County Lakes & Watershed Commission member, and as the Board President of RENEW Wisconsin. Andy managed the Wisconsin Alternative Fuels Task Force and led several collaborative renewable energy efforts in Wisconsin. Andy is currently a Senior Policy Advocate, responsible for field organizing and constituency building, for the Environmental Law and Policy Center’s Farm Bill - Clean Energy Development program. Andy has an M.S. degree in energy analysis & policy from the University of Wisconsin-Madison, and a B.A. degree in economics from Northwestern University.

*As you are making
your estate plans,
please keep CUB in mind.*

2010 Friends of CUB

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

Suzanne and William Ammerman
Dorothy Anderson
Keith Anderson
Michael and Rima Apple
Vivienne Babcock
Jerry Babel
Leigh Barker-Cheesebro
Peter and Marie Becher
Kathryn Behling & Christopher Hansen
John Belknap
David and Carolyn Benforado
Todd I. Berens
Kathleen Bernhart
William and Ann Beverly
Amalia Biester
Floyd and Barbara Blackmore
Robert and Diane Bless
Jonathan Blick
Jeffrey Bloohm
Dr Charles Boardman
Steven and Claudia Brachman
Todd Brachman
Isabell Braun
Jim and Mary Brill
Melinda and Jack Brooks
Jim and Nancy Bruins
Mary Frances Bullamore
Lenore and Nicholas Burckel
Chip Burke
Elaine Burke
Thomas Burton
Alan and Marilyn Cable
David and Mary Carlson
Stanley and Ann Carlson
Todd and Shirley Cayer
Kolaga Family Charitable Trust
Vernon Childs
Jim Christensen
Michael Chubeck
Roxanne Ciatti
Ernst and Jany Conrath
Cropp Cooperative Inc & Organic Valley
Betty Ann Cronin
Jackie Csedo
Lee Cullen
Carol Cutsforth
Philip Daub
Matthew and Nancy Davis
Robert De Mars
Robert and Marina De Wet
Dorothy Dean
C DeGroot
Warren and Nancy DeKraay
John Delamater
Rosario and Penny DePaola
AFSCME Milwaukee District
Council #48
Gretchen Doege
Michael and Jean Donovan
Richard and Janice Duxtator
John Duffin
Margarita Dusek
Ivan Eckholm
Janis Edwards
Frederick and Juanita Ehrke
Carol Endl
Betty Ermatinger
Franklin Evans
Denlinger Drumm Family
Alice Faust
Wendy Fearnside & Bruce Meier
Herman Felstehausen
Kristin and Robert Fewel
James Fiala
Mary and James Fico
Susan Fischer
Phil Fisher
Nicole Fite
Roberta Forman
Marie Fraser
Susie Marie Fritz Jablonic
Jim Gebelian
Donnell and Sheila Geib
Robert Geiser
Chet Gerlach
Rosemary Giesfeldt
Barbara and Bradley Glass
Bob Goeres
Ted Goeres
Charles and Patricia Gohs
James and Dolores Gonyo
Donna Goodrich
William and Mary Jo Gould
Robert Greenler
Gerald and Myrna Grossman
Vern Gumz
Karen Gunderson
Susan and Howard Gundlach
Mary Hagle
Harold and Ruby Halfin
Arthur and Pauline Hall
Linda Hall
Jean Hamann
Jim Hammitt
James Harkonen
Leslie Hauser
James and Lynn Heindl
Joseph and April Heindl
Gertrude Hessel
Peter Hewson
Bill and Edith Hibbard
Helen Hift
Jerome Hillebrand
Mark Hirschman
Edna Hoffman
Richard Honeyager
Kate Houston
Geoff Hurtado
Carmen Ilseman
Norma Janecky
Bruce Johnson
Paulette Johnson
James and Joan Johnston
Lolita and Dave Kachel
Ken and Lois Kamps
Esther Kaplan
Steve and Lynn Karges
Phil Kerckhoff
Margaret Kindig
Margot L. King
David Kinyon
Amy Kirkland
Lorna Kniaz
Ed and Margaret Knop
Janet Koerner
Robert Kreber
Roger Kriete
Dora Kuehner
Paul and Audrae Kulas
Russel Kumrow
Mary F Kurth
Christopher LaForge & Amy Wilson
Lawrence Landwehr
Theresa Larson
Charles Lemke
John Lerum
Mr. Francis Lewandowski
Arthur and Susan Lloyd
Mary Loftus
Barbara Lund
Steve and Sue Macejkovic
Alan Manson & Colleen Peters
James Martell
Wayne and Gayle Mauer
James and Joan McCarthy
David McIntosh
Neil McIntosh
John and Linda Melski
Donald and Mary Metz
Lou Metz III
Peter Mischke
John Moran
Thomas and Kathleen Morgan
Anne Morrissey
Sally Mundt & Carolyn Schloemer
Lucia and Jack Murtaugh
Joan Naegeli
William Napiecinski
David I. Nelson
James Newton
Barbara Norene
Jeanne Novak
Ellen Ochs
Karen Oechler
David and Susan Ogden
Joseph and Mary Ousley
Thomas and Elaine Pagedas
Barbara Parsons
Edward Paulsen
Ralph and Judith Paulson
Curt Pawlisch
Karen and David Peck
George Penn
Sandra Peterson
Kathryn Philipp
Richard Pieper
Tom and Susan Porter
William Prohaska
Anthony Pulvermacher
Susan and Stephen Ragatz
Fran and Louis Rall
Robin Reed
Jeannette Rilling
Diane Roberts & George Dreckman
Ray and Helen Robinson
Wendy Rodman
Dora Marie Rohl
Lucille Rosenberg
Janet Ross
Roland and Beth Rothman
Mary and David Rothwell
Charles Roubal
William Rowe
Erwin and Joan Russell
Patricia Ryan & Randall Daut
Mick Sagrillo
C J and Joan Schatzman
Roy Schenk & Kathryn Seifert
Glenn and Marge Schiebel
Anne Schmidt
Glenn and Mary Schnadt
Jon Schoenbeck
Eric and Jane Schulenburg
Jan and Fred Schulz
Charles and Anne Scott
Marguerite Seflow
John Seidl & Karen Huske
Gustave Sevela
James and Shirley Seymour
Emil Shelendich
John and Fawn Shillinglaw
Mary Lou and Howard Short
Philip and Phyllis Sillman
Gordon and Mary Skare
Ronald Skarie
Dorothy Smalancke
Guy Smith
Mary Smith
Vic and Linda Smith
Marilyn Smits
Marguerite Soffa
Brook Chase Soltvedt
Hedwig Spaight
Randal Sprecher
Don Springer & Viking Electronics
L A Sromovsky
Barbara St George
Leonhard and Erika Staerk
Rodney and Karen Stevenson
Fred and Patricia Storm
Bonita Strauss
Richard and Lucille Sutter
Sandra Tait
Lawrence and Mary Teofilo
Betty H. Thomas
Kristin Thompson
Beverly Underwood
Local 1343 United Steel Workers Of
America
William Vail
James Van Deurzen & Roseanne
Cheeseman
Janet and Michael Van Vleck
Jennifer and Tim Vellinga
Paul and Patricia Vogelsang
Charles and Gloria Waity
Bastiaan Wakker
Sally and Ben Washburn
Kathleen and Don Weber
Ronald Weisbrod
Julie Weiss
Donald Wendorff
Dan Wergin
Betty Werner
Diana and Frederic Wesbrook
Donald Wichert
Barbara and Donald Williams
Terry Witucki
Guy Wolf
Sharon Wolf
David Wood & Jane Doughty
Margaret and Daryl Wood
William and Kathleen Wulf
Robert & Stratewula Wulfkuhle
Lois Yost
Sylvia Youell
Robert Zamiatata
Gerl Zehren
Evan Zeppos
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2010 Activities ... continued from page 4

the SEA in March 2011, though it did not include the information on rates requested by CUB and Clean Wisconsin.

Public Service Commission, Telephone Deregulation, Docket 05-TI-1777

The PSC opened an investigation regarding whether and to what extent regulations for local telephone service should be changed. CUB submitted comments on March 25, 2008 asking that the PSC consider policies that would make broadband Internet service more available and more affordable. CUB also suggested that consumer protections for any type of telecommunication service should be strengthened. CUB attended a PSC technical conference on May 28, 2008. CUB's expert witness Mark Cooper met with PSC staff on September 25, 2008 to provide staff with CUB's viewpoint regarding universal service and broadband. The PSC delayed issuing

a draft report due to pending decisions by the Federal Communications Commission.

The PSC decided to close this investigation in February 2011, after deciding that no action needs to be taken regarding deregulation at this time.

“Renewable Projects Must Be Economic – This one isn’t,” We Energies, Biomass Power Plant, Docket 6630-CE-305

On March 15, 2010, We Energies asked the PSC for permission to build and own a 50-megawatt cogeneration power plant that would burn wood and produce steam as well as electricity. Domtar Corporation, a paper company located near Wausau, would use the steam produced by the plant.

We Energies proposed this project in part to comply with Wisconsin's “renewable portfolio standard,” or RPS, which requires electric utilities to sell at least 10 percent renewable

electricity by 2015.

CUB intervened in the case and hired La Capra Associates to prepare expert testimony. CUB submitted testimony in opposition to the plant, because of its very high costs of nearly \$5,000 per kilowatt. In addition, CUB pointed out that Domtar would get a sweet-heart deal on the steam purchased from We Energies, with We Energies' ratepayers paying hundreds of millions of dollars in higher rates that should be paid by Domtar.

The PSC approved the power plant on May 5, 2011, but the PSC agreed with CUB and said that Domtar must pay more for the steam in order to reduce costs to ratepayers of We Energies. The PSC also required the shareholders of We Energies to contribute more to the plant. If the project goes forward, CUB will have saved ratepayers of We Energies at least \$30 million. As of June 1, 2011,

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Domtar and We Energies are deciding whether to move forward on the project.

“We Energies Robs Milwaukee,” We Energies, Fuel Rules, Docket 6630-FR-101

On October 7, 2010, the PSC asked CUB and others for comments on whether We Energies should be required to issue refunds to ratepayers due to lower-than-expected costs for purchasing fuel to make electricity. At stake was a refund to customers of about \$53 million.

CUB and the Wisconsin Industrial Energy Group submitted joint comments on October 21, 2010, noting that customers should get a substantial refund from We Energies.

One issue was whether We Energies could keep about \$53 million instead of giving it back to ratepayers. The \$53 million is based on the amount of bonuses We Energies paid its executives during 2008 and 2009. CUB and WIEG argued that We Energies should not be allowed to manipulate the rules and force ratepayers to pay \$53 million for executive bonuses.

Typically, the PSC prevents the utilities from charging ratepayers for executive bonuses. However, on February 2011, the PSC allowed We Energies to keep \$53 million instead of refunding it to customers. Commissioner Lauren Azar dissented, saying that the \$53 million should be given back to ratepayers. In addition,

she said that the \$40+ million that We Energies has given its executives as bonuses each year since 2008 are inappropriate, especially since Milwaukee (served by We Energies) has the 4th highest poverty rate in the U.S. This unfortunate decision by the PSC allows We Energies to keep \$53 million that should have been refunded to customers.

We Energies, Fuel Rules for 2010, Docket 6630-FR-102

On February 19, 2010, We Energies filed an application with the PSC to increase electric rates by \$60.5 million (2.8%) for increases in the cost of fuel to make electricity. The PSC approved an “interim surcharge” on March 24, 2010, with the surcharge subject to refund pending the PSC’s full review, hearing, and final determination regarding We Energies’ request.

CUB intervened in the case and hired La Capra Associates to prepare expert testimony. CUB’s experts reviewed and assessed the changes, inputs, and assumptions used by We Energies in developing its forecast of fuel costs for the remainder of 2010.

The PSC issued a final decision on April 28, 2011, saying that the increase in rates sought by We Energies for higher fuel costs was appropriate, and that no refund was due to customers.

“WPL Penalized for Hiding Information,” Wisconsin Power &

Light (dba Alliant Energy), Rates for 2011, Docket 6680-UR-117

On April 30, 2010, WPL filed an application with the PSC to re-open the rate case proceeding held in 2009. WPL requested increasing electric rates by \$35.4 million (3.6%), with the new rates to take effect in January 2011.

CUB intervened in the case and challenged the intent by WPL to charge ratepayers for its Bent Tree wind farm, a 200 megawatt facility in Minnesota. As this proceeding was winding through the PSC, CUB and the Wisconsin Industrial Energy Group discovered that WPL had been hiding the fact Bent Tree would not be able to deliver power to Wisconsin customers because of congested transmission lines. WPL then tried to keep CUB and WIEG from bringing this information forward. CUB and WIEG fought to have their case heard and urged the PSC to prevent WPL from raising its rates to recover all of the costs for its Bent Tree wind farm.

In its decision on November 11, 2010, the PSC approved an electric rate increase of \$8.2 million, or 0.8 percent. The PSC agreed with CUB and WIEG that WPL should be penalized for hiding the information about transmission congestion and refused to allow WPL to collect \$3.2 million for Bent Tree costs from ratepayers. The PSC also noted that the utility inappropriately withheld information regarding the Bent Tree project, as CUB and WIEG had argued.

“CUB’s Alternative Would Have Saved Millions,” Wisconsin Power & Light (dba Alliant Energy), Retrofit of Columbia 1 & 2, Docket 05-CE-138

On April 2, 2009, WPL and co-owners Madison Gas & Electric and Wisconsin Public Service Corp. applied for permission to add pollution controls to the 1,000 megawatt coal-fired Columbia power plant, located near Portage. The

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mercury and sulfur dioxide pollution controls would cost more than \$627 million.

CUB intervened in this case along with Clean Wisconsin to make sure the retrofit costs were reasonable and that retrofitting these older units was the best option for customers and the environment. CUB's expert witness determined that installing mercury controls at Columbia and shutting down other smaller coal units would save ratepayers more than \$680 million and reduce more pollutants than the utilities' proposal.

The PSC issued its decision on February 24, 2011, approving the request to install pollution controls for mercury and sulfur dioxide at Columbia. Had the PSC followed CUB's advice, customers would have saved more than \$680 million.

“CUB Works with WPS to Save Energy,” Wisconsin Public Service Corp., Energy Efficiency Pilots

In December 2008, the PSC approved an agreement between CUB and Wisconsin Public Service Corp. (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 \$50 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.

“WPS Rate Increase Request Slashed,” Wisconsin Public Service Corp., Rates for 2011, Docket 6690-UR-120

On April 1, 2010, WPS filed an application with the PSC to increase electric rates by \$64.2 million (6.9%) and natural gas rates by \$5 million (1.2%). The new rates would take effect on January 1, 2011.

CUB intervened in the case and urged the PSC to reduce WPS's profits. CUB also reviewed the changes WPS wanted to make to the “decoupling mechanism,” which would allow the utility to charge higher rates.

CUB also explored why WPS was trying to charge customers for costs associated with unexpected shut downs of the new Weston 4 coal-fired power plant. The boiler tubes of the plant have been clogging up due to “exfoliation” of material inside the tubes. The clogged tubes have forced periodic shut downs of the plant, and WPS was trying to charge customers for make-up electricity the utility had to purchase on the spot market.

The PSC issued its decision in this case on December 16, 2010, and allowed WPS to increase rates by \$5.6 million, or less than 1%, significantly less than the \$64.2 million requested by WPS earlier in the year.

The PSC accepted some of CUB's recommendations, and reduced WPS' return on equity (profit) to 10.3 percent, which means that ratepayers will pay \$13.3 million less than requested by WPS.

Unfortunately, the PSC did not find WPS imprudent for the clogging problems at the Weston 4 power plant, as CUB had recommended. Had the PSC followed our advice, ratepayers would have saved another \$4.5 million.

“Upon Further Review...,” Xcel Energy (aka Northern States Power-Wisconsin), Gasifier at Bayfront Power Plant, Docket 4220-CE-169

On February 23, 2009, Xcel filed an application to add a biomass gasifier to one of the units at the Bayfront facility near Ashland so that it could burn biogas instead of coal.

CUB intervened to make sure the

cost of the project was reasonable. During the proceeding, CUB discovered a study written by a consultant hired by Xcel that concluded that the proposed project may not work at the size and scope envisioned. CUB also unearthed information indicating that Xcel had underestimated the cost for the project. CUB brought these concerns to light in legal briefs submitted to the PSC.

The PSC approved the project on December 22, 2009. Although the PSC determined that the project was technically feasible, the PSC agreed with CUB to limit the cost-overrun collar to 10 percent, rather than 20 percent sought by Xcel.

In addition, the PSC agreed with CUB and did not provide Xcel with a guarantee of cost recovery should the project cost more than the approved amount or should it not function properly. These actions protected ratepayers from paying millions of dollars for cost overruns for a project that may not work.

In May 2010, Xcel informed the PSC that the cost of the proposed project had increased from \$58 million to \$79.5 million. The utility canceled the project in November 2010 due to these higher than expected costs. CUB saved ratepayers more than \$63 million on this too-expensive project.

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