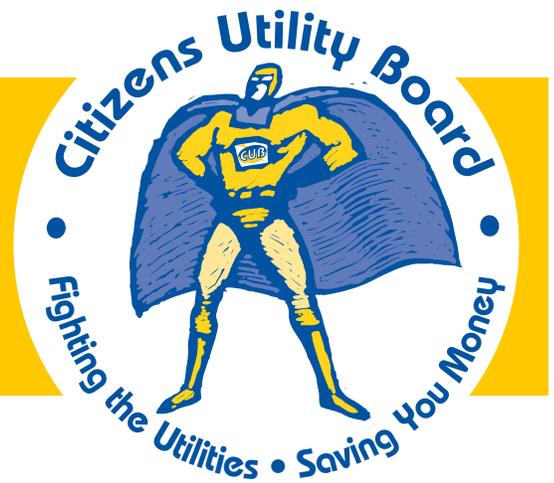


CUB Reporter

Citizens Utility Board Newsletter • SPRING 2010



CUB Saves Ratepayers \$38 Million

During 2009, three utilities sought increases in rates for electric and gas service to take effect in January 2010. CUB intervened on your behalf in these rate case proceedings, and was able to reduce rates by \$38 million.

Two utilities asked permission from the Public Service Commission (PSC) to build a wind farm in Columbia County and a power plant in Ashland that will use biomass from forests as fuel. CUB intervened in these cases to make sure these power plant proposals were good deals for Wisconsin's ratepayers and environment.

The hard work by CUB's staff and hired experts, plus good decisions by the PSC, made these results possible. These cases are described below (the numbers in parentheses are the 'docket' numbers that identify the case at the PSC. You can view all the documents submitted in each case by entering the docket number on the PSC's website, <http://psc.wi.gov/>)

We Energies, Rates for 2010 (05-UR-104)

On March 13, 2009, We Energies filed an application with the PSC to increase electric rates by 2.8 percent and natural gas rates by 4.6 percent, with the new rates taking effect on January 1, 2010. On July 3, 2009, We Energies modified its request to raise electric rates by a total of \$127 million, or 4.9 percent.

CUB intervened in the case and reviewed WE's requests for recovery of costs related to burning excess coal, costs associated with the Midwest Independent Transmission System Operator (MISO), WE's off-balance sheet obligations, rate allocation and design, and whether WE had too many power plants on-line, which could unnecessarily cause electric rates to be higher than reasonable.

The PSC issued its decision regarding rate increases for We Energies on December 18, 2009. The PSC approved an increase in electric rates of \$85.8 million

(3.4 percent) and a decrease in gas rates of \$2.1 million (0.35 percent).

The PSC agreed with CUB and reduced We Energies rates by \$17.3 million, including: a reduction of \$2.3 million for unnecessarily burning excess coal; a reduction of \$3.8 million for extra costs associated with MISO; and a reduction of \$11.2 million by lowering WE's return on equity (profits) from 10.75 percent to 10.4 percent.

The PSC also agreed with CUB and will open an investigation to address the fact that Wisconsin utilities have too many power plants on-line, a situation known as 'excess capacity.'

Wisconsin Power & Light (also known as Alliant Energy), Rates for 2010 (6680-UR-117)

On May 8, 2009, WPL filed a request to raise electric rates by \$85.5 million or 9.2 percent and natural gas rates by \$6.2 million or 2.6 percent starting in January 2010. On July 24, 2009, WPL updated its request to increase electric rates by \$103 million or 11.0 percent and natural gas rates by \$6.7 million or 2.8 percent.

CUB intervened in the case and reviewed the following issues: the utility's level of profit; cost-of-service studies, class revenue requirement allocations, and rate designs. CUB also argued that WPL should not be allowed to recover 'pre-certification' and 'pre-construction' costs associated with the proposed Nelson Dewey power plant, which was rejected by the PSC in November 2008.

The PSC issued its decision in this case on December 18, 2009. The PSC approved an increase in electric rates of \$58.6 million (6.3 percent) and an increase in gas rates of \$5.6 million (2.4 percent).

The PSC agreed with CUB and reduced WPL's rates by \$18.4 million, including: a reduction of \$2.6

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From the Executive Director

Congratulations to all members of CUB! With your support, we were able to save Wisconsin ratepayers at least \$38 million in 2009 by reducing rate hikes proposed by the utilities that would take effect starting in January 2010.

We also made sure that two proposed power projects, a wind farm in Columbia County, and a biomass gasifier for a power plant in Ashland, will provide value to the ratepayers that will pay for these projects.

Looking forward, it looks like 2010 will be an important year for energy policy, both in Wisconsin and the U.S.

The Public Service Commission of Wisconsin will decide whether more than \$1 billion should be spent retrofitting old coal-fired power plants to meet future pollution standards. With two new coal plants coming on-line in 2010, and with reduced energy sales caused by the recession, Wisconsin has *too many* power plants. CUB is urging the Public Service Commission to consider retiring old coal plants, instead of spending billions on retrofits that could otherwise be invested in energy efficiency or renewable energy, with resulting savings and jobs for Wisconsin customers.

The State Legislature is currently considering AB 649 and SB 450, which would implement many of the recommendations of Gov. Jim Doyle's Task Force on Global Warming, on which CUB served. As currently drafted, the legislation would strengthen Wisconsin's energy efficiency programs, and would encourage the development of renewable energy resources, which would help reduce pollution and create Wisconsin jobs. We're hoping the legislation will pass without weakening amendments. The Legislature has until late April to pass this important legislation.



We've also asked the Legislature to support AB 689, which would provide CUB with \$300,000 annually. The money would come from ratepayers at a cost of about 13 cents per household per year. In exchange, CUB would get badly needed funding that will help us keep up the fight for saving ratepayers money: CUB typically saves ratepayers \$1,000 for every dollar spent by CUB.

Though Democrats in Washington introduced legislation in the summer of 2009 that would strengthen national policies toward energy efficiency and renewable energy, the legislation became bogged down in partisan politics. As of March 2010, federal energy legislation may start moving again. We're hopeful legislation will pass that will complement Wisconsin's clean energy policies currently under consideration.

CUB has long advocated that large investments in energy efficiency and renewable energy will create jobs, reduce monthly energy bills, and reduce pollution in Wisconsin and throughout the U.S. We're hopeful that in 2010, our leaders will finally make energy efficiency and renewable energy the main focus of Wisconsin and U.S. energy policy.

CUB Priorities: 2010

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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Coal-Fired Power Plants

CUB and Clean Wisconsin are intervening in cases before the Public Service Commission where several utilities have applied for authorization to install pollution control equipment on coal-fired power plants. The utilities claim that pollution control equipment, which can cost over \$1 billion for a large power plant, is needed to comply with state and federal regulations that require reductions in emissions of nitrogen oxides, sulfur dioxide, and mercury.

Instead of adding pollution controls, CUB and Clean Wisconsin have argued instead that outright retirement of some of these plants would be the best course of action. Unfortunately, two large coal-fired power plants will be coming on-line in Wisconsin during 2010. Combined with the affects of the recession, Wisconsin will likely have a surplus of baseload power plants for the next 10 years. This means that several old coal plants could be shut down without affecting the utilities' ability to provide service to their customers.

Indeed, our recommendation to shut down unneeded coal plants would reduce pollution, reduce utility operating costs, and emphasize our efforts to increase energy efficiency and the development of renewable energy resources.

In a related development, CUB and Clean Wisconsin will participate in a proceeding at the PSC (docket 05-EI-150), in which the PSC will investigate whether any coal-fired power plants operating in Wisconsin should be retired due to a surplus of power.

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 decou-

pling, 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 on October 1, 2009, and the other two pilots will start in 2010 and 2011. The pilots will conclude at the end of 2012. CUB will be involved in these pilots through 2012.

Legislation: CUB Funding Bill

The Wisconsin State Assembly has passed the **CUB Funding Bill (AB 689)** a bill designed to increase the amount of 'intervenor compensation' available for CUB to fight in rate cases.

This legislation would increase the fund from \$750,000 to just over \$1 million and require the increase be given to an organization "*that has a history of advocating on behalf of residential ratepayers for affordable rates,*" namely CUB.

Wisconsin is different than most states in providing ratepayer representation: most states have state-funded agencies that represent the interests of utility customers. For example, these agencies in Indiana, Iowa, Minnesota, and Ohio have between 22 and 74 staff and annual budgets ranging from \$3 million to over \$8 million.

In contrast, Wisconsin relies on CUB, supported in part by about 9,000 members statewide. CUB has three full-time staff and an annual budget of less than \$900,000.

The utilities spend between \$2 and \$4 million each year of ratepayer money in regulatory proceedings to raise rates. Even though outspent by

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Friends of CUB Donors (\$100 and up) from September 1, 2009 to February 28, 2010

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Rayne Arneson and Michael Losenegger	Andrea and Frank Egerton	Dolores Kamm	David Lucey
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Dennis Duffy			Seth Nowak
			Gary Paust

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New CUB Members

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George Tanner
Ludvig Vera

Ellen and Eric Waldmer
Darlene Warnock
Richard and Therese Waugh
Carol Wendt
Debra and Mark Whitman
Cheri Wilcox and Sally Hyde
Lucy Zelsenrust

CUB Priorities: 2010

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4 to 1, CUB continues to win victories, saving ratepayers tens of millions of dollars each year.

Now that AB 689 has passed the Assembly, we're hopeful that the State Senate will pass the legislation, and that Governor Jim Doyle will sign it, which would provide CUB with badly needed funding. Please call your state senator and urge him or her to support AB 689, the CUB Funding Bill.

Legislation: Clean Energy Jobs Act

CUB is urging lawmakers to implement the recommendations of Governor Jim Doyle's Task Force on Global Warming, on which CUB served.

In July 2008, the task force recommended making larger investments in energy efficiency, the best strategy to meet future energy needs, reduce monthly energy bills, and reduce pollution.

Regarding renewable energy, the task force recommended that Wisconsin utilities should generate 25 percent of their electricity from

renewable resources by 2025, which would help create jobs in Wisconsin, reduce the flow of energy dollars out-of-state, and reduce pollution.

Legislation has been drafted and introduced to implement the task force recommendations, but the bills (AB 689 and SB 450) may be modified by an amendment that will likely be introduced in April. CUB is working hard to make sure the legislation will put Wisconsin on a clean energy path while protecting residential ratepayers from misguided investments in nuclear power.

Litigation: 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 wind power project to be built in Minnesota, owned by Madison-based Wisconsin Power & Light Co. (WPL), and paid for by WPL's Wisconsin customers.

WIEG represents most major Wisconsin manufacturing industries, and advocates for reliable and cost effective gas and electric service for Wisconsin industrial consumers.

On June 6, 2008, WPL submitted an application to the PSC for approval to build and own a 200-megawatt wind farm called Bent Tree, to be located in South Central Minnesota, at an estimated cost of \$497 million. WPL's application requested a 'certificate of public convenience and necessity' or CPCN, which a utility must obtain from the PSC before the utility can build a new power plant of 100 megawatts or more.

Because the project would be built in another state, on November 6, 2008, the PSC issued an order following a 2-1 vote saying that it would review WPL's application as one seeking a 'certificate of authority' or CA, rather than under the more stringent requirements for obtaining a CPCN. Commissioner Lauren Azar disagreed and voted against reviewing the project under the CA process; she issued a dissenting opinion in which she asserted that Wisconsin law requires utilities to receive a CPCN, regardless of where the project is located. Earlier, in comments filed in July 2008, both

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

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WIEG and CUB urged the PSC to use the CPCN process as required by state law.

On July 31, 2009, the PSC issued an order granting WPL a CA for its Bent Tree Wind Farm, even though both WIEG and CUB had submitted legal briefs in May 2009, again pointing out that state law requires utilities to receive a CPCN before constructing a project like Bent Tree.

In general, a certificate granted under the CPCN process means that the PSC has determined that the project is needed to provide Wisconsin customers with electricity, and that the cost and environmental impacts of the project are reasonable when compared to alternatives.

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.

As of April 2010, this case remains before the Dane County Circuit Court.

2010 PSC Cases

CUB will be working on the following important cases in 2010 (the cases are arranged alphabetically). The numbers in parentheses are the 'docket' numbers that identify the case at the Public

Service Commission. You can view all the documents submitted in each case by entering the docket number on the PSC's website, <http://psc.wi.gov/>

Energy Efficiency Goals (05-GF-191)

CUB will urge the Public Service Commission to increase funding for Focus on Energy, which provides energy efficiency and renewable energy services to residents and businesses.

Retirement of Coal-Fired Power Plants (05-EI-150)

The PSC will investigate whether any coal-fired power plants operating in Wisconsin should be retired due to a surplus of power.

Strategic Energy Assessment (05-ES-105)

In the summer of 2010, the PSC will issue a draft of its latest assessment of Wisconsin's supply of electricity. CUB will submit comments on the draft, urging the PSC to re-establish a better energy planning process.

Telephone Deregulation (05-TI-1777)

The PSC is investigating whether and to what extent regulations for local telephone service should be changed. CUB has urged the PSC to protect the rights of telephone customers as change continues to sweep through the world of telecommunications.

We Energies, Biomass Power Plant (6630-CE-305)

We Energies will ask the PSC for permission to build a 50-megawatt cogeneration power

plant that will run on biomass and produce steam as well as electricity. CUB will intervene to make sure the power plant is needed and cost-effective.

Wisconsin Power & Light, Rates for 2011 (6680-UR-118)

WPL will be asking the PSC for permission to change electric and gas rates starting in January 2011. CUB will fight for reasonable rates.

Wisconsin Power & Light and We Energies, Retrofit of Edgewater Unit 5 (05-CE-137)

WPL and We Energies want to add pollution controls to Unit 5 of the Edgewater power plant. The pollution controls would cost about \$153 million. CUB and Clean Wisconsin have intervened to determine whether this proposal is cost-effective and protects the environment.

Wisconsin Power & Light, Wisconsin Public Service, and Madison Gas & Electric, Retrofit of Columbia Units 1 & 2 (05-CE-138)

WPL, WPS, and MGE would like to add pollution controls to the two 500-megawatt units that comprise the Columbia Power Plant. The pollution controls would cost about \$627 million. CUB and Clean Wisconsin have intervened to determine whether this proposal is cost-effective and protects the environment.

Wisconsin Public Service, Rates for 2011 (6690-UR-120)

WPS will be asking the PSC for permission to change electric and gas rates starting in January 2011. CUB will fight for reasonable rates.

CUB Saves Ratepayers \$38 Million

continued from page 1

million and \$9.3 million for unreasonable pre-certification and pre-construction costs for the never-built Nelson Dewey power plant; and a reduction of \$6.5 million by lowering WPL's return on equity (profits) from 10.6 percent to 10.4 percent.

The PSC also agreed with CUB to require WPL to use electric rates for residential customers with lower fixed charges and higher volumetric charges, which provide incentives to customers to save electricity. The PSC also agreed with CUB and did not increase the credit for industrial customers willing to interrupt their electricity service for emergencies.

Madison Gas & Electric, Rates for 2010 (3270-UR-116)

On April 29, 2009, MGE filed a request to raise electric rates by \$15.9 million or 4.5 percent, and natural gas rates by \$4.4 million or 2.3 percent. The rate increases would take effect in January 2010.

CUB intervened in this case and reviewed the utility's level of profit and the design of rates for residential customers.

The PSC issued its decision in this case on December 22, 2009. The PSC approved an increase in electric rates of \$11.9 million (3.3 percent) and a decrease in gas rates of \$1.5 million (0.74 percent).

The PSC agreed with CUB and

reduced MGE's return on equity (profits) from 10.8 percent to 10.4 percent, a savings to customers of \$2 million. In addition, the PSC also agreed with CUB and reduced rates by \$78,000 for lobbying expenses that were incorrectly charged to ratepayers.

The PSC also agreed with CUB to require MGE to use electric rates for residential customers with lower fixed charges and higher volumetric charges, which provide incentives to customers to save electricity.

Xcel Energy (also known as 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 at its Bayfront facility near Ashland so that it can 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 brought these concerns to light in legal briefs submitted to the PSC.

The PSC issued an approval for the project on December 22, 2009. Although the PSC determined that the project was technically feasi-

ble, 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 cost overruns exceed 20 percent and the PSC orders Xcel to cease construction. These actions will help protect ratepayers from paying millions of dollars for possible cost overruns, or for a project that may not work.

We Energies, Glacier Hills Wind Farm, Docket 6630-CE-302.

On June 18, 2008, We Energies submitted a request to the Commission for authorization to build a 200 megawatt wind farm at an expected cost of \$450 million in Columbia County.

The PSC approved the project on January 22, 2010. The PSC agreed with CUB that going forward, We Energies will need to use a more thorough process for evaluating proposed wind projects developed by the company and competing proposals developed by others. The goal of this improved selection process is to make sure the best and lowest cost wind projects are selected for providing wind power to the customers of We Energies.

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Community Shares of Wisconsin Named Best Place to Work 2010

Madison Magazine has named Community Shares of Wisconsin (CSW) as the Best Place to Work 2010 – in workplaces under 100 employees. It ranked as the top honoree in this category, with the magazine noting

that CSW succeeded in “scoring an astonishing 100% in five out of six indicators.”

As a long-time member group of Community Shares, CUB applauds the work of CSW.

Emily Dickmann, CSW Board President, noted that “the CSW staff does tremendous work in supporting member organizations to build social and economic equity and a healthy environment, and their workplace mirrors the work that they strive to create. I’m thrilled to see their efforts recognized.”

“Community Shares of Wisconsin has provided CUB with critical support for many years,” said CUB executive director Charlie Higley. “Congratulations to CSW for being recognized for its great management and workplace environment.”

Please stop by CUB’s booth, A4, at the MREA Fair (June 18-20), Custer, Wisconsin. Meet CUB Board members and discuss CUB issues and priorities!

