

Catching Wind

A Newsletter of RENEW Wisconsin

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Walker, Legislature Open Fire on Siting Rule

The statewide rule for permitting wind energy systems, a strict but workable compromise package that was approved by the Public Service Commission (PSC) in December 2010, has been under ceaseless attack since the Governor Scott Walker and new Legislature took over January 3rd. If not suspended, the new rule will take effect on March 1.

The attack came first as Gov. Walker unveiled a regulatory reform proposal that included provisions to substitute new permitting standards for those approved by the PSC. The proposal, Senate Bill 9, was introduced in a special legislative session whose ostensible purpose was to promote job creation.

Easily the most dramatic change involved setback distances from wind turbines. From neighboring residences, the wind siting rule (PSC 128) specifies setback distance of 3.1 times total turbine height from neighboring residences, capped at 1,250 feet. From neighboring property lines, PSC 128 requires a setback distance of 1.1 times tower height, which for today's utility-scale wind turbines translates to a range between 400 and 500 feet. These are essentially the same setback requirements that the PSC specified in its January 2010 approval of We Energies' Glacier Hills project, now under construction.

Walker's bill proposed to strip the PSC of its authority to regulate setback distances and instead mandate a minimum distance of 1,800 feet from property lines. Much of the bill's language originated with the Wisconsin Realtors Association (WRA), which advocated for lengthy setbacks during the PSC's rulemaking proceeding. The two realtors who served on the Wind Siting Council, an advisory group which met frequently in 2010 to help the PSC promulgate statewide standards, consistently advocated for setback distances of one-half mile from nonparticipating residences and occupied structures. Their positions are spelled out in a minority report supported by four of the Council's 15 members and appended to the Council report issued in August 2010.

Acting in close concert with other windpower opponents, the realtors fully understood fully well that mandating 1,800-foot setbacks *from property lines* would drive commercial wind development out of Wisconsin. No other state has adopted such an extreme setback requirement. As drafted, not only would the setback standard be applied to wind projects that hadn't been permitted, but also to several permitted projects that had yet to break ground.

Tom Larson, chief lobbyist for the WRA, defended Gov. Walker's proposal. "We think that with this bill Wisconsin will be the only state in the country to have an adequate setback for property owners," Larson said.

Wind Supporters Fight Back

As soon as it was introduced, Walker's bill drew heavy fire from the windpower industry, clean energy advocates (e.g., RENEW Wisconsin), and Badger State businesses that have staked a claim in the wind energy supply chain (e.g., Michels Wind Energy and Renewegy). Wind supporters launched a public education campaign highlighting the inconsistency between Gov. Walker's goal of easing the regulatory burden on businesses and the bill's prescription of an unworkable setback standard. They also focused attention on the economic fallout likely to ensue from closing Wisconsin off to future

wind development.

"This is a shock to those of us in the wind industry," said Denise Bode, CEO of the American Wind Energy Association, in an interview with the *Milwaukee Journal Sentinel*. "This will cause projects to go to other states."

Spearheading the public education campaign, RENEW Wisconsin issued a press release publicizing the amount of revenues generated by Wisconsin's four largest wind generation facilities to host communities in 2010. One day later, the *Fond du Lac Reporter* ran an expanded version of that story, documenting the shared revenues flowing into the six Fond du Lac County townships hosting more than half of Wisconsin's wind generators (168 out of 314 turbines). That release was followed up by another from RENEW itemizing the 11 wind projects that would be stopped in its tracks by Walker's bill and quantifying the lost capacity (more than 700 megawatts), lost capital investment (\$1.8 billion), and lost construction-related employment (2,000,000 job-hours).

Meanwhile, the Illinois Wind Energy Association (IWEA) saw a chance to appropriate Walker's pro-business rhetoric to highlight the steps that Illinois, a state with more than 2,000 megawatts of windpower now in operation, has taken to accommodate the industry. A few days after

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Site Puts WI Wind Facts at Your Fingertips

The Wisconsin Wind Information Center (www.wiwindinfo.net), a fact-filled, online library devoted exclusively to windpower development in Wisconsin, is now open to the public.

Created and managed by RENEW Wisconsin through a grant from the U.S. Department of Energy, this web site is the central resource devoted to informing the public and policymakers on wind energy systems over 100 kilowatts

in Wisconsin. When completed this summer, the web site will contain not only the bare facts of Wisconsin's wind energy projects but also the policy context that led to their construction as well as the individual histories of each project.

The page titled *Siting*, for example, presents the history of the Public Service Commission's rulemaking on wind siting — from the 2009 law that triggered the

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Wind siting rule

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Gov. Walker traveled to the Illinois border to post highway signs proclaiming that “Wisconsin Is Open for Business,” IWEA issued a press release urging Wisconsin developers to “escape to Illinois.”

“Illinois is open for business,” wrote IWEA Executive Director Kevin Borgia. “In these challenging economic times, while Wisconsin is raising barriers, we are lowering them.”

Added Borgia: “Businesses with wind farm proposals in both states are likely to focus their efforts on locations with the most beneficial regulatory climate. If the legislation is adopted, that location will not be Wisconsin.”

The spectacle of a self-proclaimed pro-business governor backing a job-extinguishing measure like SB 9 did not escape the attention of editorial boards. By the end of January, more than 10 Wisconsin newspapers had editorialized against Walker’s bill. Between the paucity of public support and opposition from influential in-state manufacturers and construction firms, Gov. Walker and the legislative leadership decided to withdraw SB 9 from the special session. This was a signal achievement; SB 9 is the only proposal from the Governor’s office that has failed to advance in the special session which is still underway.

WI Wind Info

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proceeding to the rule itself. As constructed, the page archives the most important documents generated by the rulemaking, including the Wind Siting Council’s final report and the studies and presentations heard by Council members. An audio feed to the PSC’s final meeting (December 9, 2010) on the PSC 128 rule is posted on the site.

The Wisconsin Wind Information Center also contains links to important filings on the PSC’s electronic docket system relevant to specific wind projects (e.g., Forward, Cedar Ridge and Glacier Hills) that received permits from the agency. These include Environmental Impact Statements and post-construction avian impact studies.

Summary tables not only identify

But no sooner had SB 9 been withdrawn than word came out that an obscure legislative committee, the Joint Committee for the Review of Administrative Rules (JCRAR), scheduled a hearing on February 9th to consider the PSC 128 rule. Though seldom exercised, JCRAR has the power to suspend an administrative rule on a simple up-and-down vote. Should JCRAR vote to suspend the wind siting rule in the next 30 days, the suspension could last through the current legislative session.

Wind supporters and opponents jammed the hearing room that day. Antiwind advocates were joined by the WRA, the Wisconsin Towns Association, and several localities that have adopted severely restrictive wind ordinances.

Is Suspension Next?

Whether JCRAR suspends the wind siting rule or not, veteran political observers expect the new PSC chair to revisit the wind siting rule and tailor its contents to better fit Gov. Walker’s attitudes towards windpower.

In addition to being the day PSC 128 takes effect, March 1st is the day the Governor Walker’s first appointment to the Public Service Commission assumes his or her duties. As per tradition, Walker’s appointment will chair the agency, taking over from Eric Callisto. Though the new PSC Chair will initially be outnumbered by the

commercial wind projects operating in Wisconsin, but also identify the counties and townships where they’re located. Tables in the **Economics** page quantify the amount of local revenues annually generated by the state’s four largest wind projects, which together account for more than 80% of the state’s total wind generation.

When completed, the Center will feature project profiles of all 10 wind projects currently in operation, from the oldest (Glenmore) to the newest (Shirley). In addition to dimensional data, project profiles will include photos, site maps, chronologies, supplier and contractor information, and related articles. Back issues of **Catching Wind** are also there.

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two remaining appointees from the Doyle Administration, he or she will have considerable power over the agency’s priorities and scheduling.

Editorializing Against Siting Bill

Oshkosh Northwestern
Appleton Post-Crescent
Sheboygan Press
Tomah Journal
Eau Claire Leader Telegram
La Crosse Tribune/
Dunn County News
Janesville Gazette
Kenosha News
Wisconsin State Journal
Milwaukee Journal-Sentinel
The Country Today

Wind Siting Rule Supporters

Fond du Lac County
Wausaukee Composites
Lindquist Machine Corporation
Bassett Mechanical
Milwaukee Machine Works
Avanti Wind Systems
Matenaer Corporation
Applied Plastics
The C.A. Lawton Company
MCL Industries
Velocity Machine
Merit Gear
Wondra Construction
Michels Corporation
The Boldt Company
Tower Tech Systems
Renewegy
Ritger Law Office
Organic Valley
American Wind Energy Association
Wind on the Wires
Midwest Wind Energy
Element Power
Emerging Energies
Wind Wisconsin
Prelude
Fennimore Water & Light
Ed Kraemer & Sons
Bard Materials
NextEra Energy Resources
American Superconductor
Kettle View Renewable Energy
IBEW Local 2150
Customers First Coalition
American Lung Assn. – WI Chapter
Clean Wisconsin
Sierra Club – John Muir Chapter
WI League of Conservation Voters
Wisconsin Farmers Union
Environmental Law & Policy Center
Wisconsin Energy Business Alliance