

PUBLIC SERVICE COMMISSION OF WISCONSIN**Memorandum**

July 1, 2020

TO: Rebecca Cameron Valcq, Chairperson

FROM: Martin R. Day, Administrator
Division of Energy Regulation and Analysis

RE: Application for a Certificate of Public Convenience and Necessity of Paris Solar Farm, LLC, to Construct a Solar Electric Generation Facility in the Town of Paris, Kenosha County, Wisconsin 9801-CE-100

Request for Extension of Time Pursuant to Wis. Stat. § 196.491(3)(g)

The purpose of this memorandum is to request an extension of time for the Commission to take final action on the application of Paris Solar Farm, LLC (Paris), filed on February 28, 2020, for a Certificate of Public Convenience and Necessity (CPCN) under Wis. Stat. § 196.491(3). The application seeks authority to construct and place into operation a new 200 megawatt (MW) solar photovoltaic electric generation facility. If approved, the project would be constructed in Kenosha County, Wisconsin.

The Commission and the Wisconsin Department of Natural Resources reviewed the application to construct the facilities described above. On March 27, 2020 the Commission, under Wis. Stat. § 196.491(3)(a)2. and Wis. Admin. Code § 111.51, determined that the application was complete. ([PSC REF#: 386527.](#))

Under Wis. Stat. § 196.491(3)(g), the Commission is required to take final action on a CPCN application within 180 days after the application is determined or considered to be complete. If the Commission fails to take final action within the 180-day period, the Commission is considered to have issued a CPCN with respect to the application. In this matter, the 180-day deadline expires on September 23, 2020. However, Wis. Stat. § 196.491(3)(g)

provides that the Chairperson of the Commission, for good cause, may extend the period for action for an additional 180 days.

Commission staff is working diligently on its review so that the Commission can take final action on this application as soon as practicable. However, given the scope of this project, challenges caused by the COVID-19 pandemic, and Commission staff's present workload, Commission staff anticipates that the review may not be able to be completed within the 180-day deadline. To ensure a comprehensive analysis, Commission staff is reviewing the project and performing an environmental review that includes the preparation of an Environmental Assessment (EA) under Wis. Admin. Code ch. PSC 4. The EA notice letter was issued on April 15, 2020. ([PSC REF#: 387536.](#))

In addition to the review by Commission staff, four organizations requested intervention and were granted party status in this proceeding¹. ([PSC REF#: 392454.](#)) Administrative Law Judge (ALJ) Michael E. Newmark scheduled a prehearing conference for May 27, 2020 to establish the issues and schedule for the proceeding. Prior to the prehearing conference, Commission staff, the applicant, and the parties agreed to a schedule and issues for the case. The ALJ accepted the agreement as set out in the ALJ's Scheduling Order, which includes deadlines for the submission of pre-filed testimony by the applicant, the parties, and Commission staff; hearings in Madison and the project area, as required by Wis. Stat. § 196.491(3)(b); and the submission of briefs by the applicant and the parties. ([PSC REF#: 392454.](#)) Thereafter, Commission staff will prepare a Decision Matrix for the Commission and provide an opportunity for the parties to provide their position on various issues. The schedule as established by the ALJ's Scheduling Order sets filing dates that fall beyond the 180-day deadline for initial and

¹ In addition to the applicant, the parties are American Transmission Company LLC, Kenosha County Land Venture Group, Paris, and Renew Wisconsin.

reply briefs. Commission staff believes the coordination of these various activities required in this docket to develop a record on which the Commission can make a decision of whether to grant a CPCN may not be able to be accomplished without an extension by the Chairperson.

Given the project's size, the various tasks to be performed in the docket, including the public hearings, which may take place in the project area with modification because of the COVID-19 pandemic, and the workloads of Commission staff associated with multiple other solar electric generation facility CPCN applications under review, Commission staff respectfully submits that good cause exists for an extension of time and therefore requests that the Chairperson extend the time period for an additional 180 days. While a 180-day extension of time is requested, Commission staff is diligently working to complete its review and anticipates that the Commission may be able to take action well before the extended deadline.

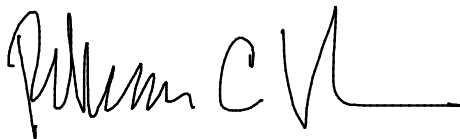
If this request is granted, the new deadline for taking final action is March 22, 2021.

PURSUANT TO WIS. STAT. § 196.491(3)(g), THE REQUEST FOR AN EXTENSION OF TIME FOR AN ADDITIONAL 180 DAYS IS:

GRANTED

DENIED

Dated at Madison, Wisconsin, this 1st day of July.



Rebecca Cameron Valcq
Chairperson

RCV:DG:jlt:DL: 01735673

Key Background Documents

[Determination that Application is Complete/Incomplete - PSC REF#: 386527](#)
[9801-CE-100 EA Notification & Scoping Letter - PSC REF#: 387536](#)
[Scheduling Order Served 6/23/2020 - PSC REF#: 392454](#)