

American Transmission Co.: Utility co-owners of Cardinal-Hickory Creek Transmission Line Project present oral arguments in Dane County Circuit Court

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Co-owners assert that the Public Service Commission of Wisconsin properly approved the construction of the critical infrastructure project in Wisconsin

MADISON, Wis. – Attorneys representing American Transmission Co., ITC Midwest, and Dairyland Power Cooperative, the utility co-owners of the Cardinal-Hickory Creek Transmission Line Project, argued today in Dane County Circuit Court that the court should uphold the Certificate of Public Convenience and Necessity (CPCN) the Public Service Commission of Wisconsin (Commission) issued for the project in September 2019. The co-owners maintain the Commission fully complied with state law when issuing the CPCN and that the project is needed more than ever to improve transmission system reliability, relieve congestion on the transmission system to reduce energy costs and provide greater access to renewable generation.

Appeals of the Commission's issuance of the CPCN have languished in the circuit court for almost three years due to the project opponents' pursuit of baseless claims of bias against the Commissioners, focusing on former Commissioner Michael Huebsch, who sat on the Commission when it approved the transmission line. Earlier this year, the Supreme Court of Wisconsin stopped the pursuit of claims against Mr. Huebsch, allowing the circuit court to finally address the merits of the appeals in today's proceedings.

“The record before the Commission was robust and overwhelmingly supported approval of this critical transmission project, which is why we joined the PSCW as a party to this case,” said Brian Potts, partner at Perkins Coie who spoke on behalf of the utility co-owners for this proceeding. “We are confident that the circuit court will uphold the Commission’s decision to approve the project, and we look forward to placing the project in service at the end of 2023.”

In multiple briefings to the circuit court and during today’s oral argument, the co-owners reiterated that:

- The Cardinal-Hickory Creek Transmission Line Project is a critical, backbone project for the regional power grid of the Upper Midwest that is necessary to improve transmission system reliability, relieve congestion on the transmission system to reduce energy costs and provide greater access to renewable generation. As of April 2022, there are [127 renewable generation projects](#) totaling more than 19 gigawatts that are contingent on the construction and operation of the line—a number that continues to escalate.
- The record before the Commission contained an overwhelming amount of evidence supporting the Commission’s findings that the project is in the public interest and satisfies the statutory criteria under the state law. This evidence demonstrates that the Cardinal-Hickory Creek Project will generate millions of dollars in energy cost savings for Wisconsin, improve electric reliability, and support the interconnection of thousands of megawatts of renewable generation in the Upper Midwest, helping the region shift to a cleaner and more affordable energy future.
- The record before the Commission demonstrated that there were no other cost-effective or technically feasible alternatives that could meet the transmission needs the project is designed to address. The project’s opponents failed to present the Commission with a single, concrete alternative that would generate benefits even remotely comparable to the Cardinal-Hickory Creek Project. The Commission correctly rejected the opponents’ arguments in favor of other, ill-defined “non-transmission alternatives” as “not sufficiently credible.”
- The Commission worked jointly with the Wisconsin Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection to prepare a robust, more than 600-page environmental impact statement (EIS) that adequately evaluated alternative technologies and routing options for the project. The Commission carried forward their robust analysis from the

EIS within the CPCN order; the notion that the Commission overlooked or failed to study some aspect of the project's impacts, as the opponents suggest, is flatly absurd.

- There was more than enough evidence to support the Commission's finding that the project will not cause undue adverse impacts to the environment or the communities in which it will be located. The majority of the project in Wisconsin—more than 95 percent—will be co-located with existing infrastructure rights-of-way, such as roads, railroads and transmission lines. Adverse environmental impacts will be mostly temporary in nature and confined to construction activities, and the co-owners are adequately mitigating those impacts through best management practices.

The Dane County Circuit Court will rule on the case at an undetermined future date. Project construction began in April 2021, and substantial progress has been made on most of the 102-mile, 345,000-volt transmission line stretching from Dubuque County, Iowa to Dane County, Wisconsin. Although the legal proceedings continue, the utility co-owners have regulatory authorization to move forward with construction activities for the vast majority of the project.

Additional project information is available at www.cardinal-hickorycreek.com.

Project background

The Cardinal-Hickory Creek Transmission Line Project was approved in 2011 as part of a set of Multi-Value Projects (MVPs) by the Midcontinent Independent System Operator, the independent, not-for-profit regional transmission grid planning agency and transmission system operator that oversees the regional electric transmission grid in portions of the Upper Midwest. As an MVP, the project is designed to improve transmission system reliability and provide a wide range of benefits, including relieving congestion on the transmission system to reduce energy costs and providing greater access to renewable generation.

Following years of study and thorough environmental review, including extensive opportunities for public input, state and federal regulatory agencies granted approvals for the project based on the benefits it provides. The project was approved by the Public Service Commission of Wisconsin in September 2019, and by the Iowa Utilities Board in May 2020.

Generation and distribution utilities are depending on the Cardinal-Hickory Creek

project to facilitate the region's transition away from fossil fuels. Traditional baseload generation plants are being retired throughout Wisconsin and the Upper Midwest at an unprecedented pace, especially coal plants. Requests to interconnect new renewable generation sources with the transmission system are at an all-time high while new projects are backlogged due to a lack of transmission capacity.

The Cardinal-Hickory Creek Transmission Line Project is the essential bridge that enables renewable energy to be brought to market, resulting in a significant reduction in carbon emissions. Currently, 127 renewable generation projects totaling more than 19 gigawatts are dependent upon its construction – enough to power millions of homes with clean energy.

Governments, corporations and other organizations pursuing sustainability goals are fueling the demand for clean, renewable energy. The federal government and states including Wisconsin, Iowa and Minnesota have all adopted policies to promote the development of renewable energy resources. These goals can only be accomplished by building the necessary electric transmission infrastructure to connect renewable energy production with consumers, notably the Cardinal-Hickory Creek project.

The Cardinal-Hickory Creek transmission line will help ensure the cost-effective, renewable and reliable energy that consumers are seeking is available and affordable. The project will reduce energy costs, improve the reliability and flexibility of the region's transmission system, and support the interconnection of renewable generation in the Upper Midwest.