

Environmental groups considering appeal of Cardinal-Hickory Creek line decision

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While environmental groups consider appealing a judge's decision in favor of the Cardinal-Hickory Creek transmission line, advocates are applauding it as a big step forward for the controversial project.

The transmission line project, which involves American Transmission Company, Dairyland Power Cooperative and ITC Midwest, would span more than 100 miles between southern Wisconsin and Iowa. Its total cost is now expected to exceed \$500 million, with the utilities last year pointing to higher material prices and costs linked to multiple legal challenges to the project.

In a recent decision, Dane County Circuit Court Judge Jacob Frost affirmed the state Public Service Commission's choice to grant a certificate of public convenience and necessity to the utilities for constructing the transmission line.

"This Court understands and respects the massive impacts a major project of this nature holds for the State and the serious concerns its opponents raise," Frost wrote. "However, applying the legal standards, the PSC properly conducted itself in granting the CPCN at issue."

In response to Frost's decision, Environmental Law & Policy Center Senior Attorney Brad Klein said "we are carefully reviewing the judge's decision and considering next steps," including appealing on behalf of the Driftless Area Land Conservancy and Wisconsin Wildlife Federation.

DALC Executive Director Jennifer Filipiak slammed the PSC approval process as flawed, charging the state agency with failing to "fully and fairly consider less damaging alternatives" to the current proposed route, which opponents say would cause significant ecological harm.

Meanwhile, supporters of the project who say it's necessary for expanding

renewable energy in the region are hailing the decision as a “huge win.” The Clean Grid Alliance, Fresh Energy and the Minnesota Center for Environmental Advocacy say the line’s completion will enable the connection of 115 renewable generation projects across six states.

According to a release from these groups, nearly 20 gigawatts of renewable energy production is “relying on Cardinal-Hickory Creek” being finished — enough to power about 15 million homes.

In a statement on the decision, Clean Grid Alliance Executive Director Beth Soholt said the clean energy transition can’t happen without “more transmission, and lots of it.”

“Every delay cost ratepayers more money and having Cardinal-Hickory Creek delayed for more than a decade has resulted in operating limits on existing wind farms, extreme congestion, and curtailments,” Soholt said.

Still, Klein notes this decision in Wisconsin doesn’t impact an earlier federal district court decision challenging federal agencies’ approval of the project.

“That decision is currently on appeal in the U.S. Court of Appeals for the Seventh Circuit and will determine whether this huge transmission line can be completed along the company’s proposed route running through the protected Upper Mississippi River National Wildlife and Fish Refuge,” Klein said in a release.

See the release from advocates:

<https://www.wisbusiness.com/2023/clean-grid-alliance-clean-energy-organizations-celebrate-the-state-court-approval-of-the-cardinal-hickory-creek-transmission-line/>

See the release from environmental groups:

<https://www.wisbusiness.com/2023/conservation-groups-reaction-to-dane-county-circuit-court-decision-upholding-public-service-commissions-approval-of-cardinal-hickory-creek-transmission-line/>

See the judge’s decision:

<https://www.wisbusiness.com/wp-content/uploads/2023/05/CHC.State-Court.Circuit-Court-DECISION-and-ORDER-extending-time-for-decision.Doc-1278.May-8.2023.pdf>

-By Alex Moe