



Do NOT Support ROFR “Federal Off-Ramp” Amendment

Coalition says well-intentioned amendment offers no real protection

A letter and amendment are now circulating from Rep. Brooks that would void a Wisconsin transmission Right of First law (AB 25/SB 28) if a lawful federal executive order, order rule or statute is issued.

Our coalition of ratepayer, consumer protection groups, taxpayer advocates, free market supporters, environmental, and trade associations, representing thousands of Wisconsin families and businesses, urges the Legislature to reject AB 25/SB 28 and **respectfully ask that you do not support this well-intentioned amendment as it offers no real protection for consumers. Waiting for the federal government to pass a rule or enact a statute could take years. By then, rate payers will have already lost.**

The letter from Rep. Brooks said ROFR is “*abysmal policy*” and is “*terrible public policy and eliminates competition.*” Our coalition agrees with this sentiment. Not only does this policy drive up costs on Wisconsinites by eliminating competition, it continues to be ruled unconstitutional in the courts. Passing ROFR, even with this amendment, would still enshrine a monopoly. ROFR is still bad for ratepayers.

A false sense of urgency is being spun by incumbent utilities because the first project in Wisconsin was released for a ‘request for proposal’ this week. Instead of being handed a project with no protections for ratepayers, Wisconsin's incumbent utilities must now develop a competitive package to secure the new projects. Passing a ROFR bill would allow these utilities to bypass the requirement for competitive bidding on such lines, meaning Wisconsin ratepayers lose out on 30% savings.

Rep. Brooks’ amendment doesn’t mean genuine savings for Wisconsin. The strongest solution is to preserve or enhance competitive bidding, thus locking in true cost savings and innovation, while still distributing costs fairly across the region.

Let's not end up like many other states who are now seeking to repeal this terrible policy, after realizing the horrible impact it has on ratepayers.

Please protect the ratepayers and keep rates from increasing higher than they already are!

We respectfully ask that you do NOT support AB 25/SB 28 and the new federal off-ramp amendment.

Background

Despite claims that Wisconsin ratepayers benefit when incumbents “shift” Operations & Maintenance (O&M) costs for new transmission, the reality is the Legislature does not need to pass a ROFR law to shift these costs. Under existing rules, all utilities in the Midcontinent Independent System Operator footprint already shift the O&M costs. A ROFR law simply boxes out the competition.

The cost-shifting practices do not reduce total spending—they merely reallocate it. Under AB 25/SB 28 and the amendment from Rep. Brooks, transmission projects would be shielded from competition, limiting the downward pressure on construction, financing, and operating costs.

In addition to being unconstitutional, ROFR adds costs to monthly bills unnecessarily:

- Competitive Bidding Yields Real Savings. When new companies compete, final project transmission costs are typically 20–40% lower than incumbent utility-only builds. These reductions reflect *genuine* cost savings, not just redistributing expenses.
- “Cost Shifting” Is Not Cost Saving. Our utilities argue Wisconsin customers benefit if costs can be spread across a larger base. But overall transmission costs end up higher, pushing part of the burden onto other MISO ratepayers—and eventually circling back to Wisconsin customers as higher network charges.
- Wisconsin’s utilities admit this policy isn’t ideal but mathematically “benefits” the state. However, the claim of “\$1 billion in savings” over 40 years shrinks to effectively zero when accounting for the time value of money. Even under ATC’s own analysis, a ROFR law costs Wisconsin customers over the first 6 years and most of the “savings” are back-end loaded. In fact, many costs *come back* to Wisconsin through MISO’s cost allocation. It will become a net loser for Wisconsin over time.

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