

SERVICE DATE May 16, 2025

PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of American Transmission Company LLC, as an Electric Public Utility, for a Certificate of Public Convenience and Necessity to Construct and Operate the Mill Road-Granville Transmission Line Project, Consisting of Two New 138 kV Transmission Lines, Rebuilding Two Existing Double-Circuit 345/138 kV Transmission Lines, and Constructing the 345 kV Mill Road Substation Located Primarily in the City of Milwaukee, Milwaukee County, and the City of Brookfield and the Village of Menomonee Falls, Waukesha County, Wisconsin

137-CE-212

Public Service Commission of Wisconsin
RECEIVED: 5/16/2025 8:05:00 AM

ORDER TO REMOVE PARTY

This Order, pursuant to Wis. Admin. Code § PSC 2.04(1), removes as a party to this proceeding intervenor The Promised Land Ranch and Preserve (PLRP). In an email to the Service List sent on May 1, 2025¹, this Tribunal required PLRP to clarify its existing actions and inactions in this proceeding and express its intention to remain a party. (ALJ Email).

The ALJ Email set the response deadline for PLRP at no later than 1:30 p.m. on May 9, 2025. The ALJ Email also notified PLRP that if it failed to timely respond, this Tribunal would deem that failure as PLRP's consent to: (1) withdraw its intervention as a party, (2) continue its participation as a member of the public, and (3) offer two of its previous filings as public comment.

To date the Commission has received no response to the AJL Email from PLRP. By failing to respond in a timely manner this Tribunal considers PLRP to have withdrawn its intervention. Therefore PLRP is no longer a party, and this Tribunal considers PLRP to have offered the following filings as public comment pursuant to the Notice of Hearing ([PSC REF#: 542928](#)):

1. This document contains an executive summary in bold prior to body of letter. ([PSC REF#: 543622](#).)

¹ A copy of the ALJ Email is attached to this Order.

2. Invasive phragmites introduced by Nelson Tree Service, subcontracted by ATC to keep the vegetation down. This wetland non-native species is suffocating our paddocks and migrating into our upland and crop lands. Nelson tree service refuses to remove it. What action can be taken? ([PSC REF#: 543646.](#))

To promote the naming consistency of above citing comments (PLRP Comments) with the other public comments filed on the Commission's Electronic Regulatory Filing System (ERF), this Tribunal will change the ERF Document Descriptions of the PLRP Comments to read "Public Comment by The Promised Land Ranch and Preserve -1," and "Public Comment by The Promised Land Ranch and Preserve -2," respectively. Parties and Commission staff shall cite to these comments by using the names as modified by this Order.

A handwritten signature in black ink, appearing to read "Michael E. Newmark". The signature is stylized with a large, sweeping initial "M" and a long, horizontal flourish at the end.

Michael E. Newmark
Administrative Law Judge

MEN: : DL:02074452

Attachment: ALJ Email

From: [Newmark, Michael - PSC](#)
To: ALYSSA.LEROY@HUSCHBLACKWELL.COM;
BRIAN.POTTS@HUSCHBLACKWELL.COM; [Weitz, Evan - PSC](#);
GREGG@JKDISPLAY.COM; JJL@DEWITTLLP.COM; JSAGONE@ATCLLC.COM;
JSOPHA@DEWITTLLP.COM; KIRSTEN.ATANASOFF@HUSCHBLACKWELL.COM;
KPOLLARD@POLLARDGENERALCOUNSEL.COM; [Feltz, Kyle - PSC](#);
MICHAEL.BLACKWELL@HUSCHBLACKWELL.COM;
PSCW_Service@atcllc.com; ctanchester@atcllc.com; [Rogers, Sophia - PSC](#); [Watson, Spencer - PSC](#);
STEVE.HEINZEN@HEINZENLAW.COM; TMW910@GMAIL.COM;
[Stuart, Todd - WIEG](#)
Subject: 137-CE-212 The Promise Land Ranch Order for Clarification (urgent - time sensitive response required)
Date: Thursday, May 1, 2025 11:43:00 AM
Attachments: [137-CE-212 Service List.pdf](#)
[\[Reply\] of \[Participant ID\]-\[Title to of Response\]-\[version ID\].docx](#) [\[Request\] of \[Participant ID\] to \[Request Type\]-\[version ID\].docx](#) [Ex.-\[Participant ID\]-\[Witness ID\]-\[Exhibit #\]\[Version ID\].docx](#)
[\[Round of Testimony\]-\[Participant ID\]-\[Witness ID\]-\[version ID\].docx](#)

To Service List:

This message seeks clarification from Intervenor, The Promised Land Ranch and Preserve (PLRP), with respect the following:

1. The lack of timely filed, properly formatted, and served direct testimony and exhibits in this proceeding.
2. The filing of the following comments shown below.
3. PLRPs' intention to participate as a party to this processing or as a member of the public.

PLRP sought intervention on February 6, 2025 [The Promise Land Ranch and Preserve Request to Intervene - Amended](#). This Tribunal granted that request at the Prehearing Conference, held on February 17, 2024. [Tr. 1-32 Prehearing Conference](#).

Attached to both the [Notice of Prehearing Conference](#) and the [Prehearing Conference Memorandum](#), PLRP received, in an email sent to the email address it provided when filing its request to intervene, the Facilitating Matters Ordered for Contested Case Proceedings and Facilitating Matters Ordered in a Contested Case Proceeding – Zoom Audio-Visual Hearing Supplement (FMO). These documents detail the process and schedule by which this Tribunal expects all parties and Commission staff to participate in this proceeding. The Prehearing Conference provided invitees the opportunity to ask questions about the process and the filing requirements established in the FMO. Prehearing Conference also provided invitees to seek clarification of and modification to those requirements before this Tribunal made the FMO applicable to this proceeding. PLRP failed to appear at the Prehearing Conference and therefore waived these opportunities.

A fair and orderly process is fundamental to the receipt of a complete and accurate record in any Commission proceeding. It is essential to that process that parties and members of the

public both maintain their separate lanes of participation as regulated by the FMO and the [Notice of Hearing](#) (NOH). For example, The NOH allows members of the public to submit comments for the record. NOH at 3.

In contrast the FMO prohibits parties from participating in the public comment process. FMO § E.1.g. The FMO provides a party the opportunity to offer testimony and related exhibits for the record. FMO § B.3.a.2. and FMO § 4.a. A party must offer any evidentiary filings by the schedule established in the Prehearing Conference Memorandum. FMO § B.3.a.1. and FMO § 4.c.1. A party offers this evidence by properly filing it on the Commission's Electronic Records Filing System (ERF). FMO § B.1.a. A party must serve by email to the service list, all documents it files. FMO § B.1.f and FMO § B.1.g. All these requirements provide each party to the proceeding a fair and orderly opportunity to completely present and defend its position on the issues.

The FMO provides parties the opportunity to offer written evidence prior to the hearing in three rounds. The first round of testimony called “‘direct’ provides a party the opportunity, “to present its positions and produce evidence to prove the facts needed to support its claims.” FMO § B.3.a.2.a. The second round of testimony, “‘rebuttal,’ provides each party the opportunity to present responsive and countervailing evidence to that presented in direct.” FMO § B.3.a.2.b. A third round of testimony, “‘surrebuttal,’ provides each party the opportunity to present responsive and countervailing evidence to that presented in rebuttal.” FMO § B.3.a.2.c. Failure to file the evidence that meets the definition for each round of testimony by their respective deadlines upends due process that the schedule establishes.

Commission proceedings typically produce filings numbering in the hundreds, and sometimes thousands. The FMO sets format and filing requirements that standardize filings for all parties. *Cf.*, FMO § B.3.b., and FMO § B.4.b. Parties, Commission staff, and most importantly the Commissioners benefit from the format and filing standards because that standardization facilitates the receipt, review, and organization of the record according to a set of shared expectations. Filing testimony and exhibits with disregard for the formatting standards inserts an element of surprise that subverts due process. Failure to respect these standards also derails the proceeding from its expected efficient practice.

Instead presenting its positions and producing evidence to prove the facts needed to support its claims in timely filed and proper formatted direct testimony and related exhibits, PLRP filed the following two documents:

1. [This document contains an executive summary in bold prior to body of letter.](#)
2. [Invasive phragmites introduced by Nelson Tree Service, subcontracted by ATC to keep the vegetation down. This wetland non-native species is suffocating our paddocks and migrating into our upland and crop lands. Nelson tree service refuses to remove it. What action can be taken?](#)

Contrary to the filing standards contained in FMO § B.2.c.2., and FMO § C.2.c.2., PLRP filed these documents using the “Comment” document type, instead of the “Testimony - Offered” and “Exhibit - Offered” document types. This error meant this Tribunal received no official

notification of these filings. PLRP also failed to serve these documents by email to the Service List. This meant the other participants also received no official notification of these filings. Contrary to the FMO formatting standards contained in the FMO, the formatting (or lack thereof) that PLRP applied to these documents makes their incorporation into, citation for, and review as part of, the record unduly difficult and burdensome on all other participants. Finally, contrary to the schedule established in the Prehearing Conference Memorandum, PLRP filed these documents April 28, 2025, 17 days after the deadline to file direct evidence. This Tribunal finds the above-described attributes of each filing extremely prejudicial and inappropriate.

Having noted PLRP's deficiencies with respect to its participation in this proceeding to date, this Tribunal recognizes that PLRP appears without legal counsel assisting its navigation of the contested case process.^[1] This Tribunal also recognizes that PLRP raised significant claims with respect to individual hardships the project as proposed may impose upon it. For these reasons, rather than simply rejecting PLRP's current filings without a remedy this Tribunal offers PLRP the opportunity for redemption.

This Tribunal offers PLR two paths that will allow it to present its position to the Commission as part of its review of the record. As stated above a person may participate in this proceeding as either a party or as a member of the public. While parties must file evidence according to the FMO, members of the public comment may comment free from these requirements. The Commissioners review and may consider both the evidence of the parties and the public comments when they deliberate and decide the issues presented.

In their current form, the PLRP's filings are public comments. PLRP may choose to withdraw as a party to this proceeding. If it so chooses this Tribunal will accept the filings at issue for the record as public comment. PLRP need take no action to make this choice.

PLRP may also choose to continue to participate as a party. To affect that wish PLRP must rectify the errors in its current filings and seek permission to file evidence past the deadline.

To allow this Tribunal to consider PLRP's offer of direct evidence it will need to take the following actions no later than **1:30 pm on May 9, 2025**. **This Tribunal will consider PLRP's failure to take the actions described below to rectify its misfiling as consent to withdraw its intervention as a party and to submit its existing documents as public comment in this proceeding.**

1. File and serve to by email to the Service List (copy attached to this message) a Request to Offer Direct Evidence Out of Time. Here's an example of a such a request filed in another case. [Commission Staff Motion to Offer Direct Evidence Out of Time](#). I have attached to this message a document in Word format ([Request] of [Participant ID] to [Request Type]-[version ID].docx) that you can use to create your own request. Included in this request the reason why you missed the deadline.

Filing this request triggers a 3-working day response period and a 2-working day period to reply to the response. Failure of any other participant to file a response indicates agreement

with the request. I have attached to this message a document in Word format ([Reply] of [Participant ID]-[Title to of Response]-[version ID].docx) that you can use to create your own reply. **Failure to file a reply to a response indicates withdrawal of the request.** If an objection is raised and you file a timely reply, this Tribunal will adjudicate the matter based on the arguments presented in those filings.

2. File and serve by email to the Service List as your direct testimony the filing you labeled, “This document contains an executive summary in bold prior to body of letter.”. Use the instructions in the FMO to format and file that testimony. I have also attached a template ([Round of Testimony]-[Participant ID]-[Witness ID]-[version ID].docx) in Word that you can use to create this testimony.
3. File and serve by email to the Service List as your exhibit the filing you labeled, “Invasive phragmites introduced by Nelson Tree Service, subcontracted by ATC to keep the vegetation down. This wetland non-native species is suffocating our paddocks and migrating into our upland and crop lands. Nelson tree service refuses to remove it. What action can be taken?” Use the instructions in the FMO to format and file that exhibit. I have also attached a template (Ex.-[Participant ID]-[Witness ID]-[Exhibit #][Version ID].docx) in Word that you can use to create this exhibit.

Note: you need not notarize the filings described above. You will be expected to verify your offered evidence live at the party hearing session.

Michael E. Newmark
Administrative Law Judge
Public Service Commission of Wisconsin

^[1] While PRLP appears before the Commission without legal counsel, it has represented in its filings that it has legal counsel in other pending matters where it seeks to protect its interests. Nothing requires PRLP to participate in this proceeding with legal counsel, but it is not too late to do so. Engaging legal counsel to represent it may the difficulties demonstrated by PRLP with navigating the Commission contested case process.