BEFORE THE 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

Docket No. 137-CE-212

AFFIDAVIT OF MICHAEL WARWICK

Michael Warwick, being duly sworn on oath, deposes and says:

- 1. I am an employee of ATC Management Inc. I hold the position of Consultant Environmental Project Manager and I am authorized to sign this affidavit on behalf of American Transmission Company LLC and its corporate manager, ATC Management Inc. (collectively "ATC").
- 2. This request for confidential handling is made on behalf of ATC, the corporate headquarters of which is at W234 N2000 Ridgeview Parkway Court, Waukesha, Wisconsin 53188. My business address is 2489 Rinden Road, Cottage Grove, Wisconsin.
- 3. ATC is filing this request for confidential handling with its Response to Data Request PSCW-Burns-7.
 - 4. The records that are the subject of this request are as follows:
 - (a) Avian Protection Procedure, dated August 18, 2020.

5. Certain of the information contained in the aforementioned document contains business confidential information. This information should be treated as confidential information under Wis. Stat. § 134.90(1)(c), subch. II, Ch. 19 of the Wisconsin Statutes, and Wis. Admin. Code PSC § 2.12 because the information supplied by ATC contains information that is confidential, represents the trade secrets or proprietary business information of ATC or others and should therefore be protected from disclosure.

6. No public benefit extends from the disclosure of the aforementioned information. Any disclosure of this information would be to the potential detriment of the possessor and the general public.

7. ATC is providing these records to facilitate the Commission's review of the potential environmental impacts of the Project and ATC's plans to avoid and/or mitigate such potential impacts.

8. The above and foregoing is true and correct to the best of my personal knowledge and belief.

Michael Warwick

Consultant Environmental Project

Manager



Document Owner: Environmental Department

Original Issue Date: 08/23/18

Revision Number: 1

Revised Effective Date: 08/18/20

Approved By: Manager Environmental

Avian Protection

Purpose

This procedure applies to all ATC activities and ATC owned assets. (i.e. transmission lines and substations facilities) and is intended to help minimize the risk that ATC's transmission and substation facilities pose to birds while ensuring system operation and reliability by

- Providing avian-safe line design
- Utilizing an avian deterrent and diversion program
- Managing nesting birds appropriately

The Avian Power Line Interaction Committee (APLIC), in cooperation with the US Fish and Wildlife Service and the Edison Electric Institute, have produced a guidance document entitled "Suggested Practices for Avian Protection on Power Lines – The State of the Art in 2006". ATC's Avian Protection Procedure was developed with reference to this document. Copies of the APLIC document are available for review by contacting the Environmental Project Manager (EPM)- Avian Coordinator.

Definitions

Active Nest- any nest that contains eggs or young birds of species protected by the Federal Migratory Bird Treaty Act of 1918 (MBTA).

Avian Power Line Interaction Committee (APLIC)- a coalition of North American electric utilities working to ensure avian-safe operations. (ATC is an active member)

Avian-safe- designed and/or constructed in accordance with the most recent APLIC guidelines.

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Bald and Golden Eagle Protection Act (BGEPA)- Federal law prohibiting take or possession of any part of a Bald or Golden Eagle.

Emergency Situation- For the purposes of this procedure and compliance with the US Fish and Wildlife Service (USFWS) Special Purpose Utility Permit for Migratory Bird Mortality Monitoring (hereafter referred to as SPUT Permit), a situation in which birds or nests are posing a direct threat to human health and safety or when the safety of the bird is at risk if the nest and/or birds are not removed. Exceptions: Federally threatened / endangered species and eagle nests or eggs may not be removed, even in emergency situations, without separate approvals.

Facilities- ATC-owned assets including transmission line structures, conductors, insulators, static wires and other line components, substations and, office facilities, etc.

Incident- an event in which a migratory bird contacts an ATC-owned facility, resulting in injury or fatality.

Migratory Bird- any species of wild bird native to North America. This does not include non-migratory upland game birds (i.e., turkey, pheasant, quail, or grouse). It also does not include pigeons, starlings, house sparrows or monk parakeets. A complete list of all birds protected by the MBTA is available on the USFWS website.

Migratory Bird Treaty Act of 1918 (MBTA)- Federal law prohibiting the actual or attempted take, capture, and/or killing of any migratory bird, or the collection or removal of any migratory bird, nest, part, or egg.

Mitigation- any action or facility modification designed to reduce or eliminate future incidents.

Nesting Platform- an artificial structure erected to provide a nest-building surface. A nesting platform may be located on a transmission line structure or on a stand-alone structure.

Non-Active Nest- any nest that does not contain eggs or young birds of species protected by the MBTA. Exceptions: nests of Bald Eagles, Golden Eagles, and other species protected by the Endangered Species Act are protected regardless of nest activity and require a separate permit from the US Fish and Wildlife Service and/or state wildlife agency. Guidance for this permitting is included later in this document.

Project(s): ATC activities with a multi-disciplinary support team. Simple, like-for-like maintenance activities such as repairing damaged/deteriorated poles, broken insulators/insulator assemblies, damaged conductor, damaged shield wire or guy wires or other accessories, and substation equipment that will not result in a reduction in bird safety, are not included in this definition.

US Fish and Wildlife Service (USFWS)- Federal agency charged with administering the MBTA and the BGEPA.

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Wildlife Rehabilitation Specialist (WRS)- A party that is both federally and state licensed to handle migratory birds for the purposes of rehabilitation.

Responsibilities



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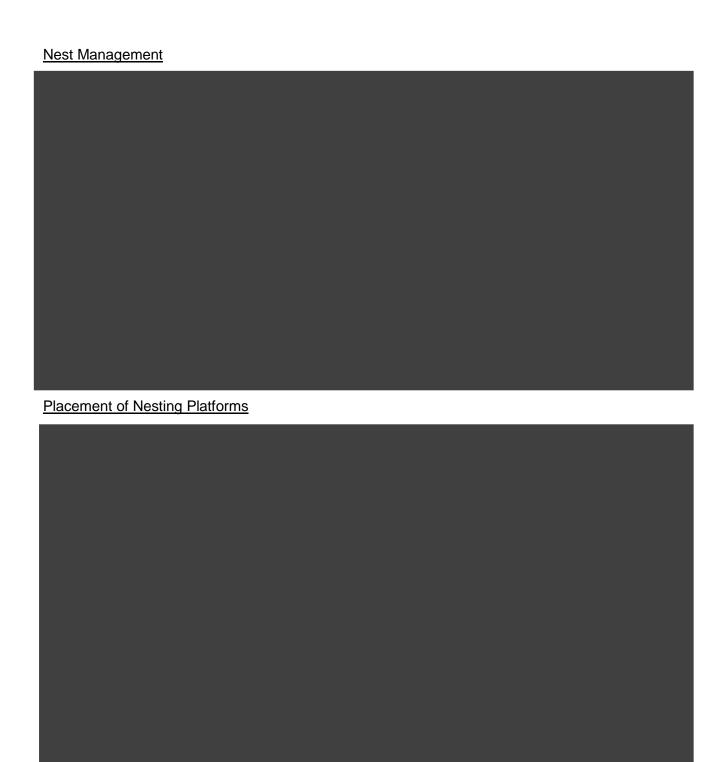
Avian Power Line Interaction Committee (APLIC), 2006. Suggested Practices for Avian Protection on

| <u>Design</u> | |
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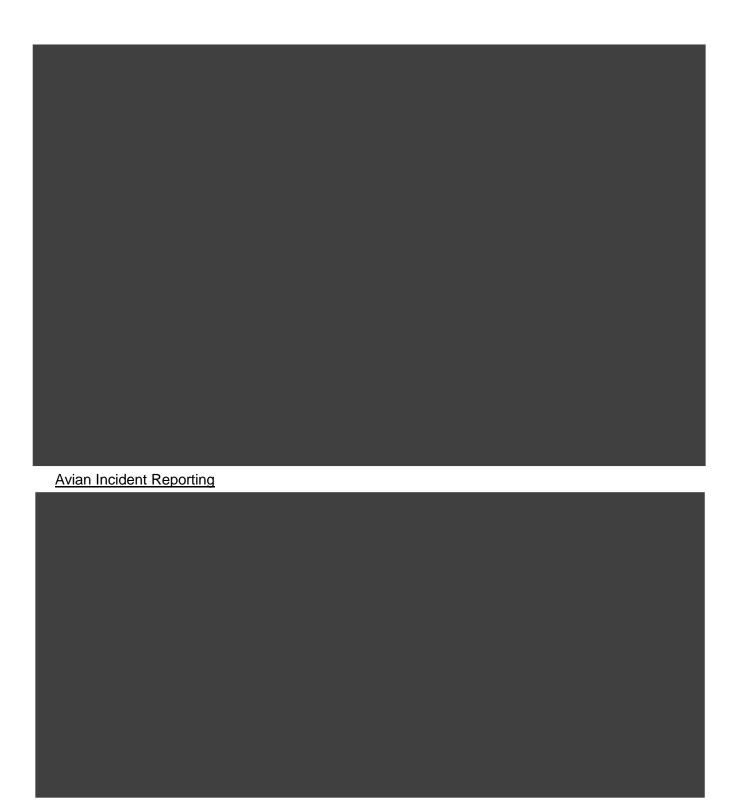
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| Avian Interactions During Construction and Maintenance Activities |
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| Removal of Migratory Birds from Transmission Line and/or Substation Facilities. |
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Avian Power Line Interaction Committee (APLIC). 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy

Commission. Washington, D.C. and Sacramento, CA

| Migratory Bird Depredation Permitting | | |
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<u>Power Lines: The State of the Art in 2006.</u> Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA

| Migratory Bird Depredation Permit – Wisconsin |
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| Mortality Reduction Measures (Corrective Actions) |
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| Avian Protection on ATC Owned or Leased Office Buildings |
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| Avian Awareness Training and External Outreach |
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| External Outreach |
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