

DRAFT Decision Matrix
 Akron Solar, LLC
 Docket 9832-CE-100
 February 3, 2026

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Public Service Commission of Wisconsin
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Issue 1: Are any higher-ranked Energy Priority Law (EPL) options cost-effective, technically feasible, and environmentally sound alternatives to building the proposed project, per Wis. Stat. §§ 1.12(4) and 196.025(1)?

- (a) Energy conservation and efficiency;
- (b) Noncombustible renewable energy resources;
- (c) Combustible renewable energy resources;
- (cm) Advanced nuclear energy using a reactor design or amended reactor design approved after December 31, 2010, by the U.S. Nuclear Regulatory Commission.
- (d) Nonrenewable combustible energy resources, in the order listed:
 1. Natural Gas,
 2. Oil or coal with a sulphur content of less than 1 percent,
 3. All other carbon-based fuels.

Issue Scope: Akron Solar, LLC (applicant) proposes to construct a 200 megawatt (MW) alternating current (AC) capacity solar photovoltaic (PV) solar energy generating facility with a 200 MW/800 megawatt-hour (MWh), a collector substation, a generation tie line, and a battery energy storage system (BESS) facility in the Town of Rome in Adams County and the Town of Saratoga in Wood County, Wisconsin. The amount of capacity the project would have at the point of interconnection is 200 MW. These project characteristics place the proposed project in the second-highest tier of the EPL alternatives, and the highest tier of new generation alternatives.

PARTY POSITIONS	TRANSCRIPT REFERENCES
n/a	
COMMISSION ALTERNATIVES	
Alternative One: No higher-ranked EPL alternatives exist that are cost-effective, technically feasible, and environmentally sound alternatives to the proposed project.	
Alternative Two: Yes, higher-ranked EPL alternatives exist that are cost-effective, technically feasible, and environmentally sound alternatives to the proposed project.	
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Issue 2: Would the proposed project have a material adverse impact on competition in the relevant wholesale electric service market under Wis. Stat. § 196.491(3)(d)7.?	
Issue Scope: The Commission must find that the proposed project will not have a material adverse impact on competition before issuing a Certificate of Public Convenience and Necessity (CPCN).	
PARTY POSITIONS	TRANSCRIPT REFERENCES
n/a	
COMMISSION ALTERNATIVES	
Alternative One: No, the project would not have a material adverse impact on competition in the relevant wholesale electric service market.	
Alternative Two: Yes, the proposed project would have a material adverse impact on competition in the relevant wholesale electric service market.	
Commissioner Notes:	

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Issue 3: If approved, would the proposed project comply with Wis Stat. § 196.491(3)(d)6. and not unreasonably interfere with the orderly land use and development plans for the area involved?	
Issue Scope: The Commission must find that the proposed project will not unreasonably interfere with orderly local land use and development plans before issuing a CPCN.	
PARTY POSITIONS	TRANSCRIPT REFERENCES
<p>The Project is entirely inconsistent with the Town’s Comprehensive Plan and Recreation Plan. It will, in fact, eliminate each and every element, objective, policy and goal of the Comprehensive Plan within the Project area. Comprehensive Plan is replete in its emphasis on recreation - in fact this is the major focus of the Plan in the Project area and throughout the Town.</p> <p>The Future Land Use Map designates the entire area of the Project planned to be woodlands. Destruction of these woodlands will eliminate all recreational opportunities such as ATV/UTV trails, snowmobiling, hunting hiking and further threaten habitat for endangered species.</p> <p>TOR agrees with Alternative Two.</p>	<p><i>Direct-TOR–Arendt-r -3-9</i></p>
<p>Commission Staff: The proposed project does not appear to unreasonably interfere with orderly land use and development in the area, although traditional land use and development plans may not have contemplated a development of this type.</p>	<p>Ex.-PSC-EA-r: Section 4.10.1</p>
COMMISSION ALTERNATIVES	
<p>Alternative One: Yes, the project complies with Wis. Stat. § 196.491(3)(d)6. and would not unreasonably interfere with the orderly land use and development plans for the area involved.</p>	
<p>Alternative Two: No, the project does not comply with Wis. Stat. § 196.491(3)(d)6. and would unreasonably interfere with the orderly land use and development plans for the area involved.</p>	
<p>Commissioner Notes:</p>	

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Issue 4: Does the proposed project use brownfield sites to the extent practicable, as required by Wis. Stat. § 196.491(3)(d)8.?	
Issue Scope: The Commission must find that the proposed project uses brownfields, as defined in Wis. Stat. 238.13(1)(a), to the extent practicable before issuing a CPCN. A “brownfield” is defined as an abandoned, idle, or underused industrial or commercial facility or site where redevelopment would be “adversely affected by actual or perceived environmental contamination.”	
PARTY POSITIONS	TRANSCRIPT REFERENCES
The Commission’s Conclusion relating to Issue 4 contrary to the record and the law. Applicant did not evaluate Wis. Stat. § 238.13(1)(a) brownfields. Applicant limited potential alternative brownfield sites by considering only sites meeting the EPA definition instead of the Wisconsin statute’s brownfields definition, thus excluding from consideration available statutory brownfields. Therefore, the Applicant has failed to provide substantial evidence to satisfy this criterion.	<i>Ex.-PSC-EA-r: Section 2.2.3</i>
TOR agrees with Alternative Two.	
Commission Staff: The range of siting criteria evaluated did not identify a brownfield site that would provide a suitable alternative site.	Ex.-PSC-EA-r: Section 2.2.3
COMMISSION ALTERNATIVES	
Uncontested Alternative: The proposed project uses brownfield sites to the extent practicable. No existing brownfield sites meet the siting criteria for the proposed project.	
Alternative Two: The proposed project does not use brownfield sites to the extent practicable.	
Commissioner Notes:	

Issue 5: Design and Location of the Proposed Project

Issue 5a: Is the design and location of the proposed project in the public interest considering the siting criteria of Wis. Stat. § 196.491(3)(d)3., or should the Commission modify the proposed siting areas?

Issue Scope: For a wholesale merchant plant, Wis. Stat. §196.491(3)(d)3 requires that the design and location of the proposed project be in the public interest considering alternative locations, individual hardships, safety, reliability, and environmental factors. To address these considerations, the Commission may modify the design or location to mitigate or minimize impacts to non-participating landowners or address other environmental factors.

PARTY POSITIONS	TRANSCRIPT REFERENCES
<p>1. Fire Safety: The BESS system poses risks to the area that cannot be addressed by the area emergency and fire agencies. The applicant cannot provide sufficient on-site resources or personnel to address these significant health risks.</p> <p>Well Safety: The Lake Camelot subdivision which is in close proximity to the solar farm near County Road D is served by a private water utility. The Wisconsin Trapshooting Association complex provides water needs for its operations via 3 separate wells located at the Complex, located extremely close to solar arrays. Applicants have not considered wellhead protection. Wisconsin’s regulations for wellhead protection should be applied to this water system.</p> <p>2. Environmental:</p> <p>Habitat: The large wildlife population, particularly the deer population, will be displaced, creating damage to neighboring properties and traffic.</p> <p>Endangered Resources: The Project will threaten endangered species.</p> <p>Scenic Beauty: With little to no buffer resulting in clear views of the solar panels the scenic beauty of this area will be eradicated.</p>	<p><i>Direct-TOR-Kane-r 2-5</i></p> <p><i>Direct-TOR-Hasdal-r 7</i></p> <p><i>Direct-TOR-Hasdal-r- 4-6</i></p> <p><i>Direct-TOR-Hasdal-r- 6</i></p> <p><i>Direct-TOR-Hasdal-r- 5</i></p>

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<p>3. Individual Hardships:</p> <p>Recreational Activities: The Project will completely destroy all of the tremendous recreational opportunities that the Project area has offered to locals, visitors and tourists for decades, including hunting, fishing, hiking, cross-country skiing, sight-seeing, nature walks, foraging, bird watching and other activities.</p> <p>Businesses: The loss of 2,000 acres of prime hunting lands due to the Project will have a huge negative impact on restaurants, motels, our 125 short term rentals, bars, Air BnB's and other businesses.</p> <p>Property Values: The Project will have a deleterious effect on individual property values in the area.</p> <p>TOR agrees with Alternative 3.</p>	<p><i>Direct-TOR-Hasdal-r- 3-6</i></p> <p><i>Direct-TOR-Hasdal-r- 2</i></p> <p><i>Direct-TOR-Hasdal-r- 6</i></p>
<p>Commission Staff: In addition to the proposed siting areas, the applicant provided 25 percent additional siting areas with the proposed project as an alternative. These additional siting areas provide options that the Commission could include as allowable areas for the installation of arrays at the solar generation facility. Regarding environmental impacts, there are no significant differences between the proposed an alternate array areas.</p>	<p>Ex.-PSC-EA-r; Direct-PSC-Rumschlag-4-10</p>
<p>COMMISSION ALTERNATIVES</p>	
<p>Alternative One: All of the proposed and alternative solar array sites meet the siting criteria of Wis. Stat. § 196.491(3)(d)3.</p>	
<p>Alternative Two: Some of the proposed or alternative solar array sites are not in the public interest considering the siting criteria of Wis. Stat. § 196.491(3)(d)3., such that the Commission should modify the application to mitigate or minimize such impacts.</p>	
<p>Alternative Three: None of the proposed or alternative solar array sites are in the public interest considering the siting criteria of Wis. Stat. § 196.491(3)(d)3.</p>	
<p>Commissioner Notes:</p>	

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Issue 5b: Given the requirements for issuance of a CPCN for the proposed project under Wis. Stat. §§ 1.12(6), 196.025(1m), and 196.491(3)(d), which route, if any, does the Commission authorize for the proposed gen-tie line?

Issue Scope: The proposed project includes a generation-tie line rated for operation at no less than 138 kV and greater than 1 mile in length and therefore requires its own CPCN. The applicant has proposed two routes for the 138 kV generation tie transmission line connecting the project substation to a new switching station that would be constructed, owned, and operated by American Transmission Company LLC—a primary route and an alternative route. The primary route would total approximately 1.8 miles in length, and the alternate route would total approximately 1.9 miles in length, with approximately 1.7 miles shared between both routes.

PARTY POSITIONS	TRANSCRIPT REFERENCES
n/a	
Commission Staff: The alternate route for the generation tie line would generally impose similar impacts to those that would be expected for the primary route. The primary route would be marginally shorter. The primary and alternate routes share much of the same proposed right-of-way for a large portion of their total lengths.	Ex.-PSC-EA-r
COMMISSION ALTERNATIVES	
Alternative One: The Commission authorizes the proposed route.	
Alternative Two: The Commission authorizes the alternate route.	
Alternative Three: The Commission does not authorize either route.	
Commissioner Notes:	

Issue 6: What standard conditions should be attached to the proposed project, if approved?

Issue Scope: Typically, the Commission has required the following standard conditions for utility-scale solar generation facility construction approvals:

- a. The applicant is authorized to construct the proposed solar PV electric generation facility, generation tie line facilities, and all other associated facilities, as described in the application and data request responses and as modified by the Final Decision. The applicant is authorized to construct the project at an installed capacity of no greater than 200 MW AC for the solar PV electric generation facilities and no greater than 200 MW AC for the BESS facilities.
- b. The applicant shall provide the Commission with final detailed as-built engineering plans for the project, including the final designs and equipment plans for the project, as soon as practicable after the project in-service date. If Commission staff identifies safety or reliability issues upon review of these plans, when considering safety and reliability, final location, individual hardships, and environmental factors, then the matter shall be returned to the Commission.
- c. The applicant shall construct, maintain, and operate the BESS facilities to follow best industry safety practices for ensuring battery fire safety.
- d. Prior to commencement of operations, the applicant shall provide the Commission a copy of the applicant's emergency response plan that includes discussion of what follow-up steps would occur for site treatment and materials disposal after a fire, thermal runaway, or storm damage event. This information would be provided to the Commission for informational purposes.
- e. The applicant shall provide reporting on any safety incident at the BESS that triggers reporting under any emergency response plans resulting from the Hazard Mitigation Analysis and provide reporting on any alterations to the BESS that the applicant reasonably believes will result in a change of best practices regarding the safety of the BESS. Such reporting shall be done within 60 days of the safety incident or alteration.
- f. The applicant shall perform post-construction noise studies as described in the most current version of the PSC Noise Measurement Protocol. The applicant shall work with Commission staff to determine appropriate locations and conditions for the noise measurements. In the event of a substantial change to the facility layout, the applicant shall confer with Commission staff to determine if a new pre-construction noise study must be completed. The applicant shall file a copy of the post-construction noise study report with the Commission.
- g. The applicant shall construct, maintain, and operate all applicable project facilities to comply with National Electric Code or the National Electrical Safety Code and Wis. Admin. Code ch. PSC 114, as appropriate. In case of conflict or overlap between code requirements, the applicant shall construct, maintain, and operate all applicable project facilities to comply with whichever code has the more stringent requirements.

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- h. Should the scope, design, or location of the project change significantly, the applicant shall notify the Commission within 30 days of becoming aware of possible changes. The applicant shall obtain approval from the Commission before proceeding with any substantial change in the scope, design, size, or location of the approved project.
- i. The applicant shall work with the applicable distribution utility to make available stray voltage testing at each agricultural confined animal operation within one half mile of the project facilities, prior to commencing any construction activity that may interfere with testing and after the project is energized. The applicant shall work with the distribution utility and farm owner to rectify any identified stray voltage problem arising from the construction or operation of the project, in compliance with the Commission's stray voltage protocol. Prior to testing, the applicant shall work with the applicable distribution utility and Commission staff to determine where and how it will conduct the stray voltage measurements. The applicant shall report the results of its testing to Commission staff in writing.
- j. If the applicant cancels the project or enters into any arrangement with another party regarding ownership or operation of the facilities, the applicant shall provide prior notice to the Commission.
- k. All commitments made by the applicant in its application, subsequent filings, and the provisions of the Final Decision, shall apply to the applicant, any agents, contractors, successors, assigns, corporate affiliates, and any future owners or operators of the project.
- l. The transfer of rights and obligations under this CPCN to a third party does not confer either additional rights or additional obligations upon that third party than what is afforded to the applicant at the time of application and as specified in the Final Decision. If a successor, assign, or future owner or operator of the project is a public utility, this CPCN is conditional upon the public utility waiving any rights it may otherwise have under Wis. Stat. §§ 32.02 and 32.075(2) for the project. This CPCN does not confer any "right to acquire real estate or personal property appurtenant thereto or interest therein for such project by condemnation" under Wis. Stat. §§ 32.02 or 32.075(2) as otherwise provided under Wis. Stat. § 32.03(5)(a).
- m. The applicant shall mitigate impacts to line-of-sight communications and landowners who can show disruption to broadcast communications post-construction.
- n. The applicant and its selected contractors shall participate in a pre-construction meeting with DNR and Commission staff to discuss construction plans and/or final site designs, permits, and associated requirements and BMPs. Plans shall be provided to Commission and DNR staff a minimum of 14 days prior to the meeting date to allow time for review.
- o. The applicant shall obtain all necessary federal, state, and local permits for the project prior to commencement of construction on the portion of the project requiring the permit.
- p. The applicant shall conduct an updated ER Review closer to the start date of construction (no more than one year prior to construction start).

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- q. The applicant may use the proposed or alternative array sites as needed to accommodate environmental, technical, and landowner issues as they arise during construction of the project, provided, however, that the project size shall remain at the maximum nameplate capacity approved in the Final Decision. If the situation arises where the applicant elects to use an alternative array area, the applicant shall provide written notice to the Commission identifying such alternative arrays within 30 days of the decision to use the alternative arrays.
- r. The applicant may propose minor adjustments to the approved locations of project facilities for the protection of environmental resources, landowner requests, or technical design changes that arise during final stages of engineering (up to the authorized nameplate capacity of the solar facility stated in the application), but any changes from the approved layout may not affect a type of resource not discussed in the EA, nor may they affect new landowners who have not been given proper notice and hearing opportunity or affect landowners who were given proper notice and hearing opportunity in a significantly different manner than was originally approved, nor may they include a unique occurrence not discussed in the EA of, for example, a particular human burial, archaeological site, or protected species. The applicant shall consult with Commission staff regarding whether a proposed change rises to the level at which Commission review and approval is appropriate. For each proposed adjustment for which Commission review is appropriate, the applicant shall submit for Commission staff review and approval a letter describing:
1. The nature of the requested change;
 2. The reason for the requested change;
 3. The incremental difference in any environmental impacts;
 4. Communications with all potentially affected landowners regarding the change;
 5. Documentation of discussions with other agencies regarding the change; and
 6. A map showing the approved layout and the proposed modification(s) of all facilities proposed to be modified; property boundaries; relevant natural features such as woodlands, wetlands, waterways; and other sensitive areas.

Regarding item 3., the applicant shall provide a table with incremental changes in acreage for all the land acres contained within the perimeter fences and the land acres that blocks of arrays/subarrays occupy, changes in length of all collector lines, access roads, and tie lines, and changes in distances to adjacent landowner buildings for all inverters/PCUs and substations where there is a shift in the originally approved location. The applicant shall identify each change using the infrastructure identification used in the application (i.e. array 1A, inverter #22).

Regarding item 4., the applicant shall provide documentation of communications with any landowner, participating or non-participating, related to proposed changes wherein any project facility (including perimeter fences as well as items within

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those fences such as inverters or panels) is proposed to be re-located closer to an inhabited residence than the location that was approved in the Commission's order. The documentation should include all the information provided to the landowner regarding changes and any feedback provided by the landowner, should identify any way in which the landowner feedback has informed the changes proposed, and should indicate whether the landowner agrees to the proposed changes. Approval of the requests is delegated to the Administrator of the Division of Energy Regulation and Analysis with advice and consent of the Administrator of the Division of Digital Access, Consumer, and Environmental Affairs.

- s. Beginning within 30 days after the end of the quarter during which the Final Decision is signed and served, and within 30 days of the end of each quarter thereafter and continuing until the authorized facilities are fully operational, the applicant shall submit quarterly progress reports to the Commission that include all of the following:
 - 1. The date that construction commences;
 - 2. Major construction and environmental milestones, including permits obtained, by agency, subject, and date;
 - 3. Summaries of the status of construction, the anticipated in-service date, and the overall percent of physical completion;
 - 4. The date that the facilities are placed in service;
 - 5. As applicable, a summary of competitive bids received within the quarter, if any, for work to be performed and equipment to be procured as part of the project;
 - 6. Its efforts, and the efforts of its contractors, to recruit Wisconsin residents to fill employment opportunities created by the construction of the project;
 - 7. Its efforts to collaborate with state registered apprenticeship programs; and
 - 8. The actual number of Wisconsin residents and out-of-state workers employed on-site to construct the project.
- t. The CPCN is valid only if construction commences no later than one year after the latest of the following dates:
 - 1. The date the Final Decision is served;
 - 2. The date when the applicant has received every federal and state permit, approval, and license that is required prior to commencement of construction under the CPCN;
 - 3. The date when the deadlines expire for requesting administrative review or reconsideration of the CPCN and of the permits, approvals, and licenses described in par. (2); and
 - 4. The date when the applicant receives the Final Decision, after exhaustion of judicial review, in every proceeding for judicial review concerning the CPCN and the permits, approvals, and licenses described in par. (2).
- u. If the applicant has not begun on-site physical construction of the authorized project within one year of the time period specified by the Final Decision, the certificate authorizing the approved project for which construction has not commenced shall become void unless the applicant:

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1. Files a written request of an extension of time with the Commission before the effective date on which the Certificate becomes void; and
 2. Is granted an extension by the Commission.
- v. If the applicant has not begun on-site physical construction of the authorized project and has not filed a written request for an extension before the date that this Certificate becomes void, the applicant shall inform the Commission of those facts within days after the date on which the Certificate becomes void.
- w. The Final Decision takes effect one day after the date of service.
- x. Jurisdiction is retained.

PARTY POSITIONS	TRANSCRIPT REFERENCES
<p>While TOR’s position is that no CPCN should be issued for the Project, should the Project be approved:</p> <ol style="list-style-type: none"> 1. TOR agrees with staff’s recommended conditions 1. b, c, d, e (with copy of notice concurrently provided to TOR), f, g, h (with copy of notice concurrently provided to TOR), I, j, m, n, o, p, s, t, u, v, w and x. 2. TOR recommends the following conditions: <ol style="list-style-type: none"> a. No transfer of the CPCN and the rights thereunder to another entity shall be permitted. b. A wellhead protection study shall be prepared by an independent third party and all recommendations shall be a condition of the CPCN. c. Applicant shall be required to prepare a property value protection plan under which property owners within the area of the project shall be compensated for loss of value due to impacts of the project. d. Applicant shall be required to prepare a business compensation protection plan under which business owners within Town shall be compensated for business losses due to impacts of the project. e. Applicant shall build and maintain a mile for mile trail system for public use for equal to those in existence presently. <p>TOR agrees with Alternative 1 with additional conditions.</p>	

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<p>Commission Staff: All of the standard order conditions are reasonable.</p>	<p>Direct-PSC-Groeschel-7-13; Direct-PSC-Rumschlag-10-12</p>
<p>COMMISSION ALTERNATIVES</p>	
<p>Alternative One: All or some of the conditions listed as 6a. through 6x. are necessary for approval of the proposed project, as the Commission deems appropriate.</p>	
<p>Alternative Two: All or some of the conditions listed as 6a. through 6x., as modified by the Commission, are necessary for approval of the proposed project.</p>	
<p>Alternative Three: None of the conditions listed as 6a. through 6x. are necessary for approval of the proposed project.</p>	
<p>Commissioner Notes:</p>	

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Issue 7: Project-specific Conditions	
Issue 7a: Is it reasonable to require a wind erosion plan, as proposed by the Town of Rome, as a condition for approval?	
Issue Scope: Town of Rome witness Carl Hasdal requested that the Commission require the applicant to submit a wind soil erosion plan, developed and approved by DNR staff, as a condition of approval. At a minimum, the plan and implementation thereof should include: phasing/sequencing construction with a limit of acres open/stripped at once; a requirement that residue ground vegetation remain undisturbed; planting of cover crops into existing vegetative residue; planting of cover crop prior to September 1 of any year; and wind breaks/screening on sides with prevailing winds. (Rebuttal-TOR-Hasdal-3.)	
PARTY POSITIONS	TRANSCRIPT REFERENCES
TOR agrees with Alternative One based upon the Hasdal testimony cited above. TOR agrees with Alternative 1.	<i>Rebuttal-TOR-Hasdal-3</i>
COMMISSION ALTERNATIVES	
Alternative One: The proposed condition is necessary for the approval of the proposed project.	
Alternative Two: The proposed condition, as modified by the Commission, is necessary for approval of the proposed project.	
Alternative Three: The proposed condition is not necessary for approval of the proposed project.	
Commissioner Notes:	

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Issue 7b: Is the following project-specific order condition pertaining to Midcontinent Independent System Operator, Inc. (MISO) Definitive Planning Phase (DPP) studies reasonable to impose as a condition of approval of the project?	
Issue Scope: Because the DPP process is ongoing, Commission staff witness Anna Groeschel recommended the following order condition: The applicant shall provide the results of all MISO DPP studies and facilities related to the project, including interconnection queue position J2520, any surplus interconnection study reports related to the queue position, and the GIAs related to the project when each of them have been completed.	
PARTY POSITIONS	TRANSCRIPT REFERENCES
TOR agrees with Alternative 1.	<i>Direct-PSC-Groeschel-5</i>
Commission Staff: This project-specific order condition is reasonable as the MISO DPP study process and the GIA agreement between the applicant, MISO, and ATC would confirm that the energy produced by the solar and BESS facility would not adversely impact the reliability of the grid.	Direct-PSC-Groeschel-5
COMMISSION ALTERNATIVES	
Alternative One: The DPP condition is necessary for approval of the proposed project.	
Alternative Two: The DPP condition, as modified by the Commission, is necessary for approval of the proposed project.	
Alternative Three: The DPP condition is not necessary for approval of the proposed project.	
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Issue 7c: Is the following project-specific winter construction and stabilization plan order condition proposed by the DNR reasonable to impose as a condition of approval of the project?	
Issue Scope: DNR witness Samantha Whitens suggested that the Commission consider requiring that the applicant submit a site-specific winter construction and stabilization plan with the Storm Water Management Plan that includes measures to stabilize bare soils during winter conditions.	
PARTY POSITIONS	TRANSCRIPT REFERENCES
TOR agrees with staff for the reasons stated. TOR agrees with Alternative 1.	<i>Direct-DNR-Whitens-r-8-10</i>
Commission Staff: This order condition is reasonable due to the construction timeline and the presence of nearby waterways and wetlands.	Direct-DNR-Whitens-r-8-10
COMMISSION ALTERNATIVES	
Alternative One: The winter stabilization plan condition is necessary for approval of the proposed project.	
Alternative Two: The winter stabilization plan condition, as modified by the Commission, is necessary for approval of the proposed project.	
Alternative Three: The winter stabilization plan condition is not necessary for approval of the proposed project.	
Commissioner Notes:	

Issue 7d: What, if any, additional action is appropriate for the Commission to take based upon the evidence in the record when considering the Wis. Stat. § 196.491 criteria for the granting of a CPCN?

Issue Scope: Based upon the extensive participation by both parties and members of the public in creating a robust record for the Commission’s consideration, there may be additional actions presented in the record that the Commission should take that are not covered elsewhere in this Decision Matrix.

PARTY POSITIONS

TRANSCRIPT REFERENCES

Issue 1

- 1. An independent, updated achievable potential study quantifying cost-effective energy conservation and efficiency savings in the relevant MISO zone/utilities that could offset the proposed 200 MW.**
 - 2. Detailed modeling showing why efficiency cannot meet the same reliability, decarbonization, and capacity needs at lower cost and zero land/wildlife impact.**
 - 3. A rigorous, site-specific comparison of environmental soundness, including farmland loss and habitat disruption avoided by efficiency.**
- Without this evidence, the project violates the Energy Priorities Law.**

CONCLUSION: THE RECORD DOES NOT SUPPORT THAT NO HIGHER-RANKED EPL ALTERNATIVES EXIST THAT ARE COST-EFFECTIVE, TECHNICALLY FEASIBLE, AND ENVIRONMENTALLY SOUND ALTERNATIVES TO THE PROPOSED PROJECT.

Transcript of Public Session and Individual Comments submitted

Issue 2

- 1. Detailed analysis of how federal subsidies/tax credits (e.g., IRA) give Akron/NextEra an unfair advantage over unsubsidized or competing generators in MISO wholesale markets.**
 - 2. Evidence that the project’s intermittent output + BESS does not distort price signals or disadvantage dispatchable resources.**
 - 3. Independent review of market power risks if utilities later acquire the output.**
- Without rigorous, transparent evidence addressing subsidy-driven advantages and market distortions, approval violates the statute.**

CONCLUSION: THE RECORD DOES NOT SUPPORT THAT THE PROJECT WOULD NOT HAVE A MATERIAL ADVERSE IMPACT ON COMPETITION IN THE RELEVANT WHOLESALE ELECTRIC SERVICE MARKET.

Issue 3

- 1. Detailed assessment of conflicts with the Town of Rome comprehensive plans, which prioritize tourism, recreation, lakes, trails (including ATV/snowmobile), and rural/residential character—violating public access.**
- 2. There was no quantitative evaluation of impacts on property values, tourism revenue, and future residential/agricultural development.**
- 3. There is no support for the contention that the ~2,000-acre industrial-scale facility will not disrupt the region’s long-term orderly development vision. Without this rigorous analysis, approval violates the statute.**

CONCLUSION: THE PROJECT DOES NOT COMPLY WITH WIS. STAT. § 196.491(3)(D)6. AND WOULD UNREASONABLY INTERFERE WITH THE ORDERLY LAND USE AND DEVELOPMENT PLANS FOR THE AREA INVOLVED.

Issue 4

- 1. There was no comprehensive inventory and analysis of brownfield sites (abandoned, idle, or underused industrial/commercial properties with actual or perceived contamination) within the relevant region that are technically and economically feasible for a 200 MW solar + BESS project.**
- 2. There is no clear evidence and documentation explaining why no suitable brownfield sites were used or why their use was not practicable.**
- 3. There is no independent verification that greenfield conversion was truly unavoidable.**

CONCLUSION: THE RECORD DOES NOT SUPPORT THE CONCLUSION THAT THE PROJECT USES BROWNFIELD SITES TO THE EXTENT PRACTICABLE.

Issue 5a

1. There was no rigorous evaluation of alternative locations (e.g., less rural/tourist-impacted sites) to minimize visual, wildlife, and farmland impacts.
2. There was no quantitative assessment of individual hardships on non-participating landowners, including property value declines, noise, and aesthetic harm in Rome/Saratoga's recreational areas.
3. There were no adequate mitigation plans for safety risks, like BESS fires in a high-fire zone, and environmental factors (habitat fragmentation).

CONCLUSION: NONE OF THE PROPOSED OR ALTERNATIVE SOLAR ARRAY SITES ARE IN THE PUBLIC INTEREST CONSIDERING THE SITING CRITERIA OF WIS. STAT. § 196.491(3)(D)3.

Issue 5b

1. There was no rigorous comparative analysis of the primary (1.8-mile) and alternate (1.9-mile) routes, including environmental impacts (wetlands, wildlife), land use conflicts, and public interest factors.
3. There was no evaluation of no-build or shorter alternatives to avoid unnecessary grid expansion.

CONCLUSION: THE RECORD DOES NOT SUPPORT APPROVAL OF ANY REQUESTED ROUTES.

Issue 6

- 1. No mandatory decommissioning plan with financial assurance for full site restoration to pre-project state, including soil remediation and farmland viability has been offered.**
- 2. No plan for independent monitoring of tourism/economic impacts (e.g., annual reports on local revenue/property values) with compensation for proven losses has been offered or suggested.**
- 3. Stricter wildlife protections, including pre/post-construction surveys and adaptive management for endangered species/habitats should be mandated.**
- 4. Public transparency: Quarterly reports on all incidents, not just BESS, should be mandated.**

Without these additions, conditions are inadequate under Wis. Stat. § 196.491.

CONCLUSION: IN THE EVENT A CPCN IS APPROVED, THE SE CONDITIONS SHOULD BE INCLUDED.

Issue 7a

- 1. No DNR-approved plan with construction phasing, limited open acres, undisturbed vegetation, cover crops by Sept. 1, and wind breaks has been developed.**

- 2. There has been no independent verification of risks in Adams County's sandy soils, prone to wind erosion (per county LWRM plan and local assessments).**

Without this, approval ignores site-specific hazards and violates public interest standards.

CONCLUSION: THE PROPOSED CONDITION IS NECESSARY FOR THE APPROVAL OF THE PROPOSED PROJECT.

Issue 7b

- 1. There should be timely submission of all DPP studies, surplus reports, and GIAs, with public posting on the docket for transparency.**
 - 2. There should be independent PSC staff review results, halting construction if studies reveal grid reliability issues or excessive costs.**
 - 3. There should be notification to intervenors (e.g., Town of Rome) within 14 days of receipt.**
- Without these enhancements, the condition is inadequate and violates public interest standards.**

CONCLUSION: THE DPP CONDITION IS NECESSARY FOR APPROVAL OF THE PROPOSED PROJECT

Issue 7c

- 1. Submission of a site-specific plan with the Storm Water Management Plan, including detailed bare soil stabilization measures for winter conditions is essential.**
 - 2. Independent DNR/PSC review, public posting, and enforcement with penalties for non-compliance is essential.**
- Without this, approval ignores erosion risks in sandy soils, violating public interest and environmental soundness.**

CONCLUSION: THE WINTER STABILIZATION PLAN CONDITION IS NECESSARY FOR APPROVAL OF THE PROPOSED PROJECT.

Issue 7d

- 1. The CPCN which would eliminate ~2,000 acres of open Managed Forest Land from public recreational use, including public ATV/snowmobile/UTV trails, totally unprecedented in Wisconsin for a solar farm, a loss opposed by 2,000 signatures in a town of only ~3,000 residents.**

- 2. Independent fire risk assessment, given Rome’s top 10% state fire danger.**
 - 3. A full EIS to address recreational loss, tourism harms, and cumulative impacts.**
- Without these, approval disregards the record and violates public interest criteria.

Issue 8a

- 1. Preparation of a full Environmental Impact Statement (EIS) due to significant effects on farmland, woodlands, wildlife habitats, tourism economy, visual character, and cumulative impacts from nearby solar projects.**
 - 2. Independent review of the EA’s conclusion that no EIS is needed, addressing public and intervenor evidence of substantial local and regional harm.**
 - 3. Expanded public comment and hearing opportunities on the EA findings.**
- Without an EIS, the environmental review is inadequate, and approval violates

WEPA.

Issue 8b

- 1. Independent assessment addressing opposition concerns on ecological disruption (habitat, woodlands), aesthetics (visual blight), recreation (trails, tourism loss), and health/welfare (BESS fire risks in high-fire area).**
 - 2. Incorporation of public hearing transcripts (e.g., December 3, 2025, 2 sessions) into the record.**
- Without this, approval violates the statute.

Issue 9

- 1. Re-evaluation showing all (d) factors satisfied, addressing EPL gaps, land use interference, environmental harm, brownfield neglect, and public hardships.**
 - 2. Modifications for enhanced conditions (e.g., EIS, erosion/fire plans, economic studies).**
- Without rigorous proof and remedies, approval violates the statute and disregards opposition evidence.

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This application should be rejected to the many infractions to Wisconsin statues, false narratives, IE: community support, rare fire incidents, Fire hazards, toxic vapors and soil contamination, environmental impact as well as recreational activities loss due to loss of recreational land, ignoring oxygen produced by trees and business losses.

TOR agrees with Alternative 1.

COMMISSION ALTERNATIVES

Alternative One: Additional conditions or mitigation measures offered in the record and identified by the Commission are necessary for approval of the proposed project.

Alternative Two: There are no additional conditions or mitigation measures that have been offered in the record that are necessary for approval of the proposed project.

Commissioner Notes:

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Issue 8: Wisconsin Environmental Policy Act (WEPA) and other Environmental Conditions	
Issue 8a: Has the Commission complied with WEPA pursuant to Wis. Stat § 1.11 and Wis Admin. Code ch. PSC 4?	
Issue Scope: Wisconsin Stat. § 1.11 requires, for major actions significantly affecting the quality of the human environment, the preparation of a detailed statement as to the environmental impact of the proposed action.	
An environmental assessment (EA) was prepared jointly by Commission and DNR staff, in accordance with WEPA. The purposes of the EA are: (1) to help determine whether an environmental impact statement is needed; and (2) to provide a factual investigation of the relevant areas of environmental concern in sufficient depth to permit a reasonably informed preliminary judgment of the environmental consequences of the proposed action, representing the required environmental review under WEPA.	
PARTY POSITIONS	TRANSCRIPT REFERENCES
TOR agrees with Alternative 2.	<i>Direct-TOR-Hasdal-r-6</i>
Commission Staff: The Commission has complied with WEPA.	Ex.-PSC-EA-r
COMMISSION ALTERNATIVES	
Alternative One: Yes, the Commission has complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4.	
Alternative Two: No, the Commission has not complied with WEPA pursuant to Wis. Stat. § 1.11 and Wis. Admin. Code ch. PSC 4 and an EIS is required.	
Commissioner Notes:	

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Issue 8b: Will the proposed project have undue adverse impacts on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.?	
Issue Scope: Wisconsin Stat. 196.491(3)(d)4. requires that the proposed project will not have an undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water, and recreational use.	
PARTY POSITIONS	TRANSCRIPT REFERENCES
<p>Habitat: The large wildlife population, particularly the deer population, will be displaced, creating damage to neighboring properties and traffic.</p> <p>Endangered Resources: The Project will threaten endangered species.</p> <p>Scenic Beauty: With little to no buffer resulting in clear views of the solar panels the scenic beauty of this area will be eradicated.</p>	<i>Direct-TOR-Hasdal-r- 4-6</i>
Commission Staff: Provided the project is built as described, including modifications described in the data request responses, the EA does not indicate that significant adverse impacts are likely.	Ex.-PSC-EA-r
COMMISSION ALTERNATIVES	
Alternative One: No, the proposed project will not have undue adverse impact on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.	
Alternative Two: Yes, the proposed project will have undue adverse impact on other environmental values as provided under Wis. Stat. § 196.491(3)(d)4.	
Commissioner Notes:	

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Issue 9: Should the Commission grant a CPCN for the proposed project?	
Issue Scope: The Commission shall approve an application for a CPCN if all of the criteria are met as listed in Wis. Stat. § 196.491(3)(d). The Commission may reject or modify an application for a CPCN under the criteria included in Wis. Stat. § 196.491(3)(e).	
PARTY POSITIONS	TRANSCRIPT REFERENCES
TOR agrees with Alternative 3.	<i>All transcript references by TOR cited in this decision matrix.</i>
COMMISSION ALTERNATIVES	
Alternative One: Yes, the Commission should grant a CPCN for the proposed project as filed.	
Alternative Two: Yes, the Commission should grant a CPCN for the proposed project, with conditions.	
Alternative Three: No, the Commission should not grant a CPCN for the proposed project.	
Commissioner Notes:	

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