



Al Ott

State Representative • 3rd Assembly District

January 20, 2011

Representative Jim Ott, Co-Chair
Jt. Committee for the Review of Administrative Rules
317 North, State Capitol
Hand-Delivered

Senator Leah Vukmir, Co-Chair
Jt. Committee for the Review of Administrative Rules
306 South, State Capitol
Hand-Delivered

Co-Chairs Ott and Vukmir:

I would like to take this opportunity to respectfully request the Joint Committee for the Review of Administrative Rules conduct a thorough review of Public Service Commission (PSC) Chapter 128 of the Wisconsin Administrative Code, which relates to the standards for the siting of wind energy systems. Further, I would encourage the Committee to take action to suspend the provisions of PSC Chapter 128 prior to the March 1, 2011 effective date of these administrative rules.

As you know, the development of wind energy systems in Wisconsin is a highly controversial and contentious issue in many parts of the state – including my district in Northeast Wisconsin.

Late last year, I applauded the Senate Committee on Energy and Utilities for doing the right and responsible thing by holding a Public Hearing on Clearinghouse Rule 10-057, and, after hearing from hundreds of concerned citizens, ultimately sending the rule back to the PSC for modifications.

While I appreciate that the PSC did make some improvements to the rule, I find it unfortunate that the Commission seemingly chose not to listen to the vast majority of the concerns brought forward during the Senate Committee's hearing. In fact, I would argue that the changes made by the Commission to the setback provisions of the rule relative to occupied community buildings and non-participating residences show a blatant disregard for the citizens of areas targeted for wind farm development.

When the modified rule was returned to the Legislature for review, I implored the Chairs of the respective committees of jurisdiction in the Senate and Assembly to take action to object to Clearinghouse Rule 10-057. No such action was taken prior to the expiration of the review period. As a result, the provisions of PSC Chapter 128 are set to take effect on March 1st of this year.

The standards set forth in PSC Chapter 128 will have significant impact people's lives and are not to be taken lightly. I believe it is appropriate for your Committee to utilize the oversight authority provided by law to ensure that the people who stand to be impacted most by the siting of wind turbines are afforded the opportunity to protect their rights and their communities.

While my constituents know I will not take sides in the local battles taking place over the siting of wind turbines, I cannot disagree with those who contacted me to share their concerns with the *process* of developing these siting standards. They argue the process has been flawed from the start. One only needs to examine the Minority Report of the Wind Siting Council to get a clear sense of the validity of that sentiment. I ask that you bring that flawed process to a halt by suspending the provisions of PSC Chapter 128 prior to March 1st, and conducting a Committee review of the impact of these rules.

As an aside, many who supported 2009 Wisconsin Act 40, and the subsequent administrative rules, have compared this process to that of the Livestock Facilities Siting Law and rule package. As a member of this body who worked closely on that issue, I must respectfully disagree. Livestock siting went through a very deliberative and lengthy process with abundant opportunities for, and acceptance of, public input. We took the time necessary to get the best possible product for agriculture, the environment, and Wisconsin's citizens. Today, we are seeing the results of those efforts with environmentally responsible growth of our dairy and livestock industries. Your Committee has the chance to use livestock siting as a model moving forward.

Thank you for your consideration of my request. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Ott", with a long horizontal flourish extending to the right.

Al Ott
State Representative
3rd Assembly District