

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN**

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Application of Midcontinent Grid  
Solutions Wisconsin, LLC for Authority  
to Become an Electric Public Utility

Docket No.: 2708-NC-100

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**REPLY TO MIDCONTINENT GRID SOLUTIONS  
WISCONSIN, LLC'S RESPONSE TO REQUEST TO  
INTERVENE OF WISCONSIN UTILITIES ASSOCIATION**

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Pursuant to Wis. Admin. Code § PSC 2.23, Wisconsin Utilities Association ("WUA") hereby replies to Midcontinent Grid Solutions Wisconsin, LLC's ("MGS Wisconsin's") response to WUA's Request to Intervene (PSC REF#: 599345) (the "Request") in the above captioned docket (the "MGS Wisconsin Response"). For the reasons explained below, WUA requests that the Commission admit WUA as a full party, open this docket as a Class 1 contested case, and hold the requisite contested hearing in this proceeding, just as it has done before in similar dockets.

**I. WUA's request to intervene is not "premature."**

MGS Wisconsin argues that the Commission should deny WUA's request to intervene because the request is "premature," given that the Commission has not issued a Notice of Proceeding in this docket.<sup>1</sup> There is no basis to deny WUA's request to intervene as premature. WUA's request complies with Wis. Admin. Code § PSC 2.21, is not premature, and should be granted.

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<sup>1</sup> See MGS Wisconsin Response at 1.

Wis. Admin. Code § PSC 2.21(3) requires only that a “person requesting intervention in a proceeding shall file a request no later than 60 days after the issuance of the notice of proceeding[.]” It does not prohibit parties from requesting intervention prior to the Commission’s issuance of a notice of proceeding, as WUA has done here. Parties regularly request to intervene before the Commission issues a Notice of Proceeding, and the Commission grants such requests on a regular basis, too.<sup>2</sup>

**II. WUA has demonstrated that its substantial interests may be affected by the Commission’s action or inaction in this proceeding.**

MGS Wisconsin argues that WUA has failed to demonstrate an interest sufficient to support intervention as of right under Wis. Admin. Code § PSC 2.21(1) for three primary reasons, addressed next. MGS Wisconsin is incorrect, and the Commission should grant WUA’s request for intervention by right.

First, MGS Wisconsin claims that WUA fails to explain how Commission action in this proceeding may harm WUA’s interests, or the interests that the legislature sought to protect with Wis. Stat. § 196.49.<sup>3</sup> WUA’s statement of interest directly addresses how both interests may be impacted by Commission action on MGS Wisconsin’s unprecedented requests in this proceeding.<sup>4</sup>

MGS Wisconsin seeks recognition as a public utility and a transmission company, while at the same time asking the Commission to entirely forego regulating it

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<sup>2</sup> See, e.g., *CUB Request to Intervene and Notice of Appearance*, Docket 5-UR-112 (Apr. 22, 2026) (PSC REF#: 588187) and *Roundy’s Supermarkets, Inc. Request to Intervene and Notice of Appearance*, Docket 5-UR-112 (PSC REF#: 589252) (Apr. 29, 2026) (both requesting intervention prior to the Commission’s Apr. 30, 2026, Notice of Proceeding).

<sup>3</sup> See MGS Wisconsin Response at 2-3.

<sup>4</sup> See WUA Request at 1-4.

like one. Specifically, MGS Wisconsin claims that it should be exempt from the transmission company requirements of Wis. Stats. §§ 196.485(3m) and 196.487 (like an independent transmission owner), while also exempt from the Wisconsin Utility Holding Company Act (“WUHCA”) (like a transmission company).<sup>5</sup>

MGS Wisconsin’s request is notable. If granted, it would change the way Wisconsin transmission companies are regulated and limit the Commission’s authority to regulate transmission companies going forward. This would directly impact WUA’s members, who are electric and gas utilities that rely on Wisconsin’s transmission system – and the Commission’s regulation of the transmission system – to ensure an adequate and reliable supply of energy. MGS Wisconsin does not rebut WUA’s assertion that it has a substantial interest in the fair administration of the statutes regulating transmission-owning entities in Wisconsin.<sup>6</sup>

Second, MGS Wisconsin contends that WUA failed to identify “concrete *customer* interests” that would be harmed from Commission action in this proceeding.<sup>7</sup> But Wis. Admin. Code § PSC 2.21(1) does not require WUA demonstrate concrete *customer* interests that would be harmed in this proceeding for intervention as of right. Rather, it requires that WUA show that *its* interests “*may* be affected by the commission’s action or inaction.” (emphasis added). WUA’s Request satisfies this standard.

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<sup>5</sup> MGS Wisconsin Application (PSC REF#: 593329) at 3 (claiming an exemption from WUHCA); *see also id.* at 36-38 (claiming further exemptions like ITC Midwest).

<sup>6</sup> *See* MGS Wisconsin Response at 2-3 (wrongly characterizing WUA’s interest as maintaining the status quo).

<sup>7</sup> MGS Wisconsin Response at 4 (emphasis in original).

And even if Wis. Admin. Code § PSC 2.21(1) required WUA to show its customers' interests may be harmed in this proceeding, WUA has already satisfied this showing, too. WUA's members provide energy to over 4,961,000 Wisconsin customers, all of whom have an interest in reliable, affordable, and well-regulated transmission service. The Commission's regulation (or lack thereof) of the transmission system undoubtedly affects customers of WUA's members, too.

Third, MGS Wisconsin claims that WUA seeks intervention under Wis. Stat. § 227.01(3), Wis. Stat. § 227.44, and Wis. Stat. § 227.42, but this is not true.<sup>8</sup> WUA seeks intervention as of right pursuant to Wis. Admin. Code § PSC 2.21(1), or at the very least, permissively, pursuant to Wis. Admin. Code § PSC 2.21(2).

Because WUA has established that its substantial interests may be harmed by the Commission's actions or inactions in this proceeding, the Commission should grant WUA full party status. *See* Wis. Admin. Code § PSC 2.21(1).

**III. WUA's participation in this docket would also promote the proper disposition of the issues to be determined in this proceeding and would not impede the timely completion of the proceeding or docket.**

WUA has demonstrated that its request satisfies the requirements for intervention as of right under Wis. Admin. Code § PSC 2.21(1). But if the Commission finds WUA cannot intervene by right, it should still find that WUA may intervene permissively under Wis. Admin. Code § PSC 2.21(2).

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<sup>8</sup> *See* MGS Wisconsin Response at 4.

A person who does not satisfy the criteria of Wis. Admin. Code § PSC 2.21(1) may still permissively intervene in a proceeding if “the person’s participation likely will promote the proper disposition of the issues to be determined in the proceeding... and if the person’s participation will not impede the timely completion of the proceeding or docket.” Wis. Admin. Code § PSC 2.21(2). If nothing else, WUA meets Wis. Admin. Code § PSC 2.21(2)’s criteria for permissive intervention.

First, WUA and its members have participated in numerous proceedings before the Commission. As the only transmission company regulated by the Commission, WUA’s member, American Transmission Company (“ATC”), has over two decades of experience complying with Wisconsin’s laws and the Commission’s regulations pertaining to transmission companies. Additionally, many of WUA’s members have substantial experience with the Commission’s regulation of holding companies, as they are part of holding company systems regulated by the Commission under WUHCA themselves. The Commission and other parties would benefit from WUA’s participation and expertise in this proceeding.

Second, WUA’s participation will not impede timely completion of the docket. WUA has timely requested intervention before the proceeding has begun. And WUA’s participation at this stage of the proceeding will help frame the issues the Commission must decide, and allow the Commission to efficiently gather a sufficient record for its decisions in this docket.

WUA’s participation would aid the Commission in presiding over the issues in this proceeding and would not impede the timely completion of the proceeding;

therefore, the Commission should reject MGS Wisconsin's arguments against WUA's intervention and grant WUA full party status as requested.

**IV. Given the importance of the issues MGS Wisconsin's Application raises, the Commission should hold a contested hearing.**

In this proceeding, MGS Wisconsin asks the Commission to ignore Wisconsin law and alter how it has regulated transmission companies for the last two decades. Such an important issue warrants a contested proceeding where "all parties shall be afforded an opportunity for hearing[.]"<sup>9</sup> But in its Response, MGS Wisconsin asks the Commission for another favor in this proceeding: no hearing.<sup>10</sup>

Specifically, MGS Wisconsin asks the Commission to limit the issues in this proceeding to "matters of law," and resolve them on the basis of comments or briefs because, it claims, that is how the Commission treated ITC Midwest when considering its application for a CA in Docket No. 2707-NC-100.<sup>11</sup> Further, MGS Wisconsin claims that it is wholly exempt from Wis. Stat. § 196.50's requirements, which if applicable, would also require a hearing in this proceeding.<sup>12</sup> MGS Wisconsin's request for no hearing does not align with the Commission's treatment of ATC's and ITC Midwest's applications for authority to transact public utility business in Wisconsin, nor Wis. Stat. § 227.44(1)'s and Wis. Stat. § 196.50's requirements.

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<sup>9</sup> Wis. Stat. § 227.44(1) ("In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.").

<sup>10</sup> See MGS Wisconsin Response at 6.

<sup>11</sup> See *id.* at 5-6.

<sup>12</sup> See *id.* at 3.

In both ATC's and ITC Midwest's CA proceedings, the Commission held contested party hearings. To avoid the same process, MGS Wisconsin claims that ITC Midwest's proceeding "focused narrowly on a select few issues raised by Commission Staff," and heavily implies that only ITC Midwest and Staff were permitted to participate in the hearing.<sup>13</sup> MGS Wisconsin omits that in ITC Midwest's hearing, the Commission did not limit parties from participating, nor did it limit the issues addressed in the proceeding to only those Staff raised. Indeed, ATC and WPPI Energy were granted full party status, and as such, were permitted to submit testimony on both evidentiary *and* legal issues, present other evidence, and participate in a party evidentiary hearing.<sup>14</sup>

MGS Wisconsin's assertion that this proceeding only involves matters of law is also incorrect. At issue in this proceeding is not only whether MGS Wisconsin must comply with Wisconsin laws pertaining to transmission-owning entities, but also whether it can comply. The latter issue is a dispute of fact which this proceeding must address in order for the Commission to grant any part of MGS Wisconsin's Application. Regardless, Wis. Stat. § 227.44(1) does not limit hearings to Class 1 contested cases that only involve factual disputes.

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<sup>13</sup> See MGS Wisconsin Response at 6.

<sup>14</sup> See *Notice of Hearing*, Docket 2707-NC-100 at 1 (PSC REF#: 199421) ("There will be two separate hearing sessions, one for parties admitted to the proceeding and one for members of the public... [T]he Commission shall receive evidence from the parties and Commission staff..."); *id.* at 2-3 ("The Applicant and other parties admitted in this docket by the Order on Requests to Intervene - PSC REF#: 194017, shall file any testimony using the Electronic Regulatory Filing system by 12 noon on Tuesday, March 4, 2014. Testimony shall reflect the position of the party, including *any legal argument*, and any relevant evidence.") (emphasis added).

Additionally, MGS Wisconsin claims that it is wholly exempt from Wis. Stat. § 196.50's requirements (which if applicable, would require a hearing) because the Commission has "never applied that statute in the context of facilities used solely for the transmission of power in interstate commerce, and it declined to do so when ITC sought its certification as a public utility[.]"<sup>15</sup> Neither argument supports MGS Wisconsin's automatic exemption from Wis. Stat. § 196.50.

First, the Commission has declined to apply Wis. Stat. § 196.50 to telecommunication companies where it held the statute was specifically preempted by the Telecommunications Act of 1996, which states that no state statute may "have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."<sup>16</sup> MGS Wisconsin is not a telecommunication company, nor does it point to a federal law that preempts Wis. Stat. § 196.50's application here.

Second, for ITC Midwest, the Commission simply did not reach the issue of whether Wis. Stat. § 196.50 applied.<sup>17</sup> Although MGS Wisconsin repeatedly compares itself to ITC Midwest, MGS Wisconsin is not seeking treatment as an independent transmission owner here – it is seeking recognition as a transmission company. Therefore, even if the Commission had addressed Wis. Stat. § 196.50 in ITC Midwest's proceeding, that determination would not apply to MGS Wisconsin. Moreover, MGS

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<sup>15</sup> See MGS Wisconsin Response at 3-4.

<sup>16</sup> See 47 U.S.C.A. § 253(a); *Application of MCC Telephony of the Midwest, Inc. to Expand Certification As an Alternative Telecommunications Util.*, Docket No. 3484-NC-101, 2008 WL 4276711 at \*12-18 (May 9, 2008) (finding Wis. Stat. § 196.50 was preempted by federal law in specific circumstances).

<sup>17</sup> See generally, *Final Decision*, Docket No. 2707-NC-100 (PSC REF#: 204180) (not mentioning Wis. Stat. § 196.50, much less holding it does not apply).

Wisconsin seeks public utility status to construct, own, and operate a 190-mile, 765 kV transmission line that undoubtedly crosses through multiple municipalities already served by public utilities in this state.<sup>18</sup> The plain terms of Wis. Stat. § 196.50 apply to transmission,<sup>19</sup> and MGS Wisconsin does not point to any exception, much less any case law or Commission decision that held Wis. Stat. § 196.50 would not apply.<sup>20</sup>

## V. Conclusion

For the foregoing reasons, WUA respectfully requests that the Commission grant its request to intervene, issue a Notice of Proceeding establishing this proceeding as a Class 1 contested case, and hold a hearing pursuant to Wis. Stat. § 227.44(1).

Respectfully submitted this 13th day of August, 2026.

### QUARLES & BRADY LLP

Patrick J. Proctor-Brown (SBN: 1091326)  
Mackenzie A. Gutner (SBN: 1135981)

*Electronically signed by*  
*Patrick J. Proctor-Brown*

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Quarles & Brady LLP  
411 East Wisconsin Ave., Suite 2400  
Milwaukee, WI 53202  
patrick.proctor-brown@quarles.com  
mackenzie.gutner@quarles.com

*Attorneys for*  
*Wisconsin Utilities Association*

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<sup>18</sup> See MGS Wisconsin Application (PSC REF#: 593329) at 17 (providing the conceptual route for the Project, which crosses from Bell Center near the Mississippi River, around the north of Madison, and southeast past Whitewater, and then finally southwest to the state line).

<sup>19</sup> “[T]he commission may not grant any person a license, permit or franchise to own, operate, manage or control any plant or equipment for the production, *transmission*, delivery or furnishing of heat, light, water or power in the municipality ....” Wis. Stat. § 196.50(1)(a) (emphasis added).

<sup>20</sup> MGS Wisconsin Response at 3-4 (citing only to the ITC Midwest decision, which doesn’t mention Wis. Stat. § 196.50 at all).