

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Midcontinent Grid Solutions	)	Docket No. 2708-NC-100
Wisconsin, LLC for Authority to Become an Electric	)	
Public Utility	)	
	)	
	)	

WPPI REPLY IN SUPPORT OF REQUEST TO INTERVENE

Pursuant to Wis. Admin. Code PSC §§ 2.05 and 2.23(2), WPPI Energy (“WPPI”) submits this reply in support of its Request to Intervene and Notice of Appearance filed July 24, 2026 (PSC REF#: 599738), and in opposition to Midcontinent Grid Solutions Wisconsin, LLC’s (“MGS Wisconsin”) Response to Motions to Intervene and Requests for Hearing (PSC REF#: 604914).

MGS Wisconsin asks the Public Service Commission of Wisconsin (“Commission”) to deny WPPI’s request because it was filed before the Commission issued a Notice of Proceeding and, alternatively, because WPPI allegedly has not demonstrated a sufficient interest in the proceeding.

Neither argument warrants denial of WPPI’s request to intervene. Nothing in Wis. Admin. Code PSC § 2.21 prohibits a request to intervene from being filed before issuance of a Notice of Proceeding, and MGS Wisconsin identifies no Commission decision denying an intervention request on that basis. Moreover, WPPI has substantial interests that may be affected by the Commission’s resolution of MGS Wisconsin’s Application and WPPI readily satisfies the standards for intervention under Wis. Admin. Code PSC § 2.21.

**WPPI’S REQUEST SHOULD NOT BE DENIED BECAUSE IT WAS FILED
BEFORE THE NOTICE OF PROCEEDING.**

MGS Wisconsin asks the Commission to deny WPPI’s request as “premature” because the Commission has not yet issued a Notice of Proceeding. MGS Wisconsin proposes that the Commission deny the pending requests, issue a Notice of Proceeding establishing an intervention deadline, and then allow interested persons to file or “renew” their intervention requests.

Nothing in Wis. Admin. Code PSC § 2.21 supports such a result. Indeed, § 2.21 establishes the standards for intervention and deadlines by which intervention must be requested to prevent late requests for intervention. See § 2.21(4)(c), (d) (addressing “later intervenor[s]”). MGS Wisconsin identifies no support for establishing a date before which a request to intervene may not be filed.

Nor does MGS Wisconsin identify any Commission decision denying an intervention request solely because it preceded issuance of the Notice of Proceeding. MGS Wisconsin points to the Notice of Proceeding in *Application of ITC Midwest LLC for Authority to Become an Electric Utility* as an example of the Commission’s ordinary practice of establishing intervention procedures after issuing a Notice of Proceeding in support of its request. (PSC REF#: 192740). Not only does that Notice fail to support denial of WPPI’s intervention request, but the Commission’s ordinary practice in fact points in the opposite direction. The Commission commonly issues a Notice of Proceeding, establishes an intervention deadline, and the Administrative Law Judge (“ALJ”) considers all pending requests filed by that deadline, making no distinction between requests filed before or after the Notice. The Commission should follow that practice here as well.

WPPI does not object to the Commission following its ordinary process for issuing a Notice of Proceeding or to the ALJ addressing WPPI’s intervention after such Notice is issued. But

denying WPPI's existing request merely to require WPPI to file substantially the same request again serves no procedural purpose.

MGS Wisconsin's proposed procedure is particularly difficult to reconcile with the posture of its Application. MGS Wisconsin seeks authority to become a Wisconsin public utility and proposes to own and operate major transmission infrastructure in this state. The Application asks the Commission to make significant determinations concerning the regulatory framework that will govern MGS Wisconsin and its operations in Wisconsin. WPPI, along with other Wisconsin utilities and transmission owners, promptly sought to participate in this proceeding because it may have substantial effects on WPPI and its customers. Creating an unnecessary threshold dispute over intervention requests does not promote the orderly and efficient administration of this proceeding. The Commission should therefore issue its Notice of Proceeding and allow the ALJ to address WPPI's pending request in the ordinary course.

I. WPPI meets the standard for intervention as of right.

Under Wis. Admin. Code PSC § 2.21(1), "[a] person whose substantial interests may be affected by the commission's action or inaction in a proceeding shall be admitted as an intervenor." WPPI is a municipal electric company responsible for supplying the full electric power requirements of 51-member distribution systems, including 41 municipal utilities in Wisconsin. Those Wisconsin members provide retail electric service under rates regulated by the Commission. WPPI is also a transmission customer whose load is principally served over American Transmission Company LLC's system, and of which WPPI is itself a member-owner.

MGS Wisconsin's Application concerns the regulatory framework governing a new transmission-owning public utility proposing to build and operate new transmission facilities that will integrate with the Wisconsin transmission grid on which WPPI and its members depend. MGS

Wisconsin asks the Commission to determine, among other things, that it may operate as a Wisconsin public utility and as a “transmission company” under Wisconsin law, and that significant portions of the existing Wisconsin statutory framework governing public utilities and holding companies will not apply to it.

In enacting the Wisconsin Utility Holding Company Act (“WUHCA”), the Legislature identified the State’s interest in ensuring “safe, reliable and reasonably priced service to consumers” and protecting against utility activities that materially adversely affect rates or reliability. 1985 Wis. Act 79, § 1(3), (7). MGS Wisconsin asks the Commission to determine that, notwithstanding its proposed status as a Wisconsin public utility and transmission owner, significant portions of WUHCA do not apply to it. As a substantial transmission customer serving Wisconsin municipal utilities, WPPI has a direct interest in how the Commission resolves those questions. Accordingly, WPPI has substantial interests that may be affected by Commission action or inaction, and WPPI should therefore be admitted as an intervenor under Wis. Admin. Code PSC § 2.21(1).

WPPI MEETS THE STANDARD FOR PERMISSIVE INTERVENTION.

Even if the Commission determines that WPPI has not established that it can intervene as of right, permissive intervention should be granted under Wis. Admin. Code PSC § 2.21(2). The Commission may permit intervention where a person’s participation “likely will promote the proper disposition of the issues to be determined in the proceeding.” Wis. Admin. Code PSC § 2.21(2). Here, WPPI’s participation meets that standard and will not impede the timely completion of this proceeding.

WPPI has a direct and substantial interest in the development and regulation of Wisconsin’s transmission system as a significant transmission customer. WPPI and its members bear transmission costs and depend on the reliable and efficient operation of the transmission system.

Those interests are particularly relevant where MGS Wisconsin asks the Commission not only to authorize a new transmission-owning public utility, but also to determine that MGS Wisconsin is exempt from significant aspects of Wisconsin's utility holding company regulation. As noted above, WUHCA was enacted in part in recognition of the State's interest in protecting consumers by ensuring the continued provision of "safe, reliable and reasonably priced service" and guarding against materially detrimental effects on utility rates and reliability. 1985 Wis. Act 79, § 1(3), (7). As a transmission customer that bears transmission costs and depends on the reliable and efficient operation of the Wisconsin transmission system, WPPI's participation and perspective will assist the Commission in considering the issues raised in this proceeding.

There also is no basis to conclude that WPPI's participation will delay or impede this proceeding. WPPI promptly sought intervention at the outset, and its participation will not disrupt the Commission's procedural schedule.

**THE COMMISSION SHOULD DESIGNATE THIS PROCEEDING AS A
CONTESTED CASE AND CONDUCT A HEARING.**

MGS Wisconsin seeks authority to become a new Wisconsin public utility and asks the Commission to make significant determinations concerning the regulatory framework that will govern its operations. A contested case proceeding will allow the Commission to develop a complete record, obtain the benefit of participation from affected and knowledgeable stakeholders such as WPPI, and assist the Commission in fully considering the issues raised by MGS Wisconsin's Application. The Commission followed that process in the analogous ITC Midwest proceeding, and there is no apparent benefit to providing less process here. Further, MGS Wisconsin's request—that the Commission direct the ALJ to determine at the outset whether factual disputes exist and whether particular issues require testimony—is itself premature. These questions can and should be resolved as the record develops.

CONCLUSION

For these reasons, WPPI respectfully requests that the Commission grant WPPI intervention as a full party pursuant to Wis. Admin. Code PSC § 2.21 and the Commission's ordinary course.

Dated this 13th day of August, 2026.

GODFREY & KAHN, S.C.

/s/ Mark Bender

Mark Bender
State Bar No. 1093118
Bryan J. Cahill
State Bar No. 1055439

Attorneys for WPPI Energy

P.O. ADDRESS:

One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Phone: 608-257-3911
Fax: 608-257-0609
mbender@gklaw.com
bcahill@gklaw.com