

**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	)	
	)	
	)	

DAIRYLAND REPLY IN SUPPORT OF REQUEST TO INTERVENE

Pursuant to Wis. Admin. Code PSC §§ 2.05 and 2.23(2), Dairyland Power Cooperative (“DPC”) submits this reply in support of its Request to Intervene and Notice of Appearance filed July 31, 2026 (PSC REF#: 600933), and in opposition to Midcontinent Grid Solutions Wisconsin, LLC’s (“MGS Wisconsin”) Response to Motions to Intervene and Requests for Hearing (“MGS Response”) (PSC REF#: 604914).

MGS Wisconsin responds to the separate requests of Wisconsin Utilities Association (WUA), WPPI Energy (WPPI) and Dairyland Power Cooperative (DPC) (together referred to as, Intervenor). *See generally*, MGS Response. As explained herein, DPC requests that the Commission use its discretionary authority to open a docket as a Class 1 contested case and admit DPC as a full party. Wis. Admin. Code PSC § 2.21 does not prohibit a request to intervene from being filed prior to the Commission exercising its authority to open a docket under Wis. Admin. Code PSC § 2.07. Rather, MGS Wisconsin suggests another novel procedural action be taken by the Commission—open a docket, deny the pending requests only to require the Intervenor “renew” these requests. Additionally, MGS Wisconsin identifies no harm, delay, or disadvantage is caused by the timing of the Intervenor responsive filings. However, MGS Wisconsin disregards the reality that DPC has substantial interests that may be affected by the Commission’s resolution

of MGS Wisconsin's Application and DPC readily satisfies the standards for intervention under Wis. Admin. Code PSC § 2.21.

I. DPC's Intervention Request Should be Allowed to Proceed upon the Commission's Decision to Open a Docket without Further Filing Requirement.

There is no legal basis for denying an intervention request as "premature" when filed in response to a written request to open a docket submitted under Wis. Admin. Code PSC § 2.07(1) and (2). Wis. Admin. Code PSC § 2.07(3) allows "[a]ny person" to file a response to the request. Upon discovery of the MGS Wisconsin Application, DPC elected to exercise this procedural right. Wis. Admin. Code PSC § 2.21 does not prohibit a request to intervene from being filed prior to the Commission exercising its authority to open a docket under Wis. Admin. Code PSC § 2.07. Rather, MGS Wisconsin suggests the Commission take a novel procedural action—open a docket, deny the pending requests only to require the Intervenor's refile or "renew" these requests. *See* MGS Response at 2. MGS Wisconsin identifies no harm, delay, or disadvantage caused by the timing of the Intervenor's responsive filings. In fact, the MGS Response is devoid of a benefit to the Commission or to expediency of proceedings from denying and requiring refile or renewal of DPC's request.

Nothing in the Wis. Admin. Code prohibits prompt identification and assertion of interest in a filed request. Rather, "[a]ny person" is invited to file a response to a request, DPC's request to intervene was an exercise of this right and should not be denied and instead be considered by the Commission at time it considers whether to open a docket proceeding. *See* Wis. Admin. Code PSC § 2.07(3).

II. DPC's interests meet the standard for intervention as matter of right.

By misstating the standard for party intervention, MGS Wisconsin disregards the reality that DPC has substantial interests that may be affected by the Commission's resolution of MGS

Wisconsin's Application. MGS Wisconsin Response at 4 (misstating the intervention standard as requiring a showing of "concrete *customer* interests" (emphasis included as in MGS Response)). 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." DPC readily satisfies the standards for intervention under Wis. Admin. Code PSC § 2.21. DPC is a generation and transmission electric cooperative association, established and principally operating to provide transmission and generation service to its member-owners (which consist of both distribution cooperatives and municipalities) rather than for purposes of generating profit. *See* Wis. Stat. §§ 185.12 and 185.995(1)(a). The member-owned and -governed attribute of cooperative associations, which provides a direct and democratic process by which members set rates, that exempts other cooperatives from the rate making regulatory oversight of the Commission. *See* Wis. Stat. §196.01(5)(b) and § 196.491(3); *see also* Wis. Admin. Code PSC § 113.01. However, DPC and its member-owners remain subject to Commission regulatory oversight and rely upon regulatory protections afforded by the Commission's exercise of authority. *See* Wis. Stat. §§ 196.487, 196.495(1m) and 196.50(1).

DPC and its member-owner distribution cooperatives currently provide electric utility services in counties where portions of the MGS Wisconsin proposed transmission line project will be developed and operated (BECI Transmission Project). *See Application* (PSC REF#: 593329) (June 4, 2026) at 1 and 17 (the BECI Transmission Project described as the "approximately 190-mile, 765 kV Bell Center-Columbia-Sugar Creek-IL/WI State Line transmission project"). Further, DPC is in the early stages of development and engineering of the Maribell Transmission Project that interconnects with BECI Transmission Project. *Id.* MGS Wisconsin does not dispute that DPC owns a significant amount of transmission infrastructure within the Wisconsin transmission

system, and that DPC's member-owners rely on the Commission's regulation of the transmission system to ensure their member-owners have an adequate and reliable supply of energy.

DPC has substantial interest in the outcome of the Commission's proceedings on the MGS Wisconsin Application and should be admitted as a party to the proceedings under Wis. Stat. PSC § 2.21(1).

III. DPC also meets the standard for permissive intervention.

Even if the Commission determines that DPC has not established that it can intervene as a matter 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). MGS Wisconsin fails to assert any perceived or actual impediment or delay being caused by DPC being admitted as a full party to the docket proceedings. DPC's participation meets the permissive standard and will not impede the timely completion of this proceeding.

The Commission should reject MGS Wisconsin's arguments against DPC's intervention request and grant DPC full party status as requested.

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

The MGS Wisconsin exemption request raises matters of first impression in fact and law. Additionally, MGS Wisconsin's request to deny a full proceeding on the Application under Wis. Admin Stat. § 227.44 requires the Commission to suspend its delegated authority to safeguard against materially adverse effects on Wisconsin consumers arising from utility activities. MGS Wisconsin's request implicates a significant State interest and requires the Commission to act upon its discretionary

authority to regulate, thereby requiring the matter to be treated as a Class 1, contested proceeding. *See* Wis. Stat. Ann. § 227.01(3)(a)(defining a Class 1 proceeding as one “in which an agency acts under standards conferring substantial discretionary authority upon it”).

The outcome requested by MGS Wisconsin would require the Commission to interpret the Wisconsin Utility Holding Company Act (“WUHCA”) in a manner that exempts MGS Wisconsin, and its numerous parent companies, from regulatory oversight of the Commission under WUHCA. 1985 Wis. Act 79, § 1(3), (7). MGS Wisconsin’s Application contains numerous factual issues including the scope of the MGS Wisconsin corporate structure that is a “Public Utility,” “Holding Company” and the ability of any of the entities in the MGS Wisconsin “Holding Company System” to comply with WUHCA. *See* Application (PSC REF#: 593329) at 3 (claiming an exemption from WUHCA); *see also* Wis. Stat. Ann. §§ 196.01(5)(a) and 196.795(h) and (i).

A contested case proceeding allowing for affected stakeholders to participate allows the Commission to fully develop a record prior to issuing a precedential decision on MGS Wisconsin’s Application. Additionally, under Wis. Stat. § 196.50(1) a hearing is required unless MGS Wisconsin can demonstrate that it is exempt from such statutory requirements. Foreclosing the opportunity for a hearing on significant matters of first impression denies interested parties, like the Intervenors, from participating in the development of a record supporting the Commission’s ultimate disposition of matters

that significantly narrow the Commission's authority to regulate transmission entities engaging in electric utility activities.

CONCLUSION

For these reasons, DPC respectfully requests the Commission grant DPC's intervention as a full party pursuant to Wis. Admin. Code PSC § 2.21; 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)'s requirements.

Dated this 13th day of August, 2026.

Dairyland Power Cooperative

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