



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBa0851/1  
EHS:skw

**SENATE AMENDMENT 1,  
TO SENATE BILL 481**

January 12, 2024 - Offered by Senator JACQUE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 9: delete the material beginning with that line and ending with  
3 page 4, line 9, and substitute:

4 **“SECTION 3m.** 196.485 (3g) of the statutes is created to read:

5 196.485 (3g) INCUMBENT TRANSMISSION FACILITY OWNER RIGHTS. (a) *Rights.* 1.  
6 Subject to the approval of the commission under s. 196.491 (3), an incumbent  
7 transmission facility owner has the right to construct, own, and maintain a  
8 transmission facility that has been approved for construction in the Midwest  
9 independent system operator’s transmission plan and that connects to transmission  
10 facilities owned by that incumbent transmission facility owner if that incumbent  
11 transmission facility owner is certified by the commission under par. (b) 3.

12 2. If a transmission facility that has been approved for construction in the  
13 Midwest independent system operator’s transmission plan connects to transmission

1 facilities owned by 2 or more incumbent transmission facility owners, and if those  
2 incumbent transmission facility owners are jointly certified by the commission under  
3 par. (b) 4., then the right to construct, own, and maintain the transmission facility  
4 belongs individually and proportionally to each incumbent transmission facility  
5 owner, unless otherwise agreed upon in writing.

6 (b) *Commission procedure.* 1. If all of the following apply, an incumbent  
7 transmission facility owner shall give written notice to the commission of its intent  
8 under subd. 1. c. no later than 90 days after both the name of the developer and the  
9 report under subd. 1. b. are published:

10 a. A regionally cost-shared transmission line has been approved for  
11 construction and connection to facilities owned by the incumbent transmission  
12 facility owner in the Midwest independent system operator's transmission plan.

13 b. The Midwest independent system operator, after soliciting proposals to  
14 construct, own, and maintain the regionally cost-shared transmission line under  
15 subd. 1. a., has published the name of the developer it selected and a report  
16 explaining the basis for that selection.

17 c. The incumbent transmission facility owner intends to match the proposal of  
18 the developer selected under subd. 1. b. and to construct, own, and maintain the  
19 regionally cost-shared transmission line.

20 2. Along with the notice under subd. 1., the incumbent transmission facility  
21 owner under subd. 1. shall provide the commission with proof that, if the incumbent  
22 transmission facility owner constructs, owns, and maintains the transmission line,  
23 the resulting rates charged to ratepayers in this state will be equal to or lower than  
24 those rates resulting from the construction, ownership, and maintenance of the

1 transmission line by the developer selected by the Midwest independent system  
2 operator under subd. 1. b.

3 3. If the commission receives the notice under subd. 1. and finds, after a  
4 proceeding, that all the conditions under subd. 1. are met and that the incumbent  
5 transmission facility owner under subd. 1. has satisfied the proof requirement under  
6 subd. 2., the commission shall certify the incumbent transmission facility owner  
7 under subd. 1. as the entity with the right to construct, own, and maintain the  
8 regionally cost-shared transmission line, subject to the condition that the total cost  
9 of the project equals the cost proposed in the bid submitted by the selected developer  
10 under subd. 1. b.

11 4. If a regionally cost-shared transmission line that has been approved for  
12 construction in the Midwest independent system operator's transmission plan  
13 connects to transmission facilities owned by 2 or more incumbent transmission  
14 facility owners, they may jointly provide the notice under subd. 1., which must state  
15 that together they intend to match that selected developer's proposal and to  
16 construct, own, and maintain the regionally cost-shared transmission line. In that  
17 case, those incumbent transmission facility owners shall jointly submit the proof  
18 under subd. 2., and the commission shall certify the owners as a group if it finds the  
19 conditions under subd. 1. are met and the proof requirement under subd. 2. has been  
20 satisfied.”.

21 (END)