

AUTHORIZING DANE COUNTY CORPORATION COUNSEL TO INTERVENE AS AN AMICUS
IN THE CARDINAL-HICKORY HIGH-VOLTAGE TRANSMISSION LINE PROCEEDINGS
BEFORE THE U.S. COURT OF APPEALS FOR THE 7TH CIRCUIT

In 2018, American Transmission LLC, by its corporate manager, ATC Management Inc., (collectively ATC), ITC Midwest LLC (ITC Midwest), and Dairyland Power Cooperative (Dairyland) submitted an application with the Public Service Commission (PSC) (docket number 05-CE-146) to construct a new 345 kilovolt transmission power line from the Cardinal Substation in Dane County, Wisconsin, to the Hickory Creek Substation in Dubuque County, Iowa, and connecting to a new intermediate substation to be constructed in Grant County, Wisconsin.

Otherwise known as the “Cardinal-Hickory Transmission Line”, the high-voltage power line’s proposed path will traverse through a portion of Dane County, and may create a number of potential impacts to Dane County’s farmlands and parks. The County’s objections to ATC’s unneeded line include the negative impacts it would have on the County’s residents and economic development, as well as on its farms, parks, businesses, visual appearance and environmentally sensitive wetlands, woods, and other natural areas.

The County also objects to the fact that the line will place a far greater financial burden on the County’s resident ratepayers than pursuing a Base with Asset Renewal Alternative (BWARA), found by a PSC staff analysis to:

- Mean a \$900,000 rebuild instead of \$300 million for Cardinal Hickory Creek
- Have all of the reliability benefits of CHC
- Produce economic benefits in 8 of 11 future scenarios studied by PSC staff
- Increase the amount of renewable energy entering Wisconsin

Dane County filed an Amicus brief in the Cardinal-Hickory Transmission Line Certificate of Public Convenience and Necessity (CPCN) hearing before the Commission. In 2019, the PSC of Wisconsin issued a permit authorizing two transmission companies and an electric cooperative to build and operate the \$500 million 100-mile power line.

The Driftless Area Land Conservancy challenged the PSC’s issuance of the permit before the Dane County Circuit Court, where a ruling was issued on May 26, 2021 in favor of the Driftless Area Land Conservancy based on a finding that the then-PSC Commissioner Huebsch had a perceived conflict of interest that biased his ruling in favor of the Cardinal Hickory Creek transmission line.

The PSC then appealed the Dane County Circuit Court ruling at the U.S. Court of Appeals for the 7th Circuit, where that court in October 2021 reversed and remanded with instructions to stay the case pending developments in the state litigation.

In January 2022, the U.S. Court of Appeals for the 7th Circuit ruled that a proposed river crossing by the line was incompatible with a national wildlife refuge and issued a preliminary injunction for the transmission line project.

Now, attorneys for both sides of this case are filing briefs concerning a possible injunction by the 7th Circuit that would place a temporary halt on all construction activities (not just in the wildlife refuge.)

Iowa County intends to file a joinder to the Driftless Area Land Conservancy’s brief on the possible injunction.

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NOW THEREFORE, BE IT RESOLVED that, based on the interests at stake and the potential harms to Dane County residents and natural resources, the Dane County Board of Supervisors hereby directs the Corporation Counsel to seek permission of the 7th Circuit Federal Court to participate as an Amicus supporting the legal argument and brief of the Driftless Area Land Conservancy and Iowa County parties for an injunction stopping further construction of the CHC line pending a final order on the merits in order to advocate for Dane County's interests.