

Chapter PSC 128**WIND ENERGY SYSTEMS****PSC 128.01 Definitions.**

- Large wind energy system
- Small wind energy system
- Other

PSC 128.02 Applicability.

- Applicable to projects on going forward basis, except as noted
- Commission may waive or modify a rule provision in an exceptional situation

PSC 128.03 Siting criteria.

- Setbacks for design and construction of a wind energy system
- Compliance with setback provisions measured from the centerline of the turbine tower to the nearest point on the foundation of the building
- Owners of occupied buildings, participating residences or non-participating residences may waive setbacks
- Long term land use planning may not preclude construction of wind turbines
- No height or location limitations near public use airports or heliports stricter than FAA obstruction standards
- No height or location limitations near private medical facility heliports use for air ambulance service stricter than the FAA obstruction standards that apply to public use heliports
- Developer shall consider noise standard in siting decisions
- Developer shall consider shadow flicker impacts in siting decisions
- Developer shall consider radio, television, phone interference in siting decisions and avoid interference to extent practicable
- Developer shall test for stray voltage near project facility prior to construction and after the project is completed; developer to rectify stray voltage problems arising from the construction and operation of the project
- Developer shall work with political subdivisions to minimize individual hardships

PSC 128.04 Development of a wind energy system.

- Developer is required to provide advance notice to landowners near project area and political subdivisions where project is located
- Possible requirement for developer to provide notice to commission
- Developer to consult with DNR regarding natural resources
- Developer to consult with Wisconsin Historical Society regarding historical and archeological resources
- Developer to develop a transportation plan in consultation with DOT and political subdivision
- Political subdivision may require developer to submit a detailed roads plan

- Developer to coordinate with local first responders and air ambulance services regarding emergency evacuation plan
- Political subdivision may require developers to consult with owners of private use airports in the project area
- Consideration of impacts on aerial spraying practices
- Consideration of impacts on existing agricultural or other commercial enterprises
- Compensation for non-participating residences near turbines
- Possible recording requirement for wind leases and easements or a memorandum thereof
- Requirements regarding provisions to be contained in a wind lease or easement

PSC 128.05 Construction and operation.

- Developer/owner may not materially deviate from the approved application without separate approval from the political subdivision
- No advertising material permitted on a wind turbine
- Political subdivision may not impose structure lighting restrictions that would conflict with FAA specifications
- Developer/owner shall restore the project area after construction is complete
- Developer/owner shall ensure the outside of a turbine is not climbable
- Developer/owner shall ensure access doors are locked
- Developer/owner shall post appropriate warning signage
- Developer/owner shall post 24/7 emergency contact, ownership, and location information
- Political subdivision may create rules regarding blasting
- Developer/owner shall construct, maintain, and operate collector circuit facilities in compliance with National Electrical Safety Code and Wis. Admin. Code ch. PSC 114
- Developer/owner shall construct, maintain, and operate all other wind project facilities in compliance with National Electrical Code
- Developer/owner shall repair, maintain and replace wind turbines and associated facilities as needed to keep the wind energy system in good repair and operating condition
- Developer/owner shall report to political subdivision regarding operations and maintenance
- Developer/owner shall notify political subdivision and commission of an emergency
- Developer/owner shall establish emergency procedures
- Developer/owner shall operate the project in a manner that meets specified noise limits (dBA) during daytime hours
- Upon complaint by an affected resident, noise limit shall be reduced during nighttime hours for areas related to the complaint
- Methods available to comply with noise limits
- Developer/owner relieved from meeting nighttime noise limit if affected resident agrees to a waiver or settlement
- Noise limits in the event of a steady pure tone (whine, whistle, screech, hum)
- Compliance with noise limits shall be measured or otherwise evaluated at the outside wall of residence
- Developer/owner to conduct pre- and post-construction noise studies

PSC 128.06 Enforcement and mitigation.

- Developer/owner shall maintain a log of all complaints
- Developer/owner shall make copies of this complaint log available to any local monitoring committees
- Developer/owner shall provide a contact person and phone number for complaints
- Developer/owner shall work with landowners to mitigate the effects of shadow flicker
- Requirement to mitigate shadow flicker at eligible residences triggered by complaint regarding shadow flicker
- Developer/owner to allow resident to choose a preferred reasonable mitigation technique
- Developer/owner to consult with affected residents regarding the resident's preferred reasonable mitigation solution for radio and television interference
- Developer/owner to work with affected cellular providers to provide adequate coverage in the affected area

PSC 128.07 Decommissioning.

- Developer/owner must decommission wind energy system at end of its useful life
- Time periods for decommissioning
- Developer/owner to submit decommissioning and site restoration plan to political subdivision
- Developer/owner shall ensure decommissioned sites are restored
- Developer/owner shall demonstrate financial ability to decommission

PSC 128.08 Political subdivision review of a wind energy system.

- Political subdivision may require developer/owner to obtain approval for expansion of a pre-existing or previously approved wind energy system
- Political subdivision's approval remains in effect despite a change in ownership of the wind energy system
- Conditions for political subdivision granting approval
- Political subdivision may deny an application if conditions are not met
- Political subdivision shall issue its decision in writing, based on written findings of fact, supported by evidence in the record
- Before an applicant files an application, applicant shall submit to the political subdivision a notice of intent to file
- Political subdivision may charge reasonable application fees or obtain reimbursement for reasonable review expenses
- Political subdivision conflicts of interest must be disclosed
- Notice of application shall be given to property owners in the area
- Application shall be available for public review
- Political subdivision to establish a process for accepting public comments
- Political subdivisions may establish a joint application review process when multiple political subdivisions are involved

PSC 128.09 Application filing requirements.

- Content requirements for an application to a political subdivision
- For incomplete applications, applicants must provide additional information
- For incomplete applications, the political subdivision may require applicant to resubmit its application after integrating additional information
- Subsequent 45-day completeness review periods will begin after the responses to all completeness items are received
- Political subdivision may request additional information subsequent to determining that an application is complete; applicant required to respond in a timely manner
- Political subdivision may require submission of duplicate copies of the application

PSC 128.10 Commission review.

- Appeal will be treated as application to open a docket
- Appeals must be in writing
- Appealing party must serve all relevant parties with copy of appeal
- Requirements regarding filing the record of the local decision being appealed
- Commission may require additional information to be filed
- Commission may proceed without a hearing, but may set a hearing if Commission believes a hearing is necessary

L:\Wind Siting Council\ Draft Compiled Rule Outline Prepared for Wind Siting Council 3.16.10.doc