

CO-SPONSORSHIP MEMORANDUM

TO: Members of the Wisconsin State Legislature

FROM: Senator Romaine Quinn & Representative Nate Gustafson

DATE: February 27, 2026

RE: Co-sponsorship of LRB-6296/1, relating to: prohibiting recovery of a rate of return on retired electric generating facilities; an exemption from certificate requirements for constructing a large electric generating facility; and a permit dashboard for applications for certificates of public convenience and necessity

DEADLINE: **March 6, 2026 at 5:00 PM**

Data centers and other high-tech industries will require vast amounts of new energy in the coming years, creating challenges for the traditional energy grid model and potentially exposing ratepayers to more obligations and higher rates. Now is the time to pursue energy strategies that allow these facilities to operate outside the traditional grid without shifting costs onto other customers.

This proposal seeks to protect ratepayers in the following ways:

- **Behind-the-meter Generation:** The bill allows for the construction of a large electric generating facility without obtaining a certificate of public convenience and necessity (CPCN) if the energy is primarily consumed on site. This provision builds on a current law exemption for manufacturing and mining processes by expanding it for all nonresidential purposes. If such a facility interconnects to a public utility's infrastructure, the facility must pay all costs associated with interconnecting the facility.
- **Stranded Assets:** Wisconsin ratepayers owe nearly \$ 1 billion on power plants that have been retired early. This bill prohibits an electric public utility from recovering in

rates any amount for the rate of return on equity for a retired electric generating facility.

- **Permit Transparency:** The Public Service Commission shall create and maintain a webpage that shows the procedural status of every CPCN application and the status of all necessary permits or approvals. This will create transparency in the permitting process through a centralized dashboard.

If you would like to co-sponsor this legislation, please reply to this email, or contact Senator Quinn's office at 6-3510 or Representative Gustafson's office at 9155 before 5:00PM on March 6, 2026.

Analysis by the Legislative Reference Bureau

This bill does the following related to electric service utility rates and certificates required for constructing large electric generating facilities:

1. The bill prohibits an electric public utility from recovering in rates any amount for the rate of return on equity for a retired electric generating facility. Under current law, a public utility generally may not make a change to its rate schedules that constitutes an increase in rates to customers, except by order of the Public Service Commission after an investigation and opportunity for hearing.

2. The bill allows a person to construct a large electric generating facility without obtaining a certificate of public convenience and necessity (CPCN) from PSC if both of the following are satisfied: a) the person demonstrates that on each day that the facility operates the person will consume at least 70 percent of the facility's output for nonresidential purposes at the site of the facility; and b) if the facility is expected to be interconnected with a public utility's electric infrastructure, the person agrees to pay all costs associated with interconnecting the facility. Under current law, a person seeking to construct a large electric generating facility having a nominal capacity of 100 megawatts or more must obtain a CPCN from PSC. Also, current law allows a person to construct a large electric generating

facility without obtaining a CPCN if the person demonstrates that on each day that the facility operates the person will consume at least 70 percent of the facility's output in manufacturing processes or ferrous mineral mining processes at the site of the facility.

3. The bill requires PSC to create and maintain a web page that displays for every CPCN application the procedural status of the application and the procedural status of any other permit or approval necessary for the applicant to construct the facility for which the application was submitted. The requirement applies to permits or approvals granted by the federal government, a state agency, or a city, village, town, or county.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.