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CITY OF MENASHA
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BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of the City of Menasha and WPPI Energy for Approval of the Sale and Leaseback of Certain Electric Utility Facilities from Menasha to WPPI Energy, Sale to WPPI Energy of Menasha's Ownership Shares in American Transmission Company, Authority for Menasha to Increase Electric Rates, and a Declaratory Ruling Regarding the Public Service Commission's Continuing Jurisdiction Over WPPI Energy

5-EI-149

NOTICE OF HEARING

Party Session Date/Time:	Thursday, January 21, 2010 – 1:00 p.m.
Party Session Location:	Menasha City Hall Council Chambers 140 Main Street Menasha, WI
Public Session Date/Time:	Thursday, January 21, 2010 – 1:00 p.m. and 6:00 p.m.
Public Session Location:	Menasha City Hall Council Chambers 140 Main Street Menasha, WI 54952
This docket uses the Electronic Regulatory Filing (ERF) system.	

NOTICE IS GIVEN that the Public Service Commission of Wisconsin will hold a hearing in this Class 1 contested case. On **Thursday, January 21, 2010, at 1:00 p.m.**, the Commission shall receive evidence from the parties and Commission staff in the Council Chambers of Menasha City Hall, 140 Main Street, Menasha, Wisconsin. On **Thursday, January 21, 2010, at 1:00 p.m. and 6:00 p.m.**, the Commission shall receive evidence from the public at that same location. The presiding Administrative Law Judge may allot additional time to receive evidence, if necessary.

The subject matter of the hearing is the Application of the City of Menasha (Menasha) and WPPI Energy for Approval of the Sale and Leaseback of Certain Electric Utility Facilities from Menasha to WPPI Energy, Sale to WPPI Energy of Menasha's Ownership Shares in American Transmission Company, Authority for Menasha to Increase Electric Rates, and a Declaratory Ruling Regarding the Public Service Commission's Continuing Jurisdiction Over WPPI Energy. The Commission has authority and jurisdiction to hold the hearing pursuant to Wis. Stat. § 196.02(7). All documents in this docket are filed on the Commission's Electronic

Regulatory Filing (ERF) system and available at the Commission's website at <http://psc.wi.gov/>, by entering "5-EI-149" in the "LINK DIRECTLY TO A CASE" box and selecting "GO".

The issues for hearing are:

- Are the interests of the city of Menasha and its residents best served by Menasha's sale of its electric utility distribution assets to WPPI Energy under Wis. Stat. § 66.0817?
- Is the proposed sale and leaseback in the public interest under Wis. Stat. § 196.80?
- If the Commission approves the proposed sale and leaseback under Wis. Stat. §§ 66.0817 and 196.80, what terms and conditions should be applied?
- Should the Commission issue a declaratory ruling pursuant to Wis. Stat. § 227.41 that the consummation of the sale and lease transaction does not alter the extent of Commission regulation over WPPI?
- Should the Commission grant in whole or in part Menasha's request for an electric service rate increase under Wis. Stat. §§ 196.03(1), 196.20(1) and (2m), and 196.37(1), (2), and (3), and if so, under what terms and conditions?
 - a. What is Menasha's revenue requirement for electric service?
 - b. What is the cost of service as related to each customer class?
 - c. What is the appropriate rate design, including service rules, for each customer class?

Any person may testify at the hearing or participate in the hearing process in one of the ways listed below. However, a person experiencing symptoms of the H1N1 flu virus such as fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue should avoid attending the hearing and participate using written forms of communication:

- Written comment offered at the public session.
- Oral comment offered at the public session.
- Written comment offered by mail, by January 15, 2010. All written comments submitted by mail shall include the phrase "Docket 5-EI-149 Comments" in the heading, and shall be addressed to:

Docket 5-EI-149 Comments
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

- Written comment offered *via* the Commission's ERF system by January 15, 2010. Access to the electronic form used to file comments electronically is reached from the Commission's web page, <http://psc.wi.gov/>, by clicking the public comments button, then selecting the docket number 5-EI-149.

Docket 5-EI-149

Testimony from members of the public shall be limited to personal knowledge or personal opinion. Documents offered to supplement such testimony shall be used to show the basis of an opinion, not for proof of the matter asserted. Parties may object to an offer of evidence from a member of the public. The Commission may post material submitted by members of the public on the Commission's website as an open public record.

This is a Type III action under Wis. Admin. Code § PSC 4.10(3). The Commission will review the potential environmental effects of the project. Type III actions normally do not require the preparation of an environmental impact statement under Wis. Stat. § 1.11 or an environmental assessment.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. The Menasha City Hall is accessible to people in wheelchairs. Any person with a disability who needs additional accommodations should contact the docket coordinator listed below.

Any person who desires accommodations to participate in this docket or who has other questions regarding this matter may contact the docket coordinator, Scot Cullen, at (608) 267-9229.

Tuesday, January 5, 2010



Michael E. Newmark
Administrative Law Judge

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