

News Release

For Immediate Release

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Wind Industry Applauds Court's Decision to Uphold PSC 128

Dismissal of legal challenge to state wind siting rule provides certainty for wind industry

MADISON, WISC. (April 29, 2013) – Today, Brown County Circuit Court Judge William Atkinson dismissed a lawsuit filed by the Wisconsin Realtors Association (WRA) regarding the validity of Wisconsin's uniform wind siting rule, PSC 128. The decision makes clear that the Public Service Commission of Wisconsin (PSC) acted lawfully in promulgating the balanced and comprehensive wind siting rule, as directed by the Legislature.

"Today's decision represents a victory for Wisconsin's growing wind industry," said Wind on the Wires Executive Director Beth Sohlt. "With this meritless claim as to the legality of PSC 128 now dismissed, the industry has the certainty it needs to continue creating construction, manufacturing, transportation and operation and maintenance jobs in Wisconsin."

In the lawsuit filed last summer, WRA alleged that PSC 128 was not lawfully promulgated, arguing that a report on housing impacts was required and that the health expert on the Wind Siting Council that made recommendations to the PSC during the rulemaking process did not meet statutory requirements. In an oral decision, the judge dismissed these claims, ruling that PSC 128 does not "directly or substantially" impact housing, as required before an administrative agency must request a housing impact study, and that the health expert on the Wind Siting Council was, in fact, qualified to assess potential health impacts resulting from the implementation of PSC 128.

"We hope that today's decision will help put an end to the challenges from opposition groups that have plagued the Wisconsin wind industry recently," said Sohlt. "We look forward to working with Wisconsin residents and businesses to move forward following this decision and attain the economic benefits that the uniform standards in PSC 128 can provide."

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About Wind on the Wires

Wind on the Wires is a 501(c)(3) nonprofit organization based in St. Paul, Minn., which is comprised of wind developers, environmental organizations, tribal representatives, public interest groups, clean energy advocates, farm groups and businesses providing goods and services to the wind industry. Our mission is to overcome the barriers to bringing wind energy to market by addressing technical and regulatory issues, as well as through education and public outreach.