

FILED
12-09-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV004023
Honorable Stephen E
Ehlke
Branch 15

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

MIDWEST ENVIRONMENTAL ADVOCATES, INC.,
634 West Main Street Suite 201,
Madison, Wisconsin 53703,

Plaintiff,

v.

WISCONSIN PUBLIC SERVICE COMMISSION,
4822 Madison Yards Way,
Madison, Wisconsin 53705,

Defendant.

Case No. _____
Civil – Petition for Writ of
Mandamus: 30952

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is: **Clerk of Circuit Court, Dane County Courthouse, 215 S Hamilton Street, Madison, WI 53703**, and to Attorney Michael Greif,

Plaintiff's attorney, whose address is: **634 West Main Street, Suite 201, Madison, WI 53703.**

You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 9th day of December, 2025.

Electronically signed by Michael Greif

Michael Greif, SBN 1143090

Robert D. Lee, SBN 1116468

MIDWEST ENVIRONMENTAL ADVOCATES, INC.

634 W. Main Street, Ste. 201

Madison, Wisconsin 53703

Telephone: (608) 251-5047

Facsimile: (608) 268-0205

mgreif@midwestadvocates.org

rlee@midwestadvocates.org

Attorneys for Plaintiff

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COMPLAINT

This is an action to enforce Wisconsin's Public Records Law, WIS. STAT. §§ 19.31-.39. State law declares it the public policy of this state that every citizen is presumptively entitled to complete access to the records of state and local government. WIS. STAT. § 19.31. Defendant has arbitrarily and capriciously denied part of Plaintiff's records request causing Plaintiff substantial damages. Plaintiff Midwest Environmental Advocates, Inc., hereby requests a writ of mandamus directing Defendant, Wisconsin Public Service Commission, to immediately produce the record responsive to Plaintiff's request, alleging to the Court as follows:

PARTIES

1. Plaintiff Midwest Environmental Advocates, Inc., is a Wisconsin non-profit law center located at 634 West Main Street Suite 201, Madison, Wisconsin 53703. Midwest Environmental Advocates, Inc., is a "requester" as defined in WIS. STAT. § 19.32(3).

2. Defendant Wisconsin Public Service Commission, located at 4822 Madison Yards Way, Madison, Wisconsin 53705, is an “authority” as defined in WIS. STAT. § 19.32(1).

JURISDICTION AND VENUE

3. This Court has jurisdiction to hear this matter under WIS. STAT. § 19.37(1)(a), which provides records requesters with a private right to “bring an action for mandamus asking a court to order release of the record” when an authority withholds or delays access to all or part of a record after a written request for that record has been made.

4. Venue is proper in this County under WIS. STAT. § 19.37(1)(a) and WIS. STAT. § 801.50(3)(a).

FACTUAL ALLEGATIONS **Background on Records Requested**

5. Several large data center campuses are being built in Wisconsin to support Artificial Intelligence (AI).

6. Large AI data centers—termed “hyperscale” data centers—require very large amounts of electricity, in some cases as much as large cities.

7. The construction of multiple hyperscale data centers in Wisconsin will have significant implications for Wisconsin’s electric grid, public utilities, consumer energy bills, and environment.

8. There has been significant public interest in the development of hyperscale data centers in Wisconsin.¹

¹ See Francesca Pica, Jessie Opoien & Claudia Levens, *Anti-data center protests held in 7 Wisconsin cities*, Milwaukee J. Sentinel (Dec. 2, 2025), <https://www.jsonline.com/story/news/local/2025/12/02/residents-climate-groups-hold-anti-data-center-rallies-in-wisconsin/87576668007/>; Kristyn Halbig Ziehm, *Data center protesters overwhelm City Hall*, Ozaukee Press (Oct. 8, 2025), <https://www.ozaukeeexpress.com/content/data-center-protesters-overwhelm-city-hall>; Editorial, *OUR VIEW: Don’t let AI data centers ruin Wisconsin’s climate goal*, Wis. State J. (Dec. 7, 2025), https://madison.com/opinion/editorial/article_824ad124-e8ec-49bd-9bf5-cd4cb58ae789.html.

9. Meta Platforms Inc. (“Meta”) is building an AI data center campus in Beaver Dam.

10. Likewise, Vantage Data Centers, Open AI, and Oracle are partnering on an AI data center campus in Port Washington.

11. Meeting the large electrical demand of the AI data centers in Beaver Dam and Port Washington requires the construction of new high-voltage transmission lines.

12. Defendant is the state agency responsible for overseeing and approving the construction of new high-voltage transmission line projects in Wisconsin. WIS. STAT. § 196.491.

13. Defendant is also the state agency responsible for overseeing Wisconsin’s public utilities that produce and transmit electrical power to the public. WIS. STAT. § 196.01(5)(a).

14. Defendant recently approved a transmission project termed the Dodge County Distribution Interconnection Project in PSC docket # 137-CE-210.

15. The purpose of the Dodge County Distribution Interconnection Project is to support the electrical load of Meta’s Beaver Dam data center campus.

16. The estimated cost of the Dodge County Distribution Interconnection Project as approved by Defendant is \$191 million.

17. Defendant is currently considering an application for a Certificate of Public Convenience and Necessity (CPCN) to build a transmission project referred to as the Ozaukee County Distribution Interconnection Project in PSC docket # 137-CE-221.

18. The purpose of the Ozaukee County Distribution Interconnection Project is to support the electrical load of the Vantage, Open AI, and Oracle data center campus in Port Washington.

19. The estimated cost for the Ozaukee County Distribution Interconnection Project is between \$1.3 and \$1.6 billion.

20. The applicant to build both the Dodge County Distribution Interconnection Project and the Ozaukee County Distribution Interconnection Project (“transmission projects”) is American Transmission Company LLC (“ATC”), a public utility regulated as a state-licensed monopoly by Defendant.

21. To establish the need for the Dodge County Distribution Interconnection Project, ATC pointed to a load interconnection request sent from Wisconsin Power & Light Company (“WP&L”) to ATC on October 9, 2024. This information was submitted to Defendant in Appendix D, Exhibit 1 of ATC’s application to build the Dodge County Distribution Interconnection Project and was assigned PSC reference number 546042 (“Dodge County Record”).

22. To establish the need for the Ozaukee County Distribution Interconnection Project, ATC pointed to a load interconnection request sent from We Energies to ATC. This information was submitted to Defendant in Appendix D, Exhibit 1 of ATC’s application to build the Ozaukee County Distribution Interconnection Project and was assigned PSC reference number 563392 (“Ozaukee County Record”).

23. We Energies and WP&L (“the public utilities”) are public utilities regulated as state-licensed monopolies by Defendant.

24. ATC initially requested confidential status for the amount of electrical load requested by the public utilities in the Dodge County Record and Ozaukee County Record.

25. Defendant granted confidential status to the electrical load information. Therefore, the Dodge County Record and Ozaukee County Record were not publicly

available. In the publicly available versions of each document the requested load information was redacted.

26. For example, the relevant section of the Dodge County Record, as was publicly available on October 1, 2025, read:

This Best Value Planning (BVP) scoping document is designed to identify system impacts and transmission upgrades required for a new load interconnection located in the Beaver Dam Commerce Park north of the City of Beaver Dam in Dodge County, Wisconsin. Wisconsin Power and Light (WPL) notified ATC via the Load Interconnection Request Form (LIRF) #40938-2, most recently updated on 10/9/2024, to connect a total of [REDACTED] of data center load. The first [REDACTED] is expected to be in service in Q2 of 2026, followed by the second [REDACTED] in Q1 of 2027.

27. The relevant section of the Ozaukee County Record, as was publicly available on October 1, 2025, read:

This Best Value Planning (BVP) scoping document is intended to identify system impacts and transmission network upgrades required for a new load interconnection within the city of Port Washington, Ozaukee County, Wisconsin. We Energies submitted a Load Interconnection Request Form (LIRF# 41052-2) to connect a total [REDACTED] of load with a requested in-service date of the end of 2027. Due to the size of this load addition, a distribution solution is not viable, and neither the existing 138 kV nor 345 kV facilities nearby are adequate to serve this load.

Plaintiff's Public Records Request

28. On October 1, 2025, Plaintiff submitted a written public records request to Defendant requesting the Dodge County Record and Ozaukee County Record. Plaintiff specified that while redacted versions of the records were publicly available on Defendant's electronic filing system, Plaintiff was requesting the unredacted versions. **A true and accurate copy of this email is attached as Exhibit 1, filed herewith.**

29. To simplify the request and facilitate a quick response, Plaintiff requested only "the removal of redactions in the first paragraph of the executive summary of each document.

These redactions relate to anticipated load at two separate data center projects.” **A true and accurate copy of this email is attached as Exhibit 1, filed herewith.**

30. Plaintiff submitted the October 1, 2025, records request to promote its and the public’s understanding of the impacts that hyperscale data centers would have on Wisconsin’s electric grid, public utilities, consumer energy bills, and environment.

31. Understanding the amount of electrical load requested by the public utilities and the impacts on Wisconsin’s electric grid—including the need for the transmission projects—is within the mission of Plaintiff and in the public interest.

32. On October 16, Plaintiff received an email from Cru Stublely, Secretary to Defendant, acknowledging Plaintiff’s request and stating that Defendant would respond “as soon as practicable.” **A true and accurate copy of this email is attached as Exhibit 2, filed herewith.**

33. On November 5, Plaintiff received an email from Cara Coburn Faris, Chief Legal Counsel and record custodian for Defendant. This email stated that Defendant would respond to the request as soon as possible. **A true and accurate copy of this email is attached as Exhibit 3, filed herewith.**

34. On November 7, Plaintiff received a phone call from Coburn Faris explaining Defendant had reached out to the “applicant” and requested the applicant voluntarily refile the documents without redactions. Coburn Faris indicated Defendant was waiting for a response from the applicant.

35. On November 12, Coburn Faris sent an email to Plaintiff explaining that the “applicant” had agreed to refile the Ozaukee County Record so that the electrical load requested

by We Energies to support the data center in Port Washington would be publicly available. **A true and accurate copy of this email is attached as Exhibit 4, filed herewith.**

36. However, with respect to the Dodge County Record, Coburn Faris stated “this information is currently exempt from disclosure under the Public Records Law. As an alternative to the Commission providing you with this confidential information, you could try to reach an agreement with the applicant or with Wisconsin Power & Light Company.” **A true and accurate copy of this email is attached as Exhibit 4, filed herewith.**

37. On November 17, 2025, Plaintiff received an official response from Defendant regarding the October 1 records request. Defendant stated that with respect to the Ozaukee County Record, Defendant had determined that the requested information “neither would qualify for confidential handling if it were submitted today nor is currently exempt from disclosure under the public records law.” Thus, in accordance with Plaintiff’s request, the applicant agreed to refile the document with the request information unredacted. **A true and accurate copy of this response is attached as Exhibit 5, filed herewith.**

38. This document was filed on November 14, 2025, and assigned PSC reference number 567681. The redaction that previously appeared in the requested section had been removed to reveal that We Energies load interconnection request was for 1,300 MW. **A true and accurate copy of this document is attached as Exhibit 6, filed herewith.**

39. Plaintiff acknowledges that this action satisfied Plaintiff’s public records request regarding the Ozaukee County Record.

40. However, Defendant denied the request with respect to the Dodge County Record. Defendant stated:

With respect to PSC REF#: 546042, the redacted information has been identified as a trade secret as defined in Wis. Stat. §134.90. In addition, the record contains

customer information, which pursuant Wisconsin Stat. § 196.137(3) “is not subject to inspection or copying under s. 19.35.” Customer information is defined as “any information received from customers which serves to identify customers individually by usage or account status.” Wis. Stat. § 196.137. While this statutory provision relates specifically to municipal utility customer information, it is evidence of the public interest in protecting from disclosure individually identifying customer information. Accordingly, the I [sic] have applied the balancing test under the public records law and concluded that the balancing test weighs in favor of the Commission not providing the detailed information.

As an alternative to the Commission providing you with this confidential information, you could try to reach an agreement with the applicant or with Wisconsin Power & Light Company (WP&L), who submitted the Load Interconnection Request Form, regarding disclosure.

A true and accurate copy of this response is attached as Exhibit 5, filed herewith.

41. As of the date of this filing, Plaintiff has not received the Dodge County Record, also referred to as PSC REF#: 546042.

CAUSE OF ACTION: VIOLATION OF WIS. STAT. § 19.35(1)

Unlawful Denial of Records Request and Withholding of Responsive Record

42. Plaintiff incorporates by reference all allegations set forth in the preceding paragraphs as if fully stated herein.

43. Under the Public Records Law, it is the declared public policy of the State of Wisconsin that every citizen is entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees of government. WIS. STAT. § 19.31 affirms that there is a presumption of complete public access to government records and that the denial of public access is contrary to the public interest.

44. The Public Records Law provides that a requester “has a right to . . . receive a copy of any record” except as otherwise provided in the statute or by common law. WIS. STAT. § 19.35(1)(a)-(b).

45. With limited exceptions not relevant here, WIS. STAT. § 19.32(2) defines “record” as “any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority.”

46. With limited exceptions not relevant here, WIS. STAT. § 19.32(3) defines “requester” as “any person who requests inspection or copies of a record.”

47. Plaintiff’s October 1, 2025, records request was a written request for two public records. Plaintiff is thus a “requester” under the Public Records Law.

48. With limited exceptions not relevant here, WIS. STAT. § 19.32(1) defines “authority” as including, among other things, a “commission . . . created by the constitution or by any law, ordinance, rule or order”

49. Defendant is a commission created by law. WIS. STAT. § 15.79.

50. Defendant is an “authority” as defined in WIS. STAT. § 19.32(1).

51. Plaintiff’s written records request reasonably described the requested records and reasonably limited the search in terms of subject matter in accordance with WIS. STAT. § 19.35(1)(h).

52. When a requested record contains a mix of disclosable and undisclosable information, the authority must provide the information that is subject to disclosure and delete (or redact) the information that is not subject to disclosure from the record before release. WIS. STAT. § 19.36(6).

53. Defendant arbitrarily and capriciously violated the Public Records Law by partially denying Plaintiff’s request since the amount of electrical load requested by WP&L to

justify the Dodge County Distribution Interconnection Project is not a trade secret under WIS. STAT. § 19.36(5).

54. Likewise, Defendant arbitrarily and capriciously violated the Public Records Law by partially denying Plaintiff's request because the public interest favors disclosure of the information.

55. Defendant's partial denial of Plaintiff's Public Records Request has caused substantial damages to Plaintiff and the public by depriving Plaintiff and the public of their rights under the Public Records Law to understand the conduct of governmental business regarding an important and emerging issue in the state.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that the Court grant the following relief pursuant to WIS. STAT. § 19.31 *et seq.*:

1. A mandamus order compelling Defendant to immediately produce the record responsive to Plaintiff's October 1, 2025, records request;
2. An award to Plaintiff for reasonable attorneys' fees and actual costs related to this public records action, and damages of not less than \$100 pursuant to WIS. STAT. § 19.37(2);
3. An award to Plaintiff for punitive damages totaling \$1,000 under WIS. STAT. § 19.37(3); and
4. Such other relief as this Court deems appropriate.

Dated this 9th day of December, 2025.

Electronically signed by Michael Greif

Michael Greif, SBN 1143090

Robert D. Lee, SBN 1116468

MIDWEST ENVIRONMENTAL ADVOCATES, INC.

634 W. Main Street, Ste. 201

Madison, Wisconsin 53703

Telephone: (608) 251-5047

Facsimile: (608) 268-0205

mgreif@midwestadvocates.org

rlee@midwestadvocates.org

Attorneys for Plaintiff

Attachments

Exhibit 1	Exh. 1 001
Exhibit 2	Exh. 2 001-002
Exhibit 3	Exh. 3 001-002
Exhibit 4	Exh. 4 001-002
Exhibit 5	Exh. 5 001-003
Exhibit 6	Exh. 6 001

EXHIBIT 1



Outlook

Public Records Request

From Michael Greif <mgreif@midwestadvocates.org>

Date Wed 10/1/2025 3:30 PM

To PSCPublicRecordsRequest@wisconsin.gov <PSCPublicRecordsRequest@wisconsin.gov>

Cc Dan Gustafson <dgustafson@midwestadvocates.org>

Dear records custodian,

This is a request for public records under the Wisconsin Public Records Law on behalf of Midwest Environmental Advocates (MEA), a Wisconsin nonprofit corporation.

MEA is requesting two documents:

- The document named "Appendix D Exhibit 1 Dodge County DIC BVP - Contains CEII - SFTP Upload" in PSC docket # 137-CE-210 with PSC reference number 546042.
- The document named "Appendix D Exhibit 1 Best Value Plan - Contains CEII - SFTP Upload" in PSC docket # 137-CE-221 with PSC reference number 563392.

While redacted versions of both of these documents are available on the PSC's electronic records filing system, MEA is requesting unredacted versions.

To narrow the scope of this request and facilitate a quick response, MEA is solely requesting the removal of redactions in the first paragraph of the executive summary of each document. These redactions relate to anticipated load at two separate data center projects.

Please note that MEA views this as a simple request for a limited number of easily identifiable records and that the Wisconsin DOJ has stated that 10 working days is a reasonable time for an authority to respond to such requests.

Finally, MEA respectfully requests a public-interest fee waiver pursuant to Wis. Stat. § 19.35(3)(e). MEA is a 501(c)(3) organization under the Internal Revenue Code. If the request for a fee waiver is partially or fully denied and the total cost will exceed \$50, please contact me before processing this request.

Thank you in advance for your assistance. Please let me know if you have any questions regarding this request.

Respectfully,

Michael Greif

Legal Fellow – Midwest Environmental Advocates

608-251-5047 Ext.816

mgreif@midwestadvocates.org

EXHIBIT 2



Outlook

RE: Public Records Request

From Stublely, Cru - PSC <cru.stublely@wisconsin.gov>

Date Thu 10/16/2025 9:55 AM

To Michael Greif <mgreif@midwestadvocates.org>; PSC Public Records Request
<PSCPublicRecordsRequest@wisconsin.gov>

Cc Dan Gustafson <dgustafson@midwestadvocates.org>

Please allow this email to acknowledge receipt of your request. We are considering this to be a Public Records Request pursuant to Wis. Stat. § 19.35(1)(a) to inspect records described in your email. Please be advised that we have initiated a process and will respond to your request as soon as practicable. Thank you for your patience.

Please contact Cru Stublely (Cru.stublely@wisconsin.gov) if you have questions about the status of your request.

From: Michael Greif <mgreif@midwestadvocates.org>

Sent: Wednesday, October 1, 2025 3:31 PM

To: PSC Public Records Request <PSCPublicRecordsRequest@wisconsin.gov>

Cc: Dan Gustafson <dgustafson@midwestadvocates.org>

Subject: Public Records Request

CAUTION: This email originated from outside the organization.

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While redacted versions of both of these documents are available on the PSC's electronic records filing system, MEA is requesting unredacted versions.

To narrow the scope of this request and facilitate a quick response, MEA is solely requesting the removal of redactions in the first paragraph of the executive summary of each document. These redactions relate to anticipated load at two separate data center projects.

Please note that MEA views this as a simple request for a limited number of easily identifiable records and that the Wisconsin DOJ has stated that 10 working days is a reasonable time for an authority to respond to such requests.

Finally, MEA respectfully requests a public-interest fee waiver pursuant to Wis. Stat. § 19.35(3)(e). MEA is a 501(c)(3) organization under the Internal Revenue Code. If the request for a fee waiver is partially or fully denied and the total cost will exceed \$50, please contact me before processing this request.

Thank you in advance for your assistance. Please let me know if you have any questions regarding this request.

Respectfully,

Michael Greif

Legal Fellow – Midwest Environmental Advocates

608-251-5047 Ext.816

mgreif@midwestadvocates.org

EXHIBIT 3



Outlook

RE: Public Records Request

From CoburnFaris, Cara - PSC <cara.coburnfaris@wisconsin.gov>

Date Wed 11/5/2025 10:00 PM

To Michael Greif <mgreif@midwestadvocates.org>; PSC Public Records Request <PSCPPublicRecordsRequest@wisconsin.gov>

Cc Dan Gustafson <dgustafson@midwestadvocates.org>; Stubley, Cru - PSC <cru.stubley@wisconsin.gov>

Dear Michael:

We apologize that our response times are not as short as we would like them to be, due to the extremely high volume of regulatory matters the Commission is handling and to our staff limitations. We will respond to your request as soon as possible.

Thank you,
Cara

From: Michael Greif <mgreif@midwestadvocates.org>

Sent: Wednesday, October 1, 2025 3:31 PM

To: PSC Public Records Request <PSCPPublicRecordsRequest@wisconsin.gov>

Cc: Dan Gustafson <dgustafson@midwestadvocates.org>

Subject: Public Records Request

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While redacted versions of both of these documents are available on the PSC's electronic records filing system, MEA is requesting unredacted versions.

To narrow the scope of this request and facilitate a quick response, MEA is solely requesting the removal of redactions in the first paragraph of the executive summary of each document. These redactions relate to anticipated load at two separate data center projects.

Please note that MEA views this as a simple request for a limited number of easily identifiable records and that the Wisconsin DOJ has stated that 10 working days is a reasonable time for an authority to respond to such requests.

Finally, MEA respectfully requests a public-interest fee waiver pursuant to Wis. Stat. § 19.35(3)(e). MEA is a 501(c)(3) organization under the Internal Revenue Code. If the request for a fee waiver is partially or fully denied and the total cost will exceed \$50, please contact me before processing this request.

Thank you in advance for your assistance. Please let me know if you have any questions regarding this request.

Respectfully,

Michael Greif

Legal Fellow – Midwest Environmental Advocates

608-251-5047 Ext.816

mgreif@midwestadvocates.org

EXHIBIT 4



PRR 2025-079

From CoburnFaris, Cara - PSC <cara.coburnfaris@wisconsin.gov>

Date Wed 11/12/2025 7:04 PM

To Michael Greif <mgreif@midwestadvocates.org>

Cc Dan Gustafson <dgustafson@midwestadvocates.org>; Stublely, Cru - PSC <cru.stublely@wisconsin.gov>; Soule, Taylor - PSC <taylor.soule1@wisconsin.gov>; PSC Public Records Request <PSCPublicRecordsRequest@wisconsin.gov>

Dear Michael,

The applicant has agreed to refile PSC REF#: 563392 with the requested information unredacted. This filing should be available on ERF by the end of the week.

With respect to PSC REF#: 546042, this information is currently exempt from disclosure under the Public Records Law. As an alternative to the Commission providing you with this confidential information, you could try to reach an agreement with the applicant or with Wisconsin Power & Light Company (WP&L) regarding disclosure.

I am preparing a formal response that I will provide to you shortly, but I wanted to send you this update right away.

Best regards,
Cara

Cara Coburn Faris

Chief Legal Counsel

Public Service Commission of Wisconsin

Cell: 608-516-3430

Pronouns: she/her/hers



From: Michael Greif <mgreif@midwestadvocates.org>

Sent: Wednesday, October 1, 2025 3:31 PM

To: PSC Public Records Request <PSCPublicRecordsRequest@wisconsin.gov>

Cc: Dan Gustafson <dgustafson@midwestadvocates.org>

Subject: Public Records Request

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While redacted versions of both of these documents are available on the PSC's electronic records filing system, MEA is requesting unredacted versions.

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Please note that MEA views this as a simple request for a limited number of easily identifiable records and that the Wisconsin DOJ has stated that 10 working days is a reasonable time for an authority to respond to such requests.

Finally, MEA respectfully requests a public-interest fee waiver pursuant to Wis. Stat. § 19.35(3)(e). MEA is a 501(c)(3) organization under the Internal Revenue Code. If the request for a fee waiver is partially or fully denied and the total cost will exceed \$50, please contact me before processing this request.

Thank you in advance for your assistance. Please let me know if you have any questions regarding this request.

Respectfully,

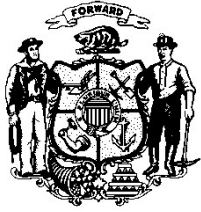
Michael Greif

Legal Fellow – Midwest Environmental Advocates

608-251-5047 Ext.816

mgreif@midwestadvocates.org

EXHIBIT 5



Public Service Commission of Wisconsin

Summer Strand, Chairperson
Kristy Nieto, Commissioner
Marcus Hawkins, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

November 17, 2025

Via Electronic Mail (mgreif@midwestadvocates.org)

Mr. Michael Greif

Re: Public Records Request 2025-079

Mr. Greif:

This is the response of the Public Service Commission (Commission) to the request that you made to the Commission via its Public Records email account on October 16, 2025. You requested the following:

- The document named "Appendix D Exhibit 1 Dodge County DIC BVP - Contains CEII - SFTP Upload" in PSC docket # 137-CE-210 with PSC reference number 546042.
- The document named "Appendix D Exhibit 1 Best Value Plan - Contains CEII - SFTP Upload" in PSC docket # 137-CE-221 with PSC reference number 563392.

More specifically, MEA's letter states that "MEA is solely requesting the removal of redactions in the first paragraph of the executive summary of each document. These redactions relate to anticipated load at two separate data center projects."

The Commission is considering your request a public records request pursuant to Wis. Stat. § 19.35(1)(a). The Commission has searched its records and is aware of the records responsive to your request.

Wisconsin's Legislature has declared that open records are the policy of the state. Wis. Stat. § 19.31. While this policy of openness is strong, the right to inspect public records is not absolute. *See State ex rel. Youmans v. Owens*, 28 Wis. 2d 672, 681, 137 N.W.2d 470 (1965); *Munroe v. Braatz*, 201 Wis. 2d 442, 449, 549 N.W.2d 451 (Ct. App. 1996). Public records must be open to the public unless a clear statutory exception, a common law limitation, or an overriding public interest in keeping the record confidential exists. *See Hathaway v. Joint School District No. 1*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). Wisconsin's public records law provides that any record "specifically exempted from disclosure by state or federal law . . . is exempt from disclosure under s. 19.35(1)." If neither a statutory exception nor a common law limitation exists, the custodian of public records must decide whether the strong presumption that favors access and disclosure is overcome by some even stronger public policy that favors limited access or nondisclosure. This is known as the "balancing test." *See Hempel v. City of Baraboo*, 2005 WI 120, ¶ 28, 284 Wis. 2d 162, 180, 699 N.W.2d 551. If a record

Mr. Michael Greif

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contains some information that is not subject to disclosure, records custodians have an obligation to redact the confidential portion of the record and release the remainder. *Osborn v. Bd. of Regents*, 2002 WI 83, ¶ 45, 254 Wis. 2d 266, 647 N.W.2d 158; Wis. Stat. § 19.36(6).

The applicant sought, and was granted by the Commission, confidential treatment of the redacted information pursuant to Wisconsin Stat. § 196.135 and Wis. Admin. Code § PSC 2.12, which provide for certain records meeting specified criteria to be granted confidential status for purposes of the Commission's handling. However, pursuant to Wis. Admin. Code § PSC 2.12(5)(c), the determination to confidentially handle a record under this section is not a determination that a record is exempt from disclosure under the public records law. Therefore, I have independently reviewed the portions of the record which have been granted confidential status to determine whether or not there is a basis to withhold the record under the public records law.

With respect to PSC REF#: 563392, I have determined that the requested information neither would qualify for confidential handling if it were submitted today nor is currently exempt from disclosure under the public records law. To expedite your request, the applicant agreed to refile this document with the requested information unredacted. This filing was made on Nov. 14, 2025 and is PSC REF#: 567681.

With respect to PSC REF#: 546042, the redacted information has been identified as a trade secret as defined in Wis. Stat. § 134.90. In addition, the record contains customer information, which pursuant Wisconsin Stat. § 196.137(3) "is not subject to inspection or copying under s. 19.35." Customer information is defined as "any information received from customers which serves to identify customers individually by usage or account status." Wis. Stat. § 196.137. While this statutory provision relates specifically to municipal utility customer information, it is evidence of the public interest in protecting from disclosure individually identifying customer information. Accordingly, the I have applied the balancing test under the public records law and concluded that the balancing test weighs in favor of the Commission not providing the detailed information.

As an alternative to the Commission providing you with this confidential information, you could try to reach an agreement with the applicant or with Wisconsin Power & Light Company (WP&L), who submitted the Load Interconnection Request Form, regarding disclosure.

This determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the Attorney General or the Dane County District Attorney. If you have questions, please contact Cru Stublely at cru.stublely@wisconsin.gov.

Sincerely,

Mr. Michael Greif
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A handwritten signature in cursive script, reading "Cara V. Coburn Faris". The ink is dark and the signature is fluid.

Cara Coburn Faris
Chief Legal Counsel

DL:02104878

EXHIBIT 6

PUBLIC
Appendix D, Exhibit 1

NON-PUBLIC

Contains Critical Energy Infrastructure Information (CEII) under 18 C.F.R 388.113. Not for public disclosure.

1. Executive Summary

This Best Value Planning (BVP) scoping document is intended to identify system impacts and transmission network upgrades required for a new load interconnection within the city of Port Washington, Ozaukee County, Wisconsin. We Energies submitted a Load Interconnection Request Form (LIRF# 41052-2) to connect a total 1,300 MW of load with a requested in-service date of the end of 2027. Due to the size of this load addition, a distribution solution is not viable, and neither the existing 138 kV nor 345 kV facilities nearby are adequate to serve this load.

ATC evaluated two transmission alternatives to bring additional 345 kV sources to the area.

Southwest Alternative:

- Substation scope includes four new 345 kV substations: Sheboygan River, Mullet River Junction, Cedar Creek Junction, and Decker substations. Decker Substation is the interconnection substation that includes a ± 350 Mvar Static Synchronous Compensator (STATCOM), four 75 Mvar capacitor banks, and end-use customer-owned 345/34.5 kV transformers.
- Transmission line scope includes three new 345 kV lines: Forest Junction – Sheboygan River, Mullet River Junction – Decker, and Decker – Cedar Creek Junction 345 kV lines. The scope also includes networking the existing Edgewater – Saukville 345 kV line (796L41) into the Decker Substation. Several 345 kV lines will be uprated for additional capacity.
- The Southwest Alternative rebuilds segments of the existing Sheboygan Energy Center – Granville 345 kV line (L-SEC31) as double-circuit 345 kV lines between the new Mullet River Junction, Decker, and Cedar Creek Junction substations.
- The total project cost of the Southwest Alternative is estimated to be \$1,364.1 million.

Southeast Alternative:

- Substation scope includes four new 345 kV substations: Sheboygan River, Mullet River Junction, Cedar Creek Junction, and Decker substations. Decker Substation is the interconnection substation that includes a ± 350 Mvar STATCOM, four 75 Mvar capacitor banks, and end-use customer owned 345/34.5 kV transformers. This alternative also includes the installation of 345/138 kV transformation at both Mullet River Junction substation and Cedar Creek Junction substation to maintain the connection to the 138 kV local network. Additionally, a new 138 kV Adell Substation is required to reconnect the Holland Substation to the 138 kV network.
- Transmission line scope includes three new 345 kV lines: Forest Junction – Sheboygan River, Mullet River Junction – Decker, and Decker – Cedar Creek Junction 345 kV lines. The scope also includes networking the existing Edgewater – Saukville 345 kV line (796L41) into the Decker Substation. Several 345 kV lines will be uprated for additional capacity. This alternative also includes constructing two new Adell – Holland single-circuit 138 kV lines.