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Public Service Commission of Wisconsin
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BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Quadrennial Planning Process 5-GF-191

ORDER

Introduction

State law requires the Commission to review energy efficiency and renewable resource programs periodically. Wisconsin Stat. § 196.374(3)(b)1. provides:

> 196.374(3)(b)1. At least every 4 years, after notice and opportunity to be heard, the commission shall, by order, evaluate the energy efficiency and renewable resource programs under sub. (2)(a)1., (b)1. and 2., and (c) and ordered programs and set or revise goals, priorities, and measurable targets for the programs. The commission shall give priority to programs that moderate the growth in electric and natural gas demand and usage, facilitate markets and assist market providers to achieve higher levels of energy efficiency, promote energy reliability and adequacy, avoid adverse environmental impacts from the use of energy, and promote rural economic development.

This statute, created by Wis. Act 141, took effect on July 1, 2007.

The Commission began its first quadrennial planning process by opening an investigation (initially in docket 5-UI-115) on April 3, 2008. The Commission announced its intent to consider the adoption and achievement of increased conservation and energy efficiency goals and split its planning process into two phases. Phase One addressed broader policy issues, while Phase Two dealt with more detailed programmatic issues and budgetary matters. This Order explains the Commission's decisions from both Phase One and Phase Two of its quadrennial plan.

Discussion

Phase One

In a letter dated May 20, 2009, the Commission requested comments on a series of Phase One questions. These questions addressed the purpose of and basis for statewide energy efficiency and renewable resource goals; whether the Commission should consider the short-term rate impacts of cost-effective programs; how far into the future goals should be set; whether the energy efficiency and renewable resource programs should be designed to promote longer-term market changes; whether the Commission should consider the comparability of supply-side and demand-side availability, reliability, and persistence when determining the optimal mix of resources to meet a utility's forecasted targets; and whether the Commission should establish utility rates that will encourage energy efficiency and customer-owned renewable energy production.

Comments on Phase One were due June 15, 2009, and the Commission received responses from Wisconsin electric utilities, Wisconsin Manufacturers and Commerce, Wisconsin Industrial Energy Group, Wisconsin Paper Council, Clean Wisconsin, Citizens' Utility Board, RENEW Wisconsin, and Wisconsin Energy Conservation Corporation (WECC). The Commission deliberated on these matters at its open meeting on September 17, 2009.

The first issue before the Commission is a fundamental question: the purpose of energy efficiency and renewable resource program goals. The Commission finds it reasonable to establish the basic purpose of these goals as the reduction of energy use and demand. The Commission recognizes that the programs also help Wisconsin meet its emission reduction targets, but achieving emission reductions should not dictate the program goals. Their most

significant purpose is reducing energy use and demand, with the primary focus on energy reduction.

The Commission finds it reasonable to base the goals on direct utility resource benefits such as avoided generation, transmission, and distribution costs. Other economic benefits unrelated to utility resources, such as economic development, job creation, or improved health and comfort, can be optimized at the program planning and design stage. The primary focus of energy efficiency and renewable resource programs must be reducing energy usage and demand, with a concomitant decrease of greenhouse gas emissions. Including these non-resource economic benefits when developing goals for energy efficiency and renewable resource programs could shift these programs away from their primary target. To the extent that optimizing other economic benefits does not compromise resource benefits, however, it is reasonable to do so when planning and designing programs.

The Commission recognizes that it must consider rate impacts when establishing appropriate goals. Even though all energy efficiency and renewable resource programs that are cost-effective will cost less in the long run, their short-term rate impacts should not be ignored. It is therefore reasonable to consider the cost of achieving various levels of energy and demand savings and investigate strategies for mitigating rate impacts. The Commission also finds it reasonable to express these goals as percentage reductions in future energy usage and demand. Percentage reduction goals are used by other states, they are consistent with the recommendations of the Governor's Task Force on Global Warming, and they properly reflect the national economy's influence on achieving the goals.

Because state law directs the Commission to evaluate its energy efficiency and renewable resource programs every four years, it is reasonable to set four-year goals. This ensures consistency over the 2011-2014 planning period and provides sufficient time to develop, test, and improve new programs. Annual reviews to assess progress toward the goals are also necessary. The Commission recognizes that qualitative targets for longer-term market changes, to improve market efficiency, are an important component of sustainable and cost-effective energy efficiency efforts.

Some parties recommend that the Commission compare the availability, reliability, and persistence of supply-side and demand-side measures when determining the optimal mix of resources to meet the goals. The Commission agrees that availability, reliability, and persistence are important elements of cost-effective energy efficiency and renewable resource programs. The quadrennial plan, however, is not the proper venue for addressing the proper integration of supply-side and demand-side resources.

The final issue the Commission addressed in Phase One was whether it should create utility rates that encourage energy efficiency and renewable resources via its quadrennial plan. The Commission finds that the quadrennial plan is not the best avenue for such particularized rate-design issues.

Phase Two

By notice dated October 22, 2009, the Commission opened Phase Two of the quadrennial planning process. In Phase Two the Commission first asked for comments on issues relating to the evaluation of energy efficiency and renewable resource programs. Commission staff gathered input on this subject from evaluation experts around the country. The Commission also

received comments from the Wisconsin Utilities Association, WECC, Wisconsin Manufacturers and Commerce, Wisconsin Industrial Energy Group, Wisconsin Paper Council, Clean Wisconsin, the Citizens' Utility Board, RENEW Wisconsin, and others.

At its open meeting of July 8, 2010, the Commission addressed the following issues about program evaluation:

What should be the evaluation goals of the energy efficiency and renewable resource programs?

The Commission finds that the appropriate evaluation goals are:

(1) Measuring and documenting the effects attributable to the program;

(2) Providing data needed to assess cost-effectiveness; and

(3) Providing ongoing feedback and guidance to the Program Administrator regarding program design, delivery, and efficiency of operations.

The Commission places special emphasis on measuring and documenting energy and peak demand savings attributable to the programs; documenting whether statutory goals have been met; providing the data needed to assess cost-effectiveness; and providing ongoing feedback and guidance to the Program Administrator. Doing so will ensure that the Statewide Energy Efficiency and Renewable Administration (SEERA) directs sufficient resources to evaluate and measure program cost-effectiveness properly. The Commission also finds it reasonable to establish an Evaluation Work Group, to advise it on specific measurement and evaluation issues. The initial issues for this Work Group to address are:

(1) Developing new guidelines for selecting the appropriate methods of measuring net savings;

(2) Reviewing the current application of the self-report and market data methods that other states are using and recommending changes to improve the accuracy of Wisconsin's evaluation results;

(3) Reviewing detailed evaluation plans so they will comply with the Commission's evaluation framework;

(4) Reviewing the methods used to measure gross savings of the programs and recommending any necessary changes to these methods; and

(5) Considering alternatives to the current approach of documenting life-cycle savings and recommending modifications.

The Evaluation Work Group will consist of up to six members. The Gas and Energy Division Administrator will appoint a Commission staff representative, who will serve as chairperson of the Work Group. The Work Group will also include a representative of each Program Administrator, an Evaluation Contractor representative, and a utility representative. The Commission also invites Mr. George Edgar to participate as an individual member, not representing WECC, because of his extensive knowledge of energy efficiency and renewable resource issues, especially evaluation issues. If Mr. Edgar is unavailable, the Gas and Energy Division Administrator will propose an alternate industry expert, for Commission approval.

How should energy savings be quantified?

The Commission finds that net savings are the best method of quantifying energy savings. They can be used to determine cost-effectiveness for measures and programs, to inform the continual improvement of program design, and to assist in developing public policy. Net savings represent the true impact of energy efficiency and renewable resource programs. Gross

savings also have value. They are the best metric for evaluating whether a Program Administrator is achieving contract goals because net savings are difficult to measure and involve variables that are outside the Program Administrator's control.

The Evaluation Work Group can propose new guidelines for selecting various net savings measurement methods. Part of this work will involve reviewing how other states use self-reporting and market data to measure net savings and recommending improvements in the reliability of these measurement methods, reviewing detailed evaluation plans to ensure that they comply with approved evaluation methods, and reviewing methods used to measure gross savings and recommending reliability improvements.

The Commission also finds it reasonable to establish life-cycle contract goals for energy efficiency and renewable resource programs because they reflect the true value of the programs and will appropriately signal Program Administrators to focus on measures that provide savings over long periods. Reporting first-year savings also has value because these reports are easily understood and can be used to compare program achievement among different states. A program's effective useful life, degradation rate and acceleration rate are important variables that affect a program's life-cycle savings. The current methods of measuring these elements shall be used until the Evaluation Working Group can recommend modifications and Commission staff approves them.

When determining which programs to approve, whether contracts are achieving their purpose, and what societal benefits are being gained, it is reasonable to use a modified Total Resource Cost (TRC) test at both the measure and portfolio levels. Both individual measures and the business and residential program portfolios must pass the modified TRC test, because

this test is consistent with the Commission's focus on energy use and peak demand reduction. The Commission recognizes that other non-economic externalities are also significant, so the Expanded test must also be applied at the portfolio level. Furthermore, the modified TRC test does not provide useful guidance for appropriate program design, so the Commission finds it reasonable to require that programs must pass the Utility/Administrator test in order to ensure that the benefits ratepayers receive from these programs exceed the programs' costs. If a measure does not currently pass the modified TRC test but is likely to become cost-effective in the future, or if the Expanded test shows that it will add value to a group of measures, including the measure in a program may still be reasonable.

When valuing the benefits of energy efficiency, it is reasonable to calculate avoided energy costs based on the most recent three-year historical average of locational marginal prices, and to calculate avoided capacity costs based on the cost of a new peaking plant. A real discount rate of 2 percent is appropriate for the benefit/cost modeling of energy efficiency programs. Regarding the proper valuation of carbon when performing benefit/cost modeling for energy efficiency and renewable resource programs, a levelized carbon value of $30/ton is reasonable. This value appropriately reflects the higher expected market costs of carbon in the future and is the same amount the Commission used in its 2005 Potential Study. Finally, the Commission finds it reasonable to evaluate the cost-effectiveness of renewable resource measures and programs in the same manner as energy efficiency programs so the programs can be compared directly against each other. The Commission recognizes that renewable resources have specific attributes that are not adequately reflected in a modified TRC test. Commission staff will develop criteria, for Commission approval, to guide decisions about whether to incorporate

additional renewable resource measures that do not pass the modified TRC test into Focus on Energy's portfolio of statewide programs.

After resolving these issues about the proper evaluation goals for programs and how to quantify energy savings, the Commission moved to the final stage of its quadrennial plan. On September 3, 2010, the Commission issued a final request for comments about the goals to establish for energy efficiency and renewable resource programs, the budgets needed to achieve these goals, and rate mitigation. The Commission requested comments by September 15, 2010, which it received from WECC, the Citizens' Utility Board, Clean Wisconsin, RENEW Wisconsin, Wisconsin Utility Association, Wisconsin Industrial Energy Group, Wisconsin Manufacturers and Commerce, Wisconsin Paper Council, Wisconsin Cast Metals Association, American Council for an Energy Efficient Economy, Energy Center of Wisconsin, CLEAResult, and the John Muir Chapter of Sierra Club. At its open meeting on November 4, 2010, the Commission addressed these issues:

How should projected load be determined?

Forecasting future energy usage and peak demand levels is important to the establishment of appropriate goals. Depending on how future energy usage and peak demand are determined, the same percentage reduction can result in higher or lower kilowatt (kW), kilowatt-hour (kWh), and therm goals. Higher percentage reduction goals may be appropriate if the forecasting method produces conservative growth rates in energy usage or peak demand, while lower goals may be appropriate if the forecasting method shows aggressive growth rates.

For energy usage forecasts, the Commission finds it reasonable to set a base level that is the average of historical sales over the most recent three years. Projected natural gas sales, for

each of the four planning years, shall equal the average base year sales. In 2011 the projected electric energy sales shall equal the average base year sales times a growth rate of 1.0 percent; for subsequent years, the 1.0 percent annual growth rate shall be applied to the prior year's projected electric energy sales.

For peak demand forecasts, the Commission finds it reasonable to set a base level that is the average of historical coincident peak demand over the most recent three years. In 201, the projected peak demand shall equal the base level times a growth rate of 1.5 percent; for subsequent years, the 1.5 percent annual growth rate shall be applied to the prior year's projected peak demand.

How should annual targets be established?

Currently, the contract between the Program Administrator and SEERA sets annual program goals for Focus on Energy. They are expressed in actual kW, kWh, and therms and are based on multiple inputs, including the Commission's 2005 Potential Study, historical achievement, and the level of available funds. Based on its earlier decisions in this quadrennial plan, the Commission finds it reasonable to set future annual targets as a percent reduction in energy usage and peak load in addition to expressing the targets in actual kW, kWh, and therms. It is also reasonable to increase annual targets over time instead of using the same targets in each year of the quadrennial planning period.

Of the overall funding level, how much should be allocated for the statewide programs and how much for voluntary utility programs?

In addition to statewide energy efficiency and renewable resource programs, Wis. Stat. § 196.374 provides for utility-administered programs, large customer self-directed programs, and voluntary utility programs. Utility-administered programs and large customer self-directed

programs are part of the statewide programs and their costs offset a utility's required contribution to the statewide programs. The funding for voluntary utility programs, however, is separate from the utility's required contribution for statewide programs. Ratepayers of four utilities are currently paying $39 million annually for voluntary utility programs. Under Wis. Admin. Code § PSC 137.08, the Commission applies eight standards when deciding whether to approve a utility's proposed voluntary program as being in the public interest.

The Commission finds it reasonable to continue keeping voluntary utility program budgets separate from statewide program budgets. The overall funding level applies only to statewide energy efficiency and renewable resource programs; any funds necessary for voluntary utility programs are incremental to the overall funding level. The approval process in Wis. Admin. Code § PSC 137.08 remains the appropriate means of establishing funding levels for voluntary utility programs. This is also the appropriate means of allocating voluntary utility budgets between residential, business, and renewable resource programs.

How much of an emphasis should be placed on energy savings rather than demand and how should this be implemented?

In Phase One, the Commission decided to place greater emphasis on achieving energy savings than on demand savings. How much emphasis to place on energy savings has significant effects on program design and implementation because programs emphasizing kWh savings do not always result in substantial kW savings. To date, this emphasis has been established in the performance bonus mechanism for the Program Administrator.

It is proper for the contract between SEERA and the Program Administrator to emphasize energy savings, by establishing energy savings goals that are more aggressive demand reduction goals. In addition, the performance bonus mechanism should continue to emphasize energy

savings. A bonus that is based 75 percent on energy savings (kWh and therms) and 25 percent on demand, or a contract whose demand goals are reduced by 25 percent, provides the appropriate emphasis on energy savings.

Should the contract goals and annual targets equally emphasize residential and business programs?

Historically, most of the energy and demand savings come from business programs. Rather than specifying the allocation of goals and annual targets in this Order, it is more reasonable to allocate goals and targets between the residential and business programs according to the measured potential in each sector. The Program Administrator is in the best position to decide how to allocate the goals and targets, to produce the most cost-effective programs.

How should the Commission prescribe the amount of statewide funds to allocate to the Environmental and Economic Research and Development program, the renewable resource programs, and the business and residential programs?

Wisconsin created the Environmental and Economic Research and Development (EERD) program to fund research about the impact of energy usage on the state's environment and economy. 1999 Wisconsin Act 9 set the program's funding level at 1.75 percent of the total revenues collected for public benefits. When the state Legislature shifted the statewide programs from the Wisconsin Department of Administration to the Commission in 2005, it no longer prescribed a funding level for the EERD program. In 2009, the program's budget was approximately $1.2 million; in 2010 its budget was approximately $1.6 million.

1999 Wisconsin Act 9 also set a minimum funding level for electric renewable resource programs at 4.5 percent of the total revenues collected for public benefit programs. In 2005, the state Legislature removed this mandatory funding requirement, but the Commission uses the same percentage in its existing allocation formula for electric renewable resource programs.

Thermal renewable resource programs receive their funding from the energy efficiency budgets of business and residential programs; in 2010 the statewide budget provides $8.4 million for renewable resource programs, constituting approximately 10 percent of the total budget.

Increasing annual funding to $2 million for the EERD program is reasonable. It is also reasonable for Commission staff to work with SEERA and set the budget allocation for renewable resource programs, business programs, and residential programs in the Requests For Proposals that SEERA issues.

What are the appropriate goals for energy efficiency and renewable resource programs, and the appropriate funding levels to achieve these goals?

When the state Legislature enacted Wis. Stat. § 196.374 in 2007, it established the funding for energy efficiency and renewable resource programs at 1.2 percent of an energy utility's annual operating revenues. State law permits the Commission to reevaluate this formula and, if it finds that increased funding is in the public interest, it may propose funding changes to the Joint Committee on Finance for review and approval.

Through 2008, the statewide programs in Wisconsin reduced actual electric sales approximately 0.50 percent annually and reduced actual natural gas sales approximately 0.40 percent annually, based on gross savings. These figures increased substantially in 2009. The statewide programs in Wisconsin reduced energy sales for 2009 by 0.99 percent of actual electric sales and 0.88 percent of natural gas sales (gross savings). On a net savings basis, the statewide programs reduced electric sales by 0.63 percent and natural gas sales by 0.48 percent. These improvements are the result of several factors: full funding of the programs as of July 1, 2007, when state oversight transferred to the Commission; increases in marketing, outreach

efforts and incentive levels; more effective program efforts; and more efficient program targeting.

During the initial 18-month period of full funding, through the end of 2008, the cost of the statewide programs was $78.7 million. In 2009, Focus on Energy spent $91.3 million. Under the current 1.2 percent funding formula, the amount available to Focus on Energy for 2010 is $83 million. Demand for Focus on Energy technical assistance and financial incentives reached record levels in 2009 and has not slowed in 2010.

Using the current 1.2 percent funding formula, investor-owned utilities would contribute $99 million for energy efficiency and renewable resource programs in 2011. In 2012, they would contribute about $100 million.

Both research and experience indicate that increasing the goals and funding commitment for statewide programs is a highly cost-effective use of ratepayer money. The 2008 Report of the Governor's Task Force on Global Warming recommend immediately expanding these programs to achieve greater energy savings, beginning in 2009. The Energy Center of Wisconsin produced its "Energy Efficiency and Customer-Sited Renewable Resource Potential in Wisconsin" Study in August 2009. This 2009 Potential Study estimates net achievable, cost-effective reductions by 2012 of 1.6 percent in electric energy sales, 1.6 percent in peak electric demand, and 1.0 percent in natural gas sales. By 2018, the Study estimates cumulative reductions of 13 percent in electric energy sales, 12.9 percent in peak electric demand, and 8.7 percent in natural gas sales. The 2009 Potential Study is a conservative evaluation of energy efficiency program potential; it likely underestimates the cost-effectiveness of additional programs because it does not include the full effect of behavior-based efficiency programs or

demand-side management programs coordinated with advanced utility rate designs. The 2009 Potential Study also estimates that by 2012, renewable resource systems in Wisconsin could annually produce 31 to 36 million kWh of electric energy and 13 to 17 MW of electric demand, and could displace 1.6 to 1.7 million therms of natural gas.

Other Midwestern states are implementing more aggressive energy efficiency savings goals. The chart below shows the net savings goals of Wisconsin's neighbors:

State	Annual Energy Reduction Goals		By Year
	Electric	Natural Gas	
Minnesota	1.5%	1.5%	2010
Illinois	2.0%	2.0%	2015
Michigan	1.0%	0.75%	2012
Iowa	1.5%	1.5%	--
Indiana	2.0%	--	2019

The organizations that proposed goals all recommended using those of the Governor's Task Force on Global Warming, but they each offered a different range of funding proposals. All of the suggested dollar amounts to achieve the proposed goals are substantial increases to the current funding level, and all of them increase over the four years of the quadrennial planning period. The recommended dollar amounts in 2011 vary from $133 million to $165 million; in 2014 the commenters proposed $188 million to $319 million. The Governor's Task Force on Global Warming proposed funding levels of $165 million in 2011, moving to $279 million in 2014. Wisconsin Industrial Energy Group and Wisconsin Paper Council did not suggest specific goals. Instead, they proposed using a Request for Proposals process to establish goals and the funding level.

The Commission agrees that increasing the goals and funding of these programs will be highly cost-effective. All of the organizations that proposed specific goals recommended that the

Commission adopt the goals of the Governor's Task Force on Global Warming, shifted forward two years so the Task Force's recommended 2009 savings goals would become the goals for 2011. The Commission agrees and adopts these goals. Because of the current economic circumstances and ramp-up issues normally associated with such increases, though, the Commission is reducing the funding levels below the amounts that any of the commenters proposed for the first three years of the quadrennial plan. The Commission finds it reasonable to take this more conservative approach, concentrating efforts on the most cost-effective measures and programs, to mitigate rate effects. Funding will increase gradually in the early stages of the four-year period, then ramp up in the last two years:

Year	**Electric Goal (net reduction)**	**Gas Goal (net reduction)**	**Budget (million $)**
2011	0.75%	0.50%	$120
2012	1.0%	0.75%	$160
2013	1.25%	1.0%	$204
2014	1.50%	1.0%	$256
Following years	1.50%	1.0%	$256

These goals and budget amounts will continue at the levels specified for 2014 in the years thereafter, until changed by a subsequent quadrennial plan. If the Joint Committee on Finance objects to this funding level, the Commission will re-examine the budget and savings goals.

Adopting conservative funding levels in this Order is a significant means of controlling any rate impacts that may be associated with the statewide energy efficiency and renewable resource programs. The Commission will also consider rate pressures on a case-by-case basis when it opens a docketed rate proceeding for each utility. In the early 1990s, many investor-owned utilities in Wisconsin capitalized their energy efficiency expenditures to smooth

out any rate impacts. The Commission amortized these expenditures over a ten-year period, allowing a utility to earn the same return on its energy efficiency programs as it did on supply-side investments. Capitalization increases overall costs of the programs, compared to expensing these investments, but it also spreads rate impacts. Upon request, the Commission will consider capitalizing a utility's contribution to the statewide programs to mitigate potential rate impacts.

Conclusions of Law

The Commission has authority to issue this Order pursuant to Wis. Stat. §§ 196.374 and 196.40.

Order

1. Any contract that SEERA signs with a Program Administrator to implement the statewide energy efficiency and renewable resources programs shall comply with the decisions made in this Order.

2. This Order takes effect on the day after mailing.

3. Jurisdiction is retained.

Dated at Madison, Wisconsin, November 9, 2010

By the Commission:

Sandra J. Paske
Secretary to the Commission

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See attached Notice of Rights

Docket 5-GF-191

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
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Madison, Wisconsin 53707-7854

NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE NAMED AS RESPONDENT

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.[1] The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

[1] *See State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.