

10) What kinds of negotiations should be expected?

While our standard easement is intended to cover normal distribution facility installations, terms or conditions may be negotiated. If the landowner has questions, the utility will get answers. The right-of-way agent is your contact person and your source for information.

11) Are there specific waivers of rights involved in the easement negotiation process?

PSC 113.0509 gives the landowner, unless voluntarily waived by the landowner, a minimum period of five days to examine the materials provided by the utility before signing any new or revised easement agreement. If you, as the landowner, are comfortable signing the easement agreement after reading the document and getting answers to questions, you may waive the 5 day review period established under Public Service Commission Administrative Rules.

12) Does the use of eminent domain enter into easement negotiation discussions?

No. We Energies will not bring eminent domain up. The utility and the landowner will usually negotiate a solution on location of distribution facilities.

13) Does the utility ultimately have the right to use eminent domain?

Yes. However, as a general practice, We Energies does not use eminent domain to install electric distribution facilities. Only in extremely unusual situations, would the utility consider the use of its eminent domain rights. (We Energies has not used eminent domain on distribution facilities in the past 25 years).

For more information:

For information on a specific project, contact We Energies or the PSC.

Contact your We Energies representative at:

Contact the PSC at:

Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854
(608) 266-5481

Generally, the PSC does not have detailed information about all electric distribution projects.

Therefore, in order for them to investigate you will need to provide:

- Utility Name
- Project Name
- Project Location

RIGHTS-OF-WAY AND EASEMENTS

for Electric Distribution
Facility Construction

we energies



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INTRODUCTION

This pamphlet is intended to help you, the landowner, better understand the possible need for new power lines, how electric utilities build lines, and how you can be an important part of the process.

Electric distribution lines carry electricity from substations to customers. These types of electric lines include customer service connections and local distribution lines.

An electric line right-of-way (ROW) is a strip of land that an electric utility uses to construct, maintain, repair or replace an overhead or underground power line. The ROW allows the utility to provide clearance from trees, buildings and other structures that could interfere with the line installation, maintenance and operation. This ROW may be located in the roadway or on private property. It usually is from 6 to 12 feet wide, unless terrain, vegetation or unusual construction obstacles require a wider easement.

1) What are some reasons new or reconstructed power lines might be needed?

New power lines may be needed because of:

- a. Growth in customer's average electricity use
- b. Growth in the number of customers and businesses in Wisconsin
- c. Replacement of old lines due to age of equipment
- d. Additional lines constructed from new substations needed to meet increased demand.

2) Do utilities need government approval to build new power lines?

Yes. A variety of permits are needed from various governmental agencies. The Public Service Commission (PSC) of Wisconsin reviews We Energies' request if a project exceeds \$5 million in cost.

Local road permits, Wisconsin Department of Transportation permits, Wisconsin Department of Natural Resources permits, Federal Aviation Authority permits, etc. are all required if the interests of those agencies are involved.

3) Can conservation eliminate the need for power lines?

Yes and no. Right now, conservation helps reduce the need for new power lines, but is not eliminating all future needs. In order to eliminate the need for new lines, conservation would have to be great enough to offset all the needs in points "a" through "d" in question 1 above.

Conservation can reduce the number of new power lines and power plants needed because conservation makes energy more efficient. The PSC reviews utility plans for conservation programs in its Biennial Strategic Energy Assessment ("SEA").

4) How is it decided when and where new or reconstructed power lines will be built?

Utility engineers use computer models of the power system to study the need for new power lines. The results help a utility decide if a new power line is needed or if an existing line should be rebuilt or relocated. In some instances the need for new or rebuilt power lines becomes apparent due to insufficient capacity to meet customer requirements in an area or changes required in response to significant storm damages.

5) Does a utility have the right to construct its lines on my property?

Wisconsin statutes allow utilities to construct their facilities on or along roadways with the consent of local authorities as long as the facilities do not interfere with the use of the roadway by the public or with the use of the adjoining land. Usually the utility will have the option of building the distribution lines and related facilities on private property or in road right-of-way. However, if existing obstacles are in the way, the distribution line will be located to avoid these obstacles.

If the distribution line is located on private property, an easement from the landowner is required. If the distribution line is located in road right-of-way, a permit from the municipality is required.

6) Will my trees need to be cut?

In some cases, power lines must be built along wooded areas or near existing trees. This is often the case when power lines are built along roadways or at the rear of residential lots.

Therefore, trees in these areas need to be trimmed and sometimes removed.

In order to ensure safe and reliable power, it is important to keep power lines free of any kind of interference. This means that tall-growing trees should not be placed near or under existing power lines. A utility maintains a regular trimming schedule to keep interference from trees to a minimum. It is important for customers to understand that requirement and cooperate with the utility.

In order to trim or remove trees along a roadway, the utility will obtain the consent of the owner of the tree.

7) What is an easement?

An easement is a written document that grants a permanent right to use land for a specific purpose, such as a installing utility facilities (lines) to serve you and others. An easement "runs with the land" which means it stays with the property even if ownership of the property changes.

8) What can the landowner expect in the easement acquisition process?

Based on many years of experience, We Energies has developed a standard easement agreement which covers topics such as proper clearance/cover for utility facilities, restoration of the land and tree trimming. You, as a landowner, have a right to understand these issues as well as the need for distribution facilities.

To minimize impact on your property, the utility will make every reasonable effort to locate these facilities in setback areas that are unbuildable.

A utility representative contacts each potentially affected landowner and presents the easement document.

9) What is required of the landowner in the easement document?

The easement document grants the utility the right to locate distribution facilities on the landowner's property. It also requires the landowner to keep the easement area clear to allow the utility access to these facilities for maintenance and repair. Easement area should stay clear of trees.