

RESOLUTION NO. 2025-0120**RESOLUTION DEMANDING AGRICULTURAL IMPACT STATEMENT
KOSHKONONG SOLAR ELECTRIC GENERATION FACILITY**

WHEREAS, the Wisconsin Public Service Commission (“PSC”) issued a Certificate of Public Convenience and Necessity (“CPCN”) to Koshkonong Solar Energy Center LLC (“Koshkonong”) to construct, own, manage and operate the Koshkonong Solar Electric Generation Facility within the Town; and

WHEREAS, the PSC thereafter illegally issued a Certificate of Authority to Wisconsin Electric Power Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (“Utilities”) to acquire all right title and interest in the CPCN previously issued to Koshkonong, allowing the Utilities to construct the Solar Electric Generation Facility; and

WHEREAS, the Town has now learned, through certain filings by Koshkonong and the Utilities in the Town’s pending appeal in the Wisconsin Court of Appeals, that the Utilities claim to have purchased all rights under the CPCN from Koshkonong; and

WHEREAS, Koshkonong has not yet been constructed, and is not operating, and, pursuant the transfer, will be owned and operated by the Utilities; and

WHEREAS, under Chapter 32 Wisconsin statutes, the Utilities have the power of eminent domain for utility projects; and

WHEREAS, because utilities have the power of eminent domain, Wisconsin law requires an Agricultural Impact Statement (AIS) by the Department of Agriculture, Trade and Consumer Protection (DATCP) for public projects that affect farm operations in Wisconsin, including large solar developments before a decision is made to allow them to proceed; and

WHEREAS, neither the Utilities nor PSC has requested that DATCP prepare an AIS for the subject project; a major conversion approximately 2,400 acres of agricultural land in the Towns of Christiana and Deerfield, Dane County, Wisconsin for the construction of a 300 MWAC photovoltaic generating facility.

NOW, THEREFORE, BE IT RESOLVED by the Town of Christiana:

The Town of Christiana demands that the Department of Agriculture, Trade and Consumer Protection conduct an Agricultural Impact Statement, as required by law, related to the above-referenced Solar Electric Generation Facility Project.

BE IT RESOLVED:

The Town of Christiana requests that no construction of the 300 MWAC photovoltaic generating facility be permitted pending the issuance of the Agricultural Impact Statement by the Department of Agriculture, Trade and Consumer Protection.

SEVERABILITY.

The several sections of this resolution are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

EFFECTIVE DATE.

This resolution shall take effect immediately upon passage as provided by law.

Dated this 20 day of January 2025.

TOWN OF CHRISTIANA


Mark Cook, Chair

ATTEST:


Carissa Lyle, Town Clerk