**Before The**
**State Of Wisconsin**
**DIVISION OF HEARINGS AND APPEALS**

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| In the Matter of the Wisconsin Public Service Corporation (WPSC) – Weston Plant, Air Pollution Control Operation Permit No. 737009020-P10 and Air Pollution Control Construction Permit Revision No. 03-RV-248-R5 | Case Nos. DNR-13-062, DNR-13-064 and DNR-13-065 |

PREHEARING CONFERENCE REPORT
AND
SCHEDULING ORDER

On February 5, 2015, a prehearing conference was held by telephone Jeffrey D. Boldt, administrative law judge presiding.

This report is filed pursuant to Wis. Stat. § 227.44(4)(b).

The PARTIES to this proceeding are certified on a preliminary basis as follows:

Wisconsin Public Service Corporation, by

Attorney Brian Potts
Attorney Linda E. Benfield
Foley & Lardner, LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202

Clean Wisconsin, by

Attorney Elizabeth Wheeler
Clean Wisconsin
634 West Main Street, Suite 300
Madison, WI 53703

Sierra Club, by

Attorney David C. Bender
McGillivray, Westerberg & Bender, LLC
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Wisconsin Department of Natural Resources, by

Attorney Kendra L. Fisher
DNR – Legal Services
PO Box 7921
Madison, WI 53707-7921

Based upon the representations of the parties, the following schedule is hereby ordered:

1. All dispositive motions, including motions for summary judgment, and accompanying briefs shall be filed by March 30, 2015. Response briefs shall be filed by opposing counsel by April 30, 2015. Any reply is due by May, 2015.

2. Parties may not submit motions on issues outside of the ones specifically described below.

3. Discovery and any other proceedings on all other issues in the case continue to be stayed.

4. A telephone prehearing conference to be initiated by the Division of Hearings and Appeals is set for August 12, 2015, at 10:00 a.m.

Framing of the Issues

Motions submitted under this schedule will be limited to the following issues, or portions of issues, as noted below:

1. Portion of Issue C, as granted in the Department's October 14, 2013 response to WPSC's petition on the 737009020-P10 operations permit and 03-RV-248-R5 construction permit and further clarified in the October 28, 2013 letter from Kendra Fisher to Linda Benfield. The only portion of Issue C that will be addressed in this round of briefing will be regarding the question of the Department's authority to establish to Mercury BACT limit as part of the 737009020-P10 operations permit and 03-RV-248-R5 construction permit.

2. Issue A, as granted in the Department's January 5, 2015 response to WPSC's petition on the denial of air pollution control construction permit application 14-SDD-147.

3. Issue B, as granted in the Department's January 5, 2015 response to WPSC's petition on the denial of air pollution control construction permit application 14-SDD-147.

4. Issue C, as granted in the Department's January 5, 2015 response to WPSC's petition on the denial of air pollution control construction permit application 14-

SDD-147 and clarified in the January 26, 2015 letter from Kendra Fisher to Linda Benfield.

5. Portions of Issue E, as granted in the Department's January 5, 2015 response to WPSC's petition on the denial of air construction permit application 14-SDD-147. The only portions of issue E that will be addressed in this round of briefing includes the actions and consequences specifically for the question of the Department's authority regarding the mercury BACT limit, relating to or arising from the Department's denial of air pollution control construction permit no. 14-SDD-147.

Dated at Madison, Wisconsin on February 17, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By: Jeffrey D. Boldt
Administrative Law Judge

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