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**Public Service Commission chair dismisses concerns over vacancy**

Gov. Tony Evers’ pick to lead the Public Service Commission is dismissing concerns the now two-member body won’t be able to do its job overseeing public utilities, saying it’s “patently false” to say uncertainty surrounding appointments has destabilized the body.

Still, critics are continuing to warn that a regulatory agency comprised of two — versus three — commissioners could stall projects and foster broader uncertainty across the industry.

“There’s a reason why the commission was set up to have three commissioners; it’s because that’s how it functions properly,” lobbyist Mark Graul said in an interview.

But PSC Chair Rebecca Cameron Valcq pointed to the commission’s meeting April 11 — the body’s first since a Dane County judge overturned Commissioner Ellen Nowak’s appointment — as evidence the two remaining commissioners can carry on.

“I think it sort of is an exclamation point that we continue to do really good work and that a two-commission(er) agency — it can work,” she told WisPolitics.com following the meeting.

Valcq’s comments come after the 3rd District Court of Appeals rejected a request from GOP lawmakers to restore the 15 appointments Evers rescinded following a lawsuit over the December lame-duck session. Among the positions currently vacant is one of the three seats on the PSC formerly held by Nowak.

The PSC on April 11 signed off on several high-profile projects, including a $31 million natural gas pipeline in southeastern Wisconsin that also will serve the planned Foxconn development and two utility-scale solar projects in Iowa, Manitowoc and Kewaunee counties.

That work, Valcq said, shows the PSC is also able to take on any big projects coming down the pipe, including the controversial $500 million Cardinal-Hickory Creek high-voltage powerline project from Middleton to Dubuque, Iowa.

“I think that given the fact that you just sat through this three-hour meeting and watched us deliberate the state’s two largest solar farms in the history of the state, I think underscores the fact that we’re ready to take on any project that’s in the queue right now for us,” Valcq said.

Still, Graul maintained that while the panel “has functioned” with two commissioners previously and currently, “that’s certainly not ideal and it’s certainly not a long-term solution.”

“I think it’s important to remember that the commission is designed to be a three-person body,” he said. “I think you have three very well-qualified and good commissioners that ought to be serving right now.”

At the start of this week’s PSC meeting, Commissioner Mike Huebsch, appointed by former Gov. Scott Walker, lamented “the situation this independent commission finds itself in.”

“The outside influence, chaos and uncertainty that faces the future of the PSC because of the actions of last month clouds even the actions that we will take in this meeting,” said Huebsch, a former Republican Assembly speaker.

And he acknowledged that while there have been stretches in the past with two commissioners, it was “never quite under this clouded situation.”

If there came a situation where Huebsch and Valcq split over a project that carries a statutory deadline for commission action, Valcq’s Chief of Staff Carrie Templeton said, they’re deemed approved once that deadline expires. But she added Valcq extended the deadline for many of those projects, meaning it wouldn’t be until late summer that such a situation would automatically occur.

Over the first three months of the year, Templeton said, all but one decision commissioners voted on received unanimous, 3-0 support.

Valcq said the statutory requirement means it’s “not really possible” to have a project stalled, as most come to the PSC with a statutory deadline for approval.

“So nothing’s going to get stalled, at least not while I’m here,” she said. “If the statutory time deadline comes up, and there’s no action taken, then that project is necessarily approved by law. So it’s almost, I would argue, the opposite effect. The projects aren’t stalled; it could be that the projects are approved by operation of statute.”

Some critics — including Nowak in a recent affidavit filed in the extraordinary session lawsuit brought by the League of Women Voters and other groups — have expressed concern Valcq may need to recuse herself from some cases, leaving just one commissioner to make decisions.

Valcq most recently worked as a partner at Quarles & Brady, where she represented WEC Entities, and she previously served as an in-house legal counsel for Wisconsin Electric Power Company.

Pointing to Valcq’s PSC recusal policy, Nowak wrote in her filing that having only one commissioner would “greatly interfere” with the agency’s mission.

But Valcq, who also addressed the ongoing appointments issue at the start of yesterday’s meeting, said she doesn’t anticipate “the need to recuse myself from many matters, if any at all, in the near future.”

The next PSC meeting is scheduled for April 25. A spokeswoman said the agenda will be posted online 24 hours before the meeting.

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