

**TEXT OF THE RULES**

**SECTION 1.** Item vm., Table 3. of chapter PSC 4 is created to read:

PSC 4 Item vm., Table 3. A docket opened to review a petition under s. PSC 128.41.

**SECTION 2.** Chapter PSC 128 is created to read:

**CHAPTER PSC 128**

**WIND ENERGY SYSTEMS**

**Subchapter I – General**

**Subchapter II – Owner Requirements**

**Subchapter III – Political Subdivision Procedure**

**Subchapter IV – Complaints**

**Subchapter V – Commission Procedure**

**Subchapter VI – Small Wind Energy Systems**

**Subchapter I – General**

**PSC 128.01 Definitions.** In this chapter:

(1) “Commercial communications” includes communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

(2) “Commission” means the public service commission.





(c) A permanently abandoned personal residence.

**(19)** “Shadow flicker” means a pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

**(20)** “Small wind energy system” means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

**(21)** “Turbine host property” means real property on which at least one wind turbine is located.

**(22)** “Wind access easement” means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

**(23)** “Wind energy system” has the meaning given in s. 66.0403 (1) (m), Stats., and is used to convert wind energy to electrical energy.

**(24)** “Wind energy system easement” means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a wind turbine or other wind energy system facility on the property.

**(25)** “Wind energy system emergency” means a condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

**(26)** “Wind energy system facility” means any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

(27) “Wind energy system lease” means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner’s property.

**PSC 128.02 Applicability. (1) POLITICAL SUBDIVISION APPLICATIONS.** (a) Except as provided in par. (b), this chapter applies to a wind energy system that does not require review by the commission under either s. 196.49 or 196.491, Stats.

(b) This chapter does not apply to any of the following:

1. A wind energy system for which construction began before the effective date of this chapter ...[LRB inserts date].
2. A wind energy system placed in operation before the effective date of this chapter ... [LRB inserts date].
3. A wind energy system approved by a political subdivision before the effective date of this chapter ... [LRB inserts date].
4. A wind energy system proposed by an owner in an application filed with a political subdivision before the effective date of this chapter ... [LRB inserts date]

**(3) COMMISSION APPLICATIONS.** (a) The commission shall consider whether the installation or use of a wind energy system is consistent with the standards specified in this chapter when reviewing an application under s. 196.491(3) (d), Stats., filed on or after the effective date of this chapter...[LRB inserts date].

(b) The commission may consider whether the installation or use of a wind energy system is consistent with the standards specified in this chapter when reviewing an application under s. 196.49, Stats., filed on or after the effective date of this chapter...[LRB inserts date].

**(4) INDIVIDUAL CONSIDERATION.** Nothing in this chapter shall preclude the commission from giving individual consideration to exceptional or unusual situations and applying requirements to an individual wind energy system that may be lesser, greater, or different from those provided in this chapter.

**PSC 128.03 Political subdivision authority.** A political subdivision may not place any restriction, either directly or in effect, on the installation or use of a wind energy system except by adopting an ordinance that complies with this chapter and s. 66.0401, Stats., and is not more restrictive than this chapter.

**PSC 128.04 Enforcement. (1) POLITICAL SUBDIVISIONS.** A political subdivision shall be responsible for enforcing its wind energy system ordinance and permit provisions.

**(2) COMMISSION.** The commission shall enforce its rules and orders under this chapter in the manner prescribed in s. 196.66, Stats., or by such other means as provided in the statutes or administrative code.

### **Subchapter II – Owner Requirements**

**PSC 128.10 Incorporating owner requirements into local ordinances. (1) ORDINANCES WITH ALL THE OWNER REQUIREMENTS.** A political subdivision may enact an ordinance that incorporates all the owner requirements specified in this subchapter, but may not enact an ordinance whose requirements on the installation or use of a wind energy system are more restrictive than specified in this subchapter.

**(2) ORDINANCES WITH LESS RESTRICTIVE OWNER REQUIREMENTS.** Except as provided in sub. (4), a political subdivision may enact an ordinance whose requirements on the installation or use of a wind energy system are less restrictive than specified in this subchapter.

















**(6) NOTIFICATION.** (a) Before entering into a contract under sub. (5), an owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.

(b) Before the initial operation of the wind energy system, an owner of a wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under sub. (5).

**PSC 128.15 Shadow flicker. (1) PLANNING.** (a) The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).

(b) An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.

(c) An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.

**(2) SHADOW FLICKER LIMITS.** An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy

system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.

**(3) SHADOW FLICKER MITIGATION.** (a) An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.

(b) An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.

(c) An owner shall model shadow flicker and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.

(d) An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under par. (b).

(e) The requirement under par. (b) to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied

community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.

**(4) WAIVER.** Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under sub. (2) or (3) (b) at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.

**(5) NOTIFICATION.** (a) Before entering into a contract under sub. (4), a wind energy system owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or occupied community building.

(b) Before the initial operation of the wind energy system, a wind energy system owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under sub. (4).

**PSC 128.16 Signal interference.** **(1) PLANNING.** (a) Except as provided in sub. (4) (b), the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.

(b) A owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.













(c) The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.

(d) The owner shall distribute current copies of the emergency plan to the political subdivision and fire, police and other appropriate first responders as identified by the political subdivision.

(e) A political subdivision may require the owner to provide annual training for fire, police and other appropriate first responders regarding responding to a wind energy system emergency until the wind energy system has been decommissioned.

(f) An owner of a wind energy system shall do all of the following:

1. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.

2. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.

3. As soon as possible after the end of a wind energy system emergency, review employee activities to determine whether the procedures were effectively followed.

**PSC 128.19 Decommissioning. (1) REQUIREMENT TO DECOMMISSION.** (a) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.

(b) A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period. This presumption may be rebutted under par. (c).

(c) Upon application by the owner, and except as provided in par. (d), a political subdivision shall grant an extension of the time period for returning the wind energy system to service by one

or more additional 180 day periods if the owner demonstrates it is likely the wind energy system will operate again in the future and any of the following occur:

1. The owner submits a plan to the political subdivision that demonstrates an ongoing good faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.

2. The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.

3. The owner demonstrates that the wind energy system is being used for educational purposes.

(d) A political subdivision may deny a request for an extension under par. (c) if the wind energy system has not generated any electricity for a continuous period of 540 days or more and the political subdivision finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.

(e) A wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:

1. The owner does not request an extension of the time period for returning the wind energy system to service under par. (c).

2. The political subdivision denies a request for an extension under par. (d) and any appeal rights have expired.

(f) When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete

decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.

(2) DECOMMISSIONING REVIEW. A political subdivision may establish a decommissioning review process to determine when a wind energy system has reached the end of its useful life.

(3) FINANCIAL RESPONSIBILITY. (a) The owner of a wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

(b) A political subdivision may require an owner of a wind energy system with a nameplate capacity of one megawatt or larger to provide financial assurance of the owner's ability to pay for the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site. An owner may comply with this paragraph by providing a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

(c) A political subdivision may require an owner to provide the financial assurance under par. (b) in an amount up to the estimated actual and necessary cost to decommission the wind energy system. If a political subdivision requires an owner to provide financial assurance under par. (b), the political subdivision may do any of the following:



1. Require the owner to provide the political subdivision with up to 3 cost estimates of the actual and necessary cost to decommission the wind energy system developed by third parties agreeable to the owner and the political subdivision.
  2. Require an owner to maintain an external trust account for the purpose of funding the actual and necessary cost to decommission the wind energy system controlled by an independent fiduciary trustee throughout the expected life of the wind energy system and through to completion of the decommissioning activities.
  3. Require an owner to establish financial assurance that places the political subdivision in a secured position, and that any secured funds may only be used for decommissioning the wind energy system until either the political subdivision determines that the wind energy system has been decommissioned under sub. (5) (b), or until the political subdivision has otherwise approved the release of the secured funds, whichever is earlier.
  4. Require an owner to establish financial assurance that allows the political subdivision to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is required.
- (d) If a political subdivision requires an owner to provide cost estimates under par. (c) 1., a political subdivision may not require the amount of the financial assurance to exceed the average of the cost estimates provided.
- (e) A political subdivision may condition its approval of a wind energy system on the owner's compliance with pars. (b) and (c).
- (f) During the useful life of a wind energy system, the political subdivision may periodically request information from the owner regarding the industry costs for decommissioning the wind energy system. If a political subdivision finds that the future anticipated cost to decommission

the wind energy system is at least 10 percent more or less than the amount of financial assurance previously provided under par. (b), the political subdivision may correspondingly increase or decrease the amount of financial assurance required for the wind energy system. A political subdivision may not adjust the financial assurance under this paragraph more often than once in a 5-year period.

(g) A political subdivision may require an owner to submit to the political subdivision a substitute financial assurance under par. (b) if an event occurs that raises material concerns regarding the viability of the existing financial assurance.

**(4) SITE RESTORATION.** (a) Except as provided in par. (b), if a wind energy system was constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

(b) If a wind energy system was constructed on a brownfield, as defined in s. 560.13 (1) (a), Stats., the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in s. 560.13(1) (d), Stats.

**(5) DECOMMISSIONING COMPLETION.** (a) An owner shall file a notice of decommissioning completion with the political subdivision and the commission when a wind energy system approved by the political subdivision has been decommissioned and removed.

(b) Within 360 days of receiving a notice of decommissioning, a political subdivision shall determine whether the owner has satisfied the requirements of subs. (1) (a) and (4).

### **Subchapter III – Political Subdivision Procedure**

**PSC 128.30 Application and notice requirements. (1) APPLICATION REQUIRED.** An owner shall file an application to construct a wind energy system with all political subdivisions with jurisdiction over the wind energy system.

**(2) CONTENTS OF AN APPLICATION.** An owner shall complete and file with the political subdivision an application that includes all of the following:

- (a) Wind energy system description and maps showing the locations of all proposed wind energy facilities.
- (b) Technical description of wind turbines and wind turbine sites.
- (c) Timeline and process for constructing the wind energy system.
- (d) Information regarding anticipated impact of the wind energy system on local infrastructure.
- (e) Information regarding noise anticipated to be attributable to the wind energy system.
- (f) Information regarding shadow flicker anticipated to be attributable to the wind energy system.
- (g) Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.
- (h) Information regarding the anticipated effects of the wind energy system on airports and airspace.
- (i) Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
- (j) A list of all state and federal permits required to construct and operate the wind energy system.
- (k) Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system,

including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.

(L) A copy of all emergency plans developed in collaboration with appropriate first responders under s. PSC 128.18 (4) (b). An owner may file plans using confidential filing procedures as necessary.

(m) A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with s. PSC 128.19.

(n) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105 (1) (a) and 128.42 (1).

(p) Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.

**(3) ACCURACY OF INFORMATION.** The owner shall ensure that information contained in an application is accurate.

**(4) DUPLICATE COPIES.** A political subdivision may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. A political subdivision may permit an owner to file an application electronically.

**(5) NOTICE TO PROPERTY OWNERS AND RESIDENTS.** (a) On the same day an owner files an application for a wind energy system, the owner shall, under s. 66.0401 (4) (a) 3., Stats., use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notification shall include all of the following:

1. A complete description of the wind energy system, including the number and size of the wind turbines.

2. A map showing the locations of all proposed wind energy system facilities.
3. The proposed timeline for construction and operation of the wind energy system.
4. Locations where the application is available for public review.
5. Owner contact information.

(b) After a political subdivision receives an application for a wind energy system, the notice required to be published by the political subdivision under s. 66.0401 (4) (a) 1., Stats., shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the political subdivision, and the approximate schedule for review of the application by the political subdivision.

**(6) PUBLIC PARTICIPATION.** (a) A political subdivision shall make an application for a wind energy system available for public review at a local library and at the political subdivision's business office or some other publicly-accessible location. A political subdivision may also provide public access to the application electronically.

(b) A political subdivision shall establish a process for accepting and considering written public comments on an application for a wind energy system.

(c) A political subdivision shall hold at least one public meeting to obtain comments on and to inform the public about a proposed wind energy system.

**(7) JOINT APPLICATION REVIEW PROCESS.** (a) If the wind energy system is proposed to be located in more than one political subdivision with jurisdiction over the wind energy system, the political subdivisions involved may conduct a joint application review process on their own motion or upon request. If an owner requests a joint application review, the owner shall include the request in its notice of intent to file an application with the political subdivision under s. PSC









political subdivision may by ordinance set standardized application fees based on the size and complexity of a proposed wind energy system.

(c) A political subdivision may require an owner of a wind energy system to submit up to 50 percent of the total estimated amount of the fee or reimbursement for the wind energy system application under par. (a) before issuing a written decision under sub. (3) (a), if the political subdivision gives written notice to the owner of its intent to do so within 10 days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.

(d) A political subdivision may not charge an owner an annual fee or other recurring fees to operate or maintain a wind energy system.

Note: See also s. 66.0628(2), Stats., which requires any fee imposed by a political subdivision to bear a reasonable relationship to the service for which the fee is imposed.

**PSC 128.33 Political subdivision permitted provisions.** A political subdivision may do any of the following in an ordinance or establish any of the following as a condition for approval of an application to construct a wind energy system:

**(1) INFORMATION.** Require information about whether an owner has consulted with and received any non-binding recommendations for constructing, operating or decommissioning the wind energy system from a state or federal agency, and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system.

**(2) STUDIES.** Require an owner to cooperate with any study of the effects of wind energy systems coordinated by a state agency.

**(3) MONETARY COMPENSATION.** Require an owner of a wind energy system to offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence, if the residence is within 0.5 mile of a constructed wind turbine site. If a political

subdivision requires a wind energy system owner to offer such an agreement, the political subdivision may not require the total annual payment offered to any owner of a nonparticipating residence to exceed 25 percent of the amount paid by the wind energy system owner to any owner of a turbine host property receiving payment under a wind energy system lease for one wind turbine. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this chapter and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this chapter.

**(4) PERMITS.** Require the owner to submit to the political subdivision copies of all necessary state and federal permits and approvals.

**(5) ANNUAL REPORTS.** Require the owner to file an annual report with the political subdivision documenting the operation and maintenance of the wind energy system during the previous calendar year.

**128.34 Record of decision. (1) RECORDKEEPING.** (a) A political subdivision shall keep a complete written record of its decision-making relating to an application for a wind energy system.

(b) If a political subdivision denies an application, the political subdivision shall keep the record for at least 7 years following the year in which it issues the decision.

(c) If a political subdivision approves an application, the political subdivision shall keep the record for at least 7 years after the year in which the wind energy system is decommissioned.

**(2) RECORD CONTENTS.** The record of a decision shall include all of the following:

(a) The approved application and all additions or amendments to the application.

(b) A representative copy of all notices issued under ss. PSC 128.105 (1) (a), 128.30 (5) and 128.42 (1).

- (c) A copy of any notice or correspondence that the political subdivision issues related to the application.
  - (d) A record of any public meeting under s. PSC 128.30 (6) (c) and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
  - (e) Copies of any correspondence or evidentiary material that the political subdivision considered in relation to the application, including copies of all written public comments filed under s. PSC 128.30 (6) (b).
  - (f) Minutes of any political subdivision, board, council or committee meetings held to consider or act on the application.
  - (g) A copy of the written decision under s. PSC 128.32 (3) (a).
  - (h) Other materials that the political subdivision prepared to document its decision-making process.
  - (i) A copy of any political subdivision ordinance cited in or applicable to the decision.
- (3) POST-CONSTRUCTION FILING REQUIREMENT.** Within 90 days of the date a wind energy system commences operation, the owner shall file with the political subdivision and the commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities and current information identifying the owner of the wind energy system. An owner shall in the filings under this subsection label each wind turbine location with a unique identifier consistent with the information posted at the wind turbine location under s. PSC 128.18 (1) (g).

**PSC 128.35 Modifications to an approved wind energy system. (1) MATERIAL CHANGE.**

(a) An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the political subdivision that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in s. PSC 128.32 (2) (b) 1. or 2.

(b) An owner shall submit an application for a material change to an approved wind energy system to the political subdivision that authorized the wind energy system.

**(2) REVIEW LIMITED.** (a) A political subdivision that receives an application for a material change to a wind energy system under sub. (1) (b) may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.

(b) An application for a material change is subject to ss. PSC 128.30 (1), (3) to (5), (6) (a) and (b) and (7) and 128.31 to 128.34.

(c) An application for a material change shall contain information necessary to understand the material change.

(d) A political subdivision may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

**PSC 128.36 Monitoring compliance. (1) MONITORING PROCEDURE.** A political subdivision may establish a procedure to monitor compliance by the owner with any condition on an approved wind energy system or to assess when wind energy system facilities are not maintained in good repair and operating condition. The procedure may include timelines, provide for payment of reasonable fees for conducting an assessment, and provide for notification to the public.

















