BEFORE THE PUBLIC SERVICE COMMISSION OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

Amended Petition of Brett Healy and 35 Other Persons to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Now come the Petitioners, Brett Healy and 35 other persons, by their attorneys, Richard M. Esenberg, Thomas C. Kamenick, and Michael Fischer of the Wisconsin Institute for Law & Liberty, to amend and supplement the Petition in the above-named docket to request, pursuant to Wis. Stat. §§ 227.41 and 196.58(4), a declaratory ruling on whether the cost of moving certain utility structures to accommodate construction of a street car line in the city of Milwaukee can be imposed upon the utilities and their rate payers. In support of their request, the Petitioners allege as follows:

1. Brett Healy is an adult resident of the state of Wisconsin residing at 885 Burr Oak Lane, Oconomowoc, Wisconsin 53066. He is a ratepayer of We Energies and is an interested party within the meaning of § 227.41(1).

2. Each other Petitioner is an adult resident of the state of Wisconsin with addresses as set forth in the accompanying affidavits. Each is a rate payer of We Energies and is an interested party within the meaning of § 227.41(1).

3. Together, as a group of at least "25 persons," Brett Healy and the other Petitioners are a "qualified complainant" under §§ 196.58(4) and 196.26.
4. The City of Milwaukee ("the City") is a Wisconsin municipal corporation with its principal place of business at 200 E. Wells Street, Milwaukee, Wisconsin 53202.

5. The City has proposed building a 2.1 mile streetcar line in downtown Milwaukee (the "Milwaukee Streetcar"). On July 26, 2011, the Milwaukee Common Council authorized final engineering for the line which is expected to begin operations in 2014. Further information on the Milwaukee Streetcar may be found at http://themilwaukeestreetcar.com/.

6. Upon information and belief, construction of the Milwaukee Streetcar will require certain regulated public utilities to permanently move certain underground facilities in order to accommodate construction of the streetcar line or because construction of the line will obstruct access to these facilities.

7. For example, WE Energies ("WE") is a regulated public utility with its principal place of business at 231 W. Michigan Street, Milwaukee, Wisconsin 53203. WE provides, among other things, electrical and natural gas service to users throughout southeastern Wisconsin, including Petitioner.

8. As part of the construction of the Milwaukee Streetcar, WE will be forced to permanently move and modify underground electric, natural gas and steam lines. Upon information and belief, the preliminary estimated cost is $45 million.

9. American Transmission Company ("ATC") is a regulated public utility with its principal place of business at W234 N2000 Ridgeview Parkway Court, Waukesha, Wisconsin 53188. Upon information and belief, ATC is owned by, and provides electrical transmission services to certain electrical utilities, including WE.

10. Upon information and belief, ATC will be forced to permanently move and modify certain underground electrical transmission facilities because of construction of the
Milwaukee Streetcar. Preliminary estimates of the cost of doing so range from $0.5 million to $15.4 million, depending on the need for corrosion protection for the steel conduit holding underground transmission lines because of proximity to direct current lines powering the proposed streetcars.

11. In addition, construction of the Milwaukee Streetcar will affect certain telecommunications utilities. For example, AT & T Wisconsin ("AT & T") is a regulated public utility with its local headquarters at 722 N. Broadway, Milwaukee, Wisconsin 53202. AT & T provides wired telecommunication services to users and other providers throughout southeast and south central Wisconsin.

12. Upon information and belief, AT & T and other telecommunication providers which co-locate facilities in AT & T’s Broadway Street switching station will be required to permanently move and modify certain communications line due to construction of the Milwaukee Streetcar. The preliminary estimate for the cost for AT & T alone is $10 million.

13. If the utilities are forced to bear these relocation costs (estimated as at least $55.5 to 70.4 million), they may be passed on to ratepayers throughout south east and south central Wisconsin – notwithstanding that these ratepayers live nowhere near and will not benefit from the Milwaukee Streetcar.

14. Although these cost estimates are likely to change, it is imperative that the public and relevant officials know who will bear them.

15. Chapter 196 of the Wisconsin statutes confers certain authority of the Public Service Commission to regulate matters concerning public utilities, including the authority to determine whether municipal ordinances setting forth the terms and conditions upon which a
public utility may be permitted to occupy the streets, highways or other public places within the municipality are unreasonable and, therefore, void. See, e.g., Wis. Stat. § 196.58(4).

16. Pursuant to that and other grants of authority, the Commission has promulgated Wis. Admin. Code § PSC 130.09(1) which provides that a “municipal regulation that requires a utility to permanently relocate transmission or distribution facilities in a municipal right-of-way at the expense of the utility is unreasonable unless there is an adequate health, safety, or public welfare justification for the requirement.”

17. The City of Milwaukee has passed an ordinance, MILW. ORD. § 15-122, which requires utilities to bear the cost of relocating facilities to accommodate “public works or improvements.” But whether or not the Milwaukee Streetcar can be considered a “public work or improvement” under § 15-122, and whether or not “there is an adequate health, safety, or public welfare justification,” for § 15-122 are subject to the standard established by PSC § 130.09(1).

18. There is no “adequate health, safety or public welfare justification” to require the utilities to permanently move their facilities in order to accommodate the Milwaukee Streetcar line. There is nothing about the existence or location of these facilities which threatens the public health, safety or welfare. The only reason that they have to be moved is construction of the Milwaukee Streetcar line.

19. This cannot constitute an “adequate health, safety or public welfare justification” as a matter of law. Such a justification must involve, at minimum, an exercise of the City’s police power. Building and operating a street car is not such an exercise.

20. For example, in Milwaukee Electric Railway & Light Co. v. City of Milwaukee, 209 Wis. 656, 245 N.W. 856 (1932), the Wisconsin Supreme Court held that the City could not
compel a public utility (one of the predecessors to WE) to move underground utility wires at its own expense in order to accommodate the City’s installation of additional water mains.

21. The installation of water mains as part of the City’s operation of a water utility was not an exercise of the municipality’s police powers, but was undertaken in its proprietary capacity.

22. Of particular note here is the Court’s citation, with approval, of the observation that “[t]he law is reasonably well settled that, when the city engages in the construction of a rapid transit line, it is not performing a governmental act but acting in a proprietary capacity.” 45 N.W. at 859, quoting *New York & Queens Electric Power & Light Co. v. City of New York*, 221 App. Div. 544, 224 N.Y.S. 564, 568.

23. The Milwaukee Streetcar will be a transit utility that will charge fares and presumably engage in economic competition with other forms of transportation such as private automobiles and bicycles, taxis and limousine services, and private automobiles. As such, its construction and operation by the City is action in the City’s proprietary capacity, i.e., “engaging in business with primarily private concerns, even if some efforts are governmental.” See generally *State ex rel. Hammermill Paper Co. v. LaPlante*, 58 Wis.2d 32, 80-81, 205 N.W.2d 784, 811 (1973). Thus, under the teaching of *Milwaukee Electric Railway & Light Co.*, construction and operation of the Milwaukee Streetcar cannot be considered an adequate “health, safety or public welfare” justification.

24. Even were this not so, Wis. Stat. § 196.58(4) and PSC 130.09(1) are intended to protect rate payers from attempts by municipalities to shift the cost of municipal initiatives away from the users and municipal residents who will benefit them to the broader group of public utility rate payers under circumstances when utility facilities do not threaten or impair public
health, safety and welfare. This avoids takings without just compensation, protects ratepayers from the imposition of costs over which they have no influence and ensures that those who benefit from a proposed undertaking will bear its costs. For these reasons, there is no "health, safety or public welfare" justification for imposition of the costs necessary to accommodate the Milwaukee Streetcar on utility rate payers.

WHEREFORE, Petitioners request a declaratory ruling that utility rate payers are not responsible for the costs of permanently modifying and relocating utility facilities to accommodate the Milwaukee Streetcar and that these costs must be borne by the City of Milwaukee.

Dated this 3rd day of May, 2012.

WISCONSIN INSTITUTE FOR LAW & LIBERTY
Attorneys for Petitioners

Richard M. Esenberg
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rick@will-law.org
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225 E. Mason Street, Suite 300
Milwaukee, WI 53202
(414) 727-9455
(414) 727-6385 (fax)
VERIFICATION

STATE OF WISCONSIN            )
) ss
MILWAUKEE COUNTY              )

Brett Healy, being duly sworn says: I am a Petitioner in the above request for a declaratory ruling pursuant to Wis. Stat. § 227.41 and § 196.58(4). I have read the above Amended Petition and the factual statements therein and know the contents to be true of my own knowledge, except those matters stated to be on information and belief, which I believe to be true, and those matters affirmed to by other Petitioners.

[Signature]
Brett Healy

Subscribed and sworn to before me
this 2nd day of May, 2012.

[Signature]
Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission expires 6/28/14
STATE OF WISCONSIN

STATE OF WISCONSIN

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STATE OF WISCONSIN

PUBLIC SERVICE COMMISSION

Docket # 5-DR-109

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

AFFIDAVIT OF RATEPAYER STATUS

I, Sara Arnold, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 9854 W. Loomis Rd., Unit S, Franklin, WI 53132

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Sara Arnold

Subscribed and sworn to before me this 27 day of APRIL, 2012.

Julie A. Riemer
Notary Public, State of Wisconsin
My Commission 5/12/13
AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN    )
COUNTY )ss

Michael K. Benton, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   2530 N. Summit Ave Milwaukee WI 53211

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   Michael K. Benton

Print name: Michael K. Benton

Subscribed and sworn to before me
this 27th day of April, 2012.

Nancy A. Mueller
Notary Public, State of Wisconsin
My Commission Ends 6/15/2014
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAINTER STATUS

STATE OF WISCONSIN

Milwaukee COUNTY

ss

1. Maureen Breiner being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

2571 N. 96th St, Wauwatosa, WI 53226

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Maureen Breiner

Print name: Maureen Breiner

Subscribed and sworn to before me this 27th day of April, 2012.

Sylvester Brown

Notary Public, State of Wisconsin
My Commission 125115

NOTARY PUBLIC
STATE OF WISCONSIN
Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN   )
                   ) ss
MILWAUKEE COUNTY    )

I, MICHAEL BUHR, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 1108 E. Hamilton St., Milwaukee, WI 53202.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Subscribed and sworn to before me this 28th day of April, 2012.

MICHAEL BUHR

Notary Public, State of Wisconsin
My Commission 04/29/14
STATE OF WISCONSIN
COMMISSION

Petition of Brett Healy for Declaratory
Ruling to Determine Allocation of Costs
for Relocation of Utility Structures for
Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
) ss
Waukesha COUNTY )

I, James Clemen, being first duly sworn under oath, state that:

- I am an adult resident of the State of Wisconsin residing at
  305-3 Cheviot Chase Waukesha WI 53186

- I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25
  people joining together as a qualified complainant under Wis. Stat. § 196.26.

- I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine
  whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project
  onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

- I am a customer and ratepayer of gas and electric service from We Energies.

[Signature]
Print name: James Clemen

Subscribed and sworn to before me
this 26th day of April, 2012.

NICOLE E. HAGEN
(NOTARY NAME)

NICOLE E. HAGEN
COMM. EXPIRES JULY 28th 2013
STATE OF WISCONSIN
COMMISSION

Petition of Brett Healy for Declaratory
Ruling to Determine Allocation of Costs
for Relocation of Utility Structures for
Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN  

Waukesha COUNTY

I, Mary Clemens, being first duly sworn under oath, state that:

- I am an adult resident of the State of Wisconsin residing at
  305 Cheviot Chase #3, Waukesha, WI 53186

- I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25
  people joining together as a qualified complainant under Wis. Stat. § 196.26.

- I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine
  whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project
  onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

- I am a customer and ratepayer of gas and electric service from We Energies.

Mary Clemens
Print name: Mary Clemens

Subscribed and sworn to before me
this 26th day of April, 2012.

Nicole E. Hagen
(NOTARY NAME)

Nicole E. Hagen
Comm. Expires July 26th, 2013
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )

) ss

OZAUKEE COUNTY )

I, Peter A. Cooley, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 10611 N. Gazebo Hill Pkwy. East, Mequon, Wisconsin 53092.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

[Signature]

Peter A. Cooley

Subscribed and sworn to before me this 30th day of April, 2011.

Notary Public, State of Wisconsin
My Commission is permanent.
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
) ss

MILWAUKEE COUNTY )

I, MARK DUCHROW, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 6437 N. 49th Street, Milwaukee, WI 53233.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Subscribed and sworn to before me this 35 day of APRIL, 2012.

MARK DUCHROW

Notary Public, State of Wisconsin
My Commission 15/10/04/2012
STATE OF WISCONSIN  )
MILWAUKEE COUNTY    ) ss

I, BRIAN FRALEY, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at
   
   13835 Forest Grove Road, Brookfield, WI

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Subscribed and sworn to before me
this 24th day of May, 2012.

STACY A. STUECK
Notary Public, State of Wisconsin
My Commission 4/29/14
Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
) ss
MILWAUKEE COUNTY )

I, BARBARA GRASSL, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 2957 N. 81st Street, Milwaukee, WI 53222.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

[Signature]

BARBARA J. GRASSL

Subscribed and sworn to before me this 30th day of April 2012.

[Signature]

Notary Public, State of Wisconsin
My Commission is permanent
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
#ss )
MILWAUKEE COUNTY )

I, SYBILLE HAMILTON, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 10415 W. Vienna Ave., Wauwatosa, WI 53222.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Subscribed and sworn to before me this 27 day of April, 2012.

SYBILLE HAMILTON

Notary Public, State of Wisconsin
My Commission 6/16/14

STACY A. STUECK

STATE OF WISCONSIN
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory
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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN

Milwaukee COUNTY

Shawn Hansen, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   4251 N. 83rd St. Milwaukee WI 53222.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   [Signature]

Print name: Shawn E. Hansen

Subscribed and sworn to before me
this 27 day of April, 2012.

Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 4/20/14
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
 ) ss
MILWAUKEE COUNTY )

I, Michael K. Harris, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

8333 W. Horne Ave, Unit #3, Milwaukee, WI 53220

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Michael K. Harris

Subscribed and sworn to before me this 27th day of April, 2012.

David Immel
Notary Public, State of Wisconsin
My Commission Expires Sept 08, 2013
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

STATE OF WISCONSIN )
 ) ss
MILWAUKEE COUNTY )

I, DEBORAH TYLER HAYWOOD, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 2211 N. Teutonia Ave., Milwaukee, WI 53205.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

DEBORAH TYLER HAYWOOD

Subscribed and sworn to before me this 27th day of April, 2012.

STACY A. STUECK
Notary Public, State of Wisconsin
My Commission 4/28/14
STATE OF WISCONSIN  

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

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STATE OF WISCONSIN

WAUKEE, ss

I, JAMES RHAY, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at
   NORTH PRAIRIE, WI.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: JAMES RHAY

Subscribed and sworn to before me this 2 day of May, 2012.

GLENDA GEPhART
Notary Public, State of Wisconsin
My Commission 11/08/2012

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STATE OF WISCONSIN

Petition of Brett Healy for Declaratory
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for Relocation of Utility Structures for
Milwaukee Streetcar Project

Docket # 5-DR-109

STATE OF WISCONSIN

Waukesha COUNTY

I, Brett Healy, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at
   214 Eagles Cove Circle, North Prairie, WI

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Brett Healy

Subscribed and sworn to before me
this 2 day of May, 2012

Glinda Gephart
Notary Public, State of Wisconsin
My Commission 11/08/2015
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

STATE OF WISCONSIN )
 ) ss
Milwaukee COUNTY )

I, Pamela M. Heinrich, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

6931 W. Wells Ave. Wauwatosa WI 53223

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Pamela M. Heinrich

Subscribed and sworn to before me this 3rd day of May, 2012.

Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 6/29/14
AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
) ss
MILWAUKEE COUNTY )

I, Thomas G. Heinrich, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

6934 Wellana Dr., Wauwatosa, WI 53213.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Thomas G. Heinrich

Subscribed and sworn to before me
this 5th day of May, 2012.

Notary Public, State of Wisconsin
My Commission: [Signature]
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

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PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN  )
     ) ss
MILWAUKEE COUNTY   )

I, LORI LANG, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 7759 South Scepter Drive, Apt. 1, Franklin, WI 53132.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Lori B. Lang

Subscribed and sworn to before me this 3rd day of May, 2012.

Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 6/29/14
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
COUNTY ) ss

I, TERRY A. LEAMAN being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   NE 49 919 Road J, Oconomowoc, WI 53066

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project on to utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.


Print name: TERRY A. LEAMAN

Subscribed and sworn to before me this 2 day of May, 2012.

Notary Public, State of Wisconsin
My Commission 10-12-14
Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN  
 )
Milwaukee COUNTY ) ss

I, Laura Lange Lehmann, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   1909 N. 56 St., Milwaukee, WI 53208

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   [Signature]

Print name: Laura Lange Lehmann

Subscribed and sworn to before me this 30 day of April, 2012.

[Signature]
Notary Public, State of Wisconsin
My Commission [125115]
STATE OF WISCONSIN

PUBLIC SERVICE COMMISSION

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN   )
OZAUKIEE COUNTY   ) ss

I, JOHN MCADAMS, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 3559 N. Murray Avenue, Milwaukee, WI 53211.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

J[Signature]

JOHN MCADAMS

Subscribed and sworn to before me this 27 day of April, 2012.

[Signature]

Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 6/29/14
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
           ) ss
milw. COUNTY )

I, Brenda Martinski, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at
   4677 S. 112 St., Greenfield WI 53228

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

       Brenda Martinski

Print name: Brenda Martinski

Subscribed and sworn to before me this 15th day of May, 2012.

Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 6/27/14
STATE OF WISCONSIN

PUBLIC SERVICE COMMISSION

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
COUNTY ) ss

Milwaukee )

I, Charles M. Miller, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

6139 N. 118th Street

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Charles M. Miller

Subscribed and sworn to before me this first day of May, 2012.

Notary Public, State of Wisconsin
My Commission is permanent
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN  

) ss

MILWAUKEE COUNTY  

I, NANCY MILLER, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   6139 N. 118th St, Milwaukee 53225

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   NANCY MILLER

Print name: NANCY MILLER

Subscribed and sworn to before me this 15th day of May, 2012.

Michael [Signature]

Notary Public, State of Wisconsin
My Commission is permanent.
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
MILWAUKEE COUNTY ) ss

I, GEORGE MITCHELL, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 5250 N. Kimbark Place, Whitefish Bay, WI 53217.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

GEORGE MITCHELL

Subscribed and sworn to before me this 27th day of May, 2012.

Notary Public, State of Wisconsin
My Commission 6/12/14

STACY A. STUECK
STACY A. STUECK
STATE OF WISCONSIN
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to
Determine Allocation of Costs for Relocation
of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN  )
                  ) ss
MILWAUKEE COUNTY   )

I, SUSAN MITCHELL, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 5250 N. Kimbark Place, Whitefish
   Bay, WI 53217.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   [Signature]

   SUSAN MITCHELL

Subscribed and sworn to before me
this 2nd day of May, 2012.

[Signature]
Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 6/22/14
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
MILWAUKEE COUNTY )

I, MICHAEL S. MURPHY, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 4171 South 1ST Place, Milwaukee, WI 53207.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: MICHAEL S. MURPHY

Subscribed and sworn to before me this 18th day of May, 2012.

Notary Public, State of Wisconsin
My Commission 6/29/14

STACY A. STUECK

NOTARY PUBLIC
STATE OF WISCONSIN
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAVER STATUS

STATE OF WISCONSIN    )
 ) ss
Waukesha COUNTY )
I, J A R L  M O E L , being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   526 W 29068 Sarmon Rd, Waukesha, WI 53188

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   J A R L  M O E L

Subscribed and sworn to before me this 2nd day of May, 2012

ELIZABETH A. GARDNER
Notary Public, State of Wisconsin
My Commission 3-15-15
Petition of Brett Healy for Declaratory
Ruling to Determine Allocation of Costs
for Relocation of Utility Structures for
Milwaukee Streetcar Project

Docket # 5-DR-109

AFFIDAVIT OF RATEPAINTER STATUS

STATE OF WISCONSIN  )
WAUKEEHA COUNTY ) ss

I, JULIANNE PLAHUTA, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at
   318 EAGLES COVE CIR. NORTH PRAIRIE, WI 53156.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   [Signature]

Print name: JULIANNE PLAHUTA

Subscribed and sworn to before me
this 2 day of May, 2012.

Notary Public, State of Wisconsin
My Commission expires 2/15/2015
STATE OF WISCONSIN  

Petition of Brett Healy for Declaratory  
Ruling to Determine Allocation of Costs  
for Relocation of Utility Structures for  
Milwaukee Streetcar Project  

Docket # 5-DR-109  

AFFIDAVIT OF RATEPAYER STATUS  

STATE OF WISCONSIN  

WAUKEESA COUNTY  

I, LEROY PLAKUTA, being first duly sworn under oath, state that:  

1. I am an adult resident of the State of Wisconsin residing at  
   213 EAGLES COVE CIR, NORTH PRAIRIE, WI 53153  

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people  
   joining together as a qualified complainant under Wis. Stat. § 196.26.  

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the  
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their  
   ratepayers, as more fully set forth in the Amended Petition.  

4. I am a customer and ratepayer of gas and electric service from We Energies.  

   Print name: LEROY PLAKUTA  

Subscribed and sworn to before me  
this 2 day of May, 2012.  

Notary Public, State of Wisconsin  
My Commission expires 2/15/2015  

SAMUEL HENDRICKS  
STATE OF WISCONSIN  

NOTARY PUBLIC
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

STATE OF WISCONSIN

MILWAUKEE COUNTY

I, JOSEPH A. RICE, being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at 1005 East Circle Drive, Whitefish Bay, WI 53217.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: JOSEPH A. RICE

Subscribed and sworn to before me this 27th day of April, 2012.

Stacy A. Stueck
Notary Public, State of Wisconsin
My Commission 6/29/14
AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN  
MILWAUKEE COUNTY  

being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   2604 S. WENTWORTH AVE, MILWAUKEE, WI.

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: Peter M. Stanich

Subscribed and sworn to before me
this 1 day of May, 2012.

Stacy A. Stueck  
Notary Public, State of Wisconsin  
My Commission 6/29/14
STATE OF WISCONSIN                  PUBLIC SERVICE COMMISSION

Petition of Brett Healy for Declaratory
Ruling to Determine Allocation of Costs
for Relocation of Utility Structures for
Milwaukee Streetcar Project

Docket # 5-DR-109

__________________________________________

AFFIDAVIT OF RATEPAYER STATUS

__________________________________________

STATE OF WISCONSIN                      )
 county ) ss
       )

Milwaukee COUNTY )

I, Molly F. Wieganderson , being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

   6773 N. 91st St. Milw. WI. 53224

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people
   joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the
   City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their
   ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

   Molly F. Wieganderson

   Print name: Molly F. Wieganderson

Subscribed and sworn to before me
this 20 day of April, 2012.

   Jacqueline Delgado
   Notary Public, State of Wisconsin
   My Commission Exp: 8-17-2014
STATE OF WISCONSIN

Petition of Brett Healy for Declaratory Ruling to Determine Allocation of Costs for Relocation of Utility Structures for Milwaukee Streetcar Project

Docket # 5-DR-109

PUBLIC SERVICE COMMISSION

AFFIDAVIT OF RATEPAYER STATUS

STATE OF WISCONSIN )
) ss

Milwaukee COUNTY )

I, William D. Ageleson being first duly sworn under oath, state that:

1. I am an adult resident of the State of Wisconsin residing at

6773 N. 91st St. Milwaukee, WI 53224

2. I wish to join Brett Healy as a Petitioner in the above-named action as one of at least 25 people joining together as a qualified complainant under Wis. Stat. § 196.26.

3. I request that under Wis. Stat. § 196.58(4), the Public Service Commission determine whether the City of Milwaukee can pass utility relocation costs for its Streetcar Project onto utilities and their ratepayers, as more fully set forth in the Amended Petition.

4. I am a customer and ratepayer of gas and electric service from We Energies.

Print name: William D. Ageleson

Subscribed and sworn to before me this 30 day of April, 2012.

Notary Public, State of Wisconsin
My Commission Exp: 8-17-2014

Jacqueline A. Delgado
NOTARY PUBLIC
STATE OF WISCONSIN