

COPY

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 5

MILWAUKEE COUNTY

CITY OF MILWAUKEE,

Petitioner,

v.

Case No. 14-CV-9797

Case Code: 30607

PUBLIC SERVICE COMMISSION OF
WISCONSIN,

Administrative Agency Review

Respondent.

NOTICE OF APPEARANCE AND STATEMENT OF POSITION
OF THE HEALY PARTIES

The persons listed on Exhibit 4 to the City of Milwaukee's Petition for Judicial Review were parties to the proceedings before the Wisconsin Public Service Commission that are the subject of this Petition and were referred to in that proceeding as the Individual Petitioners. They will be referred to collectively herein as the Healy Parties. The Healy Parties, by their attorneys Wisconsin Institute for Law & Liberty, and pursuant to Wis. Stat. § 227.53(2), enter their appearance and state their position in response to the material allegations of the Petition for Judicial Review ("Petition").

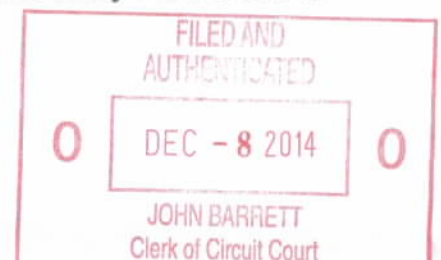
Notice of Appearance

The Wisconsin Institute for Law & Liberty is retained by and appears for the Healy Parties in this proceeding and requests that a copy of all papers and notices subsequent to the Petition be served on the undersigned at 1139 E Knapp St., Milwaukee, Wisconsin 53202.

Statement of Position

The Healy Parties appeared and participated as full parties to the proceedings before the Wisconsin Public Service Commission in PSC Docket No. 5-DR-109 (the "PSC Proceeding") and Petitioner served a copy of the Petition on counsel for the Healy Parties pursuant to Wis. Stat. § 227.53(1)(c). The Healy Parties have a right to participate in this petition for review pursuant to Wis. Stat. § 227.53(1)(d). The Commission's Final Decision in the PSC Proceeding should be affirmed by the Court and the Petition for Review should be denied.

With respect to the specific material allegations of the Petition, the Healy Parties state as follows:



1. The Healy Parties admit the allegations of paragraph 1 upon information and belief.
2. The Healy Parties admit the allegations of paragraph 2.
3. The Healy Parties admit that they appeared before the Commission as the Individual Petitioners in the PSC Proceeding.
4. The Healy Parties admit that the ATU Petitioners appeared before the Commission in the PSC Proceeding.
5. The Healy Parties admit that the Intervening Utilities appeared before the Commission in the PSC Proceeding.
6. The Healy Parties admit that the other entities identified in paragraph 6 appeared before the Commission in the PSC Proceeding.
7. The Healy Parties admit that the Petitioner is located in Milwaukee County and state that the referenced statute speaks for itself.
8. The Healy Parties admit that the Petitioner authorized construction of the initial phase of an urban rail transit system known as the Milwaukee Streetcar Project pursuant to an Authorizing Resolution (No. 110372), that was adopted by the Milwaukee Common Council on July 26, 2011. The Healy Parties are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8.
9. The Healy Parties admit the allegations of paragraph 9 upon information and belief, further stating that the Authorizing Resolution speaks for itself.
10. The Healy Parties admit, on information and belief, that the construction of the initial phase of the City's urban rail transit system would impose significant costs on the ATU companies and the utilities for the relocation or modification of their facilities. The Healy Parties are without knowledge or information sufficient to form a belief as to the remaining allegations of paragraph 10.
11. The Healy Parties admit that no costs for the relocation or modification of utility and other company facilities were included in the City's funding for the construction of the initial phase of its urban rail transit system. The Healy Parties deny the remaining allegations of paragraph 11.
12. The Healy Parties deny the allegations of paragraph 12.

13. The Healy Parties admit that if the City is required to pay for the costs of modifying or relocating utility and other company facilities, the costs of its proposed urban rail transit system will increase significantly. The Healy Parties deny any remaining allegations of paragraph 13.

14-18. The Healy Parties deny the allegations of paragraphs 14-18.

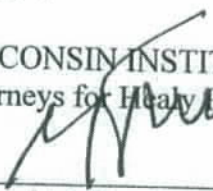
19-23. The Healy Parties deny that the Petitioner is entitled to the relief requested.

WHEREFORE, the Healy Parties request the following relief:

1. That the court deny the Petition for Judicial Review;
2. That the court affirm the Final Decision of the Commission; and
3. That the court grant such other and further relief as the Court may deem appropriate.

Dated this 5th day of December, 2014.

WISCONSIN INSTITUTE FOR LAW & LIBERTY
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