



EYE ON THE INDUSTRY

**Monthly Notes on Issues
Affecting Wisconsin Consumers**

Uncertainty certain....Four years ago, Wisconsin utilities agreed to single-state regulation of mercury emissions, anticipating “regulatory certainty” and a federal “off-ramp” supplanting state regulation with nationwide standards once a federal rule was in place. But a February decision by the **U.S. Court of Appeals** for D.C. Circuit voids EPA’s 2005 **Clean Air Mercury Rule** in response to an ’06 lawsuit by 15 states. **Wisconsin** and other plaintiffs proceed with their own regulatory plans, but other states and utilities delay mercury cuts, saying wait-and-see what the new standards will be. **Now you save it**, now you don’t as **South Carolina** prepares to join states adopting plans to let utilities charge more when consumers use less: Energy efficiency mandates may cut utility revenue, so the SC plan would let **Duke Energy** charge customers 85 percent of *what it would have cost* to produce the power saved by conservation. Finding fault with a provision allowing large commercial users to save money by declining to participate in some efficiency programs, consumer advocates call the arrangement a ploy to buy off opposition.