

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

MARATHON COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 13-CX-_____
Complex Forfeiture: 30109

WISCONSIN PUBLIC SERVICE CORPORATION,

Defendant.

STIPULATION AND ORDER FOR JUDGMENT

Plaintiff State of Wisconsin ("State") brought this civil action against defendant Wisconsin Public Service Corporation, regarding its coal fired power generation plants located at 2501 Morrison Avenue, Rothschild, Marathon County, Wisconsin ("Weston Plant"). The Complaint alleges violations of the defendant's Wisconsin air pollution control permit and the State's air pollution control laws. The parties now wish to settle this matter by agreement and avoid further litigation and, therefore, enter into this stipulation.

IT IS STIPULATED AND AGREED by the State of Wisconsin and Wisconsin Public Service Corporation that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The parties to this Stipulation are the plaintiff State of Wisconsin and the defendant Wisconsin Public Service Corporation.

2. The Circuit Court for Marathon County, Wisconsin (the "Court") has jurisdiction over the parties and the subject matter of this action.

3. This Stipulation and Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of the defendant Wisconsin Public Service Corporation under this Stipulation and Judgment.

4. Judgment shall be entered in favor of the plaintiff State of Wisconsin and against the defendant Wisconsin Public Service Corporation in the amount of \$80,000.00. This sum is comprised of forfeitures, statutory surcharges, and costs as follows: forfeitures of \$58,082.12 under Wis. Stat. § 285.87(1), a 26% penalty surcharge of \$15,101.35 under Wis. Stat. § 814.75(18), a 10% environmental surcharge of \$5,508.21 under Wis. Stat. § 814.75(12) (for violations committed before July 1, 2009), a 20% environmental surcharge of \$600.00 under Wis. Stat. § 814.75(12) (for violations committed on or after July 1, 2009), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$580.82 under Wis. Stat. § 814.75(14), and a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

5. The defendant Wisconsin Public Service Corporation will pay \$80,000.00 by check payable to the Marathon County Circuit Court and delivered to the Clerk of Court, Marathon County Courthouse, 500 Forest Street, Wausau, Wisconsin 54403, along with a cover letter to the Court identifying the case by name and number. A copy of the check and cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Bradley J. Motl at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made on or before September 30, 2013.

6. Except as between the parties hereto, nothing contained in this Stipulation and Order for Judgment shall be construed as an admission of liability in any other administrative or judicial proceeding now pending or hereafter commenced.

7. Compliance by defendant Wisconsin Public Service Corporation with its obligations under this Stipulation and Order for Judgment shall constitute full compromise, settlement, and satisfaction of Wisconsin Public Service Corporation's liability for the violations described in the Complaint and the issues identified in any Notice of Violation issued to Wisconsin Public Service Corporation prior to the date of judgment, for the operations at its Weston Plant.

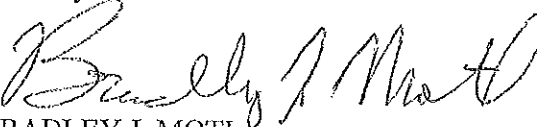
8. The parties acknowledge that this Stipulation and Order for Judgment sets forth the entire understanding of the parties with respect to the subject matter hereto.

9. The defendant Wisconsin Public Service Corporation waives the requirement for formal service of the authenticated summons and complaint.

10. The Judgment accompanying this Stipulation and Order for Judgment will be a final and appealable order. The Order for Judgment and Judgment may be entered incorporating the terms of this Stipulation without further notice, and the Judgment may be docketed, pursuant to Wis. Stat. § 806.10(1).

Dated this 14th day of August 2013.

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Attorney General


BRADLEY J. MOTL
Assistant Attorney General
State Bar #1074743

Attorneys for Plaintiff State of Wisconsin

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Dated this 13th day of August 2013.

FOLEY & LARDNER, LLP

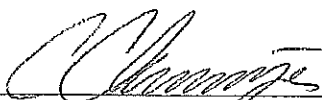

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Dated this 13th day of August 2013.

WISCONSIN PUBLIC SERVICE
CORPORATION

By: 

Printed Name: CHARLES CUNNINGHAM

Title: PRESIDENT

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing settlement Stipulation in *State of Wisconsin v. Wisconsin Public Service Corporation*, Marathon County Case No. 13-CX-_____, pursuant to which the defendant will pay \$80,000.00 in forfeitures, surcharges, and costs. The Court therefore directs the clerk to enter and docket the Judgment accordingly.

This is a final order that disposes of the entire matter in litigation between the State of Wisconsin and Wisconsin Public Service Corporation, and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

Dated this _____ day of August 2013.

BY THE COURT:

MARATHON COUNTY CIRCUIT COURT