



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

Karina Lubell, Chief  
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April 9, 2025

Ms. Lubell,

As members of the Wisconsin State Assembly, we are respectfully requesting your subject matter expertise. The Wisconsin Legislature is currently considering potential legislation that, among other issues, would restrict the construction and ownership of new electric transmission to the incumbent transmission companies in Wisconsin. A copy of this bill – LRB-2777/1 – is attached for your reference.<sup>1</sup>

It is our understanding that the United States Department of Justice Antitrust Division has reviewed similar “right of first refusal” or “ROFR” laws in other states and has raised concerns regarding their effect on competition and, most importantly, the costs to ratepayers. For example, in 2019, the Division commented on proposed legislation in Texas by noting that “ROFRs granted by state law can restrict entry to develop high-voltage transmission lines, particularly where there would otherwise be competitive process,” and therefore such laws can “reduce competition,” “harm consumers,” and “also may interfere with interstate commerce.”<sup>2</sup>

Considering the Division’s prior concerns with ROFR laws, we are asking for the opportunity to review the Division’s position on the proposed Wisconsin Energy Reform Act (WERA) – LRB-2777/1 which was introduced for co-sponsorship yesterday. As the legislative session is ongoing, and the respective bill continues to move through the legislative process, time is of the essence in our review of the impact of adoption of such legislation. We believe the Division’s perspective is critically important and are requesting feedback as quickly as possible, by April 18, 2025, if practicable.

President Trump’s Executive Order “Protecting American Energy from State Overreach,” which was issued on the same day WERA was introduced, points to opposition to any state statutes that ‘target or discriminate against out-of-state energy producers by imposing significant barriers to interstate...trade.’ This language raises concerns with the current proposal here in Wisconsin. We wish to remain in

<sup>1</sup> LRB-2777/1 The Wisconsin Energy Reform Act (WERA), pdf

<sup>2</sup> Letter from Daniel Haar, Antitrust Division to Rep. Travis Clardy, Texas House of Representatives (April 19, 2019), [Comments on Texas House Bill 3995](#)



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alignment with President Trump's "Unleashing American Energy" policies, ensuring Wisconsinites have access to efficient, reliable and affordable energy, and with the DOJ, avoiding legal challenges to our state statutes.

Very Respectfully,

Dan Knodl  
Representative  
Assembly District 24

Scott Allen  
Representative  
Assembly District 82

Elijah Behnke  
Representative  
Assembly District 6

Lindee Brill  
Representative  
Assembly District 27

Barb Dittrich  
Representative  
Assembly District 99

Joy Goeben  
Representative  
Assembly District 5

Rick Gundrum  
Representative  
Assembly District 58

Nate Gustafson  
Representative  
Assembly District 55

Rob Kreibich  
Representative  
Assembly District 28

Jim Piwowarczyk  
Representative  
Assembly District 98

Chuck Wichgers  
Representative  
Assembly District 84

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