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**News Release – April 8, 2024**

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## **Co-owner utilities appeal preliminary injunction of Cardinal-Hickory Creek Transmission Line Project**

Two co-owner utilities of the Cardinal-Hickory Creek Transmission Line Project – ITC Midwest and Dairyland Power Cooperative – are appealing to the U.S. Court of Appeals for the Seventh Circuit (Court of Appeals) to lift the preliminary injunction order issued by the United States District Court for the Western District of Wisconsin that halted a land exchange needed to complete the last 1.1 miles of the project. The co-owner utilities are further requesting the Court of Appeals to stay the preliminary injunction and expedite the appeal to avoid further unnecessary delays and expenses to this critically important project.

Given the preliminary injunction, the entire project cannot meet the current June 28, 2024, in-service date. A new in-service date cannot be determined until further developments occur in the pending litigation, including a termination of the injunction, allowing for closing on the land exchange with the U.S. Fish and Wildlife Service (USFWS). Once this closing occurs and a new construction schedule is developed, a revised in-service date will be issued and the project could be placed in service within four to six months.

ITC Midwest and Dairyland Power Cooperative strongly assert that, as the USFWS found after careful review and before approving it, the land exchange will provide significant net benefits to the Upper Mississippi River National Wildlife and Fish Refuge (Refuge) when the project is completed.

“We have a responsibility to get the Cardinal-Hickory Creek project in service as soon as possible so it can begin providing significant economic benefits for electricity consumers. The latest litigation and the preliminary injunction only serve to further increase costs for customers,” said ITC Midwest President Dusky Terry. “We strongly assert that the federal agencies that granted the land exchange and issued permits for the project acted within their legal authority under federal law and their environmental review complied with the National Environmental Policy Act (NEPA). Just as in prior litigation, we are confident that we will ultimately prevail in this case and move forward with project completion.”

“The approved land exchange clearly provides significant net benefits for the Refuge. To complement the benefits of the land exchange, the construction plan includes the removal of the current transmission lines and structures through the Refuge and across the Mississippi River,” said Ben Porath, Executive Vice President and Chief Operating Officer for Dairyland Power Cooperative. “The net impact of these shifts in infrastructure will reduce the electric transmission footprint in the Refuge and replace existing structures with low-profile structures using an avian-friendly design.”

### **Additional background on the Cardinal-Hickory Creek Transmission Line Project**

Construction of the 102-mile, 345,000-volt (345-kV) Cardinal-Hickory Creek Transmission Line Project is nearly complete, with the eastern half of the line placed in service in December 2023. This backbone project for the Midwest's regional power grid is necessary to improve grid reliability, lower consumer electricity costs, and enable renewable energy to be brought to market, resulting in a significant reduction in carbon emissions. As of October 2023, there were 161 renewable generation projects in Wisconsin, Iowa and other Upper Midwestern states representing more than 24.7 gigawatts conditioned upon its completion – enough to power millions of homes and businesses with clean energy.

USFWS approved the land exchange involving two of the co-owner utilities for the Cardinal-Hickory Creek Transmission Line Project – ITC Midwest and Dairyland Power Cooperative – which is the last major step to facilitate completion of the project. The benefits provided by the land exchange – which is now threatened by the litigation – are identified by the USFWS in the [Land Exchange Net Benefit Analysis](#), which found that, “the proposed land exchange fulfills the Refuge’s purposes by exchanging lower quality habitat for higher quality habitat, increasing the total protected acreage in the Refuge, reducing habitat fragmentation in the long term, and allowing the Refuge to acquire a high-priority tract that would not otherwise be available. Each of these factors will further the purposes of conserving and maintaining refuge and breeding places for birds, animals, fish, and plants. Acquisition of the Wagner tract will also provide value for wildlife-dependent recreation on the Refuge, such as hunting, fishing and wildlife observation, which is directly related to the purposes of this Refuge and of the National Wildlife Refuge System as a whole.”

ITC Midwest and Dairyland Power Cooperative are committed to constructing the project in the Refuge in a manner that minimizes environmental impacts through mitigation measures and best management practices. All work within the Refuge for construction of the project will be completed using wooden construction mats for environmental protection. No grading will take place within the Refuge. These efforts will avoid and minimize impacts to plants, animals and their habitats, and limit habitat fragmentation. These commitments include a robust set of mitigation and restoration methods resulting from years of agency consultation through the permitting process.

Over the past few years, several of these same opponents have filed multiple lawsuits in federal and state courts trying to stop construction of the project. The co-owner utilities have successfully navigated no less than three separate injunctions, won appeals before the Wisconsin Supreme Court, and received three different favorable opinions from the U.S. Court of Appeals for the Seventh Circuit.

For detailed information, see the Cardinal-Hickory Creek Transmission Line Project [website](#).

#### **About ITC Midwest**

*ITC Midwest LLC is a subsidiary of [ITC Holdings Corp.](#), the largest independent electricity transmission company in the U.S. ITC Midwest operates more than 6,600 circuit miles of transmission lines in Iowa, Minnesota, Illinois and Missouri, and holds utility status in Wisconsin. ITC Midwest is headquartered in Cedar Rapids, Iowa, and maintains regional operating facilities in Dubuque, Iowa City and Perry, Iowa; and Albert Lea and Lakefield, Minnesota. For further information visit [www.itc-holdings.com](http://www.itc-holdings.com). ITC is a subsidiary of Fortis Inc., a leader in the North American regulated electric and gas utility industry. For further information visit [www.fortisinc.com](http://www.fortisinc.com).*

#### **About Dairyland Power Cooperative**

*With headquarters in La Crosse, Wis., Dairyland provides wholesale electricity to 24 member distribution cooperatives and 27 municipal utilities in four states (Wisconsin, Minnesota, Iowa and Illinois). In turn, these cooperatives and municipals meet the needs of approximately 700,000 people. Dairyland’s generation resources include coal, natural gas, hydro, wind, solar and landfill gas. For more information, please visit [www.dairylandpower.com](http://www.dairylandpower.com).*