BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE INVESTIGATION OF ELECTRIC TRANSMISSION ISSUES AND THE OPENING OF AN INVESTIGATORY DOCKET	))))	**DOCKET NO. 08I -227E**

PUBLIC SERVICE COMPANY OF COLORADO'S
COMMENTS FOR MARCH 30, 2009 WORKSHOP

Public Service Company of Colorado ("Public Service" or "Company") hereby files the following comments in response to Decision R09-0269-I (March 13, 2009) ("Interim Order"), issued by Hearing Commissioner James K. Tarpey of the Public Utilities Commission ("Commission"), to be considered for the first transmission issues workshop scheduled March 30, 2009.

I. INTRODUCTION

Public Service appreciates the Commission's increased focus on transmission issues. With the need to construct transmission facilities to fulfill the legislative mandates of Senate Bill 07-100 and for other purposes, Public Service hopes that this focus will ultimately lead to more efficient and expeditious transmission development. That said, Public Service is concerned that implicit in the Commissions Questions for March 30, 2009 Workshop ("Workshop Questions"), which accompanied the Interim Order, is a view that radical changes to the existing Commission Rules are necessary at this time to facilitate transmission development. Public Service believes the opposite is the case.

While it may be possible to make changes that would clarify when facilities will be deemed in the ordinary course of business or instead require a certificate of public convenience and necessity ("CPCN") and expedite the actual CPCN process, Public Service does not believe the current rules – in particular Rules 3102 (Certificate of Public Convenience and Necessity for Facilities) and 3206 (Construction or Extension of Transmission Facilities) – require extensive modification.

In particular, Public Service would emphasize that Rule 3206 already delineates certain types of transmission projects that are deemed to be in the ordinary course of business. In addition, the Company believes that Rule 3206 provides a reasonable and expeditious process for review of a transmission provider's plans for constructing larger and potentially controversial transmission facilities to determine whether a CPCN application should be required. While Public Service believes that this rule might be improved by blending in the factors that the Commission may consider in determining whether a particular project is in the ordinary course of business and by other limited modifications including the referencing of regional study efforts, it believes that the process laid out by the existing rule is fundamentally sound and workable.

Implicit in the Workshop Questions is the view that it may be desirable to classify different types of transmission facilities and then tailor the rules applicable to each type of facility. Public Service does not believe that is a particularly useful exercise. Most fundamentally, Public Service does not believe it is generally useful to try to categorize transmission facilities in the manner the

Workshop Questions appear to suggest: Public Service treats its transmission system as an integrated whole, and transmission facilities typically serve multiple needs and purposes. In fact, their usage may change over time with changing loads and resources and modifications of other parts of the system. As a consequence, the effort to classify facilities and base rules revisions on such classifications is likely to add, if anything, needless complexity.

Since the time the Commission proposed its emergency rulemaking to address its transmission rules, Public Service has been considering how it would propose to modify Rules 3102 and 3206. It was Public Service's hope to be able to share its draft as an attachment to these comments. However, due to time constraints, it will be necessary to submit them for the Commission's consideration at a later date.

Public Service now turns to the specific questions posed in the attachment to Decision No. R09-0269-I.

II. RESPONSES TO SPECIFIC QUESTIONS

1. Process for applications for transmission facilities that are "in the ordinary course of business."

a. What is the definition of "in the ordinary course of business" in the context of transmission facilities? Does the definition apply to *both* new transmission facilities *and* modifications of existing transmission facilities? If the same definition does not apply to both, then what is the definition of "in the ordinary course of business" in the context of a new transmission facility? If the same definition does not apply to both, then what is the definition of "in the ordinary course of business" in the context of modifications of existing transmission facilities? In considering these questions, review and comment on Rule 4 *Code of Colorado Regulations* (CCR) 723-3-3206(b) (regarding modification of existing transmission facilities). Please explain your responses.

Response: Section 4-5-101, C.R.S. indicates that extensions of transmission facilities "necessary in the ordinary course of its business" are not required to be certificated, but does not define "ordinary course of business." A different statute, § 40-5-105(1) includes a similar term, "normal course of business," in the context of whether Commission approval is needed for utility asset and certificate transfers. In a case involving the sale of an asset, Docket 05E-274D (Decision No. R05-1224, October 11, 2005), Presiding Judge Jennings-Fader looked to dictionary definitions of "normal course of business" and found that "[t]hese definitions establish that 'normal course of business' includes only that which is routine, ordinarily-occurring, and usual for the business under review." *Id.* at pp. 9-10.

For years, this Commission has effectively used the process provided for in Rule 3206 (formerly Rule 18) to determine when a transmission project is in the ordinary course of business and therefore does not require an application of CPCN and when a CPCN is required. This rule already distinguishes between projects that involve construction of new facilities and modifications of existing facilities. In 2006, with the adoption of Rule 3206, the Commission for the first time delineated certain projects involving only modifications of existing facilities that would be deemed to be in the ordinary course of business. Under Rule 3206(b), all modifications of existing facilities are deemed to be in the ordinary course of business unless they entail 1) replacement of conductor with one of higher ampacity or with multiple conductors; 2) an increase in voltage; or 3) an extension of an existing substation that requires acquisition of additional land.

The latter three types of modifications are required to be included in the annual 3206 filing and may be determined to be in the ordinary course of business as part of that process. Public Service believes this rule reflects a reasonable delineation what constitutes routine modifications, i.e., within the ordinary course of business.

Rule 3206 was the product of a relatively recent rulemaking proceeding that spanned approximately two years. Rule 3206 reflects a refinement of the prior Rule 18 process that had been in effect for many years. In the Company's view Rule 3206 serves a number of beneficial purposes. It is a means of providing the Commission with information regarding the transmission construction plans of all the electric public utilities and cooperative electric associations in Colorado. More importantly, it provides for an expeditious three-month process for the Commission's review and approval of transmission projects proposed to be constructed over the following three years. Historically, the Commission has found that only a small percentage of the transmission projects included in the Company's Rule 3206 have required the filing of a CPCN. Nevertheless, the filing provides the Commission and other interested stakeholders with a comprehensive listing of each utility's and each cooperative electric association's immediate transmission plans and an opportunity for any interested stakeholder to comment and identify issues that may make a project controversial. For this reason the process is an important and useful one.

Notwithstanding the above, Public Service does not disagree that Rule 3206 could be improved. In particular, the Commission in its emergency

rulemaking suggested listing factors that it would consider in determining whether a facility was in the ordinary course of business. While Public Service thought that the list should be nonexclusive and did not necessarily agree with all of the suggested factors, it has no problem with the general approach of modifying Rule 3206 to list factors that the Commission may take into account as the facts and circumstances applicable to a particular project warrant. Also, there has been increased focus in just the past couple of years on regional and open planning efforts. In this regard, there is an extensive stakeholder participation process that Public Service has followed for its Senate Bill 07-100 transmission planning, which the Company believes has been effective. Public Service believes that Rule 3102 and/or 3206 could be modified to take into account regional and opening planning efforts.

Moreover, while we continue to support the existing Rule 3206 process, we also believe it is important that utilities retain the option of seeking a CPCN, regardless of the Commission's determination in the context of the Rule 3206. This is particularly important where the utility may face difficulty siting a particular facility or where the utility believes that the design of the facility may be controversial (e.g., in the circumstance when there is a dispute between the utility and the local government regarding whether to incur the additional expense to construct the facility underground). In addition, particularly in those instances where it may not be possible to expand existing right of way to bring additional noise or EMF levels within statutory limits, it may be necessary for the utility to

seek findings of reasonableness, notwithstanding statutory limits, from the Commission.

b. Should the Commission develop and put in its rules specific criteria to be used to determine when a transmission facility is "in the ordinary course of business"? If it should do so, then what should the criteria be? If it should not do so, then why not? Please explain your responses.

Response: No, Public Service believes determinations of whether facilities are in the ordinary course of business are too inherently fact specific to be based on bright line factors. Rule 3206 already provides a definition of what types of transmission projects are deemed to be in the ordinary course of business. To the extent that projects have not been deemed to be in the ordinary course of business, Rule 3206 provides a reasonable and expeditious process for the Commission to make this determination. In this context, Public Service believes that a useful clarification that the Commission might make to Rule 3206 is to provide a nonexclusive list of factors that the Commission will normally consider in determining whether a proposed facility is in the ordinary course of business. This suggestion is a variation on what the Commission itself suggested in its emergency rulemaking. Public Service suggests the following list of factors:

(A) Whether a proposed project is expected to have a significant impact on the reliability of the electric utility and any neighboring systems.

(B) Whether a proposed project involves an interconnection with the transmission systems of other utilities, particularly out of state utilities.

(C) Whether the facilities are required as part of a routine interconnection with a generator.

(D) Whether a proposed project is jointly owned with others.

(E) Whether a proposed project is over thirty-five miles long.

(F) Whether a proposed project is 230 kV and higher in voltage.

(G) Whether the transmission project cost is higher than $10.0 million.

(H) Whether the transmission project is expected to traverse environmentally or politically sensitive areas.

(I) Whether the project adequately addresses and mitigates EMF and corona noise.

c. Assume that the Commission develops criteria for "in the ordinary course of business" and creates a *rebuttable presumption* that a transmission project is in the ordinary course of business if it meets the criteria. This would put the application on a fast track to resolution. As a concept and for purposes of discussion, the *fast track process* could be: (1) the utility would file an application that contains the information necessary to establish that the project meets the criteria; (2) the Commission would give notice of the application and would allow a *shortened* (*e.g.*, 10 or 14 days) intervention period; (3) an intervenor would need to provide specific information that the project does not meet the rebuttable presumption criteria (thus, an intervention simply stating opposition would not suffice); and (4) if the Commission did not issue, within 45 days of the close of the intervention period, an order setting the application for hearing, the application would be deemed granted because the project is in the ordinary course of business. A transmission project built in the ordinary course of business would have to meet, if applicable, (1) the prudent avoidance rules for electro-magnetic fields found in Rules 4 CCR 723-3-3102(d) and 723-3-3206(d) *and* (2) in residential areas, the noise standard established in § 25-12-103(1), C.R.S., measured 25 feet from each edge of the transmission corridor right of way (ROW).

(1) If you agree with this concept, then explain why you agree. If you disagree with this concept, then explain why you disagree. If you have suggestions, clarifications, or modifications to the concept, then provide them. Please explain your responses.

Response: Public Service believes the existing Rule 3206 already largely accomplishes what is being suggested by this question. As noted above Rule 3206 already defines certain types of projects that are deemed to be in the ordinary course of business and therefore require no Commission review before construction can commence. For projects that must be included in the Company's annual Rule 3206 filing, that rule already provides for a shortened three-month process for Commission review and determinations as to whether any further review is required. It should be noted that the utility will only need to obtain reasonableness findings with respect to noise and EMF in those few circumstances where due to the location, capacity and voltage of the proposed facility, of the projected noise and EMF are expected to reach levels where there is an unacceptable risk of liability for nuisance claims.

(2) Should the rebuttable presumption process apply only to modifications of existing transmission facilities? apply only to new transmission facilities? apply to *both* new transmission facilities *and* modifications of existing transmission facilities? Please explain your response.

Response: As indicated above, Public Service questions the usefulness of attempting to distinguish "new" versus "modification" projects given the integration of the electric grid.

d. With respect to the information that Commission rules require to be filed with an application, (1) is too much information required; (2) is the amount of information required sufficient; or (3) is too little information required? Please explain your response.

Response: To reiterate a point made above, there has been greater focus just recently on regional planning and open planning processes. The stakeholder

process that Public Service follows for Senate Bill 07-100 transmission is an example. Public Service believes that Rules 3102 and/or 3206 should be modified to reflect those activities. The result would be that additional information would be provided to the Commission for its consideration in its transmission approval processes.

(1) If too much information is required, then what information should be eliminated? Please explain your response.

(2) If too little information is required, then what additional information should be required to be filed? Please explain your response.

Response: See above.

2. Process for CPCN applications filed pursuant to § 40-2-126(4), C.R.S.

Section 40-2-126(4), C.R.S., provides that the Commission must decide an application for a Certificate of Public Convenience and Necessity (CPCN) for transmission facilities within 180 days of the filing of the application *if* the application is filed to obtain a CPCN for § 40-2-126(2)(b), C.R.S., transmission facilities. Section 40-2-126(2)(b), C.R.S., transmission facilities are new or expanded "transmission facilities necessary to deliver electric power consistent with the timing of the development of beneficial energy resources located in or near" energy resource zones.

a. The term beneficial energy resources is not defined in § 40-2-126, C.R.S. What definition do you propose for beneficial energy resources, as that term is used in the statute? Please explain your response.

Response: The Parties to Docket No. 07A-421E (Application of Public Service Company of Colorado For a Certificate of Public Convenience and Necessity For the Pawnee – Smoky Hill 345kV Transmission Project) were asked to provide a definition of "beneficial energy resources" to decide whether the

Pawnee-Smoky Hill Application was subject to the strictures of § 40-2-126, C.R.S. The Commission in Decision No. C08-0444 (April 28, 2008) read two statutory provisions, §§ 40-2-126(2)(b) and (3), "to pertain to construction of new transmission facilities which meet both of the following criteria: (a) the facilities are necessary to deliver electric power from beneficial energy resources in designated energy resource zones to Colorado consumers; *and* (b) the facilities are to be constructed within a time frame which permits them to be in-service when the beneficial energy resources come on-line." *Id.* at p. 25. These are the minimum criteria, then, for a transmission line to qualify for § 40-2-126 treatment.

Turning to the definition of "beneficial energy resources," Public Service suggested in Docket No. 07A-421E that the phrase should be read to mean (or to include) all additional resources, however generated, which are needed to meet the demands of Colorado consumers. These would include both existing resources which are transmission-constrained and new resources necessary to meet the renewable energy standards. The Company notes that § 40-2-126(1), C.R.S. defines an "energy resource zone" as "a geographic area in which transmission constraints hinder the delivery of electricity to Colorado consumers, the development of new electric generation facilities to serve Colorado consumers, or both." Further, § 40-2-126(3)(a), C.R.S., also references both transmission constraints and new resources necessary to meet the statutorily required renewable energy standards.[1] Thus, the Commission should maintain a broad definition of beneficial energy resource so as to encompass a transmission

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1 *See* § 40-2-124, C.R.S.

project which either relieves transmission constraints which prevent reliable service to Colorado consumers or should be pre-built to designated energy resource areas so that transmission will be available when the resources come on-line, or both.

The Commission reached no conclusion in Docket No. 07A-421E concerning the definition of "beneficial energy resources." Public Service continues to advocate the definition described above and in the response to (b) below.

b. Should Commission rules contain a definition of beneficial energy resources? If there should be such a definition, then what should the definition be? If there should not be such a definition, then why not? Please explain your responses.

Response: Public Service does not take a position on this question. It is not clear what purpose such a definition would serve. However, if the Commission were to add such a definition, Public Service would suggest the following:

> "Beneficial energy resource" as used in C.R.S. §40-2-126 means any generation resources that is needed in order for the utility to provide reliable energy to Colorado consumers or to meet the renewable energy standards codified at § 40-2-124, C.R.S.

c. Describe the type(s) of transmission facilities that come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S. (For example, do backbone transmission facilities come within those sections? does a transmission line from solar-powered generation to the nearest utility transmission facility come within those sections?) Describe the characteristics (if any) or functions that differentiate transmission facilities that come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S., from transmission facilities that do not. Please explain your responses.

Response: See Response to (b) above. While Public Service has no formal definition of "backbone transmission" – it is not a term with any specific technical definition – it has in the past used the term to describe the multiple corridor high-voltage system that serves the Denver metro load center, consisting of facilities of 230 kV and 345 kV, and serving multiple purposes. Backbone transmission can, and almost certainly would, come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S. Radial transmission lines from a solar facility also would meet the statutory criteria.

Based on Public Service's proposed definition in Response (b), above, the only transmission facilities that would not come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S. would be facilities that are being constructed for a purpose other than to enable the utility to deliver reliable service to its Colorado customers or to meet the renewable energy standard. The Company believes that the vast majority of additional transmission facilities will come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4).

d. Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.; § 40-2-126(4); Rule 4 CCR 723-1-1303(b)) satisfactory for a CPCN application for transmission facilities for beneficial energy resources? If the process and timing are satisfactory, then why? If the process and timing are not satisfactory, then why not? If the process and timing are not satisfactory, then what changes to the overall process do you suggest? Please explain or support your responses.

Response: The current process and timing of Commission proceedings under §§ 40-6-109.5, 40-2-126(4), and Rule 4 CCR 723-1-1303(b) have worked well in most cases. Most Commission decisions on transmission CPCN applications

have been rendered within the statutory timeframe. However, there is room for improvement.

It is important to have efficient CPCN proceedings because this is the first formal step of transmission development, preceding local siting and permitting activities, and a delay at the Commission can affect the Company's ability to complete construction in a timely fashion.

Further, industry and regulatory changes have resulted in quicker, market-driven development of generation (both fossil and wind). As a result, a mismatch exists today between transmission and generation development processes and timeframes. Some of this mismatch is being addressed in the SB 07-100 process by allowing for CPCN approval with a showing of "future" need and to meet the state's renewable energy standard. However, a mismatch still exists to the extent a transmission line takes around five years to build and a wind facility can be completed in two years. This again underscores the importance of timely CPCN proceedings.

The following chart shows the timeline of Public Service's CPCN Applications from 2003 through 2007:

Project	Docket	CPCN Filing	Decision	RRR Date	Rehear-ing	Comments
Steamboat Loop 230kV	03A-068	2/20/2003	4/30/2003	--	--	No Interventions
Denver Terminal-Dakota-Arapahoe 230kV	03A-265E	6/20/2003	8/21/2003	--	--	No Interventions

Midway-Daniels Park 345kV	03A-276E	6/27/2003	11/21/2003			
			1/14/2004			App. Deemed Complete
			11/21/2003	12/11/2003	No	Recommended Decision
			1/14/2004			Final Decision
Chambers 230kV Intertie	03A-329E	7/28/2003	9/19/2003			No Interventions
Comanche 345kV	05A-072E	2/16/2005				
			11/14/2005	12/5/2005		Recommended Decision
			2/7/2006	7/24/2006	Yes	Partial Grant of RRR
			7/3/2006	8/10/2006	Yes	
			9/19/2006			Final Decision
Sandown-Leetsdale 230kV	06A-259E	5/2/2006	1/5/2007	None		
Midway-Daniels Park 345kV	07A-156E	5/1/2007	9/4/2007			Hearings Not Required
Pawnee-Smoky Hill 345kV	07A-421E	10/31/2007	4/28/2008	5/19/2008	Yes	
			2/26/2009			Final Decision

As can be seen, non-contested applications for transmission line CPCNs can be decided in the span of a few months. However, contested matters, such as the Comanche proceeding, or even uncontested cases which nevertheless raise significant questions, such as in the Pawnee transmission line proceeding, can last much longer. Public Service recognizes that contested matters of necessity take longer to decide because of evidentiary hearings and due process considerations. However, the Commission can streamline the process so that unexpected delays might be avoided.

One delay that can occur in CPCN dockets is when studies beyond those that have been required historically are ordered to be performed or additional evidence required well after an application has been filed, as occurred in the Pawnee-Smoky Hill Docket in Decision No. R08-0188-I.

For this reason Public Service believes that it is important for the rules to specify all information that should be filed as part of a transmission line application. Public Service intends to make a proposal when it provides the Commission a copy of its proposed modifications to Rule 3102.

e. Assume that the Commission wishes to develop a fast track process for CPCN applications filed pursuant to § 40-1-126(4), C.R.S.

(1) What should the fast track process look like or be? Should the fast track process apply only to § 40-2-126(4), C.R.S., CPCN applications for new transmission facilities? only to § 40-2-126(4), C.R.S., CPCN applications for modifications to existing transmission facilities (assuming that the modifications are not in the ordinary course of business)? to all § 40-2-126(4), C.R.S., CPCN applications for transmission facilities? Should there be one fast track process for CPCN applications for new § 40-2-126(4), C.R.S., transmission facilities and another for CPCN applications for modifications to existing § 40-2-126(4), C.R.S., transmission facilities (assuming that the modifications are not in the ordinary course of business)? Please explain your responses.

Response: A fasttrack process is consistent with § 40-2-126(4), C.R.S., which requires the Commission to issue a final order within 180 days after an application for the construction or expansion of § 40-2-126(2)(b) transmission facilities is filed. The use of the phrase "construction or expansion" in § 40-2-126(4) suggests that the expedited process applies to both "new" and "modified" facilities, and thus only one fasttrack process is necessary for all applications under § 40-2-126(4), C.R.S.

One issue relevant to fasttrack is whether an application for CPCN made pursuant to §§ 40-2-126(2)(b) and (4), C.R.S., that also seeks noise and EMF level reasonableness findings is subject to the 180-day statutory decision requirement. This issue was argued in the Pawnee-Smoky Hill Docket. Public Service maintained that the requested reasonableness findings and the findings necessary to support granting a CPCN are inextricably intertwined because the design of the line (e.g., pole height and design, type of conductor, width of right-of-way) impacts both noise and EMF levels. In addition, actions taken to mitigate one may increase the other. For example, a design which mitigates projected noise levels may increase projected EMF levels and *vice versa*. Because of the difficulty in going forward with the siting and permitting processes until the design of the line has been finally settled by the Commission, the Company believes it is critical that the reasonableness findings be made on the same track as the finding of need. For this reason, noise and EMF levels should be considered together when reasonableness findings are requested. Public Service also noted that reasonableness findings must be made before it will proceed with a transmission line and, in previous transmission dockets, the Commission usually has made the reasonableness findings in the same decision as the CPCN findings.

The ALJ held in Decision No. R08-0076-I that the portion of the Company's application seeking reasonableness determinations as to projected noise and EMF levels falls within § 40-6-109.5, C.R.S., and not § 40-2-126(4), C.R.S. Public Service did not file exceptions regarding such decision in part

because the ALJ also held that two separate hearings and two separate Commission initial decisions was not necessary because the procedural schedule allowed sufficient time for the presentation of testimony on the reasonableness issues within the 180 days permitted by § 40-2-126(4), C.R.S. Public Service continues to believe that CPCN applications made for "construction or expansion of transmission facilities necessary to deliver electric power consistent with the timing of the development of beneficial energy resources located in or near" one or more designated energy resource zones must be decided within the 180 days required by § 40-2-126(4), C.R.S., even if noise and EMF reasonable determinations are requested. Even if the Commission does not believe this is statutorily required, as a matter of policy and rulemaking it would make sense to impose a 180-day decision requirement in the interest of developing beneficial energy resources.

How should the fasttrack process work for § 40-2-126, C.R.S. resources? Public Service would borrow from one of the Hearing Commissioners' previous questions, with some adjustments. The fasttrack *process* could be: (1) the utility would file an application pursuant to § 40-2-126, C.R.S. that contains the information necessary to establish that the project meets the statutory criteria; (2) the Commission would give notice of the application and would allow a *shortened* (*e.g.*, 10 or 14 days) intervention period; (3) an intervenor would need to provide specific information that the project does not meet the statutory criteria (thus, an intervention simply stating opposition would not suffice); and (4) if the Commission did not issue, within 180 days of the application filing date, a final

determination on the application merits, the application would be deemed granted because the project is subject to § 40-2-126(4), C.R.S.

(2) Does a rebuttable presumption process (*see, e.g.*, discussion and questions above) make sense for new § 40-2-126(4), C.R.S., transmission facilities? If it does, then why? If it does not, then why not? Please explain your responses.

Response: As discussed above, Public Service believes that a rebuttable presumption of need should apply to all types of transmission facility projects that meet the criteria of § 40-2-126(2)(b), C.R.S. Prior to any CPCN filing under § 40-2-126, the project that is the subject of the application will have been extensively vetted through open transmission planning processes. The Company adheres to FERC Order No. 890 and its increased transparency requirements applicable to planning and use of the transmission system by: (1) working with other transmission providers and stakeholders in developing transmission planning policies; (2) participating in WestConnect, which has initiated the coordination of certain transmission planning activities conducted by the Colorado Coordinated Planning Group and other sub-regional groups to produce an annual coordinated transmission plan for the WestConnect footprint; (3) participating in the Western Electricity Coordinating Council Transmission Expansion Planning Policy Committee ("WECC TEPPC") regional transmission planning process; and (4) working with Colorado Long Range Planning stakeholders to develop a ten year transmission plan. Further, even though it is not required by statute, Public Service has held open to stakeholder input Senate Bill 07-100 transmission planning activities. These voluntary, transparent coordinated and open transmission planning processes are open to stakeholders, including the

Commission Staff. The Company encourages the Commission Staff's participation.

As Public Service discussed in a previous filing, the Commission can provide up-front guidance to Public Service and participants in the transmission planning process. This Commission guidance could be obtained in multiple ways: (1) Commission staff has the ability to attend (and has in the past attended) actual planning sessions; (2) Public Service could meet with the Commissioners themselves on a periodic basis to inform them of transmission planning developments and obtain their input; and (3) informal work sessions could be scheduled with Commission staff. So long as such guidance is obtained during the planning stage, well before a CPCN application is filed, Public Service believes this process is appropriate and proper under the Commission's organic statutes and administrative rules, and should allow for a rebuttable presumption of need for identified projects. This would place the burden of proof on intervening parties to show that a particular project is not needed.

(3) Does a rebuttable presumption process (*see, e.g.*, discussion and questions above) make sense for modifications to § 40-2-126(4), C.R.S., transmission facilities (assuming the modifications are not in the ordinary course of business)? If it does, then why? If it does not, then why not? Please explain your responses.

Response: See Response to (2), above. Again, Public Service questions the usefulness of attempting to distinguish between "new" and "modification" transmission projects.

f. With respect to the information that Commission rules require to be filed with an application, (1) is too much information required;

(2) is the amount of information required sufficient; or (3) is too little information required? Please explain your response.

(1) If too much information is required, then what information should be eliminated? Please explain your response.

(2) If too little information is required, then what additional information should be required to be filed? Please explain your response.

Response: See above.

3. Process for CPCN applications for transmission facilities that are backbone transmission facilities.

a. If you are an entity that owns and operates transmission facilities: within your company, what is the definition of backbone transmission facilities? Within your company, what is the point of demarcation (if any) between distribution facilities and transmission facilities (*e.g.*, voltage of conductor, length of conductor, something else)? Within your company, what is the point of demarcation (if any) between non-backbone transmission facilities and backbone transmission facilities (*e.g.*, voltage of conductor, length of conductor, something else)? Identify all *categories* of facilities or network components (1) that are considered to be distribution facilities, (2) that are considered to be non-backbone transmission facilities, and (3) that are considered to be backbone facilities. Please explain your responses.

Response: See response to 2(c), above, regarding Public Service's informal definition of backbone facilities.

Public Service does not believe it is useful to distinguish between backbone and non-backbone facilities. Again, Public Service views its electric system as a single integrated whole. It is useful to consider whether facilities meet the statutory criteria of § 40-2-126(2)(b), C.R.S., for the reasons discussed above.

b. If you are an entity that owns and operates transmission facilities and if your company does not use the term backbone transmission facilities, then what term does your company use to

describe transmission facilities that are used to carry electricity from generation to load centers but that are not distribution facilities? Using your company's terminology, respond to the questions posed in number 3.a, above. Please explain your responses.

Response: Not applicable.

c. If you are not an entity that owns and operates transmission facilities, then what is your understanding of the term backbone transmission facilities? What is the source of your understanding? Please explain your responses.

Response: Not applicable.

d. Does the definition of backbone transmission facilities (or other term used in response to question no. 3.b) include transmission facilities under § 40-2-126(2)(b), C.R.S. (*i.e.*, "transmission facilities necessary to deliver electric power consistent with the timing of the development of beneficial energy resources located in or near" energy resource zones)? If it does not, should the definition of backbone transmission facilities (or other term used in response to question no. 3.b) include transmission facilities under § 40-2-126(2)(b), C.R.S.? Please explain your responses.

Response: For the reasons explained above, Public Service believes that any facility, whether considered "backbone" or not, can satisfy the statutory criteria of § 40-2-126(2)(b), C.R.S. if such facilities are needed to accommodate new transmission to Energy Resource Zones, regardless whether such facilities extend to the physical location of the Energy Resource Zones.

e. Should Commission rules contain a standard definition of backbone transmission facilities (or other term used in response to question no. 3.b)? If they should, then why? If they should, then what should the definition be? If they should not, then why not? Please explain your responses.

Response: No, Public Service does not believe such a definition would be helpful given the integrated nature of it transmission system. Neither the Commission's rules not its organic statutes use the term "backbone" with regard

to transmission facilities or otherwise. Transmission facilities should be evaluated to determine whether they meet the statutory criteria of § 40-2-126(2)(b), C.R.S., so that utilities can utilize the procedures of § 40-2-126(4).

f. Assume the following: The Commission develops a standard definition of backbone transmission facilities (or other term used in response to question no. 3.b) that *does not include* § 40-2-126(2)(b), C.R.S., transmission facilities; and the Commission promulgates a rule that sets out the contents of an application for a CPCN for backbone transmission facilities (or other term used in response to question no. 3.b).

(1) Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.; Rule 4 CCR 723-1-1303(b)) satisfactory for a CPCN application for backbone transmission facilities (or other term used in response to question no. 3.b)? If they are satisfactory, then why? If they are not satisfactory, then why not? If the current process is not satisfactory, then what changes to the process do you suggest? Would a fast track process for CPCN applications for backbone transmission facilities (or other term used in response to question no. 3.b) address the concerns you identified with respect to the current process and timing? Please explain your responses.

Response: There is no need for a separate definition of "backbone" transmission facilities if the Commission defines § 40-2-126(2)(b), C.R.S. appropriately (see response 2(b), above, for Public Service's proposed definition). If the Commission defines § 40-2-126(2)(b) facilities similarly to the Company's proposed definition, it is likely that backbone facilities (as informally defined by Public Service) will meet the statutory criteria and qualify for § 40-2-126(4) treatment. If a transmission facility does not meet such statutory criteria, the Company believes the § 40-6-109.5 procedures apply.

(2) Assume that the Commission wishes to develop a fast track process for CPCN applications for backbone transmission facilities (or other term used in response to question no. 3.b). What should the fast track process look like or be? Should the fast track process

apply only to CPCN applications for new backbone transmission facilities (or other term used in response to question no. 3.b)? only to CPCN applications for modifications to existing backbone transmission facilities (or other term used in response to question no. 3.b) (assuming that the modifications are not in the ordinary course of business)? to all CPCN applications for backbone transmission facilities (or other term used in response to question no. 3.b)? Should there be one fast track process for CPCN applications for new backbone transmission facilities (or other term used in response to question no. 3.b) and another for CPCN applications for modifications to existing backbone transmission facilities (or other term used in response to question no. 3.b) (assuming that the modifications are not in the ordinary course of business)? Please explain your responses.

Response: See Responses to (e)(1) and (f)(1), above.

(3) Assume that the Commission wishes to develop a fast track process for CPCN applications for backbone transmission facilities (or other term used in response to question no. 3.b). Does a rebuttable presumption process (*see, e.g.*, discussion and questions above) make sense for new backbone transmission facilities (or other term used in response to question no. 3.b)? for modifications to existing backbone transmission facilities (or other term used in response to question no. 3.b) (assuming the modifications are not in the ordinary course of business)? Please explain your responses.

Response: See Responses to (e)(2) and (f)(1), above.

g. With respect to the information that Commission rules require to be filed with an application, (1) is too much information required; (2) is the amount of information required sufficient; or (3) is too little information required? Please explain your response.

(1) If too much information is required, then what information should be eliminated? Please explain your response.

(2) If too little information is required, then what additional information should be required to be filed? Please explain your response.

Response: See above.

4. <u>Process for CPCN applications for transmission facilities not in one of the foregoing categories.</u>

a. Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.; Rule 4 CCR 723-1-1303(b)) satisfactory for CPCN applications for transmission facilities that do not fall within one of the categories identified above? If they are, then why? If they are not, then why not? Please explain your responses.

Response: Seems response to 2(d), above.

b. If the current process is not satisfactory, then what changes do you suggest? Please be specific and support your suggested changes.

Response: Seems response to 2(d), above.

c. Does a rebuttable presumption process (*see, e.g.*, discussion and questions above) make sense for CPCN applications for transmission facilities that do not fall within one of the categories identified above? If it does, then why? If does not, then why not? Please explain your responses.

Response: As noted above, Public Service would like to explore whether a rebuttable presumption of need can be created for those projects that have been identified and studied through joint and regional planning efforts, have been identified as part of a stakeholder process, and/or are consistent with the identified long-range plans of the utility.

d. With respect to the information that Commission rules require to be filed with an application, (1) is too much information required; (2) is the amount of information required sufficient; or (3) is too little information required? Please explain your response.

(1) If too much information is required, then what information should be eliminated? Please explain your response.

(2) If too little information is required, then what additional information should be required to be filed? Please explain your response.

Response: See above.

5. Process for applications that seek *both* a CPCN for transmission facilities *and* a reasonableness finding for transmission line noise, for electro-magnetic field (EMF), or for both.

An application for a CPCN to construct a transmission line and related facilities may -- and often does -- include an application for a Commission order finding to be reasonable one or both of the following: (a) the noise levels projected to occur when the transmission line is in operation; and (b) either a specific level of EMF or the EMF level projected to occur when the transmission line is in operation. (These will be referred to as reasonableness findings.) An application for reasonableness findings comes within the time frames of § 40-6-109.5, C.R.S., and Rule 4 CCR 723-1-1303(b).

PLEASE NOTE: The following questions are focused exclusively on *process*, not on substance. The workshop scheduled for May 18, 2009 will provide participants the opportunity to discuss the substance (that is, the content) of any suggested rules. *See* Decision No. C09-0245 at ¶ 7 (identifying the rules or substantive areas to be discussed). As a result, the responses to the questions asked below should focus exclusively on process.

a. With respect to *projected transmission line noise levels*:

(1) Should the Commission promulgate a rule that *establishes or sets* reasonable noise levels? If it should promulgate a rule, then why? If it should not promulgate a rule, then why not? Please explain your responses.

Response: No. Public Service set forth in its Comments On the Issues Set Forth in Decision No. C09-0085 the reasons why a utility seeking to construct or upgrade transmission facilities should not necessarily be required to meet the maximum audible noise standards for residential zones set forth in the §25-12-103(1) of the Colorado noise abatement statute in all cases. To summarize, while the Company would welcome minor changes to the Commission's current rules to streamline the process for evaluating the reasonableness of projected EMF and noise levels, we strongly oppose any proposal to require utilities to meet the 50 db(A) noise standard for residential zones set forth at §25-12-101(1)

in all cases. Particularly where the Company is proposing to construct or upgrade transmission facilities in an existing corridor, it may be impossible to meet the residential noise abatement standard set forth in §25-12-101(1). Moreover, even if, in a particular case, it would be possible to meet the 50 db(A) residential noise abatement standard through techniques such as using a larger conductor than would otherwise be necessary, or by burying the proposed transmission line, such techniques can often entail significant additional capital investment, increasing the costs to our customers at a time when utility rates are already under pressure.

The Company also believes that such a *per se* reasonableness requirement would improperly eviscerate C.R.S. § 25-12-101(12) in which the legislature authorized the Commission to determine the reasonableness of projected noise levels of electric transmission facilities notwithstanding the maximum noise standards set forth at §25-12-101(1). This statute provides that in the course of considering the reasonableness of projected noise and EMF in the context of a transmission CPCN application, the Commission may balance the competing interests of developing cost-effective transmission to serve the electric needs of Colorado consumers and the interests of avoiding unreasonable levels of noise and EMF. Further, referencing *Public Service Company of Colorado v. Van Wyk*, 27 P.3d 377, 393 (Colo. 2001), Public Service does not wish to intentionally create a nuisance in constructing or operating its transmission facilities, or construct transmission lines that will subject the Company to future lawsuits that complain of nuisance. Given this background,

Public Service recommends that the Commission decline to incorporate any specific noise or EMF standards in its rules.

Instead, in order to streamline the process for considering the reasonableness of EMF and noise Public Service recommends that the Commission consider rules changes that will provide greater specificity regarding the evidence of noise and EMF that it needs in order to make the reasonableness findings that are requested. As noted above in these Comments, Public Service has suggested in its proposed rule 3102(e) a requirement that CPCN filings include "the results of computer studies for at least four alternative cases, each reflecting a different balance of noise and EMF results under both dry and wet conditions and measured at a point 25 feet beyond the edge of the transmission right of way, which show 1) the potential noise levels expressed in db(A), assuming maximum operating voltage, and 2) the potential EMF levels expressed in milligauss, assuming maximum potential loading or current." At least one of the cases presented would show the resulting noise levels assuming that EMF are minimized and at least one case should show the resulting EMF levels assuming noise levels under wet conditions are 50 d(B)a, or, if it is not possible to reduce noise to 50 dB(a), then as close to 50 dB(a) as possible based on the phasing of the proposed transmission lines. Such evidence, presented in cases where a noise and EMF reasonableness request is made, should provide the Commission with information sufficient to judge the trade-offs between noise, EMF, and cost.

Public Service also notes that the Company would welcome a modification to Rule 3201(c) and 3206(e) to have the Company provide the results of noise studies measured at a point 25 feet beyond the edge of the right of way ("ROW"), rather than at the edge of the ROW which is what is required under the current rules. The focus of Colorado's noise abatement statute is the level of noise measured at a point that is 25 feet beyond the utility's ROW. Accordingly, it is Public Service's current practice, when it presents its testimony and exhibits supporting a transmission CPCN to provide noise and EMF levels measured both at the edge of the ROW and at a point 25 feet beyond the edge of the ROW. However, because the Company is currently providing measurements at both points, in order to comply with Commission rules and to allow the Commission to compare projected noise levels for the facility with the standards in the Colorado noise abatement statute, the record can sometimes become confused. For this reason, the Company suggests a minor modification to Rule 3201(c) and 3206(e) to require utilities to provide projected noise levels of proposed electric transmission facilities measured at a single point – 25 feet beyond the edge of the utility's ROW, rather than at the edge of the ROW as is required under the current rules.

(2) In the alternative, should the Commission promulgate a rule that *creates a rebuttable presumption* regarding reasonable noise levels? If it should create a rebuttable presumption, then why? If it should not create a rebuttable presumption, then why not? Please explain your responses.

Response: The only rebuttable presumption that the Commission might consider is one of presumptive noise emission reasonableness if a proposed

transmission line project meets the lowest statutory standard, § 25-12-101(1), C.R.S. Subsection 52-12-101(1) provides:

> Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone	7:00 a.m. to next 7:00 p.m.	7:00 p.m. to next 7:00a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

As noted in the preceding response, § 25-12-101(12) authorized the Commission to determine the reasonableness of projected noise levels of electric transmission facilities *notwithstanding* the maximum noise standards set forth at § 25-12-101(1). However, if a proposed transmission line *does* meet the § 25-12-101(1) standard in the residential, commercial, and industrial areas it traverses, a presumption of noise level reasonableness should apply to a CPCN application proceeding.

b. With respect to *projected EMF levels*:

(1) Should the Commission promulgate a rule that *establishes or sets* reasonable projected EMF levels? If it should promulgate a rule, then why? If it should not promulgate a rule, then why not? Please explain your responses.

Response: No. As noted above, the level of EMF varies with noise levels and transmission line configuration. Depending on the transmission corridor and

whether a transmission line traverses residential, commercial, or industrial areas, the Commission or intervenors may have different concerns about noise or EMF. For example, some intervenors and the Commission might be willing to accept higher EMF levels in exchange for lower noise emissions. As with noise levels, the amount of reasonable EMF levels will vary by project, and so should be considered on a case-by-case basis.

(2) In the alternative, should the Commission promulgate a rule that *creates a rebuttable presumption* with respect to reasonable projected EMF levels? If it should create a rebuttable presumption, then why? If it should not create a rebuttable presumption, then why not? Please explain your responses.

Response: Yes. Public Service believes that a rebuttable presumption should be created that an EMF level of 150 milli-Gauss (mG) or below at 25 feet from the edge of right-of-way is presumptively reasonable. Two states, Florida and New York, have set magnetic field exposure limit values, as measured at the edge of ROW. In Florida, a range from 150 to 250 milli-Gauss (mG) exists for transmission lines ranging in voltage from 69 to 500kV, and in New York a magnetic field value of 200 mG is the limit for any transmission line regardless of voltage. In addition, the American Conference of Governmental Industrial Hygienists[2] has set a not-to-exceed value of 10,000 mG for occupational exposure, and 1,000 mG for those workers with pacemakers. The International Commission on Non-Ionizing Radiation Protection[3] has set exposure limits of

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2 The American Conference of Governmental Industrial Hygienists is a professional organization that facilitates the exchange of technical information about worker health protection. It is not a governmental regulatory agency.

3 The International Commission on Non-Ionizing Radiation Protection is an organization of 15,000 scientists from 40 nations who specialize in radiation protection.

4,200 mG for occupational exposure and 833 mG for the general public. The Commission has acknowledged that "numerous scientifically sound studies have found no statistically significant link between EMF emissions and poor health." Docket No. 05A-072E, Decision No. C06-1101 at ¶ 20 (September 19, 2006). For these reasons, a 150 mG or below level at 25 feet from the edge of right-of-way should be presumptively reasonable.

c. Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.; Rule 4 CCR 723-1-1303(b)) satisfactory for a combined application pertaining to *transmission facilities that are "in the ordinary course of business"* and reasonableness findings? If they are, then why? If they are not, then why not? If the current process and timing are not satisfactory, then what changes to the process do you propose? If a combined application is filed, does that fact change any of your responses to the questions asked above about the process for applications for transmission facilities that are "in the ordinary course of business"? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: Public Service does not recall any applications requesting noise and EMF reasonableness findings that did not also seek a CPCN. Public Service believes that this option should be available to utilities, however, and, since no need determination would be necessary in such an application, expedited scheduling would be appropriate, if desired by the applicant.

d. If the Commission were to promulgate rules establishing levels of projected noise and levels of projected EMF that are reasonable or are presumed to be reasonable, then would that address some or all of your concerns about the process applicable to a combined application pertaining to *transmission facilities that are "in the ordinary course of business"* and reasonableness findings? If it would, then why? If it would not, then why not? If a combined application is filed and if there are rules establishing levels of noise and of EMF that are reasonable or are presumed to be reasonable, does that fact change any of your responses to the questions asked above about the process for applications for

transmission facilities are "in the ordinary course of business"? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: See responses to 5(a), (b), and (c) above. The Commission's adoption of Public Service's suggestions for noise and EMF levels presumed to be reasonable may help expedite CPCN application proceedings.

e. Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.; Rule 4 CCR 723-1-1303(b)) satisfactory for a combined application pertaining to a CPCN for *transmission facilities that come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S.,* and reasonableness findings? If they are, then why? If they are not, then why not? If the current process and timing are not satisfactory, then what changes to the process do you propose? If a combined application is filed, does that fact change any of your responses to the questions asked above about the process for CPCN applications for transmission facilities that come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S.? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: See response to 2(e)(1), above.

f. If the Commission were to promulgate rules establishing levels of projected noise and levels of projected EMF that are reasonable or are presumed to be reasonable, then would that address some or all of your concerns about the process applicable to a combined application pertaining to a CPCN for *transmission facilities that come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S.,* and reasonableness findings? If it would, then why? If it would not, then why not? If a combined application is filed and if there are rules establishing levels of noise and of EMF that are reasonable or are presumed to be reasonable, does that fact change any of your responses to the questions asked above about the process for applications when the transmission facilities come within the scope of §§ 40-2-126(2)(b) and 40-2-126(4), C.R.S.? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: See responses to 2(e)(1), and 5(a), and (b), above.

g. Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.;

Rule 4 CCR 723-1-1303(b)) satisfactory for a combined application pertaining to a CPCN for *backbone transmission facilities* (or other term used in response to question no. 3.b) and reasonableness findings? If they are, then why? If they are not, then why not? If the current process and timing are not satisfactory, then what changes to the process do you propose? If a combined application is filed, does that fact change any of your responses to the questions asked above about the process for CPCN applications for backbone transmission facilities (or other term used in response to question no. 3.b)? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: There is no need for a separate definition of "backbone" transmission facilities if the Commission defines § 40-2-126(2)(b), C.R.S. appropriately (see responses 2(b) and 2(f)(1), above). If the Commission defines § 40-2-126(2)(b) facilities similarly to the Company's proposed definition, it is likely that backbone facilities (as informally defined by Public Service) will meet the statutory criteria and qualify for § 40-2-126(4) treatment. If a transmission facility does not meet such statutory criteria, the Company believes the § 40-6-109.5 procedures apply. See response to 2(e)(1) for the Company's satisfaction with § 40-6-109.5 procedures.

h. If the Commission were to promulgate rules establishing levels of projected noise and levels of projected EMF that are reasonable or are presumed to be reasonable, then would that address some or all of your concerns about the process applicable to a combined application pertaining to a CPCN for *backbone transmission facilities* (or other term used in response to question no. 3.b) and reasonableness findings? If it would, then why? If it would not, then why not? If a combined application is filed and if there are rules establishing levels of noise and of EMF that are reasonable or are presumed to be reasonable, does that fact change any of your responses to the questions asked above about the process for CPCN applications for backbone transmission facilities (or other term used in response to question no. 3.b)? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: See responses to 5(a), and (b), above. The Commission's adoption of Public Service's suggestions for noise and EMF levels presumed to be reasonable may help expedite CPCN application proceedings.

i. Are the current process for applications and the current timing for Commission decision on applications (*see* § 40-6-109.5, C.R.S.; Rule 4 CCR 723-1-1303(b)) satisfactory for a combined application pertaining to a CPCN for *transmission facilities that do not fall within one of the other categories* and reasonableness findings? If they are, then why? If they are not, then why not? If the current process and timing are not satisfactory, then what changes to the process do you propose? If a combined application is filed, does that fact change any of your responses to the questions asked above about the process for CPCN applications for transmission facilities that do not fall within one of the other categories? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: . See response to 2(e)(1).

j. If the Commission were to promulgate rules establishing levels of projected noise and levels of projected EMF that are reasonable or are presumed to be reasonable, then would that address some or all of your concerns about the process applicable to a combined application pertaining to a CPCN *transmission facilities that do not fall within one of the other categories* and reasonableness findings? If it would, then why? If it would not, then why not? If a combined application is filed and if there are rules establishing levels of noise and of EMF that are reasonable or are presumed to be reasonable, does that fact change any of your responses to the questions asked above about the process for CPCN applications for transmission facilities that do not fall within one of the other categories? If it does, then identify and explain the changes in your responses. Please explain your responses.

Response: See responses to 5(a), and (b), above. The Commission's adoption of Public Service's suggestions for noise and EMF levels presumed to be reasonable may help expedite CPCN application proceedings.

k. With respect to the information that Commission rules require to be filed with a combined application, (1) is too much information required; (2) is the amount of information required sufficient (or just

right); or (3) is too little information required? Please explain your response.

(1) If too much information is required, then what information should be eliminated? Please explain your response.

(2) If too little information is required, then what additional information should be required to be filed? Please explain your response.

Response: See above.

III. REQUEST TO PARTICIPATE

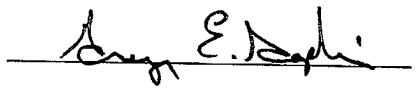
In the Interim Order, the Commission indicated that entities should designate a representative who will participate in the March 30th workshop. Given the nature of the issues being addressed – a mixture of legal/regulatory and technical issues – Public Service would request that it be allowed two representatives if possible: a legal or regulatory person (likely William Dudley or Robin Kittel) and a technical person (likely Gerald Stellern or Teresa Mogensen).

IV. CONCLUSION

Public Service appreciates the opportunity to provide its thoughts on transmission-related rules and procedures at the Commission, and looks forward to the March 30, 2009 workshop.

Dated this 23rd day of March, 2009.

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2009, the original and seven (7) copies of the **"PUBLIC SERVICE COMPANY OF COLORADO'S COMMENTS FOR MARCH 30, 2009 WORKSHOP"** set forth in Decision No. R09-0269-I in Docket No. 08I-227E was served via hand delivery on:

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