

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 3 RULES REGULATING ELECTRIC UTILITIES

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[indicates omission of unaffected rules]

3102. Certificate of Public Convenience and Necessity for Facilities.

- (a) A utility seeking authority to construct and to operate a facility or an extension of a facility pursuant to § 40-5-101, C.R.S., shall file an application pursuant to this rule.
 - (I) If the facility is not a transmission facility, the utility need not apply to the Commission for approval of construction and operation of the facility or an extension of the facility which is in the ordinary course of business. The utility shall apply to the Commission for approval of construction and operation of a facility or an extension of a facility which is not in the ordinary course of business.
 - (II) If the facility is a transmission facility, in addition to the requirements in paragraph (b) of this rule, the utility shall comply with rule 3206.
- (b) An application for certificate of public convenience and necessity to construct and to operate facilities or an extension of a facility pursuant to § 40-5-101, C.R.S., shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:
 - (I) The information required in paragraphs 3002(b) and 3002(c).
 - (II) A statement of the facts (not conclusory statements) relied upon by the applying utility to show that the public convenience and necessity require the granting of the application or citation to any Commission decision that is relevant to the proposed facilities.
 - (III) A description of the proposed facilities to be constructed.
 - (IV) Estimated cost of the proposed facilities to be constructed.
 - (V) Anticipated construction start date, construction period, and in-service date.
 - (VI) A map showing the general area or actual locations where facilities will be constructed, population centers, major highways, and county and state boundaries.
 - (VII) As applicable, electric one-line diagrams.

- (VIII) As applicable, information on alternatives studied, costs for those alternatives, and criteria used to rank or eliminate alternatives.
- (IX) As applicable, a report of prudent avoidance measures considered and justification for the measures selected to be implemented.
- (X) For construction or extension of transmission facilities, the technical analyses performed for the selection of the proposed project, and alternatives.

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[indicates omission of unaffected rules]

3206. Construction or Extension of Transmission Facilities.

- (a) Applicability. No utility and no cooperative electric association that has voted to exempt itself pursuant to § 40-9.5-103, C.R.S., may commence new construction, or extension of transmission facilities or projects until either the Commission notifies the utility or cooperative electric association that such facilities or projects do not require a certificate of public convenience and necessity (CPCN) or the Commission issues a certificate of public convenience and necessity. Cooperative electric associations that have elected to exempt themselves from the Public Utilities Law pursuant to § 40-9.5-103, C.R.S., do not need a certificate of public convenience and necessity for new construction or extension of transmission facilities or projects when such construction or expansion is contained entirely within the cooperative's certificated area.
- (b) CPCN requirements for new transmission facilities. For all parties subject to paragraph (a) of this rule, a certificate of public convenience and necessity will be required for all new projects designed at 230 kV and above, even if these projects will be initially operated at a lower voltage. In addition, a certificate of public convenience and necessity will be required for new 115 kV projects if they do not meet the noise and magnetic field thresholds in paragraphs (f) and (g) of this rule or the long range plan described in paragraph (h), or if the Commission determines that they have unusual system impact or expense. The projects requiring a certificate of public convenience and necessity under the terms of this paragraph (b) are not in the ordinary course of business. In any event, the utility or cooperative electric association may request a certificate of public convenience and necessity for any project.
- (c) CPCN requirements for extension of transmission facilities. For all parties subject to paragraph (a) of this rule, the following modifications are not in the ordinary course of business and shall require a certificate of public convenience and necessity:
 - (I) Modification to an existing transmission line with a voltage of 230 kV and above that increases the continuous MVA rating;
 - (II) Modification to an existing transmission line with a voltage of 115 kV or less, including increasing the continuous MVA rating, wherein either the noise or magnetic field thresholds in paragraphs (f) and (g) of this rule are exceeded;
 - (III) Modification of the transmission facility so that it will be operated at a higher voltage, with or without conductor replacement; and

- (IV) Extensions of existing 230 kV substations that require acquisition of additional land for expansion of the substation yard.
- (d) Annual report for planned transmission facilities. No later than April 30 of each year, each electric utility and each cooperative electric association that has voted to exempt itself pursuant to § 40-9.5-103, C.R.S., shall file with the Commission its proposed new construction or extension of transmission facilities for the next three calendar years, commencing with the year following the filing. This filing shall also include projects with an in-service date within five years of the filing. The filing shall contain a reference to all such proposed new construction or extensions, regardless of whether the utility or cooperative electric association has referenced such new construction or extensions in prior annual filings. Further, amended filings or filings of an emergency nature outside the April 30 timeframe are permitted. The report can request a determination that 115 kV projects that meet the requirements outlined in paragraph (b) of this rule do not need a certificate of public convenience and necessity. For each project, the filing shall contain the following:
- (I) The name, proposed location, and function or purpose of the project, including:
 - (A) If the project is a substation or related facility, the voltage level and the continuous MVA rating of major equipment.
 - (B) If the project is a transmission line, the voltage, the length in miles, the continuous MVA rating, and the substation termination points.
 - (II) The estimated cost of the project.
 - (III) The projected date for the start of construction, the estimated date of completion, and the estimated in-service date.
- (e) Annual report for ongoing transmission projects. In addition to the information provided in paragraph (d) of this rule, the filing shall provide the following information:
- (I) For all projects that have been referenced in prior filings, an update of the status of, and any changes to (including cancellations), such projects. Once a project is reported as completed, its status can be removed in subsequent filings.
 - (II) A listing of all projects completed during the past calendar year which have not been referenced in prior filings. Examples of such projects include, but are not limited to, the following:
 - (A) New transformers, breakers, or capacitor banks 115 kV or higher, or replacement of such equipment with larger equipment.
 - (B) The raising and/or strategic placement of transmission structures in order to raise the conductor.
 - (C) Modification to 115 kV and below transmission lines, including modification of the continuous MVA rating. If the modification increases the projected noise and EMF levels, the new values shall be reported.
 - (D) Expansion of existing 115 kV and below substations that required the acquisition of additional land.

- (f) Electromagnetic fields. This paragraph (f) applies to any application for a certificate of public convenience and necessity or any filing made pursuant to paragraph (d) of this rule for which the Commission is requested to determine that a 115 kV project does not need a certificate of public convenience and necessity. The filing shall include the expected level of electromagnetic fields (EMF) at the edge of the transmission line right-of-way or substation boundary, at a location one meter above the ground.
- (I) In the event there is no defined transmission line right-of-way or the transmission line is located at the edge of a highway or railroad right-of-way, then the measurement will be taken at a point 50 feet from the vertical projection onto the ground of the outermost conductor.
 - (II) For a right-of-way containing a single circuit, the EMF level will be presented at the continuous MVA rating of that circuit.
 - (III) For a right-of-way containing multiple circuits, the EMF level will be presented with one circuit out of service and the remaining circuits at their continuous MVA rating.
 - (IV) A level of EMF 150 mG (milliGauss) and below is not subject to further review and need not be mitigated to a lower level.
 - (V) If the projected EMF level is above 150 mG, then the filing must present a range of alternatives (e.g., different spatial arrangement of conductors, higher structures, wider rights-of-way, undergrounding lines), and associated costs, that reduces the EMF level to 150 mG.
 - (VI) In the instance where the EMF level cannot be reduced to 150 mG, then the filing must present a range of alternatives, and associated costs, that reduces the EMF level to the lowest possible level.
 - (VII) If either subparagraph (f)(V) or (f)(VI) is applicable, then the filing must also describe the efforts and associated costs to route the line away from concentrated population and group facilities such as schools and hospitals.
 - (VIII) If either subparagraph (f)(V) or (f)(VI) is applicable, the Commission shall weigh the societal, engineering, and economic considerations of the project as originally proposed, and the alternatives in determining whether the certificate of public need and necessity should be granted.
- (g) Noise. This paragraph (g) applies to any application for a certificate of public convenience and necessity or any filing made pursuant to paragraph (d) of this rule for which the Commission is requested to determine that a 115 kV project does not need a certificate of public convenience and necessity. The filing shall include the projected level of noise radiating beyond the property line at a distance of 25 feet.
- (I) The filing shall provide computer studies which show the potential level of noise expressed in db(A). These computer studies shall be the output of utility standard programs, such as EPRI's EMF Workstation 2.51 ENVIRO Program -- Bonneville Power Administration model and use the assumption that the proposed facility is operating at its highest continuous design voltage.
 - (II) A level of noise at or below the values listed is not subject to further review and need not be mitigated to a lower level.

- (A) Residential and agricultural 50 db(A)
 - (B) Commercial 55 db(A)
 - (C) Light industrial 65 db(A)
 - (D) Industrial 75 db(A)
- (III) If the projected level of noise does not meet the threshold limits in subparagraph (g)(II), then the filing must present a range of alternatives (larger conductors, bundled conductors, different spatial arrangement of conductors, higher structures, wider rights-of-way), and associated costs, that reduces the level of noise to the proper threshold value.
- (IV) In the instance where the level of noise cannot be reduced to the threshold limits in subparagraph (g)(II), then the filing must present a range of alternatives, and associated costs, that reduces the level of noise to the lowest possible level,
- (V) If either subparagraph (g)(III) or (g)(IV) is applicable, the filing must also describe the efforts and associated costs to route the line away from concentrated population and group facilities such as schools and hospitals.
- (VI) If either subparagraph (g)(III) or (g)(IV) is applicable, the Commission shall weigh the societal, engineering, and economic considerations of the project as originally proposed, and the alternatives in determining whether the certificate of public convenience and necessity should be granted.
- (h) Long range planning. This paragraph (h) applies to any application for a certificate of public convenience and necessity or any filing made pursuant to paragraph (d) of this rule for which the Commission is requested to determine that a 115 kV project does not need a certificate of public convenience and necessity. The filing shall explain how the proposed project is compatible with the conceptual 20 and 30 year needs of the transmission system.
- (I) If the proposed project is a transmission line, then the discussion should address the initial and ultimate design operating voltage, the initial and ultimate right-of-way needs, and the initial and ultimate noise and EMF projections.
 - (II) If the proposed project is a substation, then the discussion should describe the initial and ultimate electrical configuration, the initial and ultimate property requirements, and initial and ultimate noise and EMF projections.
 - (III) If the conceptual 20 and 30 year long range plan has been submitted to the Commission and evaluated in a separate docket, and addresses the long term rights-of-way needs, the ultimate number and voltage of transmission lines required, the ultimate substation electrical configuration requirements, and the initial and ultimate noise and EMF projections, then the current filing merely needs to reference that docket. In this instance, the substance of that long range plan will not be at issue in the current filing.
- (i) Review of annual report. Filings made in accord with paragraph (d) of this rule will be evaluated in the following manner:
- (I) The Commission shall give notice within 15 days of the filing to the parties it believes to be interested in the subject matter of the filing.

- (II) Any interested party may file comments within 30 days of the notice referenced in subparagraph (i)(I).
- (III) Commission Staff shall review the filing and any comments received and shall make its recommendations within the 15 days following the end of the notice period.
- (j) Service connections. All parties subject to paragraph (a) of this rule shall install and maintain service connections from transmission extensions consistent with conditions contained in the utility's tariff.

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[indicates omission of unaffected rules]