

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

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

**COMMENTS OF TRI-STATE GENERATION
AND TRANSMISSION ASSOCIATION, INC.**

Tri-State Generation and Transmission Association, Inc. (“Tri-State”), by and through its undersigned counsel, hereby submits the following Comments in response to Decision No. R09-0390-I, the Interim Order of Hearing Commissioner James K. Tarpey Requesting Comments (the “Order”). By filing these comments, Tri-State does not concede any expansion of Commission jurisdiction over its resource or transmission planning activities.

1. Tri-State appreciates the opportunity to provide comments with respect to those topics identified in the Order, i.e., default levels of reasonableness for EMF and noise levels, right-of-way widths, conductor configuration, and transmission structure design. Tri-State believes that the Commission can provide more certainty in the CPCN process for transmission facilities by adopting uniform standards for EMF and noise.

2. EMF/Noise. With respect to EMF and noise, Tri-State has not typically requested reasonableness findings given the rural location of most of its transmission facilities. However, Tri-State may request such findings in future CPCN applications and it supports the adoption by the Commission of default standards for EMF and noise levels for transmission facilities. With a default standard, the projected noise and EMF levels for a transmission project that did not exceed the standards would be presumed reasonable absent a showing of extraordinary facts that would require more stringent noise and/or EMF levels.

Tri-State recommends a default noise standard of 50 dBA at the edge of the right-of-way, and a default EMF level of 150 mG at the edge of the right-of-way. These standards are consistent with the standards that have been adopted in other states, and Tri-State supports a Commission rule that would create these default standards. The rule would allow the Commission to deviate from these standards only upon a showing by a party to a CPCN case that extraordinary circumstances exist which justify such a deviation.

3. Right-of-way Widths. The expected width of the right-of-way needed for a proposed transmission project is information that would typically be included in a CPCN application. Tri-State supports a requirement that this information be included in all CPCN applications so that the Commission can evaluate the expected performance of a proposed transmission line as it relates to EMF and noise. However, utilities must be allowed sufficient flexibility in the determination of adequate right-of-way widths in order to meet the clearance standards established by the National Electric Safety Code as well as, in Tri-State's case, requirements placed on projects by the Rural Utilities Service. Therefore, Tri-State does not support a standard right-of-way width for transmission projects.

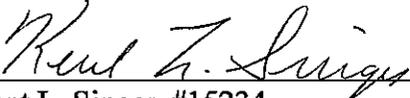
4. Conductor Sizes and Structure Design. Tri-State also supports a requirement that utilities be required to file information concerning conductor sizes and structure designs in all CPCN applications. However, the PUC should not develop its own standards related to conductors and structures because there are already national and international bodies which have established such standards. Tri-State does not support the adoption of specific standards by the Commission because that would interfere with the ability of utilities to adapt new technology for a particular application, and it would restrict the ability of utilities to adopt unique engineering solutions to address unique problems. The Commission's adoption of

standards in this area would possibly stifle innovation with respect to new material and design technologies. Utilities must retain sufficient flexibility to balance engineering and design issues with other issues such as noise, EMF, performance, and project costs.

Tri-State appreciates the opportunity to present these Comments to the Commission for consideration in this Docket.

Respectfully submitted this 27th day of April, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2009, I served an original and ten copies of the foregoing **COMMENTS OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.** on the Colorado Public Utilities Commission by handing to and leaving the same with the Executive Director of the Commission, Mr. Doug Dean.

