

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 08I-227E

IN THE MATTER OF THE INVESTIGATION OF ELECTRIC TRANSMISSION ISSUES
AND THE OPENING OF AN INVESTIGATORY DOCKET

COMMENTS OF WESTERN RESOURCE ADVOCATES

I. Introduction

Western Resource Advocates (WRA) appreciates the opportunity to comment on the Commission's concept paper for draft emergency transmission rules pursuant to its order dated January 28, 2009. As requested, WRA's comments are provided in the attached redlined version of the Commission's concept paper. Given the relatively quick turnaround time for the comments on the emergency rules, WRA may provide more extensive comments for the proposed permanent rulemaking.

II. Smart Lines

Our redlined comments on the concept paper were guided by our 2008 report, *Smart Lines: Transmission for the Renewable Energy Economy* (attached and also available at www.westernresourceadvocates.org/energy/pdf/SmartLines_Final.pdf). This report develops four central transmission planning principles that WRA believes are critically important for the successful transition to Colorado's new energy economy. These principles are:

1. Efficiency first: Employ demand-side management to reduce the amount of energy, and therefore transmission, needed to import from outlying generation sources.
2. Maximize the existing grid through technical upgrades and utilizing existing power line, pipe line, railroad and transportation rights-of-way to minimize impacts.
3. Connect clean and renewable energy resources to move Colorado to a new energy economy.
4. Ensure long-lasting protection for public lands and wildlife resources. Early-on consideration of these factors, instead of at the end of transmission planning, is essential to direct projects to the best locations with least environmental impacts. Transmission planning must be integrated with utility resource planning over a long planning horizon (e.g., 10-year load forecasts) to ensure that transmission is built to accommodate the likely renewable energy build out in zones over the long-term, instead of traditional

transmission planning that typically is designed for interconnecting one project at a time. Comprehensive and long-term transmission planning for renewables can minimize environmental impacts by avoiding duplicate power lines and/or rights-of-way interconnecting wind and solar-rich areas.

Our attached redlined edits to the concept paper are designed to incorporate these important transmission planning principles into the emergency rules.

Respectfully submitted,



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Proposed Emergency Rules For Electric transmission Lines

The emergency rules will initially mainly affect 4 *Colorado Code of Regulations (CCR) 723-3-3102 Certificates of Public Convenience and Necessity for Facilities* and 4 *CCR 723-3-3206 Construction or Extension of Transmission Facilities*. Both of these sections have similar language and the additional language will be codified in the appropriate places as part of the rules. Proposed additions to Commission rules in an emergency rulemaking are as follows:

1. Transmission facilities not needing a certificate of public convenience and necessity (CPCN) are considered to be “in the normal course of business.” A separate and clear meaning/definition of what this statement means would include statements such as: Distribution facilities are considered in the normal course of business. For ~~Rural~~ Cooperative Electric Associations and Municipals, transmission facilities are considered in the normal course of business if they are constructed within their service territory. Uprates (minor fixes such as adding towers to raise the conductor or only replacing the conductor) of transmission facilities are considered in the normal course of business. A transmission line less than 230kV that connects to a substation with a distribution voltage should be considered in the normal course of business. Land purchased to expand the size of an existing substation should be considered in the normal course of business.
2. For transmission facilities constructed in the normal course of business, by default shall be built to meet the prudent avoidance rules for EMF, 4 *Colorado Code of Regulations (CCR) 723-3-3102(d)* and *3206(d)*, and meet the noise state standards found in *C.R.S. § 25-12-103(1)* as it pertains to residential zones this is a maximum of 50 dB(A) at a distance 25 feet from the edge of the ROW.
3. The following guidelines will be used to determine when a transmission project requires a CPCN determination: a) If the transmission project, including substations and switching stations, affects the reliability of the bulk power transmission system of the State of Colorado; b) If a transmission line begins/ends in Colorado but terminates outside the state of Colorado; c) If a transmission line interconnects with another utility; d) If the transmission project is jointly owned with others; e) If a transmission line is over 35 miles long; f) If a transmission line is 230kV and higher in voltage; g) If the transmission project cost is higher than \$7.0 million; h) If a transmission line traverses environmentally/politically sensitive areas; i) If the transmission project is the first of its kind in the area;
~~j) How the project addresses/mitigates EMF and corona noise; k) How the project fits in with future planning transmission needs.~~

4. The utility will file with its CPCN application, any and all short-term (<u>less than 10 years</u>) and long-term (20-40 years) transmission system planning studies it has performed corresponding to the specific transmission project it seeks CPCN approval from the Commission. Studies shall include, but are not limited to, steady-state power flow studies, an assessment of all current transmission facilities including available transfer capacities, stability studies when necessary, and fault/short circuit studies when necessary. The utility will provide information about the type and amount of expected generation that will interconnect with proposed transmission facilities. In the case of utilities that have resource plans approved by the Commission, those utilities proposing transmission facilities will specifically link transmission proposals to approved and/or pending resource plans. With its CPCN application for proposed transmission facilities, the utility will provide: (a) “non-transmission” alternatives including how demand side management and distributed generation resources may obviate or lessen the need for the proposed transmission facilities; and (b) an assessment and analysis relating to how existing rights-of-way and transmission facilities can be utilized and/or upgraded to fully or partially meet expected power transfer needs.
5. The utility shall file with its CPCN application information about how it has coordinated transmission planning with other transmission owners and that the proposed facilities are part of a long-term and coordinated transmission plan and how the project fits in with future planning transmission needs.
6. ~~5~~The utility will file with its CPCN application, documentation it has received from any subregional (Colorado Coordinated Planning Group), regional planning groups (WestConnect), and the Western Electricity Coordinating Council/Transmission Expansion Planning Policy Committee approving the proposed plan and project corresponding to the system planning study.
76. The utility will file with its CPCN application, EMF and audible corona noise studies consistent with the above study results and that meet the standards found in C.R.S. § 25-12-103(1) and 4 CCR 723-3-3102(d) and 3206(d), and describe how the project addresses/mitigates EMF and corona noise. These EMF and corona noise studies shall be submitted for the ultimate construction plan of the transmission facility for which the utility seeks CPCN approval.
87. The utility will file with its CPCN application, detailed land zoning, land use, and relevant land use information along the entire corridor to which this CPCN application applies. This information will completely inform the Commission so appropriate decisions can be made with regard to the audible noise statute *C.R.S. § 25-12-103(1)*.

9. Before granting a CPCN for proposed transmission facilities, the Commission shall find that: (a) all cost-effective demand side management efforts and distributed generation resources have been and will be taken as “non-transmission” alternatives to meet future energy demand; (b) to the maximum extent practicable, all existing rights-of-way are utilized for locating proposed transmission facilities and existing transmission facilities are upgraded (e.g., higher voltage class, more efficient conductors) to fully or partially meet anticipated power transfer requirements; (c) the proposed transmission investments facilitate the interconnection of clean, renewable sources of energy such as wind or solar; and (d) the utility has demonstrated that it has consulted with the Colorado Division of Wildlife and other interested parties that the location and operation of the proposed transmission facilities will account for and minimize impacts to Colorado’s land, wildlife, scenic and other natural resources.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February 2009, the original and 7 copies of the **Comments of Western Resource Advocates** were sent to Doug Dean, Director, Colorado Public Utilities Commission, 1560 Broadway Suite 250, Denver CO 80202, and a copy was e-mailed to each of the following:

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