

(Decision No. C85-245)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
TRI-STATE GENERATION AND TRANSMIS- )  
SION, INC., AND COLORADO-UTE ELEC- )  
TRIC ASSOCIATION, INC., FOR A CERT- )  
IFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT A 345 KV )  
TRANSMISSION LINE, WHICH LINE WILL )  
INITIALLY BE OPERATED AT 230 KV )  
PROPOSED TO ORIGINATE AT THE HAYDEN, )  
COLORADO SUBSTATION OF THE UNITED )  
STATES OF AMERICA, AND TERMINATE AT )  
A POINT ON THE ELECTRIC SYSTEM OF )  
PUBLIC SERVICE COMPANY OF COLORADO )  
TO BE KNOWN AS THE BLUE RIVER SUB- )  
STATION NEAR DILLON, COLORADO, TO- )  
GETHER WITH ASSOCIATED EQUIPMENT, )  
SUCH LINE AND EQUIPMENT TO BE KNOWN )  
AS THE HAYDEN-BLUE RIVER PROJECT. )

APPLICATION NO. 33419

ORDER OF THE COMMISSION  
AMENDING DECISION NO. R81-770,  
DATED APRIL 27, 1981

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February 20, 1985  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 20, 1984, Tri-State Generation and Transmission Association, Inc., hereinafter Applicant or Tri-State, and Colorado-Ute Electric Association, Inc., hereinafter Applicant or Colorado-Ute, filed a Motion to Amend Decision No. R81-770, dated April 27, 1981. In support of their motion, the Applicants stated as follows:

1. By Paragraph No. 1 of the Order portion of the aforesaid Decision, the Commission (acting by Hearings Examiner Robert E. Temmer), ordered as follows:

"1. Application No. 33419 entitled in the Matter of the Application of Tri-State Generation and Transmission Association, Inc., and Colorado-Ute Electric Association, Inc., for a certificate of public convenience and necessity to construct a 345 kv transmission line, which line will initially be operated at 230 kv, proposed to originate at the Hayden, Colorado, Substation of the United States of America, and terminate at a point on the electric system of Public Service Company of Colorado to be known as the Blue River Substation near Dillon, Colorado, together with associated equipment, such line and equipment to be known as the Hayden-Blue River Project, be, and hereby is, granted, and this shall be a Certificate of Public Convenience and Necessity therefor."

2. By Paragraph No. 2 of the Order portion of the aforesaid Decision, the Commission (acting by Hearings Examiner Temmer), ordered as follows:

"This Commission shall retain jurisdiction of this matter to the end that it may make such further order or orders as it may deem to be proper or desirable."

3. By Paragraph No. 7 of the Findings portion of the aforesaid decision, the Commission (acting by Hearings Examiner Temmer), found as follows:

"The aforesaid five parties have negotiated a Participation Agreement (Exhibit No. 4) which, among other things, provides that the parties will have ownership interests, cost responsibilities and firm capacity entitlements as follows:

<u>Party</u>	<u>Ownership Interests</u>	<u>Cost Responsibilities</u>	<u>Firm Capacity Entitlements</u>
Tri-State	55 5/9%	50%	50%
Colorado-Ute	22 2/9%	20%	20%
Platte River	22 2/9%	20%	20%
United States	0 %	10%	10%
Public Service	0 %	0%	0%

In this Agreement Tri-State is designated as the Project Manager for the Project and as the Construction Manager for the Hayden-Blue River Transmission Line; the United States is designated as the Construction Manager for the Hayden Substation termination facilities; and Public Service Company is designated as the Construction Manager for the Blue River Substation termination facilities."

4. No exceptions were taken to the foregoing Recommended Decision, and thus the same became a Commission Decision by operation of law.

5. Because of changes in circumstances since 1981, the Participants in the Hayden-Blue River Project have agreed to amend the Participation Agreement, generally whereby Tri-State's cost and construction responsibilities will be reduced, the cost responsibilities of the other Participants will be increased, and the construction responsibilities of the Western Area Power Administration (Western) will be increased.

The amendments agreed to by the Parties are set forth in the Hayden-Blue River Participation Agreement, Amendment No. 1, dated 1984, an unsigned copy of which is attached as Exhibit 1. The Amendment No. 1 has been agreed to by the parties thereto and is currently being circulated to said parties for execution. A conformed copy of the executed Amendment No. 1 will be filed with the Commission after it has been signed by all parties. Pursuant to Amendment No. 1, Western will be the Project Manager and Construction Manager for the Gore Pass-Blue River segment of the transmission line; Tri-State will remain Project Manager and Construction Manager for the Hayden-Gore Pass segment of the line.

The ownership interests, cost responsibilities and firm capacity entitlements will be changed from those set forth in paragraph 3 above, to the following:

Party	Ownership Interests			Cost Responsibilities	Firm Capacity Entitlements
	Hayden-Gore-Pass	Gore Pass-Blue-River			
Tri-State	43	23/39%	0%	34%	34%
Colorado-Ute	28	8/39%	0%	22%	22%
Platte River	28	8/39%	0%	22%	22%
Western (United States)		0%	100%	22%	22%
Public Service		0%	0%	0%	0%

6. By way of summary: (1) The same facilities are to be constructed as were authorized by Decision No. R81-770; (2) Western will now have responsibility for construction of the Gore Pass-Blue River transmission line segment of the Project; and (3) the cost responsibilities, construction responsibilities, ownership interests, and capacity entitlements are as set forth above.

7. Under § 40-6-112(1), C.R.S. the Commission, at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, may, inter alia, amend any decision made by it.

8. The order portion of Decision No. R81-770 requires no amendment; however, certain of the findings set forth in Finding of Fact No. 7 should be changed in view of the modifications agreed to by the Participants, as set forth in Paragraph No. 5 above.

9. Under § 40-6-109(5) C.R.S. and Rule 17 of the Commission's Rules of Practice and Procedure, the within Motion may be granted without a public hearing if no protests, objections or petitions to intervene are filed. Movants request that this Motion be determined without a formal oral hearing and without further notice, if no protests, objects or petitions to intervene are filed.

10. In accordance with the provisions of the aforesaid Rule 17, this Motion is verified by representatives of both Tri-State and Colorado-Ute.

On January 14, 1985, the Commission gave notice, pursuant to § 40-6-112(1), C.R.S. that the Commission may rescind, alter, or amend Decision No. R81-770, dated April 27, 1981, in the matters requested by Tri-State and Colorado-Ute in their Motion to Amend Decision No. R81-770, which motion was filed on December 20, 1984.

No objections, protests, or motions to intervene have been filed with respect to the aforesaid motion. On February 5, 1985, the Department of Energy filed a letter in which it advised that it did not desire to be heard in this proceeding and it waived its right to do so and requested that the Commission grant the motion filed by Tri-State and Colorado-Ute at the earliest possible date.

On January 28, 1985, the attorney for the Applicant transmitted a conformed copy of the Hayden-Blue River Participation Agreement, Amendment No. 1, showing, on page 1 thereof, the date of the amendment, and further showing, on later pages thereof, the signatures of the various parties to the amendment and requested that the Commission accept said document for filing.

Premises considered, the Commission finds that it may determine the motion filed by Tri-State and Colorado-Ute without the necessity of a hearing. The Commission further finds that no change in the ordering paragraphs of Decision No. R81-770 need be made, but that the following supplemental finding should be entered by the Commission.

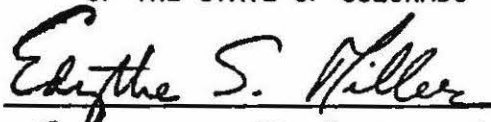
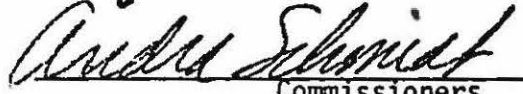
THEREFORE THE COMMISSION ORDERS THAT:

1. As a supplemental finding to Decision No. R81-770, dated April 27, 1981, the Commission hereby approves the revised cost and construction responsibilities as are set forth in paragraph 5 of the Motion to Amend Decision No. R81-770, dated April 27, 1981, filed by Tri-State Generation and Transmission Association, Inc. and Colorado-Ute Electric Association, Inc., which are set forth in paragraphs 5 and 6 of the Motion to Amend Decision No. R81-770, which motion was filed with this Commission on December 20, 1984 and which is set forth in full above.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of February 1985.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

COMMISSIONER RONALD L. LEHR ABSENT