

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-3**

##### **PART 3 RULES REGULATING ELECTRIC UTILITIES**

#### **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. The utility need not apply to the Commission for approval of construction and operation of a facility or an extension of a 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.
- (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 rules 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. If the facility is a transmission facility, the estimated costs shall be itemized as land costs, substation costs, and transmission line costs.
  - (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 transmission construction or extension, the utility shall also comply with rule 3206.

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**3206. Construction or Extension of Transmission Facilities.**

- (a) No utility and no cooperative electric association which 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 that such facilities or projects do not require a certificate of public convenience and necessity or the Commission issues a certificate of public convenience and necessity. Rural electric cooperatives which 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. New transmission facilities that require a CPCN pursuant to this paragraph are not in the ordinary course of business. However, any utility may request a CPCN for any new transmission facility that does not require a CPCN under this paragraph. All utilities and electric cooperative associations subject to paragraph (a) of this rule shall be required to file a CPCN application for all new transmission facilities that meet one of the following criteria:
- (I) Transmission facilities designed at 230 kV or above, even if initially operated at a lower voltage. However, a radial transmission line designed at 230 kV or above that serves a single retail customer and terminates at that customer's premises will not require a CPCN application.
- (II) Transmission facilities designed at 115 kV or 138 kV, if:
- (A) The facilities do not meet the noise and magnetic field thresholds in paragraphs (e) and (f) of this rule; or
- (B) The Commission determines that the facilities are not in the ordinary course of business.
- (c) CPCN requirements for extension of transmission facilities. Any utility or electric cooperative association may request a CPCN for an extension of transmission facilities that would not otherwise require an application for a CPCN under this rule. For all utilities and electric cooperative associations subject to paragraph (a) of this rule, the following modifications are not in the ordinary course of business and shall require a CPCN:
- (I) Modification to any existing transmission facility that results in an increase in the noise or magnetic field levels and such levels are above the thresholds in paragraphs (e) and (f).
- (II) Modification to any existing transmission facility so that it will be operated at a higher voltage, with or without conductor replacement:
- (A) Unless a CPCN has already been approved for the operation of the transmission facility at the higher voltage; or

- (B) Unless the upgrade is to a voltage less than 230 kV, and the noise and magnetic field thresholds in paragraphs (e) and (f) are met.
- (d) Annual report for planned transmission facilities. No later than April 30 of each year, each electric utility and each cooperative electric association which 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. 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. Amended filings or filings of an emergency nature are permitted at any time. By submitting the proper information, the report may request a decision that projects are in the ordinary course of business and do not require a CPCN.
  - (I) The filing shall contain the following information for each project:
    - (A) The name, proposed location, and function or purpose of the project.
    - (B) If the project is a substation or related facilities: the voltage level and the MVA rating of transformers and shunt capacitors.
    - (C) If the project is a transmission line: the voltage, the length in miles, the continuous MVA rating, and the substation termination points.
    - (D) The estimated cost of the project.
    - (E) The projected date for the start of construction, the estimated date of completion, and the estimated in-service date.
    - (F) For new construction or extensions that were included in prior annual filings, an update of the status of, and any changes to, such new construction or extensions. Once a project is reported as completed or cancelled, its status can be removed in subsequent filings.
  - (II) Review of annual report. Filings made in accordance with this paragraph will be reviewed pursuant to the following schedule:
    - (A) The Commission will give notice of each filing made pursuant to this rule to all those who it believes may be interested. Any interested person may file comments regarding the projects by June 15.
    - (B) The Staff shall review the filing and any comments received and shall make recommendations to the Commission by July 1.
- (e) Magnetic fields. This paragraph applies to any application for a CPCN or any filing made pursuant to paragraph (d) of this rule for which the Commission is requested to determine that a project does not require a CPCN. The filing shall include the expected maximum level of magnetic fields that could be experienced under design conditions at the edge of the transmission line right-of-way or substation boundary, at a location one meter above the ground.
  - (I) For a right-of-way containing a single circuit, the magnetic field level will be presented at the continuous MVA rating of that circuit.

- (II) For a right-of-way containing multiple circuits, the magnetic field level will be presented with all circuits at their continuous MVA rating.
  - (III) Proposed magnetic field levels of 150 mG (milliGauss) and below are deemed reasonable by rule and need not be mitigated to a lower level. Proposed magnetic field levels above 150 mG will be subject to further review.
  - (IV) If the magnetic field level for the proposed project is above 150mG, then the filing must present an alternative (e.g., different spatial arrangements of conductors, higher structures, wider rights-of-way, undergrounding lines, etc.), and associated costs, that reduces the magnetic field level to 150 mG. The applicant may also present other alternatives that yield intermediate magnetic field levels for the Commission's consideration.
  - (V) In the instance when the magnetic field level cannot be reduced to 150mG or below, the filing must present an alternative, and associated costs, that would reduce the magnetic field level to the lowest possible level. The applicant may also present other alternatives yielding intermediate magnetic field levels for the Commission's consideration.
  - (VI) If either subparagraph (IV) or (V) 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.
  - (VII) If either subparagraph (IV) or (V) is applicable, the Commission shall weigh the societal, engineering, and economic considerations of the project as proposed and the alternatives presented in determining whether the CPCN should be granted.
- (f) Noise. This paragraph applies to any application for a CPCN or any filing made pursuant to paragraph (d) of this rule for which the Commission is requested to determine that a project does not require a CPCN. The filing shall include the projected level of noise radiating beyond the property line or right-of-way (as applicable) 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 under L<sub>50</sub> rain conditions.
  - (II) Proposed levels of noise at or below the values listed are deemed reasonable by rule and need not be mitigated to a lower level.
    - (A) Residential 50 db(A)
    - (B) Commercial 55 db(A)
    - (C) Light industrial 65 db(A)
    - (D) Industrial 75 db(A)
  - (III) If the zoning designation that has been assigned by the local zoning regulatory agency for a specific segment of the transmission project is not listed in

subparagraph (II), the applicant shall reference the noise threshold corresponding to the zoning designation that most closely represents the predominant use of the land in question, with consideration given to the surrounding area. To support its selection of the applicable noise threshold, the applicant shall present information related, among other things, to the projected use of the land and surrounding area in the near term future. However, the noise level will not be subject to further review if the applicant proposes a noise threshold of 50 db(A) or below regardless of the use of the land.

- (IV) If the projected level of noise does not meet the threshold limits in subparagraph (II), then the filing must present an alternative (e.g., larger conductors, bundled conductors, different spatial arrangements of conductors, higher structures, wider rights-of-way, etc.) and associated costs, that reduces the level of noise to the proper threshold level. The applicant may also present other alternatives yielding intermediate noise levels for the Commission's consideration.
  - (V) In the instance where the level of noise cannot be reduced to the threshold levels in subparagraph (II), then the filing must present an alternative and associated costs that would reduce the level of noise to the lowest possible level. The applicant may also present other alternatives yielding intermediate noise levels for the Commission's consideration.
  - (VI) If either subparagraph (IV) or (V) is applicable, the Commission shall weigh the societal, engineering, and economic considerations of the project as proposed and the alternatives presented in determining whether the CPCN should be granted.
- (g) Service Connections. The utility shall install and maintain service connections from transmission extensions consistent with conditions contained in the utility's tariff.