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PUBLIC UTILITIES COMM.  
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November 24, 2010

**VIA FACSIMILE & HAND DELIVERY**

Doug Dean  
Director and Custodian of Records  
Colorado Public Utilities Commission  
State of Colorado  
1560 Broadway, Suite 250  
Denver, CO 80202

Re: Colorado Open Records Act Request

Dear Director Dean:

On behalf of Blanca Ranch Holdings, LLC and Trinchera Ranch Holdings, LLC (collectively, "*Trinchera*") and pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201 et seq., this is a request for records regardless of format, medium or physical characteristics. As referenced herein, "documents" shall include any and all written or electronic correspondence, audiotapes, electronic records, videotapes, photographs, telephone messages, voice mail messages, e-mails, facsimiles, daily agendas and calendars, information about meetings and/or discussions, whether in-person or over the telephone, agendas, minutes, materials and a list of participants for those meetings and/or discussions, and transcripts and notes of any such meetings or discussions.

Specifically, on behalf of Trinchera, we seek to inspect the following documents and records:

1. Any and all documents for the following:
  - (a) From October 1, 2008 to the date of this letter any documents that discuss or in any way relate to:
    - (i) the San Luis Valley – Calumet – Comanche Transmission Project (including any predecessor project) or any other project involving a transmission line out of the San Luis Valley (collectively, "*SLV Transmission Projects*");

(ii) existing or future potential or plans to develop electric generation resources in the San Luis Valley or Energy Resource Zone 4 (collectively, "**SLV Development**");

(iii) existing or future potential or plans to develop electric generation resources in Energy Resource Zone 5 (collectively, "**ERZ 5 Development**"); or

(iv) development of any transmission projects related to Senate Bill 07-100, "Concerning Measures to Ensure the Adequacy of Colorado's Electric Transmission Infrastructure, and, in Connection Therewith, Requiring Utilities to Designate Energy Resource Zones and Authorizing Expedited Cost Recovery for the Construction of Transmission Facilities" ("**SB 100**"); any potential Certificate of Public Convenience and Necessity for any SB 100 project; or reports required to be filed with the Colorado Public Utilities Commission pursuant to SB 100 (collectively, "**SB 100 Subjects**").

(b) From January 1, 2010 to the date of this letter any documents that discuss or in any way relate to:

(i) House Bill 10-1001, "Concerning Incentives for the Installation of New Distributed Renewable Energy Generation Facilities in Colorado, and, in Connection Therewith, Increasing the Target Percentages Under the Electric Utility Portfolio Standard to Encourage Colorado Utilities to Generate Three Percent of Their Retail Electricity Sales From Distributed Renewable Sources by the Year 2020, Adopting Standards for the Installation of Distributed Solar Electric Generation Equipment, and Making an Appropriation Therefor" ("**HB 1001**");

(ii) Amendments or changes or clarifications of any kind to the Public Service Company of Colorado 2007 Colorado Resource Plan (approved by the Commission in Docket No. 07A-447E), including, but not limited to, those changes proposed by Public Service Company of Colorado ("**PSCo**") in Docket No. 10A-377E ("**Amended Resource Plan Subjects**");

(iii) PSCo's plans or projections regarding compliance with the Colorado Renewable Energy Standard obligations for the year 2011 and subsequent years, including, without limitation, the timing of filings or release of information by PSCo or the waiver of the requirement to file regarding its 2011 RES Compliance Plan, whether in connection with Docket No. 10V-632E or otherwise ("**PSCo RES Compliance Subjects**"); or

(iv) PSCo's "generic expansion plan" or plans (as the term is used by PSCo to describe generation resource forecasts in Docket No. 07A-447E and Docket No. 10M-245E), load or demand forecasts, loads and balances forecasts, or other similar forecasting materials relating to electric generation needs or resources in Colorado ("**Expansion Plan and Forecasting Subjects**").

2. Any and all documents sent or received between October 1, 2008 and the date of this letter by (i) the staff of the Colorado Public Utilities Commission; (ii) Chairman Ron Binz; (iii) Commissioner James Tarpey; (iv) Commissioner Matt Baker; (v) Administrative Law

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Judge Mana Jennings-Fader; or (vi) the Commissioners' staff or the staff of the Public Utilities Commission (including receipt by carbon copy or blind copy) regarding SLV Transmission Projects, SLV Development, ERZ 5 Development, SB 100 Subjects, or Docket Nos. 09A-0324E & 09A-325E (consolidated) (excluding documents actually filed as pleadings or exhibits in Docket Nos. 09A-0324E & 09A-325E (consolidated)) including, but not limited to, documents sent by or received from individuals representing or employed by:

- (a) Public Service Company of Colorado, Xcel Energy Inc., Xcel Energy Services Inc. or any parent, subsidiary, or affiliate of such entities;
- (b) Tri-State Generation and Transmission Association, Inc. ("*Tri-State*") or any electric cooperative entity affiliated with Tri-State; and
- (c) any other party in Docket Nos. 09A-324E & 09A-325E (consolidated).

3. Any and all documents sent or received between January 1, 2010 and the date of this letter by (i) the staff of the Colorado Public Utilities Commission; (ii) Chairman Ron Binz; (iii) Commissioner James Tarpey; (iv) Commissioner Matt Baker; (v) Administrative Law Judge Mana Jennings-Fader; or (vi) the Commissioners' staff or the staff of the Public Utilities Commission (including receipt by carbon copy or blind copy) regarding HB 1001, the Amended Resource Plan Subjects, PSCo RES Compliance Subjects, Expansion Plan and Forecasting Subjects, Docket No. 10A-377E, or Docket No. 10V-632E including, but not limited to, documents sent by or received from individuals representing or employed by:

- (a) Public Service Company of Colorado, Xcel Energy Inc., Xcel Energy Services Inc. or any parent, subsidiary, or affiliate of such entities;
- (b) Tri-State Generation and Transmission Association, Inc. ("*Tri-State*") or any electric cooperative entity affiliated with Tri-State; and
- (c) any other party in Docket Nos. 09A-324E & 09A-325E (consolidated), Docket No. 10A-377E, or Docket No. 10V-632E.

Please set a date and hour within four working days (that is, December 1, 2010—we are intentionally extending by one business day the deadline for compliance as an accommodation due to the Thanksgiving holiday schedule), at which time all of the above requested records will be available for inspection as required by C.R.S. § 24-702-203(3). If these records are not in your custody or control please notify me forthwith and state in detail to the best of your knowledge the reason for the absence of the records, their location, and what person or persons has custody or control of the records as required by C.R.S. § 24-702-203(2).

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If you deny access to any of the above public records, please provide forthwith a written statement of the express grounds for the denial, citing the law or regulation under which access is denied as required by C.R.S. § 24-72-204(4).

If you have any questions about this request or foresee any problems in fully releasing the requested records within the allowed four-day period, please contact me within that time period. I can be reached at (303) 623-2700 or [rkemp@irelandstapleton.com](mailto:rkemp@irelandstapleton.com).

Sincerely,

A handwritten signature in black ink, appearing to be 'RWK', with a stylized flourish extending to the right.

Russell W. Kemp

RWK/