

Decision No. C19-0794-I

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

PROCEEDING NO. 19A-0512E

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IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE WINDTALKER 230 KV SWITCHYARD PROJECT, AND FOR SPECIFIC FINDINGS WITH RESPECT TO MAGNETIC FIELDS AND AUDIBLE NOISE.

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**INTERIM DECISION GRANTING REQUEST FOR  
SHORTENED NOTICE AND INTERVENTION PERIOD**

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Mailed Date: September 25, 2019  
Adopted Date: September 25, 2019

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS,  
OR CORPORATIONS:

**I. BY THE COMMISSION**

**A. Statement**

1. This Decision establishes a shortened notice and intervention period for the Application for a Certificate of Public Convenience and Necessity for the Windtalker 230 KV Switchyard Project and for Specific Findings with Respect to Magnetic Fields and Audible Noise (Application) filed on September 24, 2019 by Tri-State Generation and Transmission Association, Inc. (Tri-State).

2. Requests for intervention, including a notice of intervention by right of the Staff of the Colorado Public Utilities Commission (Staff), shall be filed by **October 7, 2019**.

**B. Discussion**

3. In its Application, Tri-State explains that the Windtalker 230 kV Switchyard Project (Project) is required to connect the 104 MW Crossing Tail Wind Farm to its transmission

system. The Project consists of a new 230 kV three breaker ring bus switching station. The Project will be located near Seibert, Colorado and will interconnect with the existing Burlington – Big Sandy 230 kV transmission line approximately 26 miles west of the Landsman Creek Substation. EDP Renewables (EDPR), the developer of the Crossing Trails Wind Farm, will construct a 23-mile long generator tie-line from the wind farm’s collector substation to the Project.

4. Tri-State submitted with the Application a Motion for Expedited Notice, Shortened Intervention Period, and for Expedited Decision (Motion). In the Motion, Tri-State references Decision No. C19-0777 issued in Proceeding No. 19M-0005E on September 18, 2019, in which the Commission acknowledged that time is of the essence for Tri-State to preserve the federal production tax credits (PTCs) for the Crossing Tail Wind Farm and advised Tri-State that, as part of the required certificate of public convenience and necessity application for the Project, Tri-State should request expedited treatment and an abbreviated notice and intervention period. Likewise, Tri-State references the pre-filed Direct Testimony it submitted in support of the Application in which a witness on behalf of Tri-State explains that completion of the Project before the end of 2020 is necessary for the Crossing Trails Wind Farm to qualify for PTCs. Tri-State states that if the construction schedule for the Project is delayed, the economic viability of EDPR’s wind farm will be jeopardized.

5. Tri-State seeks notice of the Application to be issued by the Commission within 5 days of its decision on the Motion and that the Commission shorten the intervention period from the 30 days permitted under Rule 1206(d) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, to 10 days.

### C. Findings and Conclusions

6. We find good cause to grant Tri-State's request for a shortened notice and intervention period. Requests for intervention, including a notice of intervention by right of Staff, shall be filed no later than **October 7, 2019**.

7. The Application is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays. **This Decision is the Commission's notice that the Application has been filed.**

## II. ORDER

### A. It Is Ordered That:

1. The request of Tri-State Generation and Transmission Association, Inc. (Tri-State) to shorten the notice and intervention period for the Application for a Certificate of Public Convenience and Necessity for the Windtalker 230 KV Switchyard Project and for Specific Findings with Respect to Magnetic Fields and Audible Noise (Application) filed on September 24, 2019 is granted. Response time to the requests for expedited notice and shortened intervention period in the motion filed by Tri-State on September 24, 2019 is waived.

2. The notice and intervention period shall expire at 5:00 p.m. on **October 7, 2019**.

3. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission, shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, no later than **October 7, 2019**. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments

addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202.

4. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

8. The Commission may consider the Application for a Certificate of Public Convenience and Necessity for the Windtalker 230 KV Switchyard Project and for Specific Findings with Respect to Magnetic Fields and Audible Noise without a hearing if no notice of intervention as of right or motion to permissively intervene is timely filed, or no notice of intervention as of right or motion to permissively intervene requests a hearing or contests or opposes the Application.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 25, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners