

Decision No. C19-0883

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0512E

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.

**DECISION GRANTING 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**

Mailed Date: October 31, 2019

Adopted Date: October 30, 2019

I. BY THE COMMISSION

A. Statement

1. This Decision finds that this matter is uncontested under Rule 1403 the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, and grant the Application for the Certificate of Public Convenience and Necessity (CPCN) for the Windtalker Switchyard Project filed on September 24, 2019, by Tri-State Generation and Transmission Association, Inc. (Tri-State or Company).

B. Background and Filings

2. On July 30, 2019, the Commission issued Decision No. C19-0638 in Proceeding No. 19M-0005E, making certain determinations regarding utility transmission projects pursuant to Rule 4 CCR 723-3-3206(d) of the Commission's Rules Regulating Electric Utilities. The

Commission found certain of Tri-State's transmission projects required a CPCN or a formal determination that no CPCN is required.

3. On August 19, 2019, in Proceeding No. 19M-0005E, Tri-State filed an application for Rehearing, Reargument, or Reconsideration (RRR), requesting reconsideration of the Commission's finding that Tri-State must obtain a CPCN or a determination that no CPCN is required for Tri-State's Windtalker Switchyard Project and the Spanish Peaks Solar Farm Interconnection Project. In its RRR, Tri-State argued that these projects should properly be considered either in the ordinary course of business or be exempt from Rule 4 CCR 723-3-3206(b)(I) under the Commission's practice of not requiring CPCNs for generation interconnection facilities. Tri-State also raised concern that requiring a CPCN for the Windtalker Switchyard Project could jeopardize the project's viability because of the time constraints to qualify for the full Federal Production Tax Credit.

4. The Commission took up the application for RRR at the Commissioners' Weekly Meeting of September 11, 2019 and granted the application for RRR for the sole purpose of tolling the statutory time limit. Decision No. C19-0771 memorializing the decision was issued on September 18, 2019.

5. On September 18, 2019, the Commission took up the merits of the application for RRR and issued Decision No. C19-0777 denying the application and directed Tri-State to file an application for a CPCN.

6. On September 24, 2019, Tri-State submitted a verified application for a CPCN for the Windtalker Switchyard Project, and for specific findings with respect to magnetic fields and audible noise. Tri-State also filed a motion for expedited notice, shortened intervention period, and for expedited decision in this proceeding.

7. On September 25, 2019, the Commission issued Decision No. C19-0794-I, granting Tri-State's request for shortened notice and intervention period for the CPCN for the Windtalker Switchyard Project and for Specific Findings with Respect to Magnetic Fields and Audible Noise.

8. According to Tri-State, in February 2019, it announced a 15-year power purchase agreement with EDP Renewables (EDPR) that will enable development and construction of the 104 MW Crossing Trails Wind Farm. Tri-State states that the wind farm, when operational, will produce enough electricity to annually power more than 47,000 rural Colorado homes and bring economic benefits to the region and the state. Tri-State maintains that the Windtalker 230kV Switchyard Project is required to connect the Crossing Trails Wind Farm to Tri-State's transmission system.

9. 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. EDPR will construct a 23-mile long generator tie-line from the wind farm's collector substation to the project. The project is scheduled to begin construction in April 2020 and be in service by August 2020.

10. Tri-State also included the testimony of several Company representatives in support of the project.

11. Commission Rule 3206(e)(III) of the Commission's Rules of Practice and Procedure, 4 CCR 723-3 states:

Proposed magnetic field levels of 150 mG (milliGauss) and below are deemed reasonable by rule and need not be mitigated to a lower level.

12. Commission Rule 3206(f)(II) of the Commission's Rules of Practice and Procedure, 4 CCR 723-3 states:

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)

13. Tri-State, in the filed supporting testimony of Dr. Robert L. Pearson, provided modeling and analyses results for audible noise and magnetic fields.

14. Tri-State's audible noise modeling and analysis determined that the level of noise at 25 feet from the property boundary for all operating conditions will be less than 42 db(a).

15. Tri-State's magnetic field modeling and analysis determined that the level of magnetic fields at the edge of the right-of-way for all operating conditions will be less than three mG.

C. Findings and Conclusions

16. No Interventions were filed in the CPCN application.

17. No Public Comments were filed in this proceeding.

18. Under § 40-6-109(5), C.R.S., and Rule 1403 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, the Commission may consider an application without an evidentiary hearing if the matter is uncontested.

19. The maximum magnetic field levels calculated by the Company are less than the value established in Commission Rule 3206(e)(III), and therefore are deemed reasonable by rule and need not be mitigated to a lower level.

20. The maximum noise levels calculated by the Company are less than the values established in Commission Rule 3206(f)(II), and therefore are deemed reasonable by rule and need not be mitigated to a lower level.

II. ORDER

A. The Commission Orders That:

1. The Commission finds that the magnetic field and noise levels calculated by Tri-State Generation and Transmission Association, Inc. are reasonable.

2. The Application for a Certificate of Public Convenience and Necessity for the Windtalker Switchyard Project filed on September 24, 2019 by Tri-State Generation and Transmission Association, Inc. is in the public interest and is therefore granted consistent with the discussion above.

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 30, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners