

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

<b>IN THE MATTER OF SOUTHWESTERN</b>	)	
<b>PUBLIC SERVICE COMPANY'S</b>	)	
<b>APPLICATION REQUESTING: (1) ISSUANCE</b>	)	
<b>OF A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY</b>	)	
<b>AUTHORIZING CONSTRUCTION AND</b>	)	
<b>OPERATION OF THE EDDY COUNTY TO</b>	)	
<b>KIOWA 345-KV TRANSMISSION LINE AND</b>	)	
<b>ASSOCIATED FACILITIES; (2) APPROVAL</b>	)	<b>CASE NO. 19-00157-UT</b>
<b>OF THE LOCATION OF THE 345-KV</b>	)	
<b>TRANSMISSION LINE AND ASSOCIATED</b>	)	
<b>FACILITIES; (3) DETERMINATION OF</b>	)	
<b>RIGHT-OF-WAY WIDTH FOR THE</b>	)	
<b>TRANSMISSION LINE; AND (4)</b>	)	
<b>AUTHORIZATION TO ACCRUE AN</b>	)	
<b>ALLOWANCE FOR FUNDS USED DURING</b>	)	
<b>CONSTRUCTION FOR THE TRANSMISSION</b>	)	
<b>LINE AND ASSOCIATED FACILITIES,</b>	)	
	)	
<b>SOUTHWESTERN PUBLIC SERVICE</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>APPLICANT.</b>	)	

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**APPLICATION**

In accordance with the New Mexico Public Utility Act (NMSA 1978, §§ 62-3-1 *et seq.*, “PUA”) and New Mexico Public Regulation Commission (“Commission”) Rules, Southwestern Public Service Company (“SPS”) applies to the Commission for an order that grants the following relief:

- (1) issuance of a certificate of public convenience and necessity (“CCN”) that authorizes SPS to construct, operate, and maintain a 345-kilovolt (“kV”) transmission line and associated facilities in Eddy County, New Mexico that

extends from SPS's Eddy County Interchange to its Kiowa Interchange ("Proposed Project" or "Project") (Sections 62-9-1 and 62-9-6 of the PUA);

- (2) approval of the location of the 345-kV transmission line route and the location of associated substation facilities (Section 62-9-3 of the PUA and 17.9.592.10 NMAC ("Rule 592"));
- (3) the determination that a right-of-way ("ROW") width of 150 feet is necessary for SPS's construction, operation, and maintenance of the proposed 345-kV transmission line (Section 62-9-3.2 of the PUA);
- (4) authorization for SPS to accrue the proposed allowance for funds used during construction ("AFUDC") for the Proposed Project (*see* 17.3.580 NMAC); and
- (5) granting such other approvals, authorizations, and relief to SPS as the Commission deems necessary and proper in order to allow SPS to implement and effectuate the relief granted in the final order issued in this case.

These requested approvals and authorizations are described and discussed in this Application and the supporting pre-filed direct testimony that is concurrently being filed with the Application.

In support of this Application, SPS states the following:

## **I. INTRODUCTION**

1. SPS is a New Mexico corporation, that owns, operates, and controls electric generation, transmission, and distribution plant, property, and facilities that provide retail electric service and wholesale electric capacity and energy in portions of New Mexico and Texas. With respect to its provision of retail electric service in New Mexico, SPS is a public utility as defined in Section 62-3-3 of the PUA, and SPS's New Mexico retail electric service is subject to the jurisdiction and authority of this Commission.

2. A certified copy of SPS's articles of incorporation is on file with the Commission.

3. SPS's principal office in New Mexico is located at 111 East Fifth Street, Roswell, New Mexico 88201, and its principal corporate office is located at 790 Buchanan Street, Amarillo, Texas 79101.

4. SPS's corporate representatives and attorneys who should receive all notices, pleadings, discovery requests and responses, and other documents related to this case are:

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## **II. DESCRIPTION OF PROPOSED PROJECT**

5. The Proposed Project consists of a 345-kV transmission line and associated substation facilities that will be located in Eddy County, New Mexico. The Project's transmission line will extend approximately 34 miles (179,520 feet) from SPS's Eddy County Interchange located approximately 9.5 miles east/southeast of Artesia, New Mexico, to SPS's Kiowa Interchange located approximately 19 miles northeast of Carlsbad, New Mexico.

6. With respect to land ownership in relation to the Project's facilities, the 345-kV transmission line will cross approximately 19.15 miles (101,087 feet) of land managed by the United States Bureau of Land Management ("BLM"), 8.70 miles (45,974 feet) of state-owned land overseen by the New Mexico State Land Office ("NMSLO"), and 5.97 miles (31,506 feet) of land owned by private persons.

7. Application Exhibit A is a map showing the location of the 345-kV transmission line route, and the Eddy County Substation and Kiowa Substations. Application Exhibit B is a schematic diagram of the Proposed Project's interconnection to SPS's transmission system.

## **III. SPS's REQUEST FOR COMISSION APPROVALS, AUTHORIZATIONS, AND DETERMIATIONS**

### **A. Issuance of a CCN for Project**

8. SPS's filing establishes that the Proposed Project will serve the public convenience and necessity of New Mexico retail jurisdictional customers by: (a) providing transmission service to SPS's existing and increasing New Mexico retail loads in Eddy County, New Mexico;

and (b) enhancing reliability of SPS's southeastern New Mexico transmission system by preventing transmission system instability during contingency conditions.

9. In relation to the need for the Project's facilities, the Southwest Power Pool ("SPP") prepared a Delivery Point Network Study ("DPN Study") to evaluate SPS's transmission system and existing load growth in the Eddy County area, and the SPP determined that the Proposed Project is needed for transmission system reliability and stability purposes as described in SPS's pre-filed testimony. Based on the DPN Study findings, the SPP issued a Notification to Construct on December 11, 2018, which directs SPS to construction a new 345-kV transmission line between SPS's Eddy County and Kiowa Substations, and SPS subsequently responded accepting the SPP's directive.

10. Because SPS has received numerous new load requests since the preparation of the DPN Study, SPS has determined that load growth in Eddy County and southeastern New Mexico requires construction and operation of the Proposed Project by November 2020. This Project will address and resolve potential voltage problems on SPS's transmission system that could result from the expected new load growth.

11. SPS's filing explains its transmission needs in southeastern New Mexico and supports a determination by the Commission that the public convenience and necessity requires the construction, operation, and maintenance of the Project's facilities and issuance of a CCN for the Project in accordance with Section 62-9-1 and 62-9-6 of the PUA.

**B. Location Approval for Proposed Project**

12. In relation to SPS's request for location approval of the 345-kV transmission line route and associated substation facilities, SPS retained SWCA, Inc. ("SWCA") to evaluate the potential environmental impacts on federal, state, and private lands crossed by the Proposed Project. In this regard, the Environmental Assessments ("EAs") prepared by SWCA analyzed the potential impacts on important environmental values in relation to the transmission line route and to the substation facilities, as amended, in accordance with Sections 62-9-3(F) and 62-9-3(M) of the PUA and Rule 592.10(H).

13. The EAs provide the necessary environmental impact analyses required under NEPA for federal action that is associated with SPS's applications to the U. S. Bureau of Land Management ("BLM") for ROW grants that authorize SPS to construct and operate the Proposed Project facilities that are located on federal lands. Based on the BLM's review of the matters covered in the EAs, the BLM issued findings of no significant impact (i.e., FONSI) and Decision Records, and thereafter, the BLM granted the requested ROWs on federal lands for the 345-kV transmission line route, and ROWs for the Eddy County Substation and the Kiowa Substation, as amended.

14. SPS also filed an application with the New Mexico State Land Office ("NMSLO") requesting a ROW across state lands for the Project's facilities. Following the BLM's action on SPS's ROW applications, the NMSLO issued a ROW permit for the portions of the 345-kV transmission line route located on state lands. SPS has a pending application for an

amendment to the NMSLO ROW permit that concerns a minor adjustment to the transmission line route that crosses state lands to accommodate an oil and gas lessee. SPS will supplement this filing when the amendment is granted by the NMSLO.

15. In relation to private lands crossed by the 345-kV transmission line, SPS has obtained ROW easements for all private lands that are crossed by the Proposed Project.

16. In relation to SWCA's evaluation of the potential environmental impacts of the 345-kV transmission line route and associated substation facilities for location approval purposes, SWCA has concluded that the Proposed Project: (a) comports with, and satisfies, all applicable requirements of Sections 62-9-3(F) and (M) of the PUA and Rules 592.10(C) and (H); and (b) will not unduly impair any important environmental values that are identified in Section 62-9-3(M) of the PUA and Rule 592.10(H).

17. SPS's Application and supporting testimony also complies with and satisfies the location approval requirements set forth in Sections 62-9-3(G) and 62-9-3(M) of the PUA, and Rules 592.10(A), (B), (F), (G), (I), (J), and (K).

18. SPS's filing establishes compliance with the necessary prerequisites for Commission approval of the location of the 345-kV transmission line route and associated substation facilities in accordance with Section 62-9-3 of the PUA and Rule 592.10.

**C. Determination that a ROW Width of 150-feet is Necessary**

19. In relation to SPS's request for a Commission ROW width determination for the proposed 345-kV transmission line and associated facilities, SPS has prepared engineering

analyses that evaluate the necessary ROW width for construction, operation, and maintenance of those Project facilities. These analyses establish that a ROW width of 150 feet or 75 feet on either side of the centerline will be necessary for the 345-kV transmission line based on National Electrical Safety Code requirements.

20. SPS's filing complies with and satisfies the prerequisites for a Commission determination that a ROW width of 150-feet is necessary for SPS's construction, operation, and maintenance of the Proposed Project in accordance with Section 62-9-3.2 of the PUA.

**D. Notice and Procedural Requirements**

21. SPS will serve and provide the following notices in accordance with the PUA and Rule 592 notice requirements:

(a) in accordance with Rule 592, SPS will: (i) serve a copy of this Application and supporting pre-filed direct testimony on the New Mexico Attorney General, the Commission's Utility Division Staff, the New Mexico Environment Department, the New Mexico State Engineer, the Eddy County Commission, and the Carlsbad and Central Valley Soil and Water Conservation Districts (Rule 592.10(J)); and (ii) make available a copy of this Application and supporting pre-filed direct testimony in the public library located in the county seat of Eddy County (Carlsbad, New Mexico), and will also make available a copy of its filing available in the Artesia Public Library. Additionally, SPS will post its Application and supporting filing on Xcel Energy's *Power for the Plains* website (<http://www.powerfortheplains.com/>) (see Rule 592.13);



(b) in accordance with 17.5.440 NMAC (Rule 440), SPS will also serve Central Valley Electric Cooperative, Inc., who owns and operates electric distribution facilities in the vicinity of the proposed transmission line route;

(c) in accordance with 17.1.2.9(D) NMAC, SPS will publish notice of any initial hearing at least twenty days before the time set for hearing regarding this Application;

(d) in accordance with Section 62-9-3.2(D) of the PUA, SPS will mail notice of the time and place of hearing on this application to all landowners and person's in actual occupancy of all lands crossed by the Proposed Project at least twenty days before the time set for hearing;

22. SPS's proposed form of Notice is Application Exhibit C.

#### **IV. MISCELLANEOUS MATTERS**

23. In this case, SPS is not requesting a determination of ratemaking principals and treatment that will apply to the Project's facilities in ratemaking proceedings. However, SPS's filing provides general information regarding the Proposed Project's estimated cost and the jurisdictional allocations of those costs. The estimated cost of the Proposed Project is approximately \$60.8 million, which includes AFUDC. Because it involves a 345-kV transmission line, the total cost of the Proposed Project will be allocated among the members of the SPP according to the SPP Base Plan Funding – Highway/Byway cost allocation methodology; amounts attributed to SPS will be allocated according to SPS's rate-setting jurisdictions (i.e., New Mexico retail, Texas retail, and FERC wholesale).

24. In accordance with Sections 62-9-1(C) and 62-9-3(K) of the PUA, the Commission may approve SPS's requests for a CCN and location approval without formal

hearing if no protest is filed within 60 days after SPS's publication of notice regarding the filing of the application in this case.

25. In support of its Application, SPS is concurrently filing the direct testimony of the following witnesses who discuss the matters described below:

(a) Jarred J. Cooley, SPS's Manager, Transmission Planning South whose testimony: (i) provides an overview of SPS's transmission system and operations in the service area; (ii) describes the proposed 345-kV transmission line and upgrades required to terminate the proposed line at the existing Eddy County and Kiowa Interchanges; (iii) demonstrates SPS's need for the Proposed Project to serve the public convenience and necessity and public interest of retail customers in New Mexico; (iv) explains how SPS's filing satisfies the requirements of Sections 62-9-1 and 62-9-6 of the PUA for Commission approval and issuance of a CCN for the Proposed Project; (v) provides an estimate of the New Mexico retail jurisdictional allocation of the total cost of the Proposed Project, including SPS's request for Commission authorization of AFUDC; and (vi) introduces SPS's witnesses and briefly summarizes the areas of their testimonies.

(b) Jerry G. Crawford, SPS's Principal Transmission Engineer, whose testimony: (i) discusses the statutory requirements for approval of ROW widths in excess of 100-feet and explains the need for a ROW width of 150-feet for the Proposed Project; (ii) describes the circuit design and construction of the Proposed Project; and (iii) discusses the estimated costs associated with the Proposed Project, including SPS's request for AFUDC;


(c) Nisha P. Fleischman, SPS's Siting & Land Rights Agent, whose testimony: (i) discusses the location of the transmission line and associated facilities, and the basis for establishing those location; (ii) addresses SPS's compliance with the location approval requirements under Section 62-9-3(G) of the PUA and Rules 592.10(A)(1)-(2) and (4)-(5), 592.10(B), 592.10(C), 592.10(F), 592.10(G), 592.10(J), and 592.13; and (iii) addresses SPS's compliance with the notice requirements under Section 62-9-3.2 of the PUA; and

(d) David J. Brown, SPS's environmental consultant, employed by SWCA, whose testimony: (i) discusses the location of the proposed 345-kV transmission line route and the process that SPS and the BLM conducted to finalize the location of the Proposed Project; (ii) describes the EAs prepared to evaluate the environmental impacts within the areas where the Proposed Project will be constructed and operated; (iii) discusses the BLM's environmental evaluations and actions that resulted in ROW grants for the Project facilities and the NMSLO's grant of a ROW permit for the Project; (iv) explains the BLM's findings that the Proposed Project will have no significant impact on the quality of the human environment; and (v) provides his evaluation of the potential environmental impacts of the Proposed Project, which are based on the EAs and supporting technical documents, and his conclusion that the Proposed Project will not unduly impair the important environmental values identified in Section 62-9-3(M) and Rule 592.10(H).

WHEREFORE, SPS respectfully requests that the Commission enter a final order that grants the following relief:

- A. issue a CCN that authorizes SPS to construct, operate, and maintain a 345-kV transmission line and associated facilities;
- B. approve the location for the 345-kV transmission line route and associated substation facilities;
- C. determine that a ROW width of 150 feet is necessary for SPS's construction, operation, and maintenance of the proposed the 345-kV transmission line;
- D. authorize SPS to accrue AFUDC for the Proposed Project; and
- F. grant such other approvals, authorizations, and relief to SPS as the Commission deems necessary and proper in order to allow SPS to implement and effectuate the relief granted in the final order issued in this case.

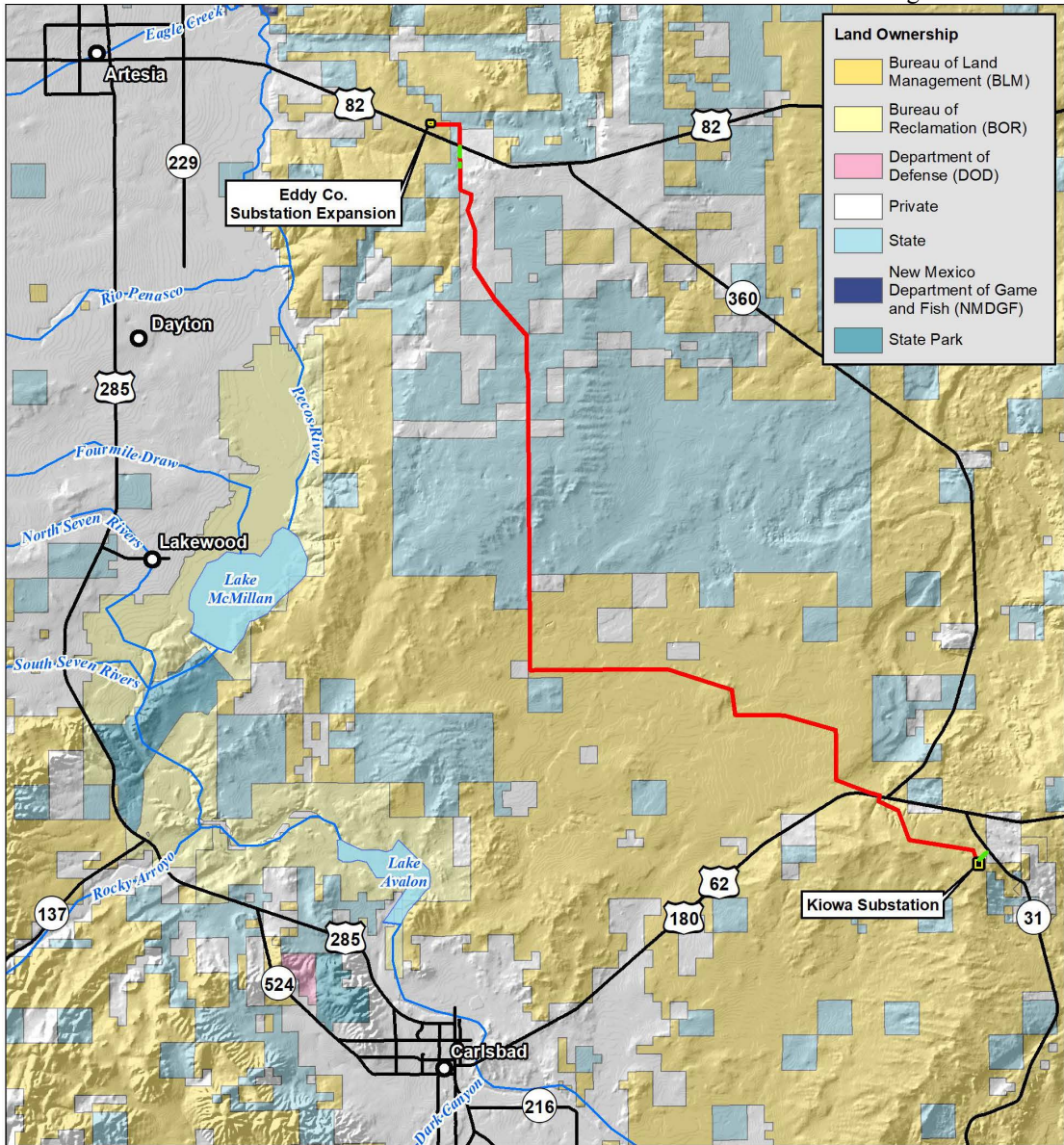
Respectfully submitted,



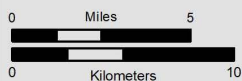
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Post Office Box 2068  
Santa Fe, NM 87504-2068  
505.982.4554

Attorney for Southwestern Public Service Company



## Eddy to Kiowa 345-kV Transmission Line Project

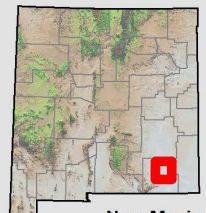


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Project No. 53583  
File: EK\_Overview\_Map\_20190124  
Map Created: 1/18/2019  
Map Updated: 1/24/2019

**SWCA**  
ENVIRONMENTAL CONSULTANTS

- City/Town
- Major Roadway
- Drainage
- Water Body
- Proposed Line
- Proposed Access Road
- Substation



New Mexico



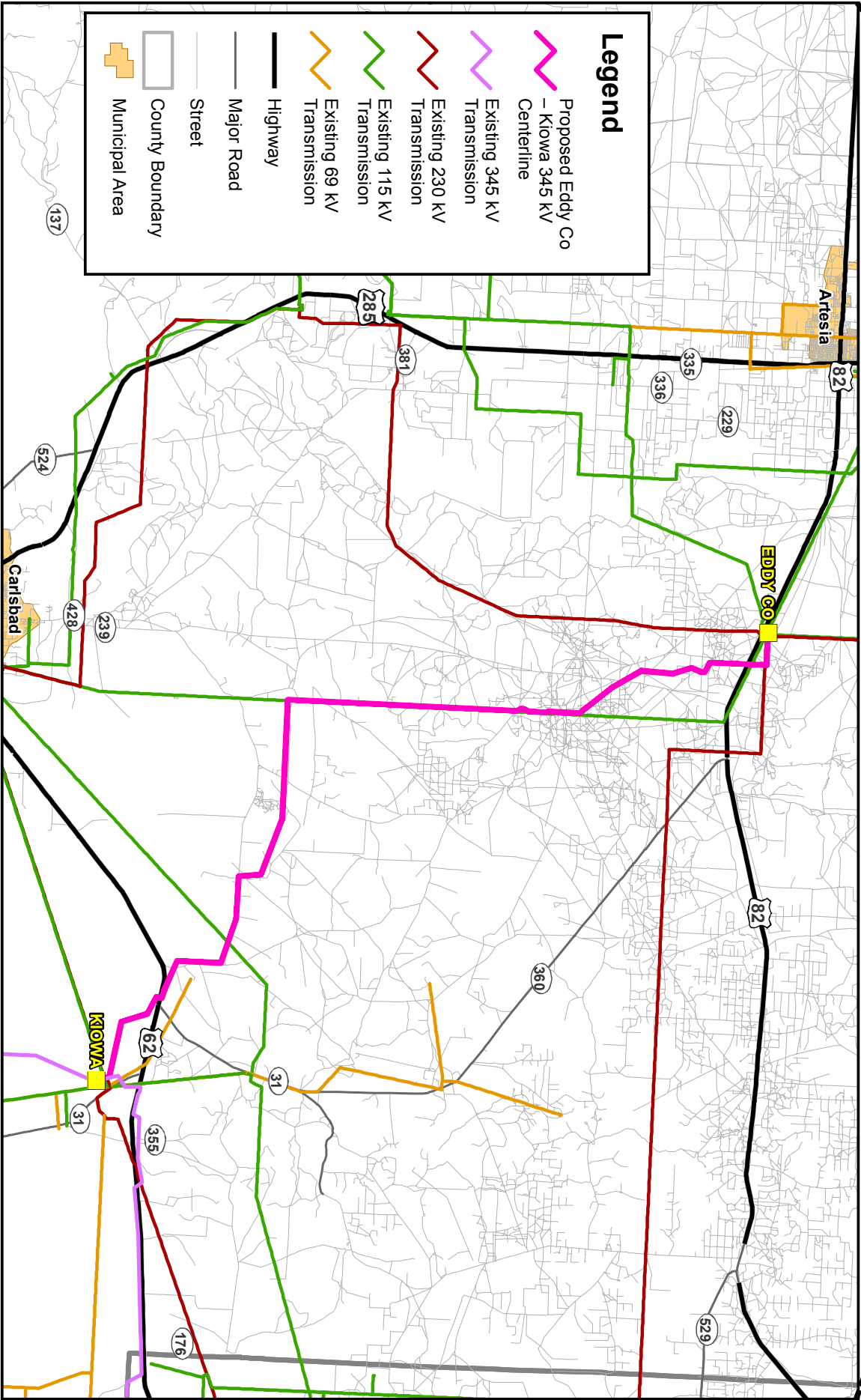
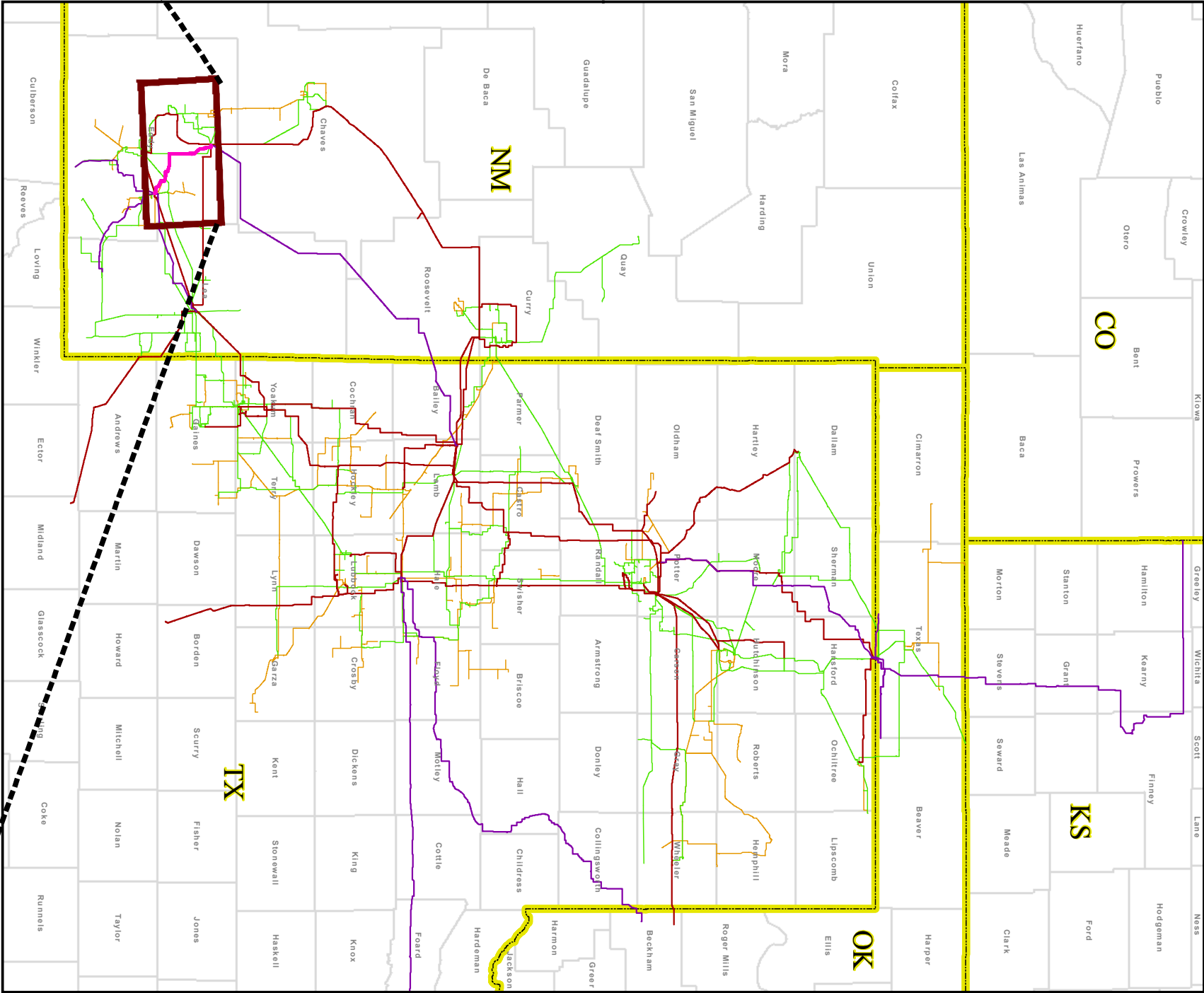
# Eddy County to Kiowa CCN Schematic 345-kV

**Legend**

- Proposed Eddy Co – Kiowa 345 kV Centerline
- Existing 345 kV Transmission
- Existing 230 kV Transmission
- Existing 115 kV Transmission
- Existing 69 kV Transmission
- State Boundary
- County Boundary

Date: 5/2/2019

 **Xcel Energy**  
RESPONSIBLE BY NATURE



**EXHIBIT C**

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

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<b>APPLICATION REQUESTING: (1) ISSUANCE</b>	)	
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<b>FACILITIES; (3) DETERMINATION OF</b>	)	
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<b>CONSTRUCTION FOR THE TRANSMISSION</b>	)	
<b>LINE AND ASSOCIATED FACILITIES,</b>	)	
<b>SOUTHWESTERN PUBLIC SERVICE</b>	)	
<b>COMPANY,</b>	)	
<b>APPLICANT.</b>	)	

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**NOTICE TO SPS CUSTOMERS**

**NOTICE** is hereby given that:

1. In accordance with Sections 62-9-1, 62-9-3, 62-9-3.2, and 62-9-6 of the Public Utility Act and 17.1.2.9 NMAC and 17.9.592 NMAC, on May 31, 2019, Southwestern Public Service Company ("SPS") filed an Application and supporting direct testimony with the New

Mexico Public Regulation Commission (“Commission”) requesting that the Commission enter a Final Order that grants the following relief:

(A) issuance of a certificate of public convenience and necessity (“CCN”) that authorizes SPS to construct, operate, and maintain a 345-kilovolt (“kV”) transmission line and associated facilities in Eddy County, New Mexico that extends from SPS’s Eddy County Interchange to its Kiowa Interchange (“Proposed Project”);

(B) approval of the location of the 345-kV transmission line route and the location of associated substation facilities;

(C) the determination that a right-of-way width of 150 feet is necessary for SPS’s construction, operation, and maintenance of the proposed 345-kV transmission line;

(D) authorization for SPS to accrue the proposed allowance for funds used during construction (“AFUDC”) for the Proposed Project; and

(E) granting such other approvals, authorizations, and relief to SPS as the Commission deems necessary and proper in order to allow SPS to implement and effectuate the relief granted in the final order issued in this case.

2. SPS’s Application and supporting testimony state the following: (A) the Proposed Project is needed to serve the public convenience and necessity of southeastern New Mexico by providing additional transmission facilities for SPS’s existing and expanding New Mexico retail loads in the area, and the transmission facilities will enhance the reliability of SPS’s southeastern New Mexico transmission system by preventing transmission system instability



during contingency conditions in the area; (B) the development and operation of the 345-kV transmission line and associated facilities is consistent with and will not impair any important environmental values in southeast New Mexico; and (C) the 345-kV transmission line requires a 150-foot ROW width for its construction, operation and maintenance.

3. SPS is not requesting in this case ratemaking treatment for recovery of the costs associated with the Proposed Project and is providing general information about the estimated cost for the Proposed Project and the allocation of those costs.

4. The Commission has assigned Case No. 19-\_\_\_\_\_-UT to this Application, and all correspondence, pleadings, comments, and other communications shall refer to that case number.

5. The procedural schedule established in this case is as follows:

(A) Notice shall be mailed to customers on or before \_\_\_\_\_, 2019 and published in newspapers of general circulation in the service territory on or before \_\_\_\_\_, 2019.

(B) Any interested person may intervene in this case by filing a motion for leave to intervene pursuant to 17.1.2.26.1 and 17.1.2.26.2 NMAC on or before \_\_\_\_\_, 2019.

(C) A settlement meeting between and among the parties in this case shall be held on \_\_\_\_\_ at a location to be determined.

(D) The Utility Division Staff shall and any Intervenors may file direct testimony on or before \_\_\_\_\_, 2019; or alternatively, SPS, Intervenors and Staff may file a stipulation on or before \_\_\_\_\_, 2019.

(E) Any rebuttal testimony or testimony in support of a stipulation shall be filed on or before \_\_\_\_\_ 2019.

(F) A public hearing to hear and receive evidence, arguments, and any other appropriate matters pertaining to the case will be held on \_\_\_\_\_, 2019, at \_\_\_\_\_ .m. at the Commission's offices in the P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico.

6. In accordance with Sections 62-9-1(C) and 62-9-3(K) of the PUA, the Commission may approve SPS's requests for issuance of a CCN and location approval without formal hearing if no protest is filed within sixty (60) days after SPS publishes notice of the Application in the case.

7. The Application, together with supporting pre-filed direct testimony and any attachments and related papers, may be examined by any interested person at the Xcel Energy's *Power for the Plains* website (<http://www.powerfortheplains.com/>), or the Commission's website (<http://www.nmprc.state.nm.us/general-counsel/caselookup.html>), or the offices of SPS and the Commission at the following addresses:

Southwestern Public Service Company  
1601 Commerce Drive  
Carlsbad, NM 88220

Southwestern Public Service Company  
790 Buchanan Street  
Amarillo, TX 79101  
Attn: Bobby J. Jones, III

New Mexico Public Regulation Commission  
P.E.R.A. Building  
1120 Paseo de Peralta  
Santa Fe, NM 87504

8. Pursuant to 17.9.592.13 NMAC, the Application and supporting pre-filed direct testimony and attachments may also be examined by any interested person at:

Carlsbad Public Library  
101 S. Halagueno Street  
Carlsbad, NM 88220

For convenience to the public, the Application and supporting pre-filed direct testimony and attachments may also be examined by any interested person at:

Artesia Public Library  
205 W. Quay Avenue  
Artesia, NM 88210

9. Any interested person may appear at the time and place of hearing and make a written or oral comment pursuant to 17.1.2.26.6 NMAC without becoming an intervenor. Such comments will not be considered as evidence in this case.

9. The procedural dates and requirements provided herein are as provided in the Procedural Order issued in this case and are subject to further order of the Commission or Hearing Examiner. Any interested person should contact the Commission for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled.

10. Anyone filing pleadings, documents, or testimony shall serve copies thereof on all parties of record and the Utility Division Staff and the Hearing Examiner by first class mail or hand-delivery and by e-mail as provided by the Procedural Order. Copies served on the Hearing Examiner shall include an electronic version of the filing in Word format. All filings shall be e-mailed on the date they are filed with the Commission. Any person whose testimony has been pre-filed will attend the hearing and submit to examination under oath.

11. The Commission's Rules of Procedure (1.2.2 NMAC) shall apply to this case except as modified by Order of the Commission or Hearing Examiner. A copy of the rules may be obtained from the Offices of the Commission or at [www.nmprc.state.nm.us](http://www.nmprc.state.nm.us).

12. All documents mailed to the Commission and its personnel shall be mailed to the New Mexico Public Regulation Commission, P.E.R.A. Building, P. O. Box 1269, Santa Fe, New Mexico 87504-1269. The following physical address of the Commission shall be used only for special or hand-deliveries: 1120 Paseo de Peralta, Santa Fe, New Mexico 87501.

13. ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS CASE SHOULD CONTACT THE COMMISSION AT (505) 827-4084 AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE HEARING.

**ISSUED** at Santa Fe, New Mexico, this \_\_\_\_ day of \_\_\_\_\_ 2019.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

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**Hearing Examiner**

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CONSTRUCTION FOR THE TRANSMISSION  
LINE AND ASSOCIATED FACILITIES,  
  
SOUTHWESTERN PUBLIC SERVICE  
COMPANY,  
  
APPLICANT.

## CERTIFICATE OF SERVICE

I certify that true and correct copies of *Southwestern Public Service Company's Application and the supporting Direct Testimonies of Jarred J. Cooley, Jerry G. Crawford, Nisha P. Fleishman, and David J. Brown*, were: (1) electronically communicated and either hand-delivered or sent via Federal Express; (2) hand-delivered; or (3) sent via first class mail to each of the following on this 31st day of May, 2019.

**VIA E-MAIL AND FEDERAL EXPRESS:**

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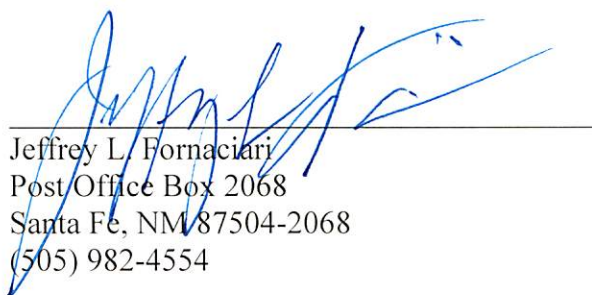
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