

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

<b>IN THE MATTER OF SOUTHWESTERN</b>	)	
<b>PUBLIC SERVICE COMPANY'S</b>	)	
<b>APPLICATION REQUESTING: (1)</b>	)	
<b>ISSUANCE OF A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY</b>	)	
<b>AUTHORIZING CONSTRUCTION AND</b>	)	
<b>OPERATION OF THE ROADRUNNER TO</b>	)	<b>CASE NO. 20-00085-UT</b>
<b>PHANTOM TO CHINA DRAW 345-KV</b>	)	
<b>TRANSMISSION LINE AND ASSOCIATED</b>	)	
<b>FACILITIES; (2) APPROVAL OF THE</b>	)	
<b>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:

- (1) issuing 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 and Lea Counties, New Mexico that extends from SPS’s Roadrunner Substation to its Phantom Substation to its China Draw Substation (“Proposed Project” or “Project”) (Sections 62-9-1 and 62-9-6 of the PUA);

- (2) approving 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) determining that a right-of-way (“ROW”) width of 150 feet, with a 200-foot ROW width at the Pecos River crossing, 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) authorizing 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 and Lea Counties, New Mexico. The Project's transmission line will extend approximately 42.22 miles from SPS's Roadrunner Substation, located approximately 22.6 miles northwest of Jal, New Mexico, to the China Draw Substation, which is located approximately 14.2 miles southwest of Malaga, New Mexico, with connection at the Phantom Substation.

6. With respect to land ownership in relation to the Project's facilities, the 345-kV transmission line will cross approximately 23.08 miles (121,864.63 feet) of federal land, approximately 18.91 miles (99,862.785 feet) of state-owned land, and approximately 0.23 miles (1,200 feet) of SPS-owned land.

7. Application Exhibit A is a map showing the location of the 345-kV transmission line route, from the Roadrunner Substation to the Phantom Substation and China Draw Substation. Application Exhibit B is a schematic diagram of the Proposed Project's interconnection to SPS's transmission system.

## **III. SPS'S REQUEST FOR COMMISSION APPROVALS, AUTHORIZATIONS, AND DETERMINATIONS**

### **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 and Lea Counties, New Mexico; and (b) enhancing reliability of SPS's

southeastern New Mexico transmission system by preventing transmission system thermal and voltage violations 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 and Lea County areas, 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 construct a new 345-kV transmission line between SPS's Roadrunner and China Draw Substations, and SPS subsequently responded accepting the SPP's directive.

10. SPS has determined that load growth in Eddy and Lea Counties and southeastern New Mexico requires construction and operation of the Proposed Project by November 2021. In addition, SPS has received numerous new load requests since the preparation of the DPN Study. 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 Assessment ("EA") prepared by SWCA analyzed the potential impacts on important environmental values in relation to the transmission line route and the substation facilities, in accordance with Sections 62-9-3(F) and 62-9-3(M) of the PUA and Rule 592.10(H).

13. The EA provides 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 EA, 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 existing Roadrunner Substation to the Phantom Substation to the China Draw Substation, as amended.

14. The New Mexico State Land Office ("NMSLO") has issued a ROW grant to SPS, authorizing SPS to construct and maintain the proposed 345-kV transmission line on New Mexico state lands.

15. SPS is the only owner of private land 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 of Necessary ROW Width**

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 based on National Electrical Safety Code requirements, the proposed 345-kV Roadrunner to Phantom to China Draw transmission line will generally require a 150-foot ROW width that allows for 75 feet on either side of the center line. SPS requests approval of a

200-foot ROW width at the Pecos River crossing due to the length of the span at that location.

20. SPS's filing complies with and satisfies the prerequisites for a Commission determination that a ROW width of 150-feet, with a ROW width of 200-feet at the Pecos River Crossing, 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 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 and Lea County Commissions, and the Carlsbad and Lea County Soil and Water Conservation Districts (Rule 592.10(J)). SPS will also make available a copy of this Application and supporting pre-filed direct testimony in the public libraries located in the county seats of Eddy and Lea Counties (Carlsbad, New Mexico and Lovington, New Mexico), as well as in the public library in Hobbs, New Mexico, once the libraries re-open following the end of the public health emergency declared as a result of the Covid-19 virus. 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 17.1.2.9(D) NMAC, SPS will publish notice of any initial hearing at least twenty days before the time set for hearing regarding this Application; and

(c) 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 persons 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 \$81.8 million, which includes AFUDC. Because the Proposed Project involves a 345-kV transmission line that was identified as needed through an SPP study process, 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 for the Proposed Project; (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) Nebiyou Y. Bogale, SPS's Principal Transmission Engineer, whose testimony: (i) discusses the statutory requirements for approval of ROW widths in excess of 100-feet and supports the need for a ROW width of 150-feet for the Proposed Project, with a ROW width of 200-feet at the Proposed Project's Pecos River crossing; (ii)

describes the circuit design and construction of the Proposed Project; and (iii) discuss the estimated costs of the transmission line associated with the Proposed Project;

(c) Nisha P. Fleischman, SPS's Siting & Land Rights Agent, whose testimony: (i) identifies and discusses the ROW permits/grants issued to SPS by the BLM and the NMSLO that establish the location of the proposed 345-kV transmission line route and associated substation facilities on federal, state and private lands; (ii) describes SPS's compliance with the location and land use requirements of Section 62-9-3 of the PUA and Rule 592.10 (17.9.592 NMAC); and (iii) discusses SPS's compliance with the notice requirements under Section 62-9-3.2 of the PUA; and

(d) Alexandria M. Simons, 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 EA and Routing Analysis 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 a ROW grant 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 her evaluation of the potential environmental impacts of the Proposed Project, which are based on the EA and supporting technical documents, and her 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. issues a CCN that authorizes SPS to construct, operate, and maintain a 345-kV transmission line and associated facilities;
- B. approves the location for the 345-kV transmission line route and associated substation facilities;
- C. determines that a ROW width of 150 feet, with a ROW width of 200 feet at the Pecos River crossing, is necessary for SPS's construction, operation, and maintenance of the proposed 345-kV transmission line;
- D. authorizes SPS to accrue AFUDC for the Proposed Project; and
- E. grants 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,

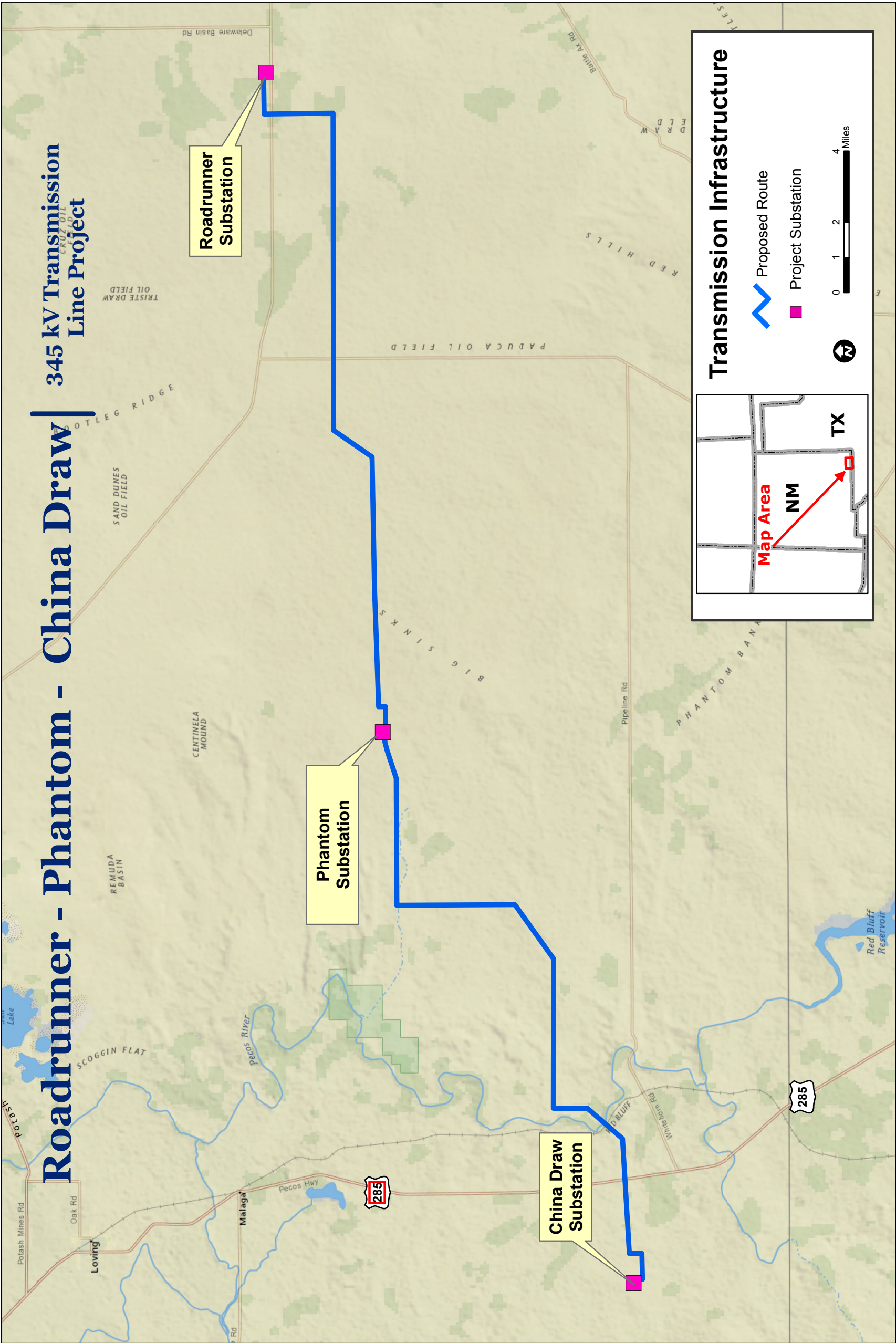
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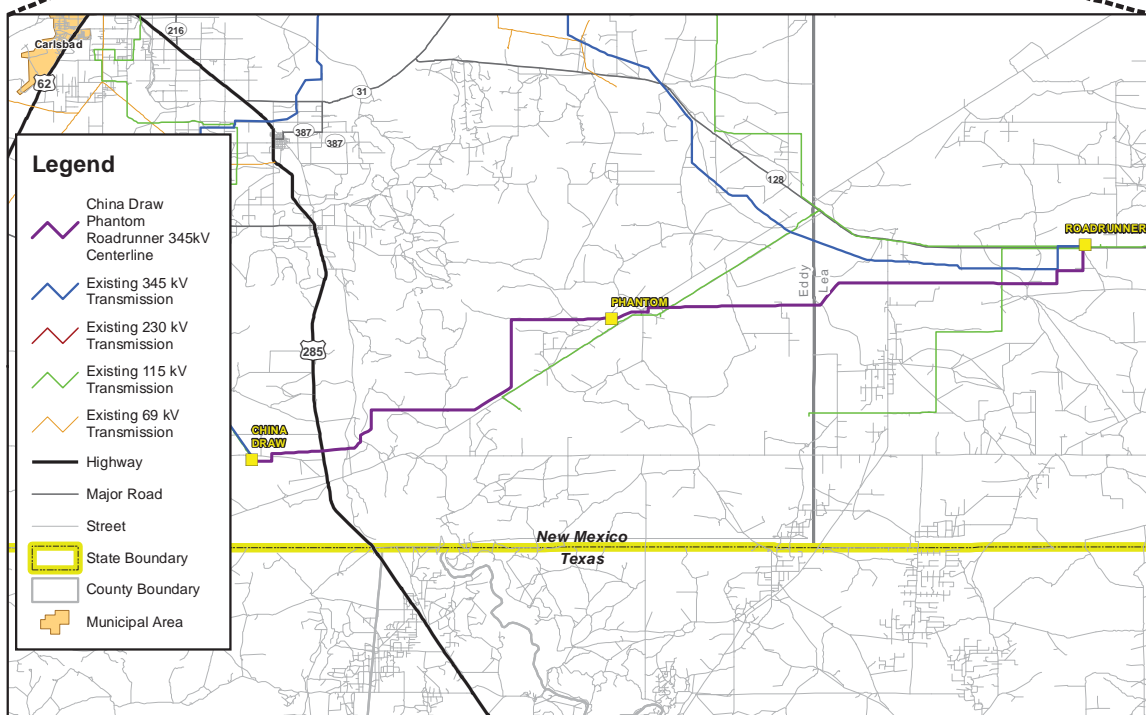
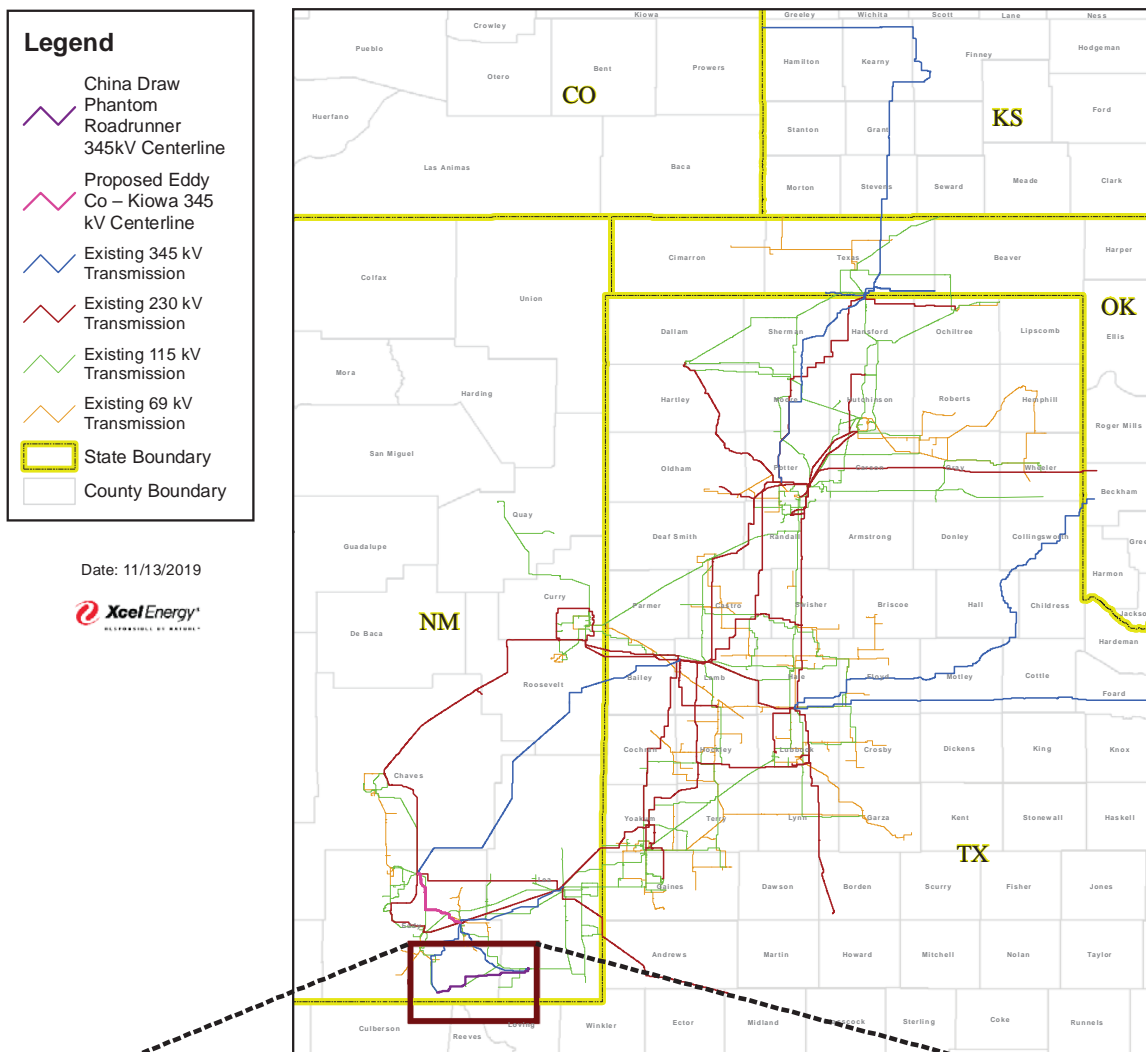
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ATTORNEYS FOR SOUTHWESTERN PUBLIC SERVICE COMPANY



# Roadrunner to Phantom to China Draw CCN Schematic 345-kV



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF SOUTHWESTERN )  
 PUBLIC SERVICE COMPANY'S )  
 APPLICATION REQUESTING: (1) )  
 ISSUANCE OF A CERTIFICATE OF PUBLIC )  
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 ALLOWANCE FOR FUNDS USED DURING )  
 CONSTRUCTION FOR THE TRANSMISSION )  
 LINE AND ASSOCIATED FACILITIES, )  
 SOUTHWESTERN PUBLIC SERVICE )  
 COMPANY, APPLICANT. )

CASE NO. 20-00\_\_\_\_-UT

**NOTICE TO SPS CUSTOMERS**

**NOTICE** is hereby given that:

On April 14, 2020, Southwestern Public Service Company ("SPS") filed an Application seeking: (1) issuance of a Certificate of Public Convenience and Necessity ("CCN") to construct, operate, and maintain a proposed 345-kilovolt ("kV") transmission line and associated facilities in Eddy and Lea Counties, New Mexico, which would extend from SPS's Roadrunner Substation, then to its Phantom Substation, and then to its China Draw Substation ("Proposed Project"); (2) approval of the location of the 345-kV transmission line route and associated facilities; (3) a determination that a 150-foot Right-of-Way ("ROW") width, with a ROW width



of 200-feet at the Pecos River crossing, is necessary for SPS to construct, operate, and maintain the proposed transmission line; and (4) authorization for SPS to accrue an allowance for funds used during construction (“AFUDC”) of the proposed transmission line and associated facilities. The Application sets forth that the new 345-kV transmission line will extend approximately 42.22 miles (222,974 feet). The line will connect SPS’s Roadrunner Substation, located approximately 22.6 miles (119,328 feet) northwest of Jal, New Mexico, to its China Draw Substation, located approximately 14.2 miles (74,976 feet) southwest of Malaga, New Mexico, with connection at the Phantom Substation. With respect to land ownership in relation to the Project’s facilities, the 345-kV transmission line will cross approximately 23.08 miles (121,864.63 feet) of land managed by the United States Bureau of Land Management, 18.91 miles (99,862.785 feet) of state-owned land overseen by the New Mexico State Land Office, and .23 miles (1,200 feet) of SPS-owned land.

SPS’s Application and supporting testimony state the following: (A) the Proposed Project is needed to serve the public convenience and necessity by addressing and resolving potential transmission and voltage stability issues in the Eddy and Lea County areas; (B) the development and operation of the proposed 345-kV transmission line is consistent with and will not impair any important environmental values; and (C) the 345-kV transmission line requires a 150-foot ROW width, with a 200-foot ROW width at the Pecos River Crossing, for its construction, operation, and maintenance.

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.

The Commission has assigned Case No. 20-\_\_\_\_-UT to this Application, and all correspondence, pleadings, comments, and other communications shall refer to that case number.

There is a two track procedural schedule established in this case: one track is for an uncontested stipulated or agreed upon resolution; and the other track, if there is no uncontested stipulation, is a litigated track. Both are set forth separately as follows:

(A) Any person desiring to intervene in the proceeding must file a Motion to Intervene by \_\_\_\_\_, 2020, pursuant to 1.2.2.23 NMAC. All motions for leave to intervene shall be served on all existing parties and prospective intervenors of record;

(B) A settlement meeting between and among parties in this case will be held on \_\_\_\_\_, 2020, at a location to be determined. Details will be available by contacting counsel for SPS.

**(C) Schedule if an uncontested Stipulation is filed:**

1. A public hearing to hear and receive testimony, exhibits, arguments on any filed uncontested stipulation is set to commence at 9:00 a.m. on \_\_\_\_\_, 2020, and continue thereafter, if necessary. The hearing will take place at the Commission's offices in the P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico.

2. Any uncontested Stipulation and required documents pursuant to 1.2.2.20. NMAC may be filed by \_\_\_\_\_, 2020.

3. Testimony in support of an uncontested stipulation shall be filed by SPS and Staff, and may be filed by the intervenors, by \_\_\_\_\_, 2020.

**(D). Litigated Schedule (if no uncontested Stipulation is filed)**

1. A public hearing to hear and receive testimony, exhibits, arguments and other appropriate matters relevant to this proceeding is set to commence at 9:00 a.m. on \_\_\_\_\_, 2020, and continue thereafter, if necessary. The hearing will take place at the Commission's offices in the P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico.

2. Testimony shall be filed by Staff, and may be filed by the intervenors, by \_\_\_\_\_, 2020.

3. Any rebuttal testimony may be filed by \_\_\_\_\_, 2020.

(E). 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.

SPS's Application, together with supporting pre-filed direct testimony, any exhibits and related papers, may be examined by any interested person at the offices of SPS or the Commission at the following addresses or by calling SPS at 1-800-895-4999 during normal business hours. All inquiries or written comments concerning this matter should refer to Case No. 20-\_\_\_\_-UT.

New Mexico Public Regulation Commission  
Records Management Bureau  
P. O. Box 1269  
Santa Fe, New Mexico 87504-1269

Further information about this case can be obtained at the Commission's website, <http://www.nmprc.state.nm.us> under "Case Lookup Edocket", or at SPS's website, (XCEL Energy's website) <http://www.xcelenergy.com/regulatory>.

Pursuant to 17.9.592.13 NMAC and for the convenience of the public, the Application and supporting pre-filed direct testimony and attachments may also be examined by any interested person at the following public libraries after the libraries are re-opened following the Public Health Emergency declared as a result of the Covid-19 virus:

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

Lovington Public Library  
115 South Main  
Lovington, NM 88260

Hobbs Public Library  
509 N. Shipp Street  
Hobbs, NM 88240

Any interested person may appear at the time and place of hearing and make written or oral comment pursuant to 1.2.2.23(F) NMAC without becoming an intervener. Written comments, which shall reference Case No. 20-\_\_\_\_-UT, may be mailed to the Commission at the address above. Such comments will not be considered as evidence in this case. 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.

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 at 505-827-6956 for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled.

Any person filing pleadings or testimony may file in person or by mail at the Commission's address above and shall serve copies on all parties of record, Staff, and the Hearing Examiner on the date of filing. All documents emailed to the Hearing Examiner shall include versions in Microsoft Word or other native formats if available.

Any person whose testimony has been pre-filed shall attend the hearing and submit to examination under oath.

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 such Rules is available online at the official NMAC website <http://164.64.110.134/nmac/nmac-titles>.

**ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COMMISSION AT 1-888-427-5772 AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE PUBLIC HEARING.**

**I S S U E D** at Santa Fe, New Mexico this \_\_\_\_ day of \_\_\_\_\_ 2020.

**NEW MEXICO PUBLIC REGULATION  
COMMISSION**

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**[HEARING EXAMINER NAME}**  
**Hearing Examiner**