

Appendix B

Open House Information

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Siting and Land Rights

Toll-free 844-213-5797



December 16, 2014

Via USPS mail

[Landowner Name]
[Landowner Address 1]
[Landowner Address 2]

Re: Tuco-Yoakum-Hobbs 345 kV Transmission Line Project Open Houses

Dear Sir or Madam:

Southwestern Public Service Company (SPS), a subsidiary of Xcel Energy, Inc., is proposing to construct a new 345 kilovolt (kV) electric transmission line. The proposed transmission line will be approximately 159 miles long, depending upon the final approved routes. Approximately 107 miles will be constructed between the Tuco substation which is located approximately two miles north of Abernathy in Hale County, Texas to the Yoakum substation located about 30 miles from Brownfield, Texas. Approximately 52 miles of 345 kV line will be constructed between the Hobbs Plant substation which is located about 11 miles northwest of Hobbs, New Mexico to the Yoakum substation. Preliminary alternative route links have been identified and are shown as black dashed lines on the attached map.

You are receiving this notice regarding the aforementioned proposed project because one or more of the preliminary alternative route segments for the proposed transmission line may require an easement or other property interest across your property or the centerline of one of the preliminary alternative routes may be located within 500 feet of your property.

SPS is committed to routing the proposed transmission line in a manner consistent with the values of the local communities, the Texas Utilities Code, the Public Utility Commission of Texas Rules and Policies, and the need to provide reliable electric service to this area of North Texas. Additionally, SPS will work with the Texas Public Utility Commission and the New Mexico Public Regulation Commission for the necessary approvals needed for the project.

SPS is hosting four public open houses to solicit input from the public to help determine the route for the proposed transmission line as well as to share information about routing alternatives. We invite you to attend one of these open houses that is most convenient for you to learn more about our project.


OPEN HOUSE INFORMATION

Tuesday January 6, 2015	Thursday January 8, 2015	Tuesday January 13, 2015	Thursday January 15, 2015
5:30 – 7:30 p.m. MST 6:30 – 8:30 p.m. CST	5:30 – 7:30 p.m.	5:30 – 7:30 p.m.	5:30 – 7:30 p.m.
Hobbs Event Center 5101 N. Lovington Hwy Hobbs, NM 88240	Denver City High School Auditorium 601 Mustang Drive Denver City, TX 79323	Brownfield Middle School Auditorium 1001 E. Broadway St. Brownfield, TX 79316	Legacy Event Center 1500 14th Street Lubbock, TX 79401

Maps with greater detail will be available at the open houses. Individuals attending the public open houses will have an opportunity to ask questions and provide information regarding the proposed transmission line route links. These preliminary alternative route links are subject to modification based on further study and information received at the public open houses.

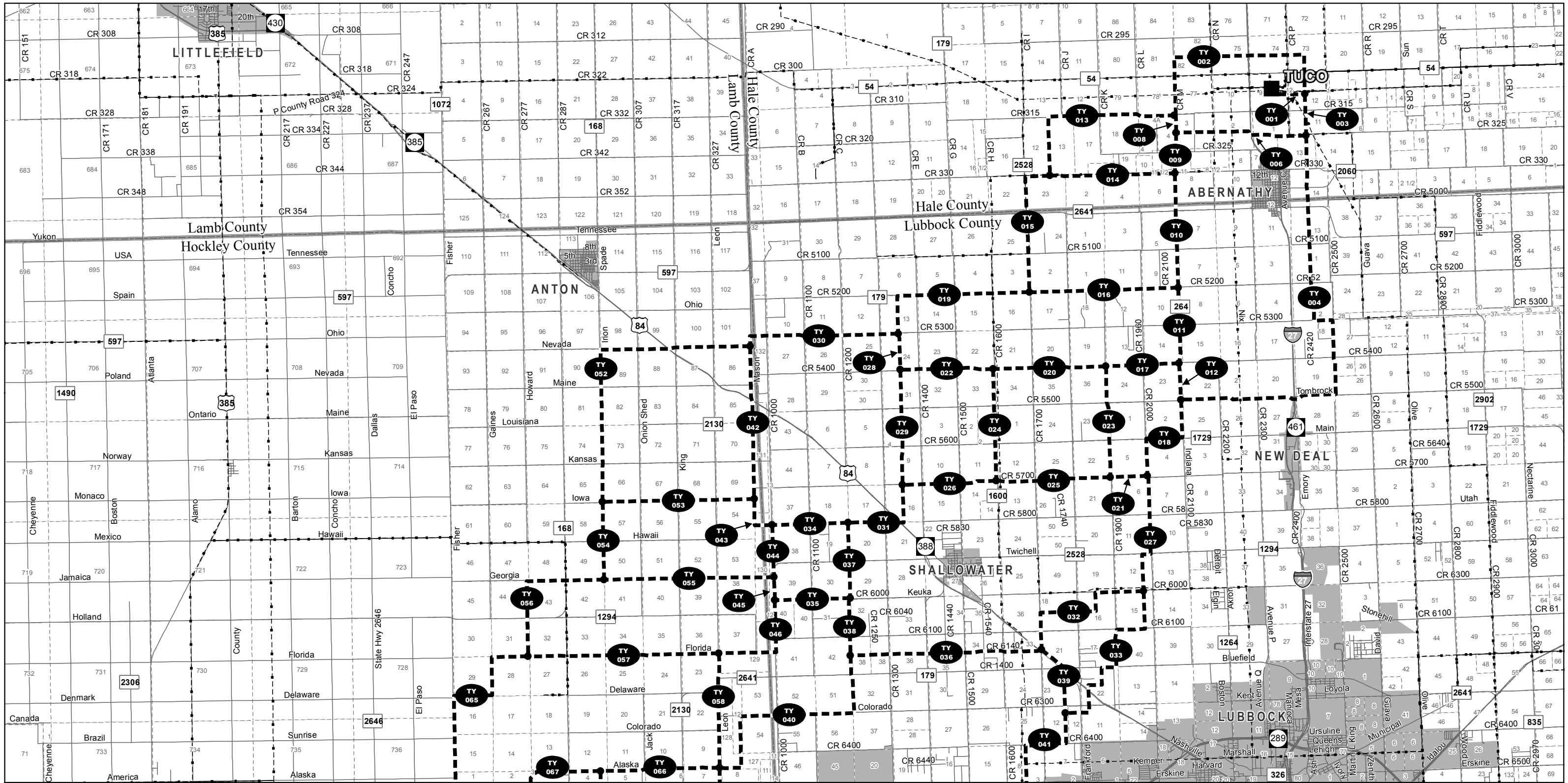
Additional project information, including detailed route link maps for the Tuco-Yoakum-Hobbs project, is posted at www.powerfortheplains.com . If you have any questions concerning the open houses, please contact Ed Trapp at 715-379-5576 or our project toll-free information line 844-213-5797.

Sincerely,



Edwin Trapp
Project Manager
Representing Xcel Energy

Enclosures



Legend

Project Features

- Project Substation
- Link Node
- Alternative Link
- Alternative Link ID

Utility Features

- Existing Transmission Line

Transportation Features

- Interstate Highway
- US Highway
- State Highway
- Farm-to-Market Road
- County Road
- Railroad

Administrative Features

- State Line
- County Boundary
- Municipal Boundary
- Section Boundary

Tuco - Yoakum - Hobbs 345 kV Project

Preliminary Alternative Links

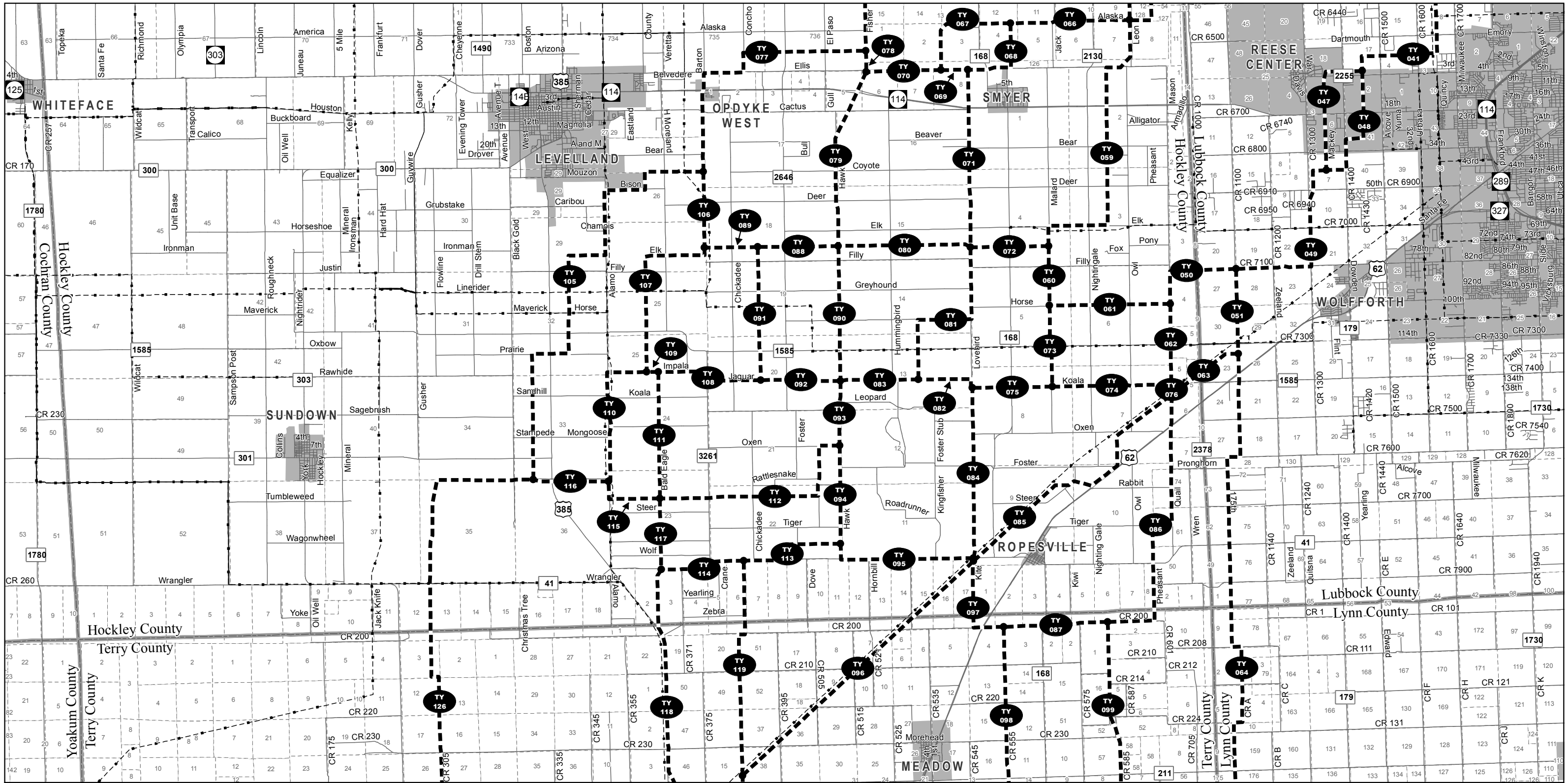
Sheet 1 of 5

0 1 2 3 4 Miles

Date: 12/12/2014

Xcel Energy

Note: Some features are exaggerated to better identify paralleling opportunities



Legend

Project Features

- Project Substation
- Link Node
- Alternative Link
- Alternative Link ID

Utility Features

- Existing Transmission Line

Transportation Features

- Interstate Highway
- US Highway
- State Highway
- Farm-to-Market Road
- County Road
- Railroad

Administrative Features

- State Line
- County Boundary
- Municipal Boundary
- Section Boundary

Tuco - Yoakum - Hobbs 345 kV Project

Preliminary Alternative Links

Sheet 2 of 5

01234

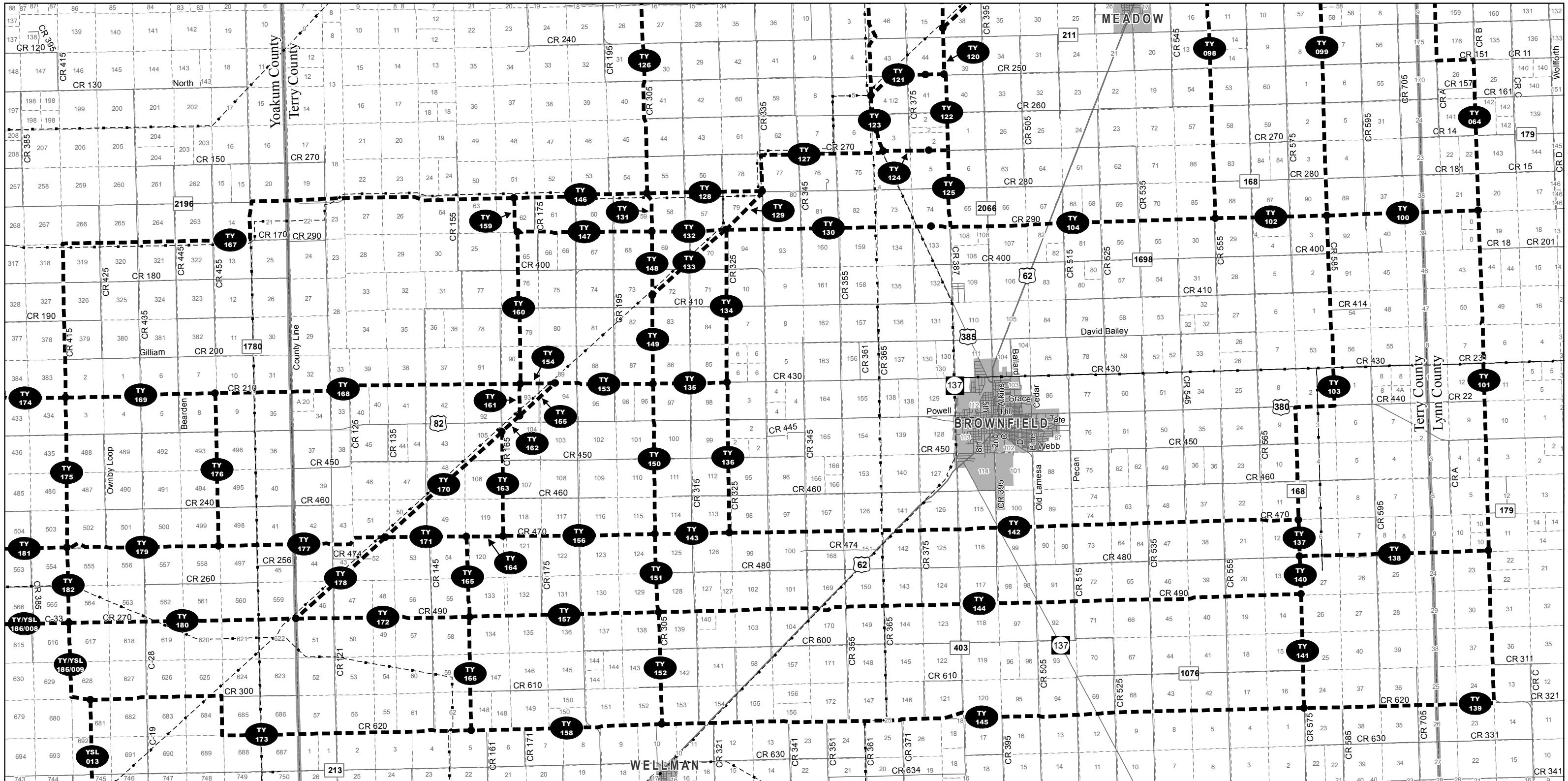
Miles

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Date: 12/12/2014

Note: Some features are exaggerated to better identify paralleling opportunities



Legend

Project Features

- Project Substation
- Link Node
- Alternative Link
- Alternative Link ID

Utility Features

- Existing Transmission Line

Transportation Features

- Interstate Highway
- US Highway
- State Highway
- Farm-to-Market Road
- County Road
- Railroad

Administrative Features

- State Line
- County Boundary
- Municipal Boundary
- Section Boundary

Tuco - Yoakum - Hobbs 345 kV Project

Preliminary Alternative Links

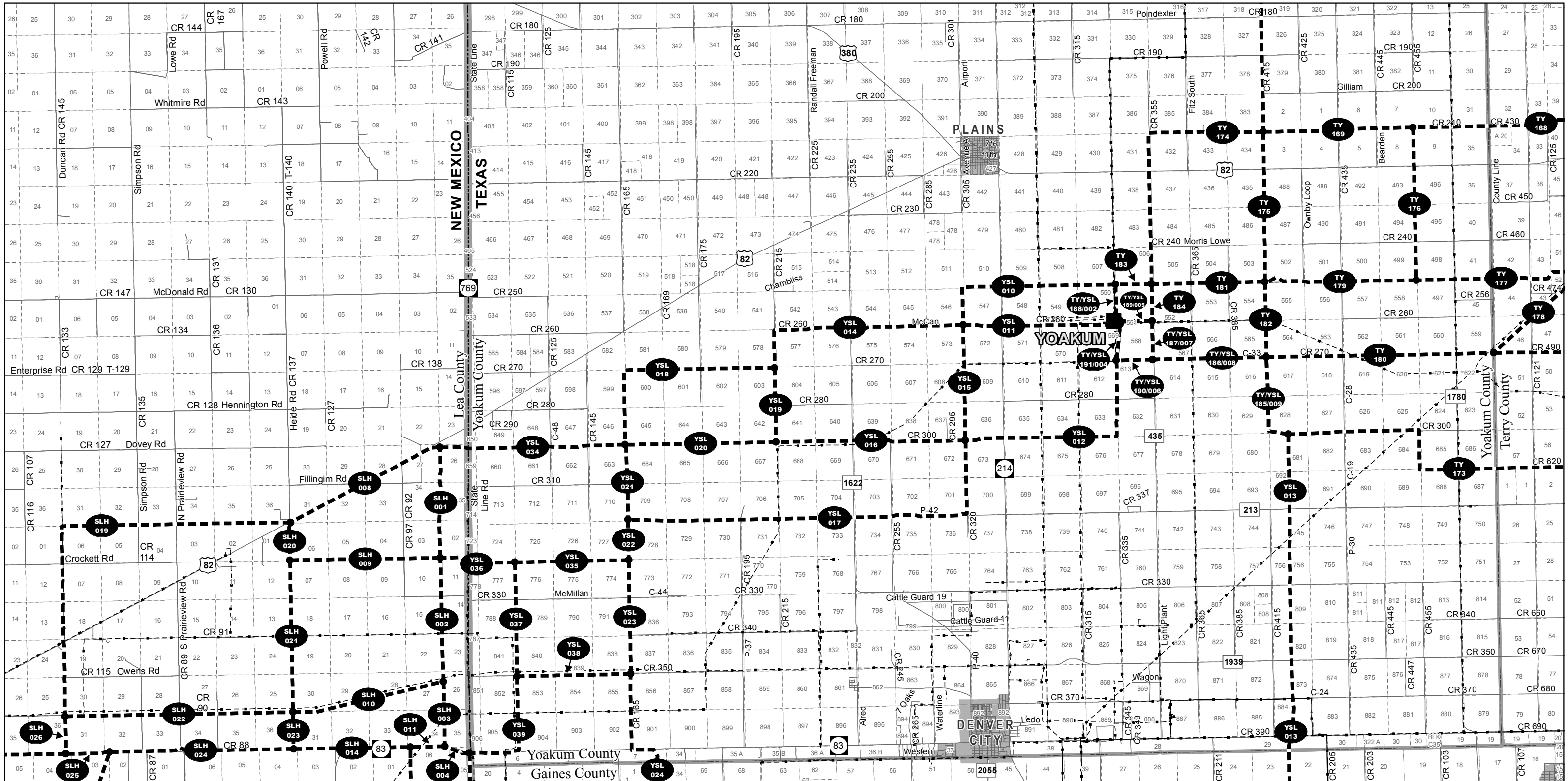
Sheet 3 of 5

0 1 2 3 4 Miles

Date: 12/12/2014

Xcel Energy

Note: Some features are exaggerated to better identify paralleling opportunities



Legend

Project Features

- Project Substation
- Link Node
- Alternative Link
- Alternative Link ID

Utility Features

- Existing Transmission Line

Transportation Features

- Interstate Highway
- US Highway
- State Highway
- Farm-to-Market Road
- County Road
- Railroad

Administrative Features

- State Line
- County Boundary
- Municipal Boundary
- Section Boundary

Tuco - Yoakum - Hobbs 345 kV Project

Preliminary Alternative Links

Sheet 4 of 5

0 1 2 3 4 Miles

Date: 12/12/2014

Xcel Energy

Segment _____

Tract # _____



**January 2015 Open House Questionnaire
Tuco-Yoakum-Hobbs 345 kV Transmission Line**

Welcome and thank you for taking the time to attend this public open-house meeting for the proposed Tuco-Yoakum-Hobbs 345 kV transmission line project. The purpose of this open-house is to present information, receive your ideas and concerns, and answer your questions about the project. Before Xcel Energy, Inc. (Xcel Energy) and their routing consultant (POWER Engineers, Inc.) make any final decisions concerning which potential routes will be filed for consideration by the Public Utility Commission of Texas and the New Mexico Public Regulation Commission, and which transmission structure type to select, we want to hear your opinion.

We welcome your comments on the Tuco-Yoakum-Hobbs 345 kV transmission line project. Please take a few minutes to answer the following questions. To ensure that your comments will be incorporated into the analysis of alternatives, please return this form at the open-house or not later than February 15, 2015 to the following address: PO Box 4144, Waterloo, Iowa 50704. You may also submit your comments by email to Ed.Trapp@contractlandstaff.com. To find more information, we encourage you to visit the project website, <http://www.powerfortheplains.com/projects>.

1. Which public open-house meeting did you attend?

Hobbs, NM, Jan. 6, Yes ____ No ____, Denver City, Jan 8, Yes ____ No ____

Brownfield, Jan. 13, Yes ____ No ____, Lubbock, Jan. 15, Yes ____ No ____

2. In your opinion, has the purpose for the project been adequately explained?

Yes ____ No ____

3. How could we have improved on this effort? Was there something that did you not understand?

4. Do you believe the public open-house format and the information that was provided were helpful for your understanding of the project?

Open-house Format Yes ____ No ____

Information Provided Yes ____ No ____

5. As explained at one of the stations of the open-house, the routing of a transmission line involves many considerations. Please circle the number corresponding to the level of importance that each specific factor in the routing of the transmission line is to you.

FACTORS

RATINGS

	Not Important	-----	Somewhat Important	-----	Very Important
a) Maximize distance from residences	1	2	3	4	5
b) Maximize distance from businesses	1	2	3	4	5
c) Maximize distance from public facilities (e.g., parks & schools)	1	2	3	4	5
d) Maximize length along existing transmission lines	1	2	3	4	5
e) Maximize length along highways or other roads	1	2	3	4	5
f) Maximize length along property boundary lines	1	2	3	4	5
g) Maintain reliable electric service	1	2	3	4	5
h) Minimize length through wetlands/floodplains	1	2	3	4	5
i) Minimize crossing and paralleling of streams/ rivers	1	2	3	4	5
k) Minimize length across cropland	1	2	3	4	5
l) Minimize loss of trees	1	2	3	4	5
m) Minimize visibility of the line	1	2	3	4	5
n) Minimize total length of line (reduces cost of line)	1	2	3	4	5
o) Minimize length through grassland or pasture	1	2	3	4	5
p) Maximize length through undeveloped land	1	2	3	4	5
q) Minimize impacts to archaeological and historic sites	1	2	3	4	5

6. If you wish to comment on the factors listed in the previous question, or add any factors that you think should be considered, please use the space below and the back of the questionnaire, if necessary.

7. If there are any other features in the study area that you feel are important, please describe the locations and/or mark them on the study area maps attached.

8. If you have a concern with a particular transmission line segment shown on the displays and the attached maps, please indicate the segment (by segment designation) and describe your concern.

<u>Segment</u>	<u>Concern</u>
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9. Which of the following applies to your situation?

☐ Potential segment is near my home

☐ Potential segment is near my business

☐ Potential segment crosses my land

☐ Other (please specify)

Please provide any additional comments below:

We would appreciate having your contact information below, however, it is optional.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

E-mail Address: _____

THANK YOU FOR YOUR COMMENTS!

Mail comments to – P.O. Box 4144 – Waterloo, Iowa 50704 or
Email to Ed.Trapp@contractlandstaff.com

Tract # – _____

State – _____

PERMISSION TO SURVEY

I, _____ of _____ County,
State of _____, hereby grant Southwestern Public Service (“SPS”), a
subsidiary of Xcel Energy, and its representatives, permission to enter upon the
following described land, which is either owned or leased by me, for the purposes of
performing a civil survey; soil testing, including but not limited to soil boring and
hydrovac studies; any necessary archeological and environmental studies, including
but not limited to prairie chicken studies; and any other required or necessary
studies for a proposed electric transmission power line:

Parcel ID(s) - _____

I understand that this is not an agreement regarding the construction of a
transmission line, but is only permission to allow SPS to conduct preliminary surveys
and studies as described above.

Dated this _____ day of _____, 20_____.

LANDOWNER

Contact Information:

Address: _____

Phone No: _____

TENANT

Contact Information:

Address: _____

Phone No: _____

LANDOWNER

Contact Information:

Address: _____

Phone No: _____

TENANT

Contact Information:

Address: _____

Phone No: _____

LANDOWNER**Contact Information:**

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Phone No: _____

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LANDOWNER**Contact Information:**

Address: _____

Phone No: _____

TENANT**Contact Information:**

Address: _____

Phone No: _____



THE STATE OF TEXAS
LANDOWNER'S
BILL OF RIGHTS



PREPARED BY THE



OFFICE OF THE
ATTORNEY GENERAL OF TEXAS



STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

This Landowner's Bill of Rights applies to any attempt by the government or a private entity to take your property. The contents of this Bill of Rights are prescribed by the Texas Legislature in Texas Government Code Sec. 402.031 and Chapter 21 of the Texas Property Code.

1. You are entitled to receive adequate compensation if your property is taken for a public use.
2. Your property can only be taken for a public use.
3. Your property can only be taken by a governmental entity or private entity authorized by law to do so.
4. The entity that wants to take your property must notify you that it wants to take your property.
5. The entity proposing to take your property must provide you with a written appraisal from a certified appraiser detailing the adequate compensation you are owed for your property.
6. The entity proposing to take your property must make a bona fide offer to buy the property before it files a lawsuit to condemn the property – which means the condemning entity must make a good faith offer that conforms with Chapter 21 of the Texas Property Code.
7. You may hire an appraiser or other professional to determine the value of your property or to assist you in any condemnation proceeding.
8. You may hire an attorney to negotiate with the condemning entity and to represent you in any legal proceedings involving the condemnation.
9. Before your property is condemned, you are entitled to a hearing before a court appointed panel that includes three special commissioners. The special commissioners must determine the amount of compensation the condemning entity owes for the taking of your property. The commissioners must also determine what compensation, if any, you are entitled to receive for any reduction in value of your remaining property.
10. If you are unsatisfied with the compensation awarded by the special commissioners, or if you question whether the taking of your property was proper, you have the right to a trial by a judge or jury. If you are dissatisfied with the trial court's judgment, you may appeal that decision.

CONDEMNATION PROCEDURE

Eminent domain is the legal authority that certain entities are granted that allows those entities to take private property for a public use. Private property can include land and certain improvements that are on that property.

Private property may only be taken by a governmental entity or private entity that is authorized by law to do so. Your property may be taken only for a public purpose. That means it can only be taken for a purpose or use that serves the general public. Texas law prohibits condemnation authorities from taking your property to enhance tax revenues or foster economic development.

Your property cannot be taken without adequate compensation. Adequate compensation includes the market value of the property being taken. It may also include certain damages if your remaining property's market value is diminished by the acquisition itself or by the way the condemning entity will use the property.

HOW THE TAKING PROCESS BEGINS

The taking of private property by eminent domain must follow certain procedures. First, the entity that wants to condemn your property must provide you a copy of this Landowner's Bill of Rights before - or at the same time - the entity first represents to you that it possesses eminent domain authority.

Second, if it has not been previously provided, the condemning entity must send this Landowner's Bill of Rights to the last known address of the person who is listed as the property owner on the most recent tax roll. This requirement stipulates that the Landowner's Bill of Rights must be provided to the property owner at least seven days before the entity makes a final offer to acquire the property.

Third, the condemning entity must make a bona fide offer to purchase the property. The requirements for a bona fide offer are contained in Chapter 21 of the Texas Property Code. At the time a purchase offer is made, the condemning entity must disclose any appraisal reports it produced or acquired that relate specifically to the property and were prepared in the ten years preceding the date of the purchase offer. You have the right to discuss the offer with others and to either accept or reject the offer made by the condemning entity.

CONDEMNATION PROCEEDINGS

If you and the condemning entity do not agree on the value of your property, the entity may begin condemnation proceedings. Condemnation is the legal process that eligible entities utilize to take private property. It begins with a condemning entity filing a claim for your property in court. If you live in a county where part of the property being condemned is located, the claim must be filed in that county. Otherwise, the condemnation claim can be filed in any county where at least part of the property being condemned is located. The claim must describe the property being condemned, state with specificity the public use, state the name of the landowner, state that the landowner and the condemning entity were unable to agree on the value of the property, state that the condemning entity provided the landowner with the Landowner's Bill of Rights, and state that the condemning entity made a bona fide offer to acquire the property from the property owner voluntarily.

SPECIAL COMMISSIONERS' HEARING

After the condemning entity files a condemnation claim in court, the judge will appoint three local landowners to serve as special commissioners. The judge will give you a reasonable period to strike one of the special commissioners. If a commissioner is struck, the judge will appoint a replacement. These special commissioners must live in the county where the condemnation proceeding is filed, and they must take an oath to assess the amount of adequate compensation fairly, impartially, and according to the law. The special commissioners are not legally authorized to decide whether the condemnation is necessary or if the public use is proper. Their role is limited to assessing adequate compensation for you. After being appointed, the special commissioners must schedule a hearing at the earliest practical time and place. The special commissioners are also required to give you written notice of the condemnation hearing.

You are required to provide the condemning entity any appraisal reports that were used to determine your claim about adequate compensation for the condemned property. Under a new law enacted in 2011, landowners' appraisal reports must be provided to the condemning entity either ten days after the landowner receives the report or three business days before the special commissioners' hearing - whichever is earlier. You may hire an appraiser or real estate professional to help you determine the value of your private property. Additionally, you can hire an attorney to represent you during condemnation proceedings.

At the condemnation hearing, the special commissioners will consider your evidence on the value of your condemned property, the damages to remaining property, any value added to the remaining property as a result of the condemnation, and the condemning entity's proposed use of your condemned property.

SPECIAL COMMISSIONERS' AWARD

After hearing evidence from all interested parties, the special commissioners will determine the amount of money that you should be awarded to adequately compensate you for your property. The special commissioners' decision is significant to you not only because it determines the amount that qualifies as adequate compensation, but also because it impacts who pays for the cost of the condemnation proceedings. Under the Texas Property Code, if the special commissioners' award is less than or equal to the amount the condemning entity offered to pay before the proceedings began, then you may be financially responsible for the cost of the condemnation proceedings. However, if the special commissioners' award is more than the condemning entity offered to pay before the proceedings began, then the condemning entity will be responsible for the costs associated with the proceedings.

The special commissioners are required to provide the court that appointed them a written decision. That decision is called the "Award." The Award must be filed with the court and the court must send written notice of the Award to all parties. After the Award is filed, the condemning entity may take possession of the property being condemned, even if either party appeals the Award of the special commissioners. To take possession of the property, the condemning entity must either pay the amount of the Award or deposit the amount of the Award into the court's registry. You have the right to withdraw funds that are deposited into the registry of the court.

OBJECTION TO THE SPECIAL COMMISSIONERS' AWARD

If either the landowner or the condemning entity is dissatisfied with the amount of the Award, either party can formally object to the Award. In order to successfully make this valuation objection, it must be filed in writing with the court. If neither party timely objects to the special commissioners' Award, the court will adopt the Award as the final judgment of the court.

If a party timely objects to the special commissioners' Award, the court will hear the case in the same manner that other civil cases are heard. Landowners who object to the Award and ask the court to hear the matter have the right to a trial and can elect whether to have the case decided by a judge or jury. The allocation of any trial costs is decided in the same manner that costs are allocated with the special commissioners' Award. After trial, either party may appeal any judgment entered by the court.

DISMISSAL OF THE CONDEMNATION ACTION

A condemning entity may file a motion to dismiss the condemnation proceeding if it decides it no longer needs your condemned property. If the court grants the motion to dismiss, the case is over and you are entitled to recover reasonable and necessary fees for attorneys, appraisers, photographers, and for other expenses incurred to the date of the hearing on the motion to dismiss.

If you wish to challenge the condemning entity's authority to take your property, you can lodge that challenge by filing a motion to dismiss the condemnation proceeding. Such a motion to dismiss would allege that the condemning entity did not have the right to condemn your property. For example, a landowner could challenge the condemning entity's claim that it seeks to take the property for a public use. If the court grants the landowner's motion, the court may award the landowner reasonable and necessary fees for attorneys, appraisers, photographers, and for other expenses incurred to the date of the hearing or judgment.

RELOCATION COSTS

If you are displaced from your residence or place of business, you may be entitled to reimbursement for reasonable expenses incurred while moving personal property from the residence or relocating the business to a new site. However, during condemnation proceedings, reimbursement for relocation costs may not be available if those costs are separately recoverable under another law. Texas law limits the total amount of available relocation costs to the market value of the property being moved. Further, the law provides that moving costs are limited to the amount that a move would cost if it were within 50 miles.

RECLAMATION OPTIONS

If private property was condemned by a governmental entity, and the public use for which the property was acquired is canceled before that property is used for that public purpose, no actual progress is made toward the public use within ten years or the property becomes unnecessary for public use within ten years, landowners may have the right to repurchase the property for the price paid to the owner by the entity at the time the entity acquired the property through eminent domain.

DISCLAIMER

The information in this statement is intended to be a summary of the applicable portions of Texas state law as required by HB 1495, enacted by the 80th Texas Legislature, Regular Session. This statement is not legal advice and is not a substitute for legal counsel.

ADDITIONAL RESOURCES

Further information regarding the procedures, timelines and requirements outlined in this document can be found in Chapter 21 of the Texas Property Code.

Landowners and Transmission Line Cases at the PUC

Public Utility Commission of Texas



1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7261
www.puc.state.tx.us

Effective: January 1, 2003

PURPOSE OF THIS BROCHURE

This brochure is intended to provide landowners with information about proposed new transmission lines and the Public Utility Commission's process for evaluating these proposals. At the end of the brochure is a list of sources for additional information.

The following topics are covered:

- How the Public Utility Commission (PUC) evaluates whether a new transmission line should be built,
- How you can participate in the PUC's evaluation of a line, and
- How utilities acquire the right to build a transmission line on private property.

You are receiving the enclosed formal notice because one or more of the routes for a proposed transmission line may require an easement or other property interest across your property, or the centerline of the proposed project may come within 300 feet of a house or other habitable structure on your property. (This distance is expanded to 500 feet if the proposed line is greater than 230kVv or greater voltage.) For this reason, your property is considered **directly affected land**. This brochure is being included as part of the formal notice process.

If you have questions about the proposed routes for a transmission line, you may contact the utility company to obtain a more detailed map of the proposed routes for the transmission line and nearby habitable structures.

The PUC is sensitive to the impact that transmission lines have on private property. At the same time, transmission lines deliver electricity to millions of homes and businesses in Texas, and new lines are sometimes needed so that customers can obtain reliable, economical power.

The PUC's job is to assess the utility's proposal and the positions of the parties, and to decide whether a proposed transmission line should be approved. The PUC values input from landowners and encourages you to participate in this process.

PUC TRANSMISSION LINE PROCEEDING

Texas law provides that most utilities must file an application with the PUC to obtain a Certificate of Convenience and Necessity (CCN) in order to build a new transmission line in Texas.

The law requires the PUC to consider a number of factors in deciding whether to approve a proposed new transmission line.

The PUC may grant a CCN after considering the following factors:

- Adequacy of existing service;
- Need for additional service;
- Effect of granting the certificate on the local utility and any utility serving the proximate area;
- Whether the route utilizes existing compatible rights-of-way, including the use of vacant positions on existing multiple-circuit transmission lines;
- Whether the route parallels existing compatible rights-of-way;
- Whether the route parallels property lines or other natural or cultural features;
- Whether the route conforms with the policy of prudent avoidance (which is defined as the limiting of exposures and magnetic fields that can be avoided with reasonable investments of money and effort); and
- Other factors such as community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the probable improvement of service or lowering of cost to consumers in the area.

If the PUC deems a line should be approved, it will grant the utility's application to construct the transmission line.

Utility Application for CCN:

A utility's application for approval of a CCN describes the proposed line and includes a statement from the utility describing the need for the line and the impact of building it. The application also includes a route designated by the utility as a "preferred route"; however, any of the proposed routes may be selected by the Commission.

The PUC conducts a proceeding to evaluate the need and impact of the proposed line and to decide whether to approve it. Landowners who would be affected by a new line can participate in the case in the following ways:

- informally, by filing a protest, or
- formally, by intervening in the PUC proceeding.

Filing a Protest (informal comments):

If you do not wish to intervene in a CCN proceeding, you may file **comments**. An individual or business or a group who files comments for or against any aspect of the utility's transmission line application is considered a "protestor."

Protestors make a written or verbal statement in support of or in opposition to the utility's application and give information to the PUC staff that they believe supports their position.

Protestors are not parties to the case, however, and do not have the right to:

- Make discovery requests and obtain facts about the case from other parties;
- Receive notice of a hearing, or copies of testimony and other documents that are filed in the case;
- Receive notice of the time and place for the negotiations; or
- File testimony and/or cross-examine witnesses;
- Appeal the PUC's decision to state district court.

If you want to file comments, you may either send written comments stating your position, or you may make a statement on the first day of the public hearing. Although public comments are not treated as evidence, they help inform the PUC and its staff of the public concerns and identify issues to be explored. The PUC welcomes such participation in its proceedings.

Intervening in a Proceeding:

Intervenors are parties to the case and may have certain legal rights as a directly affected landowner, including the right to participate in the case and any settlement or mediation relating to the case and the right to appeal any decision of the PUC.

To become an intervenor, you must file a statement with the PUC requesting intervenor status (also referred to as a party). This statement should describe how the proposed transmission line would affect your property. Typically, intervention is granted only to directly affected landowners. A sample form for intervention and the filing address are attached to this brochure, and may be used to make your filing.

If you decide to intervene in a case, you will be required to follow certain procedural rules:

- You are required to respond to discovery requests from other parties who seek information about your position.
- If you file testimony, you must appear at a public hearing to be cross-examined.
- If you file testimony or other documents in the case, you must send copies of the documents to every party in the case.

Intervenors may have an attorney to represent them in a CCN proceeding. If you intervene in a proceeding, you may want an attorney to help you understand the PUC's procedures and the laws and rules that the PUC applies in deciding whether to approve a transmission line.

Stages of a CCN Proceeding:

If there are persons who intervene in the proceeding and oppose the approval of the line, the PUC will refer the case to an administrative law judge (ALJ) at the State Office of Administrative Hearings (SOAH) to conduct a hearing. The hearing is a formal proceeding, much like a trial, in which testimony is presented, and the ALJ makes a recommendation to the PUC on whether the application should be approved.

There are several stages of a CCN proceeding:

- The ALJ holds a pre-hearing conference (usually in Austin) to set a schedule for the case.
- Parties to the case have the opportunity to conduct discovery; that is, obtain facts about the case from other parties.
- Parties file written testimony before the date of the hearing.
- A hearing is held (usually in Austin), and parties have an opportunity to cross-examine the witnesses.
- Parties file written briefs concerning the evidence presented at the hearing.
- The ALJ makes a recommendation, called a **proposal for decision**, to the PUC Commissioners regarding the case. Parties who disagree with the ALJ's recommendation may file exceptions.
- The Commissioners discuss the case and decide whether to approve the utility's application. The Commissioners may approve the ALJ's recommendation, approve it with specified changes, send the case back to the ALJ for further consideration, or deny the utility's application. The decision rendered by the Commissioners is called a **Final Order**. Parties who are dissatisfied with the PUC's decision may file motions for rehearing, asking the Commissioners to reconsider the decision.
- After the Commissioners rule on the motion for rehearing, parties have the right to appeal the decision to district court in Travis County.

RIGHT TO USE PRIVATE PROPERTY

Before building a transmission line on private property, the utility must obtain the right to enter the land and use it for the transmission line. They typically do this by obtaining an easement from the landowners. Easements convey certain rights to the utility from a landowner.

Utilities may buy easements through a negotiated agreement, but they also have the power of eminent domain (condemnation) under Texas law (Texas Utilities Code § 181.004). Local courts, not the PUC, decide issues concerning easements for rights-of-way. The PUC does not determine the value of property.

The PUC Final Order in a transmission case normally requires a utility to take certain steps to minimize the impact of the new transmission line on landowners' property and on the environment. For example, the order normally requires steps to minimize the possibility of erosion during construction and maintenance activities.

HOW TO OBTAIN MORE INFORMATION

The PUC's online "Interchange" provides free access to documents that are filed with the Commission in Central Records. The docket number of a proceeding is a key piece of information used in locating documents in the case. You may access the Interchange by visiting the PUC's website at www.puc.state.tx.us. Documents may also be purchased from and filed in Central Records. For more information on how to purchase or file documents, call Central Records at the PUC at 512-936-7180.

PUC SUBST. RULE 25.101, Certification Criteria is available on-line or you may obtain copies of PUC rules from Central Records.

Always include the docket number on all filings with the PUC. You can find the docket number on the enclosed formal notice. Send documents to the PUC at the following address.

Public Utility Commission of Texas
Central Records
Attn: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

The information contained within this brochure is not intended to provide a complete and comprehensive guide to all matters relative to landowner rights and responsibilities in transmission line cases at the PUC. This brochure should neither be regarded as legal advice nor should it be a substitute for the PUC's rules. However, if you should have questions about the process in transmission line proceedings, you may call the PUC's Legal Division at 512-936-7261 and speak to the PUC staff attorney assigned to this case. The attorney may help you with the PUC's rules, but may not provide legal advice or represent you in a proceeding.

Communicating with Decision-Makers:

Do not contact the ALJ or the Commissioners by telephone or email. They are not allowed to discuss pending cases with a party or a protestor. They may only make their recommendations and decisions by relying on the evidence, written pleadings, and arguments that are presented in the case.



January XX, 2016

Name

Address

City, State, zip code

Dear Landowner:

Southwestern Public Service Company ("SPS") is proposing to build a 345-kV transmission line that may affect property that you own. SPS has been working on the routing of this transmission line for several months and has held open house meetings to inform landowners about this project. Since these open house meetings were held, SPS has determined that additional routing segments are needed for the proposed project to increase the number of potential routes. Your land has been identified as being potentially affected by one or more of these new segments.

Enclosed is a map showing the new proposed segments and the segments originally proposed at the landowner meetings. Please review these new proposed segments on or near your property and call me if you have any questions or concerns or if you would like to meet with an SPS representative. My phone number is 806-378-2435.

Thank you very much for your assistance with this important matter.

Sincerely,

Lance Kenedy
Principal Agent, Siting & Land Rights

Enclosure