

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0069E

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, TO ADDRESS THE CONSTRUCTION OF NEW POWERLINE TRAILS PURSUANT TO HOUSE BILL 22-1104.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ADOPTING RULES AS MODIFIED**

Mailed Date: June 5, 2023

TABLE OF CONTENTS

I. STATEMENT.....	1
II. FINDINGS, DISCUSSION, AND CONCLUSIONS.....	5
III. ORDER.....	10
A. The Commission Orders That:.....	10

I. STATEMENT

1. On February 15, 2023, by Decision No. C23-0101, the Colorado Public Utilities Commission (Commission) issued its Notice of Proposed Rulemaking (NOPR) and referred this matter to an Administrative Law Judge (ALJ) for disposition. A public comment hearing was scheduled for March 27, 2023, at 11:00 a.m.

2. The purpose of this Proceeding is to consider amendments to certain of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3, in order to implement the recent statutory changes enacted in House Bill (HB) 22-1104, effective

April 13, 2022, adding a requirement that the Commission amend its rules requiring that ten-year transmission plan filings include information regarding the potential for powerline trails. The Commission's proposed amendments to the Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (Proposed Rules, or in its singular form, Proposed Rule) were attached to the NOPR.

3. On February 15, 2023, the Commission filed the NOPR with the Secretary of State and the Colorado Office of Regulatory Reform.

4. On March 13, 2023, Public Service Company of Colorado (Public Service) filed its Written Comments of Public Service Company of Colorado (Public Service's Written Public Comments). Public Service suggested two suggested modifications to the Proposed Rules: the correction of an error¹ in proposed Rule 3001(aa) and the addition of the words "by the transmission provider" at the end of proposed Rule 3627(c)(XI).

5. On March 13, 2023, Black Hills Colorado Electric, LLC doing business as Black Hills Energy (Black Hills) filed its Initial Comments of Black Hills Colorado Electric, LLC doing business as Black Hills Energy (Black Hills' Initial Written Public Comments). In Black Hills' Initial Written Public Comments, Black Hills recommended: correcting the same typo to proposed Rule 3001(aa) that Public Service recommended correcting; switching the words "an electric utility" with the words "a Transmission Provider" in proposed Rule 3001(II); adding the word "line" before the word "transmission" in proposed Rule 3627(c)(X) and (XI); deleting the words "including those" from proposed Rule 3627(c)(X); adding the words "by a Transmission

¹ The error Public Service seeks to correct is a typographical error: the use of the word "service" with the word "surface."

Provider” to the end of proposed Rule 3627(c)(XI); and adding subsection “(a)” after the reference to “§ 33-45-103(2)” in Proposed Rule 3627(c)(XII).

6. On March 13, 2023, Tri-State Generation and Transmission Association, Inc. (Tri-State) filed Tri-State Generation and Transmission Association, Inc.’s Comments on the Proposed Rules Regarding Construction of New Powerline Trails Pursuant to House Bill 22-1104 (Tri-State’s Written Public Comments). In Tri-State’s Written Public Comments, Trial State suggests: in Proposed Rule 3001(aa), replacing the phrase “existing transmission or planned corridor” with “existing or future transmission corridor;” in proposed Rule 3001(ll), replacing the phrase “an electric utility, or covered by an easement or right-of-way held by an electric utility, where an electric transmission line is constructed, operated, or maintained or planned to be constructed, operated, or maintained” with “transmission provider as defined in § 33-45-102(11), C.R.S. or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained;” replacing the term “transmission project” with “transmission line project” in Proposed Rule 3627(c)(X); and adding the sentence “This rule does not apply to projects that pertain exclusively to substations and related facilities” to the end of Proposed Rule 3627(c)(X).

7. On March 15, 2023, the Southwest Energy Efficiency Project (SWEEP) and Bicycle Colorado filed Southwest Energy Efficiency Project and Bicycle Colorado Joint Comments (SWEEP’s and Bicycle Colorado’s Written Public Comments). In SWEEP’s and Bicycle Colorado’s Written Public Comments, SWEEP’s and Bicycle Colorado suggest” adding a new subsection (XII) to Proposed Rule 3627(c) that would read: “A description of completed and planned efforts to notify local governments of transmission projects in their area that have the potential for the construction of a powerline trail.” SWEEP and Bicycle Colorado also

suggest replacing the word “planned” with the word “future” in Proposed Rule 3001(aa). SWEEP and Bicycle Colorado further state that they agree with the recommended edits suggested by Public Service, Black Hills, and Tri State, with two exceptions. Specifically, SWEEP and Bicycle Colorado recommend that the phrase “or planned to be constructed, operated, or maintained” in Proposed Rule 3001(ll) should remain as set forth in the Proposed Rules and the following phrase “a new transmission line will be constructed” be added after the word “where” to Proposed Rule 3627(c)(X). Lastly, SWEEP and Bicycle Colorado, recommended adding subsection (XIII) to Proposed Rule 3627(c), which would require transmission line providers to submit to the Commission “[a] description of completed and planned efforts to notify local governments of transmission projects in their area that have the potential for the construction of a powerline trail.”

8. On March 20, 2023, Black Hills filed its Response Comments of Black Hills Colorado Electric, LLC doing business as Black Hills Energy (Black Hills’ Written Response Public Comments). In Black Hills’ Written Response Public Comments, Black Hills: takes issue with SWEEP’s and Bicycle Colorado’s recommended replacement of the word “future” with “planned” in Proposed Rule 3001(aa), agrees with the SWEEP’s and Bicycle Colorado’s compiled edits to Proposed Rules 3001(ll), 3627(c)(X), 3627(c)(XI), AND 3627(c)(XII), and disagrees with SWEEP’s and Bicycle Colorado’s recommended addition of subsection (XIII) to Proposed Rule 3627(c).

9. On March 27, 2023, at 11:00 a.m., the public comment hearing was held. Ms. Ann Hendrickson, Black Hills’s Regulatory and Finance Analyst, appeared on behalf of Black Hills and indicated that Black Hills stood by its pre-filed written public comments in this matter. Mr. Chris Irby, Counsel for Public Service, appeared on behalf of Public Service and

indicated that Public Service generally supported the other utilities' pre-filed written comments in this matter, including, specifically, Black Hills' Written Response Public Comments regarding Proposed Rules 3001(aa), 3627(a)(1), 3627(c)(XIII). Mr. Tom Dougherty, Counsel for Tri-State, appeared on behalf of Tri State and indicated that Tri-State stood by its pre-filed comments and concurred with the pre-filed written comments submitted by Public Service and Black Hills. Mr. Tom Easley appeared on behalf of Colorado Communities for Climate Action (CCCA) and stated that CCCA was generally supportive of HB 22-1104, the Proposed Rules, and SWEEP's and Bicycle Colorado's proposed edits to the Proposed Rules. Mr. Easley highlighted the importance of the proposed edits relating to making certain that transmission line providers consult with local governments of the transmission line providers' plans to construct new transmission lines or expand existing transmission lines. Ms. Christine Brinker appeared on behalf of SWEEP. Ms. Brinker stated that SWEEP generally agreed with the "minor changes," proposed by the public commenters in this matter, but reiterated the importance of making certain that transmission line providers "coordinate and communicate" with local governments, as it relates to transmission line providers' plans to construct a new transmission line or expand an existing transmission line. Lastly, Ms. Brinker stated she was concerned that without a requirement imposed on the utilities to coordinate and communicate with local governments, the Proposed Rules, and possibly House Bill 22-1104, would be "useless."

II. FINDINGS, DISCUSSION, AND CONCLUSIONS

10. According to Public Service, its suggested edits to Proposed Rules 3001(aa) and 3627(c)(XI) are meant to correct a typographical error and clarify that the reporting requirements

would apply to transmission providers and not “on the basis of activities that may be underway by other non-affiliated entities.”²

11. According to Black Hills, its suggested edits to Proposed Rules 3001(aa), 3001(II), 3627(c)(X), 3627(c)(XI), and 3627(c)(XII) are respectively meant to: correct a clerical error; provide “consistency with the statutory definition of in HB22-1104... and Commission Rule 3627(a)(I);” remove “ambiguity as to the scope of transmission line projects covered in [3627(c)(X)],” limit the scope of the listing requirement in a Rule 3627 filing to those transmission line projects where the Transmission Provider is actively considering a powerline trail;” and clarify the Proposed Rules regarding “the three informational resources that must be posted on the Transmission Provider’s website...”³ In Black Hills’ Written Response Public Comments, Black Hills state that it objects to SWEEP and Bicycle Colorado edits to Proposed Rules 3001(aa) and the addition of subsection (XIII) to Proposed Rule 3627(c) because “the phrase ‘future transmission corridor’ is overly broad and not meaningful,” and “because [the addition of subsection (XIII)] is not required by a full reading of the relevant statutes[,],... is overly burdensome[,], and ... unnecessarily redundant with the reporting Transmission Providers must provide local governments concerning powerline trails...”⁴

12. According to Tri States, its suggested edits to Proposed Rules 3001(aa), 3001(II), and 3627(c)(X) are meant to “mirror the statutory definition,” “align the Rule with the text of the statute,” and clarifying that “only transmission *line* projects would be considered to have the

² Public Service’s Written Public Comments at 2.

³ Black Hills’ Initial Written Public Comments at 2-4.

⁴ Black Hills’ Written Response Public Comments at 2 and 3.

‘potential for the construction of a powerline trail’ and that substation-related projects would generally not be considered to have such potential (emphasis in the original).”⁵

13. According to SWEEP and Bicycle Colorado, their recommended addition of subsection (XIII) to Proposed Rule 3627(c) and their suggested edit 3627(c)(X) are meant to: “align with the requirements of the statute” by accounting for “the legislation’s intent to ‘encourage, facilitate, and accelerate’ Powerline Trails;” and clarify that Proposed Rule 3627(c)(X) “applies to new transmission line projects, not just extensions or expansions.”⁶

14. The ALJ agrees with the public commenters herein that the term “hard service” in Proposed Rule 3001(aa) should be replaced the term “hard surface” as the inclusion of the term “hard service” in Proposed Rule 3001(aa) was a typographical error.

15. The ALJ agrees that Tri-State’s recommended edits to Proposed Rules 3001(II) and 3001(II) do, indeed, make Proposed Rules 3001(aa) and 3001(II) better align with the text of the statute. The ALJ notes that the term “future transmission corridor” is explicitly contained in the statutory definition of “powerline trail.”⁷ It is therefore appropriate to include the same term under Proposed Rule 3001(aa). Because the term “transmission corridor” is a defined term under the Proposed Rules, the ALJ does not share Black Hills’ position that the term “future transmission corridor” is “overly broad and not meaningful.” The ALJ also notes that elimination of the proviso “or planned to be constructed, operated, or maintained” from Proposed Rule 3001(II) would not detract from the purpose, enforceability, or clarity of the Proposed Rules. The term “transmission corridor” is referenced twice in the Proposed Rules: in Proposed Rules

⁵ Tri-State’s Written Public Comments at 2-5.

⁶ See SWEEP’s and Bicycle Colorado’s Written Public Comments at 1-3.

⁷ See §33-45-102(5), C.R.S.

3001(aa) and 3001(ll). Proposed Rule 3001(aa), as recommended herein,⁸ applies to an “existing or *future* transmission corridor,” (emphasis added) and Proposed Rules 3627(c)(X) and (XI) apply to “*planned* transmission projects” (emphasis added). Therefore, the proviso “or *planned* to be constructed, operated, or maintained” (emphasis added) in Proposed Rule 3001(ll) is superfluous. As such, Tri-State’s recommended edits with respect to Proposed Rules 3001(aa) and 3001(ll) will be adopted by the ALJ, as ordered below.

16. The ALJ agrees with Public Service, Black Hills, and Tri State that adding the word “line” after the word “transmission” in Proposed Rule 3627(c)(X) and (XI) would appropriately limit the applicability of the listing requirement in a Proposed Rule 3627 to transmission *line* projects, consistent with HB 22-1104.

17. The ALJ appreciates Black Hills’ concern regarding the ambiguity that words “including those” in Proposed Rule 3627(c)(X) create. The ALJ also appreciates SWEEP’s and Bicycle Colorado’s desire to make certain that it is clear that Proposed Rule 3627(c)(X) applies to the siting of new transmission lines, and not only to the expansion of extension of expansion of existing transmission lines. Given this, the ALJ will recommend modifying the language of Proposed Rule 3627(c)(X) to track more closely the language of HB 22-1104, as ordered below.

18. The modifications to Proposed Rule 3627(c)(X), as recommended herein,⁹ appropriately limit the applicability of Proposed Rule 3627(c)(X) to transmission line projects that site a new transmission line, or extend an existing transmission line by more than one mile; or increase the capacity of an existing transmission line by more than ten percent, consistent with HB 22-1104. Therefore, the ALJ does not believe that the inclusion of the sentence “This rule

⁸ See Attachments A and B to this Recommended Decision.

⁹ See *id.*

does not apply to projects that pertain exclusively to substations and related facilities” in Proposed Rule 3627(c)(X), as suggested by Tri State, is necessary.

19. The ALJ agrees with Public Service that appending the words “by the transmission provider” to the end of Proposed Rule 3627(XI) would provide clarity and appropriately limit the scope of the requirements in a Proposed Rule 3627(XI) to transmission providers considering transmission line projects with the potential for the construction of a powerline trail.

20. The ALJ agrees with Black Hills that the that the addition of subpart (a) to the statutory citation in Proposed Rule 3627(c)(XII)¹⁰ would add clarity. Section 33-45-103(2)(a), C.R.S. identifies the three minimum informational resources¹¹ that Transmission Providers must develop, maintain, and distribute. Proposed Rule 3627(c)(XII) sets forth the requirement for electric utilities to include with their ten-year transmission plan an active hyperlink or citation to where the informational resources concerning powerline trails may be found.

21. Lastly, the ALJ agrees with SWEEP and Bicycle Colorado that the reporting requirements to local governments is a critical aspect of House Bill 22-1104 and should be incorporated into the Rules Regulating Eclectic Utilities, 4 CCR 723-3. Nonetheless, the ALJ appreciates Black Hills’ concern that the addition of subsection (XIII) to Rule 3627(c), as proposed by SWEEP and Bicycle Colorado, may fall outside the scope of § 29-20-108(6), C.R.S. Therefore, the ALJ will recommend adopting a narrower subsection (XIII) to Rule 3627(c) that tracks more closely the requirements under § 29-20-108(6), C.R.S., as ordered below.

¹⁰ After the inclusion of subpart (a), the statutory citation in Proposed Rule 3627(a)(XI) would read “§ 33-45-103(2)(a), C.R.S.”

¹¹ I.e., design best practices, safety requirements, and examples of at least four powerline trails in the state.

22. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

III. ORDER

A. **The Commission Orders That:**

1. The Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations 723-6, contained in redline and strikeout format attached to this Recommended Decision as Attachment A and in final format as Attachment B are adopted and are available through the Commission's Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show Docket?p_session_id=&p_docket_id=23R-0069E.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

4. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission, for good cause shown, permits this limit to be exceeded. Responses to exceptions are due within fourteen days of service of exceptions.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES
Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3
RULES REGULATING ELECTRIC UTILITIES

3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

* * * *

[indicates omission of unaffected rules]

- (aa) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard ~~service surface~~ such as concrete or compacted gravel; used for recreational purposes or commuting in a manner that does not involve a motor vehicle; and located in an existing transmission or ~~planned future transmission~~ corridor.
- (bb) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- (cc) "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- (dd) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (ee) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- (ff) "RFP" means request for proposals.
- (gg) "Rotating standard" means a portable meter used for testing service meters.
- (hh) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (ii) "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at

which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

- (jj) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (kk) "Third-party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- (ll) "Transmission corridor" means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S.~~an electric utility~~, or covered by an easement or right-of-way held by a transmission provider~~an electric utility~~, where an electric transmission line is constructed, operated, or maintained ~~or planned to be constructed, operated, or maintained~~ at a voltage of 69 kilovolts or above.
- (mm) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.
- (nn) "Unique identifier" means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (oo) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (pp) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.
- (qq) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (rr) "Whole building data" means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

* * * *

[indicates omission of unaffected rules]

TRANSMISSION PLANNING

3625. Applicability.

This rule shall apply to all electric utilities in the state of Colorado except municipally owned utilities and cooperative electric associations that have voted to exempt themselves from regulation pursuant to § 40 9.5-103, C.R.S.

3626. Overview and Purpose.

The purpose of these rules is to establish a process to coordinate the planning for additional electric transmission in Colorado. The Commission endorses the concept that planning should be done on a comprehensive, transparent, state-wide basis and should take into account the needs of all stakeholders.

3627. Transmission Planning.

- (a) No later than February 1 of each even year, each electric utility shall file a ten-year transmission plan and supporting documentation pursuant to this rule.
 - (I) Each ten-year transmission plan shall meet the following goals:
 - (A) the proposed projects do not negatively impact the system of any other transmission provider or the overall transmission system in the near-term and long-term planning horizons;
 - (B) the proposed projects avoid duplication of facilities;
 - (C) the proposed projects reflect the development of joint projects where a proposed project services the mutual needs of more than one transmission provider and/or stakeholder; and
 - (D) the proposed projects are coordinated with all transmission providers in Colorado.
 - (II) The plan shall identify all proposed facilities 100kV or greater.
 - (III) If any of the information required to be filed pursuant to this rule is available on a utility or utility maintained website, then it is sufficient for purposes of this rule to include in the filing a web address that provides direct access to that specific piece of information. This address must remain active until the next biennial filing.
- (b) Each ten-year transmission plan shall demonstrate compliance with the following requirements.
 - (I) The efficient utilization of the transmission system on a best-cost basis, considering both the short-term and long-term needs of the system. The best-cost is defined as balancing cost, risk and uncertainty and includes proper consideration of societal and environmental concerns, operational and maintenance requirements, consistency with short-term and long-term planning opportunities, and initial construction cost.
 - (II) All applicable reliability criteria for selected demand levels over a range of forecast system demands, including summer peak load, winter peak load and reduced load when renewable generation is maximized.
 - (III) All legal and regulatory requirements, including renewable energy portfolio standards and resource adequacy requirements.
 - (IV) Consistency with applicable transmission planning requirements in the FERC Order 890.
- (c) Each ten-year transmission plan shall contain the following information.

- (I) The methodology, criteria and assumptions used to develop the transmission plan. This includes the transmission facility rating methodology and established facility ratings; transmission base case data for all applicable power flows, short circuit and transient stability analyses; and utility specific reliability criteria.
- (II) The load forecasts, load forecast reductions arising from net metered distributed generation and utility sponsored energy efficiency programs, and controllable demand - side management data including the interruptible demands and direct load control management used to develop the transmission plan.
- (III) The generation assumptions and data used to develop the transmission plan.
- (IV) The methodology used to determine system operating limits, transfer capabilities, capacity benefit margin, and transmission reliability margin, with supporting data and corresponding established values.
- (V) The status of upgrades identified in the transmission plan, as well as changes, additions or deletions in the current plan when compared with the prior plan.
- (VI) The related studies and reports for each new transmission facility identified in the transmission plan including alternatives considered and the rationale for choosing the preferred alternative. The depth of the studies, reports, and consideration of alternatives shall be commensurate with the nature and timing of the new transmission facility.
- (VII) The expected in-service date for the facilities identified in the transmission plan and the entities responsible for constructing and financing each facility.
- (VIII) A summary of stakeholder participation and input and how this input was incorporated in the transmission plan.
- (IX) Each electric utility subject to rate regulation shall also include energy resource zone plans, designations, and applications for certificates of public convenience and necessity pursuant to § 40-2-126(2), C.R.S.
- (X) A list of planned transmission line projects with the potential for the construction of a powerline trail that site a new transmission line, or extend an existing transmission line by more than one mile, or increase the capacity of an existing transmission line by more than ten percent~~have the potential for the construction of a powerline trail including those where the transmission line will be extended by more than one mile or where the transmission line capacity will be increased by more than ten percent.~~
- (XI) A list of planned transmission line projects where powerline trails are actively being considered, planned, or developed by a transmission provider.
- (XII) An active hyperlink or citation to where the powerline trail information required pursuant to § 33-45-103(2)(a), C.R.S., may be found.
- (XIII) Identification of all notifications made, or planned to be made, to local governments pursuant to § 29-20-108(6), C.R.S.

COLORADO DEPARTMENT OF REGULATORY AGENCIES
Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3
RULES REGULATING ELECTRIC UTILITIES

3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

* * * *

[indicates omission of unaffected rules]

- (aa) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard surface such as concrete or compacted gravel; used for recreational purposes or commuting in a manner that does not involve a motor vehicle; and located in an existing transmission or future transmission corridor.
- (bb) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- (cc) "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- (dd) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (ee) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- (ff) "RFP" means request for proposals.
- (gg) "Rotating standard" means a portable meter used for testing service meters.
- (hh) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (ii) "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at

which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

- (jj) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (kk) "Third-party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- (ll) "Transmission corridor" means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S., or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained at a voltage of 69 kilovolts or above.
- (mm) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.
- (nn) "Unique identifier" means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (oo) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (pp) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.
- (qq) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (rr) "Whole building data" means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

* * * *

[indicates omission of unaffected rules]

TRANSMISSION PLANNING

3625. Applicability.

This rule shall apply to all electric utilities in the state of Colorado except municipally owned utilities and cooperative electric associations that have voted to exempt themselves from regulation pursuant to § 40 9.5-103, C.R.S.

3626. Overview and Purpose.

The purpose of these rules is to establish a process to coordinate the planning for additional electric transmission in Colorado. The Commission endorses the concept that planning should be done on a comprehensive, transparent, state-wide basis and should take into account the needs of all stakeholders.

3627. Transmission Planning.

- (a) No later than February 1 of each even year, each electric utility shall file a ten-year transmission plan and supporting documentation pursuant to this rule.
 - (I) Each ten-year transmission plan shall meet the following goals:
 - (A) the proposed projects do not negatively impact the system of any other transmission provider or the overall transmission system in the near-term and long-term planning horizons;
 - (B) the proposed projects avoid duplication of facilities;
 - (C) the proposed projects reflect the development of joint projects where a proposed project services the mutual needs of more than one transmission provider and/or stakeholder; and
 - (D) the proposed projects are coordinated with all transmission providers in Colorado.
 - (II) The plan shall identify all proposed facilities 100kV or greater.
 - (III) If any of the information required to be filed pursuant to this rule is available on a utility or utility maintained website, then it is sufficient for purposes of this rule to include in the filing a web address that provides direct access to that specific piece of information. This address must remain active until the next biennial filing.
- (b) Each ten-year transmission plan shall demonstrate compliance with the following requirements.
 - (I) The efficient utilization of the transmission system on a best-cost basis, considering both the short-term and long-term needs of the system. The best-cost is defined as balancing cost, risk and uncertainty and includes proper consideration of societal and environmental concerns, operational and maintenance requirements, consistency with short-term and long-term planning opportunities, and initial construction cost.
 - (II) All applicable reliability criteria for selected demand levels over a range of forecast system demands, including summer peak load, winter peak load and reduced load when renewable generation is maximized.
 - (III) All legal and regulatory requirements, including renewable energy portfolio standards and resource adequacy requirements.
 - (IV) Consistency with applicable transmission planning requirements in the FERC Order 890.
- (c) Each ten-year transmission plan shall contain the following information.

- (I) The methodology, criteria and assumptions used to develop the transmission plan. This includes the transmission facility rating methodology and established facility ratings; transmission base case data for all applicable power flows, short circuit and transient stability analyses; and utility specific reliability criteria.
- (II) The load forecasts, load forecast reductions arising from net metered distributed generation and utility sponsored energy efficiency programs, and controllable demand - side management data including the interruptible demands and direct load control management used to develop the transmission plan.
- (III) The generation assumptions and data used to develop the transmission plan.
- (IV) The methodology used to determine system operating limits, transfer capabilities, capacity benefit margin, and transmission reliability margin, with supporting data and corresponding established values.
- (V) The status of upgrades identified in the transmission plan, as well as changes, additions or deletions in the current plan when compared with the prior plan.
- (VI) The related studies and reports for each new transmission facility identified in the transmission plan including alternatives considered and the rationale for choosing the preferred alternative. The depth of the studies, reports, and consideration of alternatives shall be commensurate with the nature and timing of the new transmission facility.
- (VII) The expected in-service date for the facilities identified in the transmission plan and the entities responsible for constructing and financing each facility.
- (VIII) A summary of stakeholder participation and input and how this input was incorporated in the transmission plan.
- (IX) Each electric utility subject to rate regulation shall also include energy resource zone plans, designations, and applications for certificates of public convenience and necessity pursuant to § 40-2-126(2), C.R.S.
- (X) A list of planned transmission line projects with the potential for the construction of a powerline trail that site a new transmission line, or extend an existing transmission line by more than one mile, or increase the capacity of an existing transmission line by more than ten percent.
- (XI) A list of planned transmission line projects where powerline trails are actively being considered, planned, or developed by a transmission provider.
- (XII) An active hyperlink or citation to where the powerline trail information required pursuant to § 33-45-103(2)(a), C.R.S., may be found.
- (XIII) Identification of all notifications made, or planned to be made, to local governments pursuant to § 29-20-108(6), C.R.S.