

1 BEFORE THE PUBLIC UTILITIES COMMISSION

2 STATE OF COLORADO

3 -----

4 DOCKET NO. 09A-324E PUBLIC COMMENT

5 -----

6 IN THE MATTER OF THE APPLICATION OF TRI-STATE
7 GENERATION AND TRANSMISSION ASSOCIATION, INC., (A) FOR
8 A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR
9 THE SAN LUIS VALLEY-CALUMET-COMANCHE TRANSMISSION
PROJECT, (B) FOR SPECIFIC FINDINGS WITH RESPECT TO EMF
AND NOISE, AND (C) FOR APPROVAL OF OWNERSHIP INTEREST
TRANSFER AS NEEDED WHEN PROJECT IS COMPLETED.

10 -----
11 DOCKET NO. 09A-325E

12 -----

13 IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE
14 COMPANY OF COLORADO (A) FOR A CERTIFICATE OF PUBLIC
15 CONVENIENCE AND NECESSITY FOR THE SAN LUIS VALLEY TO
16 CALUMET TO COMANCHE TRANSMISSION PROJECT, (B) FOR
SPECIFIC FINDINGS WITH RESPECT TO EMF AND NOISE, AND
(C) FOR APPROVAL OF OWNERSHIP INTEREST TRANSFER AS
NEEDED WHEN PROJECT IS COMPLETED.

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17 PURSUANT TO NOTICE to all parties in
18 interest, the above-entitled matter came on for hearing
19 before MANA L. JENNINGS-FADER, Administrative Law Judge
20 of the Public Utilities Commission, on November 10,
21 2009; said proceedings having been reported in
22 shorthand by James L. Midyett, Certified Shorthand
23 Reporter.

24 WHEREUPON, the following proceedings were
25 had:

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APPEARANCES

3 (AS NOTED OF RECORD.)

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PROCEEDINGS

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A.L.J. JENNINGS-FADER: I would like to call this proceeding to order.

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This is a hearing to take public comment in Dockets No. 09A-324E: In the Matter of Tri-State Generation & Transmission Association, Inc. for a Certificate of Public Convenience and Necessity for a transmission line and for specific findings with respect to EMF and noise and for approval of ownership interest transfer.

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And also Docket No. 09A-325E: In the matter of the application of Public Service Company of Colorado for a Certificate of Public Convenience and Necessity for a transmission line and also for specific findings with respect to EMF and noise and for approval of ownership interest transfer as necessary.

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This is a hearing to take public comment with respect to the proposed transmission line project scheduled pursuant to Decision No. R09-0868-I; and R09-1203-I.

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My name is Mana Jennings-Fader. I'm the Administrative Law Judge assigned by the Commission to hear this matter.

24

25

I would like to begin this morning -- excuse me, this evening, by taking appearances from any

1 counsel who may be present, beginning with the
2 applicants.

3 MR. DOUGHERTY: Good evening, Your Honor,
4 Tom Dougherty for Tri-State.

5 A.L.J. JENNINGS-FADER: Thank you.

6 MR. MCGANN: Good evening, David McGann,
7 on behalf of Public Service Company of Colorado.

8 A.L.J. JENNINGS-FADER: Good evening.

9 MR. SOPKIN: Good evening, Greg Sopkin,
10 on behalf of Public Service Company.

11 MR. DAVIDSON: Good evening, Matt
12 Douglas, on behalf of Trinchera Ranch and Blanca Ranch.

13 MR. FLANAGAN: Good evening, Your Honor,
14 Tim Flanagan.

15 A.L.J. JENNINGS-FADER: No bag carrying,
16 I guess.

17 MR. FLANAGAN: I just have my own.

18 A.L.J. JENNINGS-FADER: If anyone in the
19 room would like to make a presentation this evening but
20 has not yet signed up in the back of the room, there is
21 a sign-in sheet just inside the door. And Mr. Bote of
22 the Commission staff will be happy to assist you in
23 signing in if you need to do so.

24 We are -- I will call you to speak in the
25 order in which you signed up. At present there are

1 approximately 30 individuals who have signed up or
2 indicated an interest in making presentations this
3 evening.

4 What I propose with respect to time is to
5 take a break at some time between 7 and 7:30, and
6 anyone who wishes to sign up who -- to speak who has
7 not yet done so will need to sign up before the end of
8 that break because we will stop sign-up at the end of
9 that break -- that one break.

10 This is a pretty crowded room. I ask --
11 I want to make a couple points with respect to general
12 decorum, if I might: First, this is a proceeding in
13 which folks will be giving sworn testimony or making
14 sworn statements. I would like everyone to please
15 remember that and to act accordingly with respect to no
16 applause or boos or any other kind of indication of
17 approval or disapproval to what someone is saying. I'm
18 asking everyone to please be respectful of those that
19 have taken the time to come here tonight to make a
20 presentation.

21 I have issued rules with respect to this
22 proceeding and I'm going to briefly read those rules so
23 that everyone will have a very clear understanding of
24 how I intend to proceed this evening.

25 In general, any individual who is an

1 intervenor or is represented by an intervenor will not
2 be permitted to make comments tonight at the public
3 comment proceeding because the comments -- your
4 positions will be represented by the intervenors.

5 Now, I think this is the area in which
6 the Major Ranch Property Owners Association is
7 principally located. The major Ranch Property Owners
8 Association is an intervenor in this case; so anyone
9 who is a member of that association will not be
10 permitted to speak this evening because the
11 association's position will be presented in Denver
12 during the course of the evidentiary hearing.

13 MR. FLANAGAN: Your Honor, they are in
14 Huerfano County.

15 A.L.J. JENNINGS-FADER: Okay, thank you.

16 Members of the public, folks who have
17 come this evening to make statements, will be placed
18 under oath and the statements will be part of the
19 evidentiary record in this case, which means that the
20 Commission, when it decides the case, will take into
21 consideration the comments of every person who makes a
22 statement.

23 Parties, through their counsel -- and
24 counsel are sitting here in the front -- will have an
25 opportunity to ask questions of folks who are making --

1 who make statements.

2 And finally, the hearing -- these
3 hearings will -- are being transcribed by the court
4 reporter. And with respect to that, I ask a couple of
5 things: First, I would like to ask that everyone in
6 the room who has a cell phone or other device of that
7 type either turn it all the way off or put it on
8 vibrate or no ring, simply because the ringing of cell
9 phones is quite distracting during the course of the
10 proceeding.

11 Secondly, the court reporter does his
12 level best to be sure that he takes down what folks say
13 exactly as the statements are presented. However, in
14 order to do that, he needs you to speak slowly -- and
15 although I understand the tendency to want to rush to
16 get through the process, I ask you please to try to
17 tamp that down a little bit and be sensitive to the
18 fact that not only do I need to understand and
19 appreciate what you are saying, but also the court
20 reporter needs to have an opportunity to take down your
21 testimony.

22 And I think that's everything that I have
23 by way of preliminary statement.

24 With that, I have my first sheet of folks
25 who have signed up to make statements this evening.

1 Try to use the microphone as much as you can -- sadly
2 it's a handheld mike which may be a little
3 uncomfotable -- when you are making your statements;
4 but I would appreciate it so that everyone can hear and
5 the court reporter can hear clearly. So if you would
6 use the mike.

7 With that, Ms. -- I believe it's Ms.
8 Carla -- and I should also apologize in advance for the
9 muddling and massacring of names, which I'm sure I will
10 commit during the course of this evening; but I
11 apologize. Sometimes I'm not as good with names as I
12 ought to be.

13 Will Ms. Shriver come forward.

14 MS. SHRIVER: Thank you, Your Honor.

15 KARLA SHRIVER,
16 having been called as a witness, being first duly
17 sworn, testified as follows:

18 A.L.J. JENNINGS-FADER: Thank you, ma'am.

19 I would like you to state your name and
20 spell your last name for the record, please.

21 THE WITNESS: My name is Karla Shriver,
22 S-h-r-i-v-e-r.

23 A.L.J. JENNINGS-FADER: You, ma'am.

24 And do you have a statement that you
25 would like to make this evening?

1 THE WITNESS: Yes, ma'am.

2 A.L.J. JENNINGS-FADER: I think you need
3 to turn -- I'm not sure it's turned on.

4 (Discussion off the record.)

5 A.L.J. JENNINGS-FADER: Thank you.

6 THE WITNESS: Your Honor, I'm Karla
7 Shriver from Monte Vista, Colorado. I am a farmer and
8 a farm-and-ranch real estate sales broker in the San
9 Luis Valley.

10 On our farm it is critical that we have
11 reliable electric power to protect the investment we
12 put into our crops and capital improvements. The risk
13 is too great without it; and up-to-date infrastructure
14 of our power grid is essential for this to happen.

15 Looking at the San Luis Valley community
16 as a whole, I think the majority of us want to
17 progressively be with today's technology that affects
18 everything we do, yet we want to maintain our core
19 values for -- in our area for economic, recreation and
20 social standpoints, which to me would mean
21 consideration of expanding our power grid.

22 Everywhere you turn today, the word green
23 economy pops up. For us that means solar. We cannot
24 feasibly produce solar without considering building
25 some new infrastructure to take the power to those who

1 demand it outside the valley.

2 The other point I want to mention, this
3 is not totally about us tonight in this room, it is a
4 vision we have for the future generations here in the
5 valley. I think we can look at all alternatives to
6 mitigate the situation, but without an adequate
7 infrastructure to facilitate current and future needs,
8 this valley is going to stagnate.

9 One last thing I would like to point
10 out -- or just make an observation is, tomorrow is
11 Veterans Day. We need to remember the American
12 soldiers who fought for us and the public process we
13 are having tonight to express our opinions whether we
14 all agree or not.

15 A.L.J. JENNINGS-FADER: Thank you, ma'am.

16 You just need to hold on just a moment.

17 THE WITNESS: Oh.

18 A.L.J. JENNINGS-FADER: Counsel, any
19 questions?

20 (No response.)

21 A.L.J. JENNINGS-FADER: And none from me.

22 And thank you very much. I appreciate your time.

23 (Discussion off the record.)

24 A.L.J. JENNINGS-FADER: I think it's

25 Darius Allen.

1 MR. ALLEN: Yes, ma'am.

2 Thank you for the opportunity to come and
3 speak to you tonight.

4 A.L.J. JENNINGS-FADER: Good evening,
5 sir.

6 MR. ALLEN: You bet.

7 DARIUS ALLEN,
8 having been called as a witness, being first duly
9 sworn, testified as follows:

10 A.L.J. JENNINGS-FADER: Thank you very
11 much.

12 I would like to you to state your name
13 and spell your last name for the record.

14 THE WITNESS: Darius Allen, A-l-l-e-n.

15 A.L.J. JENNINGS-FADER: Thank you very
16 much.

17 And what is your statement?

18 THE WITNESS: My statement is I'm a
19 farmer and rancher in the San Luis Valley here and also
20 act as Alamosa County Commissioner -- my 13th year as
21 Commissioner here.

22 My statement tonight is to let you know,
23 in front of these folks, that the Alamosa Commissioners
24 are in favor of transmission lines and in favor of
25 pushing forward with more solar being available to not

1 only Alamosa County, but the San Luis Valley.

2 Today, in our meeting today, we processed
3 and completed the final application for the new solar
4 power company coming in, Sun Power, which will be
5 located up by Mosca, Colorado; 200 acres, approximately
6 17 megawatts, which will go on to the grid; and we've
7 also received interest in an application in advance
8 that there will be two other solar farms coming to
9 look. And so we realize this is an important issue for
10 us, not only for our economical reasons here, but --
11 not only for the future. I think it's a wave of the
12 future, and green energy is what we need to look at to
13 propel ourself ahead.

14 Like I said, before I farm and ranch
15 here. There is probably close to 3000 pivot sprinklers
16 in the valley here. And when you look at the total
17 amount that they cover and the economic impact it makes
18 with the type of crops they grow and the demand on
19 electricity coming in here, and how important it is to
20 us; if we somehow or another have power interrupted at
21 a crucial time of the year when we are right in the
22 middle of making a crop, I think it would be
23 devastating, not only to Alamosa County but also to the
24 San Luis Valley.

25 That's my statement and I appreciate the

1 time.

2 A.L.J. JENNINGS-FADER: Thank you, sir.

3 I have one question --

4 THE WITNESS: Yes, ma'am.

5 A.L.J. JENNINGS-FADER: -- before I ask
6 the lawyers whether they have any questions.

7 Are you speaking tonight, sir, as an
8 individual or are you speaking on behalf -- at least in
9 part on behalf of the Board of County Commissioners?

10 THE WITNESS: I'm speaking part as a
11 Board of County Commissioners and individually.

12 A.L.J. JENNINGS-FADER: Okay. So the
13 part about the ranching is probably yourself; the other
14 things for the board?

15 THE WITNESS: Correct.

16 A.L.J. JENNINGS-FADER: Okay, thank you.
17 Counsel, questions?

18 (No response.)

19 A.L.J. JENNINGS-FADER: Thank you,
20 Mr. Allen -- excuse me, Commissioner Allen.

21 THE WITNESS: Thank you, ma'am.

22 A.L.J. JENNINGS-FADER: I appreciate your
23 time. Thank you, sir.

24 Fausett Taylor -- Taylor Fausett. I hope
25 that's right.

1 MR. FAUCETTE: Tyler.

2 A.L.J. JENNINGS-FADER: I'm sorry, Tyler.

3 TYLER FAUCETTE,

4 having been called as a witness, being first duly

5 sworn, testified as follows:

6 A.L.J. JENNINGS-FADER: Thank you, sir.

7 I would like you to state your name and

8 spell your last name for the record, please.

9 THE WITNESS: My name is Tyler Faucette,
10 F-a-u-c-e-t-t-e.

11 A.L.J. JENNINGS-FADER: Thank you,
12 Mr. Fausett.

13 What is your statement this evening?

14 THE WITNESS: I've come to this meeting
15 this evening as the owner-operator of Colorado Catch,
16 an aqua culture facility here in the San Luis Valley.

17 In propagating fish and in an aqua
18 culture facility, electricity is extremely crucial. We
19 have worked with our local REC to make sure there is
20 redundancy in our power source and also invested very
21 heavily in backup generation so that our electricity is
22 not interrupted. That being said, even with the backup
23 generation that we have, we have about a 33-hour supply
24 of fuel to keep our facility running.

25 With the redundancy that REC has given

1 us, we have yet -- we've operated this farm for 17
2 years. We've yet to have any major issues with
3 supply -- with our supply of our electricity; but that
4 being said, if something were to happen to the single
5 transmission line coming in to this valley, that is a
6 great concern of mine.

7 With the livestock that I have floating
8 in my tanks they -- without electricity and without
9 backup generation, I would be out of business in about
10 20 minutes. And so it's a very risky proposition.

11 But I am in -- very much in favor of the
12 transmission lines for additional redundancy so that we
13 aren't solely dependent on one line coming in to the
14 valley.

15 A.L.J. JENNINGS-FADER: Thank you, sir.

16 Before I ask counsel if they have any
17 questions, which rural electric cooperative provides
18 power to you?

19 THE WITNESS: SLVREC.

20 A.L.J. JENNINGS-FADER: Thank you.

21 Counsel, questions?

22 (No response.)

23 THE WITNESS: Thank you.

24 A.L.J. JENNINGS-FADER: Thank you, sir,
25 very much for taking the time to come down.

1 John Drake.

2 JOHN DRAKE,

3 having been called as a witness, being first duly
4 sworn, testified as follows:

5 A.L.J. JENNINGS-FADER: Thank you, sir.

6 I would like you to state your name and
7 spell your last name for the record, please.

8 THE WITNESS: My name is John Drake.
9 That's D-r-a-k-e.

10 A.L.J. JENNINGS-FADER: Thank you, sir.
11 And what statement do you have this
12 evening?

13 THE WITNESS: I'm the president of the
14 San Luis Valley Resource Conservation and Development
15 Council. And I am here to just leave you folks with
16 the statement that we are in favor of additional lines
17 coming in to the valley.

18 We feel that, number one, it is very
19 valuable as far as security is concerned. At this
20 point in time, we're down to one line, which is not a
21 good thing when it comes to alternatives.

22 Number two, we feel like the additional
23 lines are necessary in order to see the valley develop
24 at an economic standard where -- that we would like to
25 be, with plans coming forward, as mentioned before,

1 with the new solar systems and also some other plans
2 that are in the works with future houses and such here
3 in the valley.

4 we also feel that expansion is needed in
5 order to export our products that we're producing with
6 the new green energy and the new solar fields that are
7 currently proposed and currently Approved.

8 That's my story and I'm sticking to it

9 A.L.J. JENNINGS-FADER: And a good one it
10 is, sir.

11 I would like to ask whether you are
12 speaking on behalf of the Resource Council.

13 THE WITNESS: I am.

14 A.L.J. JENNINGS-FADER: Thank you.
15 Counsel questions?

16 (No response.)

17 A.L.J. JENNINGS-FADER: Thank you very
18 much for taking the time, sir.

19 THE WITNESS: Thank you.

20 A.L.J. JENNINGS-FADER: I hope this is
21 right, Ms. Mordecai.

22 THE WITNESS: Yes.

23 JULIE MORDECAI,
24 having been called as a witness, being first duly
25 sworn, testified as follows:

1 (Discussion off the record.)

2 A.L.J. JENNINGS-FADER: Thank you.

3 I would like you to state your name,
4 spell your last name, please.

5 THE WITNESS: Julie Mordecai,
6 M-o-r-d-e-c-a-i.

7 A.L.J. JENNINGS-FADER: Thank you,
8 Ms. Mordecai.

9 Have you a statement for this evening?

10 THE WITNESS: Yes, just as an individual
11 that lives in the community. I'm not even representing
12 my whole family -- I don't even know them.

13 I truly believe that it's imperative for
14 the future of our country for some of us to not be --
15 to take on the responsibility of bringing in
16 transmission lines across this state because I see
17 what's happening in the wars in the world.

18 And I feel like we have to become
19 independent. We need to have electric cars that we can
20 plug in. We need to be able to generate solar from our
21 own homes to be able to put in to the grid. And I just
22 feel very strongly about this.

23 And I know that it causes disruption and
24 some health hazards, but if we're careful about where
25 we put these transmission lines, then I think that

1 we're going to be much better off in the future for not
2 only our community, economically, but our world.

3 A.L.J. JENNINGS-FADER: Counsel?

4 (No response.)

5 A.L.J. JENNINGS-FADER: Thank you very
6 much, ma'am.

7 Jim Clare?

8 JIM CLARE,

9 having been called as a witness, being first duly
10 sworn, testified as follows:

11 A.L.J. JENNINGS-FADER: Thank you.

12 I would like you to state your name,
13 spell your last name for the record.

14 THE WITNESS: Jim Clare, C-l-a-r-e.

15 A.L.J. JENNINGS-FADER: Thank you,
16 Mr. Chair.

17 And do you have a statement for us this
18 evening?

19 THE WITNESS: Yes, Your Honor.

20 I work for the San Luis Valley Rural
21 Electric. I've lived here all my life. I have been
22 with the Rural Electric for 36 years.

23 Some of my concern is in the early 1900s,
24 something came to the valley that opened up new
25 prosperity for everything in the valley. That was

1 electric -- electricity. It changed the life of
2 everybody that was in the valley. And from thereon,
3 things proceeded to grow, prosper.

4 In the mid 1950s, that load grew to a
5 point where new transmission line had to be added to
6 support the load and the prosperity that was being
7 developed in the San Luis Valley along with agriculture
8 which is very important for the San Luis Valley.

9 Once again, in the mid 1980s, that load
10 grew to a point where there was a concern that there
11 was more load than there was capacity. So in the mid
12 1980s, another line was brought in to the valley to
13 support the future of the San Luis Valley with demand
14 and load, agricultural industry, sports, everything
15 from the ski areas to water supports -- you name it.

16 Along in the mid '80s, as I mentioned,
17 when that transmission line was brought in to valley,
18 there was a concern because of voltage drop. There
19 were several summers, there, where we worked with the
20 farmers day in and day out, setting up traps -- or taps
21 on transformers to make sure they had sufficient
22 voltage to get their crops raised. With the heat
23 situation, irrigation was considerably important, along
24 with the rest of the economics of the San Luis Valley.
25 So at that time there was another line that was built

1 in to the San Luis Valley which we thought was going to
2 be the line that would last forever.

3 Well, Your Honor, forever is here again.
4 That concern is back again with future load demand and
5 prosperity for San Luis Valley. As I mentioned again,
6 agriculture is very important in the San Luis Valley.
7 Just off the top, the potato industry this past year
8 was equivalent to approximately \$2.8 million. If you
9 talk about the turnover in dollars that may be 1 in 5,
10 1 in 7, 1 in 8. You can see agriculture is very
11 important to the San Luis Valley, along with the other
12 industries that are here.

13 At one time we had logging, we had
14 mining. And that's still possible that that will come
15 back and that will be future load that we need to look
16 at.

17 Along with that, I would like to mention,
18 everybody in this room, we ask ourselves, are we
19 involved with agriculture? And if anybody ate a meal
20 today, you are involved with agriculture.

21 Thank you, Your Honor.

22 A.L.J. JENNINGS-FADER: Thank you, sir.

23 If I may inquire, do you have an official
24 title or position with the San Luis Valley Rural
25 Electric co-op?

1 THE WITNESS: Yes, ma'am, Public
2 Information and Regulatory Compliance.

3 A.L.J. JENNINGS-FADER: Thank you.
4 Counsel?

5 (No response.)

6 A.L.J. JENNINGS-FADER: Thank you very
7 much, sir. I appreciate your time this evening.

8 THE WITNESS: Thank you.

9 A.L.J. JENNINGS-FADER: Ruth Carapella?

10 MS. CARAPELLA: You got it.

11 RUTH CARAPELLA,
12 having been called as a witness, being first duly
13 sworn, testified as follows:

14 A.L.J. JENNINGS-FADER: Thank you.

15 I would like you to state your name and
16 spell your last name for the record, please.

17 THE WITNESS: It's Ruth Carapella.
18 That's C-a-r-a-p-e-l-l-a.

19 A.L.J. JENNINGS-FADER: Thank you, ma'am.
20 What is your statement this evening?

21 THE WITNESS: I'm a freelance writer and
22 a graphic designer. I serve as the editor to SLVREC's
23 newsletter.

24 A.L.J. JENNINGS-FADER: I'm sorry, for
25 what?

1 THE WITNESS: The SLVREC.

2 A.L.J. JENNINGS-FADER: San Luis Valley.

3 THE WITNESS: San Luis Valley Rural

4 Electric Cooperative newsletter.

5 And I have done so for over a decade. In
6 the past ten years, in the course of researching
7 numerous articles for the REA's newsletter, I've come
8 to believe that it's critical for the cooperative to
9 bring a new transmission line to the valley to improve
10 power reliability.

11 A.L.J. JENNINGS-FADER: Counsel?

12 (No response.)

13 A.L.J. JENNINGS-FADER: Thank you very
14 much, ma'am, for your statement.

15 Ms. Sally Keller.

16 MS. KELLER: Did you say Sally Keller?

17 A.L.J. JENNINGS-FADER: Yes, ma'am.

18 Sorry if my voice is not carrying.

19 SALLY KELLER,

20 having been called as a witness, being first duly
21 sworn, testified as follows:

22 A.L.J. JENNINGS-FADER: Thank you so
23 much.

24 I would like you to state your name and
25 spell your last name for the record.

1 THE WITNESS: Sally Keller, K-e-l-l-e-r.

2 A.L.J. JENNINGS-FADER: Thank you, ma'am.

3 And what is your statement this evening?

4 THE WITNESS: Okay. And I am just an
5 individual participant here, just a property owner.

6 I would like to read just a couple things
7 here.

8 (Discussion off the record.)

9 THE WITNESS: The Alamosa, Conejos and
10 Costilla counties have recently been designated a
11 National Heritage Area.

12 The Sangre de Cristo National Heritage
13 Area was officially dedicated in August 2009. This
14 designation is intended to help protected and preserve
15 our unique cultural and environmental features.

16 According to the Heritage Areas National
17 Park Service website, heritage conservation efforts are
18 grounded in a community's pride in its history and
19 tradition and in residents' interests emboldened in
20 maintaining and interpreting the landscape for future
21 generations. It offers a collaborative approach to
22 conservation that does not compromise traditional local
23 control over and use of the landscape.

24 Parts of this new National Heritage Area
25 are in the proposed high voltage transmission line

1 project's proposed corridor. The Tri-State project
2 will seriously compromise the intent of this
3 designation. Therefore Tri-State really needs to
4 address this important legislative development.

5 And I have a couple more for you.

6 A.L.J. JENNINGS-FADER: Yes, ma'am.

7 THE WITNESS: One of the most cited
8 reasons for the need of a new transmission line is the
9 danger of fire on the Poncha line which could result in
10 a valley blackout. I think the San Diego Gas &
11 Electric and the California Public Utilities Commission
12 should be instructive here. It is reported that
13 maintenance issues and arcing along high voltage
14 transmission lines are responsible for over 100 fires
15 in California that have resulted in over 1000 houses
16 being lost and even several deaths.

17 Climate and weather issues, such as high
18 winds and low humidity -- I think that's Colorado,
19 too -- are reportedly factors that exacerbate the
20 potential for arcing along the lines.

21 Ironically San Diego Gas & Electric has
22 requested to shut down electricity during these weather
23 events.

24 La Veta Pass and the surrounding areas
25 are subject to high winds, low humidity, ice and snow

1 storms, and flash floods, often resulting in posted
2 warnings on Highway 160. Whether these conditions
3 result in highway closures -- which we know in the
4 valley is not uncommon -- repair and maintenance will
5 be a real challenge. These issues have not been
6 adequately addressed.

7 Do I have a couple more minutes?

8 A.L.J. JENNINGS-FADER: You may have --
9 certainly at least two.

10 THE WITNESS: All right.

11 My next concern is the lack of airtime
12 given to distributed energy solutions and to
13 conservation.

14 The energy playing field needs to be
15 leveled. The public deserves to hear a variety of
16 solutions to energy problems, not just industrial scale
17 solutions.

18 The cart has been put before the horse in
19 the case of high voltage transmission lines. We're
20 discussing routes before the many options available
21 have been thoroughly researched and presented to the
22 people, us, the people who will live with the
23 consequences of the plan.

24 And one last comment: I don't want to
25 sound flippant or sarcastic, but it seems like one

1 needs a degree in information systems engineering,
2 political science, and law to effectively access
3 information about energy. And the -- I'm sorry to have
4 to say this, but the PUC website is a challenge, even
5 for someone with moderately good computer skills. I
6 call it which level of Dante's inferno are you on now,
7 as you click in to get information, to understand the
8 acronyms and technotalk in the energy field, to figure
9 out where an ordinary citizens fits in the procedural
10 maze and to understand the legalese and to be able to
11 finally take action.

12 I think an educated public is essential
13 to a democracy. So far I feel as though I have been a
14 target and a victim of clever marketing techniques, not
15 a recipient of real information.

16 Thank you.

17 (Discussion off the record.)

18 A.L.J. JENNINGS-FADER: Excuse me.

19 A, no editorial comments; and, B, if you
20 could just wait for a moment, we'll see -- we have a
21 little more formality here.

22 Counsel?

23 (No response.)

24 A.L.J. JENNINGS-FADER: Actually I have a
25 couple questions.

1 THE WITNESS: Yes.

2 A.L.J. JENNINGS-FADER: Thank you.

3 When you were talking about your concerns
4 with respect to the National Heritage Areas --

5 THE WITNESS: Yes.

6 A.L.J. JENNINGS-FADER: -- the designated
7 areas --

8 THE WITNESS: Yes.

9 A.L.J. JENNINGS-FADER: -- is that
10 concern principally with transmission line that runs
11 through La Veta Pass or is it the whole idea of the
12 transmission line anywhere in the San Luis Valley?

13 THE WITNESS: Well, I would say anywhere
14 in the San Luis Valley that has a history of a rural
15 independent kind of lifestyle, it will -- it will have
16 an impact; but I think particularly in little small --
17 I don't know, small village like Fort Garland and
18 Blanca, where neighbors -- one neighbor is going to
19 have the transmission lines in their backyard, the
20 other one isn't; one area is going to have to live with
21 the consequences, the other area isn't.

22 I think it might cause some divisiveness
23 and -- not to mention just eroding the culture of the
24 area.

25 A.L.J. JENNINGS-FADER: With respect to

1 the specific -- now I guess I may not understand, with
2 respect to the National Heritage Areas, are those the
3 entire counties have been designated National Heritage
4 Areas or only specific portions within those counties?

5 THE WITNESS: I'm not -- I'm --

6 UNIDENTIFIED SPEAKER: Entire counties.

7 THE WITNESS: That's what I thought,
8 Conejos, Alamosa and Costilla, yes.

9 A.L.J. JENNINGS-FADER: All right.

10 Thank you very much.

11 THE WITNESS: Thank you.

12 A.L.J. JENNINGS-FADER: Robert Keller.

13 MR. KELLER: Thanks -- I'm going to need
14 the microphone, I taught in a classroom for 35 years.
15 I promise that I'll talk loud enough.

16 I want to piggyback on the -- what Sally
17 said about the need to more accurately access public
18 opinion --

19 (Discussion off the record.)

20 ROBERT KELLER,
21 having been called as a witness, being first duly
22 sworn, testified as follows:

23 A.L.J. JENNINGS-FADER: Thank you.

24 Please state your name and spell your
25 last name for the record.

1 THE WITNESS: Robert Keller, K-e-l-l-e-r.

2 A.L.J. JENNINGS-FADER: And again, thank
3 you everyone.

4 Yes, Mr. Keller?

5 THE WITNESS: All right. Well, as I was
6 saying, I want to piggyback on something that Mrs.
7 Keller said earlier about the need to more accurately
8 access public opinion on this. I think what's needed
9 is it an independent sociological survey to determine
10 the full scope of public opinion on this really
11 important issue in the San Luis Valley.

12 I would hope that any E.I.S. -- which I
13 understand is now required of this project. I would
14 hope that any E.I.S. would include a survey
15 component -- a formal survey component.

16 I need to ask you a question -- is it
17 okay to talk about the scoping process or would that be
18 considered relevant or germane?

19 A.L.J. JENNINGS-FADER: Well --

20 THE WITNESS: I have just a short --

21 A.L.J. JENNINGS-FADER: I wish to make a
22 statement to -- that I hope everyone in the room will
23 understand: The Environmental Impact Statement and the
24 scoping process are part of a federal process from the
25 United States Department of Agriculture's Rural

1 Utilities Service. It is not a part of what the Public
2 Utilities Commission of the state of Colorado does. So
3 if you have issues or concerns or statements you wish
4 to make with respect to how that Environmental Impact
5 Statement process ought to work, those are issues or
6 concerns that ought not to be addressed to the
7 Commission -- to this Commission, but rather to the
8 Rural Utilities Service.

9 THE WITNESS: Okay, I'm glad I asked.

10 Then I just have a couple brief points to
11 make: Because of the many adverse consequences to the
12 environment, the development of solar energy alone does
13 not warrant or justify the proposed high voltage
14 transmission line project. In fact, studies show that
15 solar projects work best and most efficiently when
16 sited close to the service area -- point number one.

17 Number two, we are concerned that there
18 is a rush to get this project started because of a
19 national movement and trend to shift away from these
20 mammoth transmission line projects, more manageable
21 local delivery systems.

22 We recognize that the current paradigm of
23 large scale energy production in remote locations and
24 the subsequent need for large scale transmission is not
25 the best short or long-term solution to meet the San

1 Luis Valley energy needs.

2 We would like to promote a local, small-
3 scale delivery system -- a microgrid, if you will, as a
4 backup to the Poncha Pass transmission system which
5 Tri-State informs us needs to be backed up.

6 Point three: The Tri-State project will
7 result in a loss of wildlife habitat and presents a
8 threat to biodiversity. For example, the San Luis
9 Valley contains many wetland areas in and around the
10 proposed corridor for the transmission lines. The
11 valley is the home to migratory birds, including the
12 sand hill cranes, yet Tri-State acknowledges that they
13 cannot eliminate threats posed by their project to
14 these birds or to any of the birds that migrate through
15 or live in the valley. Tri-State's literature leads us
16 to conclusion that the collisions with the lines are
17 inevitable as migratory birds attempt to access the
18 wetland.

19 Massive transmission line project will
20 intrude on the birds' natural living spaces. The
21 intrusion will expose the birds to predation, keep them
22 from essential activities, or cause them to leave or
23 abandon nests, exposing eggs or chicks to predation or
24 the elements.

25 The intrusion will also interfere with

1 migratory patterns that are century old and up until
2 now carefully preserved in the San Luis Valley. Even
3 so, the Tri-State project refuses to consider
4 underground transmission or a smaller-scale project.

5 That's all I have.

6 A.L.J. JENNINGS-FADER: Thank you, sir.
7 Counsel questions?

8 (No response.)

9 A.L.J. JENNINGS-FADER: Thank you,
10 Mr. Keller.

11 THE WITNESS: Thank you.

12 A.L.J. JENNINGS-FADER: Jerry Smith.

13 MR. SMITH: Good evening.

14 A.L.J. JENNINGS-FADER: Good evening.

15 JERRY W. SMITH,

16 having been called as a witness, being first duly
17 sworn, testified as follows:

18 A.L.J. JENNINGS-FADER: Thank you.

19 I would like you to state your name and
20 spell your last name for the record, please.

21 THE WITNESS: Yes, ma'am. My name is
22 Jerry W. Smith, S-m-i-t-h.

23 And I am from Blanca, Colorado, the
24 northern part of Costilla County. I am the president
25 of 3S Ranch, Incorporated, and Blanford, Incorporated.

1 Blanford is a potato packing warehouse. 3S Ranch is a
2 farming entity.

3 A.L.J. JENNINGS-FADER: I'm sorry, is
4 that S as in Sam?

5 THE WITNESS: Say again.

6 A.L.J. JENNINGS-FADER: S as in Sam, 3S?

7 THE WITNESS: 3S, yes.

8 A.L.J. JENNINGS-FADER: Thank you.

9 THE WITNESS: Sorry.

10 And 3S is a farming entity. We farm
11 about 5000 acres in that area. We have 40 center
12 pivots. We run -- we use power from both REC and
13 Public Service. It's split probably pretty much 50/50,
14 so we have experience with both.

15 In the past, we have had low voltages
16 because of -- on warm summer days and the lack of power
17 in the area, and it results in low voltages, sometimes
18 burns up motors and causes downtime. And in the
19 summer, when it's really warm, is when they have a hard
20 time bringing the most electricity to us, and that's
21 the time that we need the electricity the most to
22 produce the crops.

23 We feel like that it is vital that we
24 have another source of electricity coming into the
25 valley. We have all of our eggs in one basket, coming

1 spell your last name for the record, please.

2 THE WITNESS: My name is Mark Johnson,
3 J-o-h-n s-o-n.

4 A.L.J. JENNINGS-FADER: Thank you, sir.
5 And what's your statement for this
6 evening?

7 THE WITNESS: I'm going to speak as a
8 landowner who is currently being affected by this
9 proposal. I have three main concerns. Property
10 values, the ELF and EMF issue, and also radio, TV, and
11 cellular interference.

12 From my research, which includes the
13 Berkeley study from 1992 and a study in Saint Cloud,
14 Minnesota, in 1999, I have concluded that I'm looking
15 at property loss on my property of potentially 2 to 14
16 percent.

17 Also I have concerns with the noise
18 levels being that the line could be as close as a
19 quarter mile from my house to a half a mile from my
20 house.

21 And studies show that land
22 characteristics are a major determining factor in the
23 salable value of a piece of property. So the values on
24 my piece of property, I feel -- being out in Chico --
25 and I am off the grid. I purposely chose to be that

1 way, away from the electric lines, and the views -- the
2 incredible clear views and the quiet that's there. And
3 the fact that I am eight miles from town and I am from
4 electric lines and off the grid.

5 So the effects of power line would
6 directly affect all of these issues that directly
7 affect the resale value of my property.

8 And, you know, I am not a wealthy
9 person -- most people that live out in Chico aren't.
10 And we're not actually pursuing the material wealth
11 this world has to offer, but we still have to plan for
12 the future and future financial needs. And the equity
13 that I have in my property is probably the only
14 material wealth I'm really going to accumulate in my
15 life, so it's very important to me.

16 The second point, the ELF and EMF is a
17 very hotly debated, disputed issue; but again, from my
18 own personally search, from many studies including the
19 Chicago Journal, the National Institute of
20 Environmental Health Sciences, it is clear that there
21 is potential for health effects from EMF. The normal
22 background levels are .5 to .75 milliGauss; and
23 accepted safe levels are less than 2 milliGauss.

24 From Tri-State's studies -- or the
25 studies that they sponsored on their website, you are

1 looking at the edge of right-of-way being at levels of
2 30.8 milliGauss under maximum power running through
3 those lines, and as much as 300, being directly
4 underneath the line -- where the line is potentially
5 being cited is on my way to my mailbox. So I could
6 potentially be walking underneath that on a daily
7 basis, which doesn't exactly thrill me.

8 Other effects, certainly radio -- I don't
9 personally have a TV -- and my cellular service all
10 come from the south; and that line between me and those
11 signals, I don't know what that effect is going to be.
12 I don't know as anybody can tell me. I haven't had
13 anybody tell me what those effects are going to be. So
14 more likely than not, that line is going to go into
15 place and I'm going to find out and have to live with
16 those effects.

17 In conclusion, I think that without a
18 doubt, you know, we're hearing a lot tonight about the
19 need for electrical problem mitigation in the valley --
20 and I think that's very valid. I feel like there are
21 many creative and intelligent solutions that -- to the
22 problems that we face; and -- but I do not feel like
23 this line is one of those.

24 Thank you.

25 A.L.J. JENNINGS-FADER: Thank you, sir.

1 Counsel?

2 MR. FLANAGAN: (Indicating.)

3 A.L.J. JENNINGS-FADER: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. FLANAGAN:

6 Q Mr. Johnson, do you have a copy of that
7 Berkeley study with you?

8 A I do not.

9 Q Do you have a citation or a way that
10 someone could find it?

11 A I probably do, if I looked through my
12 notes here.

13 Q Well, that's why I'm asking. Do you have
14 a title of the study?

15 A I don't have it directly on hand at this
16 moment, no.

17 Q Do you have the title of the study, the
18 EMF studies that you were referring to?

19 A The -- the Assessments from the Journal
20 of Chicago is a May, June issue, 2001; and it's
21 directly related to the original Denver studies between
22 1950 and '73 and '76 and '83.

23 Q Those are the ones done up at C.U.?

24 A Yes, I believe they are.

25 And the National Institute of

1 Environmental Health Sciences in June 1998, it was when
2 they suggested that EMF be classified as a Group 2(b)
3 human carcinogen, meaning the agent is possibly
4 carcinogenic to humans.

5 Q Do you have the title to that article?

6 A I do not have the title.

7 Q Thank you.

8 MR. FLANAGAN: That's all I have?

9 A.L.J. JENNINGS-FADER: I have a couple
10 questions.

11 THE WITNESS: Okay.

12 EXAMINATION

13 BY A.L.J. JENNINGS-FADER:

14 Q The property that you own, is it a
15 private -- a residential property, relatively small, or
16 is it a ranch or could you sort of generally
17 describe --

18 A It is a residential property of 40 acres.

19 Q Okay. And I am from the Denver area, not
20 from the San Luis Valley; so could you describe -- you
21 said -- Chico is the name of the place or -- I'm
22 unclear as to --

23 A That's kind of a slang for the vegetation
24 of the area.

25 Q Oh, okay. So is it sort of an

1 unincorporated county area --

2 A Yes.

3 Q -- or is it --

4 A Yes.

5 Q Okay.

6 A It would be zoned rural.

7 Q Okay.

8 A.L.J. JENNINGS-FADER: Thank you very
9 much, sir.

10 I appreciate your testimony.

11 THE WITNESS: Thank you.

12 (Discussion off the record.)

13 A.L.J. JENNINGS-FADER: My apologies in
14 advance to this individual.

15 Davie?

16 MR. DAVIE: Doug Davie.

17 A.L.J. JENNINGS-FADER: Thank you, sir.

18 DOUG DAVIE,
19 having been called as a witness, being first duly
20 sworn, testified as follows:

21 A.L.J. JENNINGS-FADER: Thank you.

22 I would like you to state your name and
23 spell your name for the record, please.

24 THE WITNESS: It's Doug Davie, D-a-v-i-e.

25 A.L.J. JENNINGS-FADER: Thank you very

1 much, sir.

2 What is your statement this evening?

3 THE WITNESS: Okay, I'm a small rancher
4 and farmer in Rio Grande County. I'm also Chairman --

5 A.L.J. JENNINGS-FADER: Sir, a deep
6 breath and ratchet it down just a little bit. Slow it
7 down. I know it's the tendency to want to speed up and
8 get through it, but the reporter needs to be able to
9 take it down.

10 So could you start again.

11 THE WITNESS: I'm a small rancher and
12 farmer in Rio Grande County. I'm almost -- I'm also
13 Chairman of the Rio Grande County Commissioners. I'm
14 here mainly for the Rio Grande County Commissioners to
15 state that we are in favor of the transmission line
16 coming in.

17 One of the main reasons has been brought
18 up before, the only way for electricity to come in is
19 the only power grid from the northern end of the
20 valley. If they would have a fire or an airplane crash
21 or something like that, that would put the electricity
22 out for 40,000 people in the San Luis Valley.

23 Here in the valley, when it gets 40 below
24 zero in the wintertime, it doesn't take very long to
25 freeze up a house if you don't have a way to heat it.

1 Now, even if you have gas heat, it takes electricity to
2 run the furnace. And if you have electric heat --
3 there is a lot of houses on electric heat, but it could
4 do a lot of damage in just a couple hours or three
5 hours if you didn't have this electricity.

6 And in the summertime, it would be a
7 devastation to the crops.

8 I know I have some figures here: In 24
9 hours without electricity on a sprinkler on potatoes,
10 it would cause a decrease, in seven sacks a day, 700
11 weight per day, which would come out to about, on
12 120-acre circle -- just one circle -- about \$5400 a day
13 loss to a farmer.

14 On brewing grain, you are looking at 2.2
15 bushels per day and probably close to -- at \$4 a
16 bushel, on 120 acres, would be a thousand dollars for a
17 day.

18 On alfalfa, at \$100 a ton, you are
19 looking at probably a small amount, 5/100 of a ton;
20 which on 120 acres, would come to \$600 a day.

21 We're looking at these figures on
22 probably 1200 circles here in the San Luis Valley. So
23 it would really be devastating to the economy in the
24 San Luis Valley if we would lose the electricity.

25 Now, it's kind of -- I don't think it's a

1 very publicized or well-known fact; but if you were
2 hunting and if you had a small caliber gun and knew
3 where to shoot, if you were a terrorist, you could put
4 the -- you could shoot a place where it would put out
5 the electricity for the whole San Luis Valley. This
6 could cause probably up to maybe -- who knows, six
7 months to get electricity set back up.

8 And the same way with an airplane crash
9 or a fire. If this would happen, our communication
10 systems and all do have backup generators; but if you
11 are running a generator for 24 hours a day, it isn't
12 going to take very many days that you are not going to
13 be able to handle it.

14 So anyway, I am in favor of it and that's
15 the way it is.

16 A.L.J. JENNINGS-FADER: Sir, I would like
17 to know whether -- let me restate that.

18 Commissioner, I would like to know
19 whether your statement is your personal statement or is
20 it on behalf of the Rio Grande County Commissioners?

21 THE WITNESS: It's on behalf of the Rio
22 Grande County Commissioners.

23 A.L.J. JENNINGS-FADER: Okay, thank you.

24 Counsel?

25 (No response.)

1 A.L.J. JENNINGS-FADER: Okay, thank you
2 very much, sir, for taking the time to appear.

3 (Discussion off the record.)

4 A.L.J. JENNINGS-FADER: We'll be back on
5 the record.

6 And to this time, through the first
7 presentations, there has not been a lot of duplication
8 of information; but as we move on later into the
9 evening, it may be that you all who have signed up to
10 speak will have heard previous folks, previous speakers
11 saying things that you would like to second. And to
12 safe time, so that everyone will have an opportunity to
13 make a presentation this evening, if someone who
14 preceded you has said something with which you agree,
15 if you could just state, I agree with Mr. or Ms.
16 So-and-so and the statement that that person made, then
17 that will be -- you will adopt that person's statement
18 and the Commission will take that into consideration as
19 if you had fully stated everything with which you
20 agree. It's just a way to make the proceeding run a
21 little more smoothly and to avoid a lot of duplication,
22 given the number of people we have and the relatively
23 limited amount of time we have this evening.

24 So I would appreciate folks doing that.
25 And I must hesitate -- I hasten to say that has not

1 happened so far, but just on a going forward basis.

2 So with that, Mr. -- excuse me, I believe
3 this is a Mr. Spearman.

4 MIKE SPEARMAN,
5 having been called as a witness, being first duly
6 sworn, testified as follows:

7 A.L.J. JENNINGS-FADER: Thank you.

8 Could you please state your name and
9 spell your last name for the record -- and thank you
10 for using the microphone.

11 THE WITNESS: My name is Mike Spearman,
12 S-p-e-a-r-m-a-n.

13 A.L.J. JENNINGS-FADER: Thank you,
14 Mr. Spearman.

15 And what's your statement for us this
16 evening?

17 THE WITNESS: I'm a farmer and rancher and
18 also am here representing Saguache County, who has been
19 on record, as myself, as supporting the transmission
20 line development for the three primary reasons which
21 have been previously elaborated on that our providers
22 have explained to us, that our supply has been maxed
23 out and that we risk capping future development; that
24 we need the redundancy to make sure we don't have
25 brownouts in the event something happens to the

1 existing line; and thirdly, for economic development in
2 the future, as we are looking toward hopefully a great
3 deal of solar development in the San Luis Valley, and
4 that the transmission lines will be necessary for that
5 to come to pass.

6 Thank you.

7 A.L.J. JENNINGS-FADER: Thank you, sir.
8 Counsel?

9 (No response.)

10 A.L.J. JENNINGS-FADER: Thank you very
11 much, sir, for taking the time this evening.

12 Mr. Hurst.

13 MIKE HURST,
14 having been called as a witness, being first duly
15 sworn, testified as follows:

16 A.L.J. JENNINGS-FADER: Thank you.

17 I would like you to state your name and
18 spell your last name, please.

19 THE WITNESS: Mike Hurst, H-u-r-s-t.

20 A.L.J. JENNINGS-FADER: Thank you, sir.
21 And what's your statement?

22 THE WITNESS: Hi. First of all, I'm a
23 customer of the rural electric co-op, the San Luis
24 Valley REC.

25 I'm president of Del Norte Federal Bank

1 and Chairman of Del Norte Economic Development Council,
2 and I'm speaking for all three entities. My boards of
3 both the bank and the Economic Development Council are
4 in favor of the transmission lines for the same reasons
5 that many have spoke tonight, the redundancy for safety
6 is a key consideration.

7 We agree that a break in a strategic area
8 of the grid could cause an extended outage and we're
9 very concerned about that.

10 And then the economic development angle
11 of that, where we want to expand the ability to grow
12 the solar power as an export, we really must have these
13 lines to fully develop that.

14 Thank you.

15 A.L.J. JENNINGS-FADER: Thank you, sir.
16 Counsel.

17 (No response.)

18 A.L.J. JENNINGS-FADER: And thank you
19 very much, Mr. Hurst, for your statement.

20 THE WITNESS: Thank you.

21 A.L.J. JENNINGS-FADER: T.J. Brown.
22 Good evening.?

23 MR. BROWN: Good evening.

24 T.J. BROWN,
25 having been called as a witness, being first duly

1 sworn, testified as follows:

2 A.L.J. JENNINGS-FADER: Thank you.

3 I would like you to state your full name
4 and spell your last name -- and for the use the mike,
5 thanks.

6 THE WITNESS: My name is T.J. Brown,
7 B-r-o-w-n.

8 I'm here on behalf of the Upper Rio
9 Grande Economic Development Council. That's primarily
10 the communities of Monte Vista, Del Norte, South Fork,
11 and to some extent parts of Creede and parts of the
12 Alamosa area.

13 The board of the group, as well as the
14 membership, have had numerous discussions and meetings
15 and presentations on the transmission line and they are
16 all in favor of the transmission line.

17 The reasons have been enumerated by
18 Mr. Hurst and Mr. Spearman and Mr. Davie and a few
19 others. The reliability, the safety, and the potential
20 for economic development are all good reasons for the
21 line.

22 That's it.

23 A.L.J. JENNINGS-FADER: Thank you, sir.

24 Counsel?

25 (No response.)

1 A.L.J. JENNINGS-FADER: No questions?

2 Thank you very much, sir. I appreciate
3 your taking the time to come down.

4 MR. SOPKIN: Your Honor it looks like
5 there are a couple seats available.

6 A.L.J. JENNINGS-FADER: Thank you.

7 If anyone is interested -- anyone
8 standing in the back, there appear to be seats kind of
9 in the middle of some rows up in the front.

10 Rick Manzanares.

11 RICK MANZANARES,
12 having been called as a witness, being first duly
13 sworn, testified as follows:

14 A.L.J. JENNINGS-FADER: Good evening.

15 THE WITNESS: Good evening.

16 A.L.J. JENNINGS-FADER: Thank you, sir.

17 Please state your name and spell your
18 last name.

19 THE WITNESS: Rick Manzanares. It's
20 M-a-n-z-a-n-a-r-e-s.

21 And I'm the museum direct for to the Fort
22 Garland Museum's. The Fort Garland Museums is an
23 agency of the Colorado Historical Society, which is, in
24 turn, an agency of the State of Colorado.

25 As a State employee, I'm not here to

1 support nor go against this project; however, we did
2 send a statement in regarding the routing of the
3 wires -- of the transmission lines. And the first map
4 that we saw had the lines going through our property,
5 through the State property, which is a national
6 historic property. And we wrote a letter asking that
7 to be taken into consideration.

8 The reasons are two -- two reasons,
9 really, the viewshed, if you are going to a 150 year
10 old property made out of adobe -- and it's a 19th
11 century fort -- you want to be able to appreciate the
12 historic ambience of the place without seeing the
13 transmission lines really close.

14 The other reason was potential
15 archaeological treasures that have yet to be looked at.
16 And I do say potential, we don't know one way or the
17 other.

18 We wrote a letter, and those routes were
19 taken -- our letter was taken into account and
20 apparently the new map shows that it was rerouted and
21 it is now about a half a mile south of our building --
22 the nearest building. We just want to say that we
23 think that's a good move in terms of the experience --
24 the historical experience.

25 And we do have continuing concerns about

1 the design and size and placement.

2 I am speaking for the Colorado Historical
3 Society.

4 Any questions?

5 A.L.J. JENNINGS-FADER: Counsel,
6 questions?

7 (No response.)

8 THE WITNESS: Thank you.

9 A.L.J. JENNINGS-FADER: Thank you very
10 much.

11 I'm sorry sir, I do have a question.

12 THE WITNESS: Yes, sir.

13 A.L.J. JENNINGS-FADER: My apologies.

14 The concern with respect to the design
15 size and placement of the line, is that -- is that a
16 concern both -- well, with what you understand the new
17 routing to be -- new route to be?

18 THE WITNESS: Right.

19 A.L.J. JENNINGS-FADER: And is it a
20 concern with respect to the -- the -- what you
21 understand the towers are going to look like or is
22 it -- could you help me out a little bit?

23 THE WITNESS: Sure. It probably stems
24 from my ignorance, I don't know what these towers are
25 going to look like. And I'm merely saying, since we

1 are still concerned about the viewshed, that the size
2 of those towers, the design, should also be taken into
3 consideration when it comes to our site.

4 A.L.J. JENNINGS-FADER: Okay, thank you
5 for helping me understand that. Thank you very much,
6 sir.

7 THE WITNESS: Thank you.

8 A.L.J. JENNINGS-FADER: Irwin Young.
9 Good evening.

10 IRWIN YOUNG,
11 having been called as a witness, being first duly
12 sworn, testified as follows:

13 A.L.J. JENNINGS-FADER: Thank you very
14 much, sir.

15 I would like you to state your name and
16 spell your last name for the record.

17 THE WITNESS: I'm Irwin young, Y-o-u-n-g.

18 A.L.J. JENNINGS-FADER: Thank you, sir.
19 What's your statement this evening?

20 THE WITNESS: Ma'am?

21 A.L.J. JENNINGS-FADER: What is your
22 statement this evening?

23 THE WITNESS: Okay. I am a businessman.
24 I own Colorado Gators, 17 miles north of Alamosa. We
25 raise fish.

1 I would like to note that Mr. Fausett on
2 the reliability and necessity of the reliability of our
3 power -- we also have only a few minutes if we lose all
4 of our power.

5 We get power from REC. There is a main
6 line that goes right by our property that's been very
7 reliable; but I, too, am concerned about all of the
8 lines coming in from one area in the valley. The
9 valley -- I agree with Clare also, he's -- he knows the
10 power. And if he said we need additional redundancy
11 and need additional power, who am I to argue with that?

12 We buy green power and we have no idea
13 where it comes from. I would like to some day see it
14 come from the valley; but right, now Tri-State doesn't
15 have any green power in the valley as far as I know.

16 We have a wetland area, wildlife habitat.
17 There has been over 125 species of birds on our 80
18 acres that's -- that we know have been spotted. We
19 have yet to see any birds leaving our property and
20 hitting the big power lines. There's a large power
21 line to the north of us, it's REC's; on the west, we
22 have Public Service power line, and we get some of our
23 power from Public Service.

24 I have had a lot of animals and my own
25 animals and wild animals meet their end on the highways

1 next to us. There's thousands of miles of highways,
2 there's also thousands of miles of power lines. I
3 don't feel like that it's a bad situation for the
4 wildlife to have a few more miles of power lines.

5 As far as being next to power lines, we
6 had a fish farm in Lamar for a few years, right
7 underneath the 75,000-volt power line; and it was
8 39-foot up above us. And we saw know ill effects from
9 any of our employees for several years.

10 I did question the people about that and
11 they assured me that there was no known case of
12 detrimental damage by being near power lines for
13 individuals.

14 I'm all in favor of us having a new power
15 line.

16 I don't want to argue about where it's
17 from -- I mean, where it goes. That's -- that's to be
18 determined by all of the people that's really involved
19 with that; but we really do need another line coming
20 into the valley that's not from the north.

21 We -- when I moved up here in 1974,
22 Public Service was trying to get a power line in from
23 the south and it was fought by the valley until they
24 finally just gave up. And we needed it 35 years ago,
25 we still need it.

1 And as long as we have the reliable
2 service we have been having, we never know -- we never
3 know how important this power is until we don't have
4 it.

5 And solar, alone, will not take care of
6 24 hour a day service.

7 And we talk about these big power
8 companies that's coming in on the solar power, that
9 won't even make a dent in what we really need even for
10 eight hours a day in the daytime. So we need to focus
11 on renewable energy here, but we also need the
12 reliability of another line coming in to the valley.

13 That's all I have.

14 A.L.J. JENNINGS-FADER: Thank you, sir.
15 Counsel?

16 (No response.)

17 A.L.J. JENNINGS-FADER: Sir, I have a
18 question.

19 Which rural electric cooperative provides
20 your power?

21 THE WITNESS: You say which?

22 A.L.J. JENNINGS-FADER: Which one, where.

23 THE WITNESS: SLVREC.

24 A.L.J. JENNINGS-FADER: Thank you very
25 much, sir. I appreciate that. Thank you very much for

1 your testimony.

2 Mr. Vandiver.

3 STEVE VANDIVER,

4 having been called as a witness, being first duly
5 sworn, testified as follows:

6 A.L.J. JENNINGS-FADER: Thank you so
7 much.

8 Could you please state your name and
9 spell your last name for the record.

10 THE WITNESS: My name is Steve Vandiver,
11 V-a-n-d-i-v-e-r.

12 A.L.J. JENNINGS-FADER: Yes, sir.

13 And what's your statement?

14 THE WITNESS: Thank you for the
15 opportunity to speak tonight.

16 I just want to say that I'm in
17 concurrence with many who have spoken in favor of the
18 power line for the reasons that they have outlined.

19 I would say that virtually everything in
20 this really is dependent upon electrical energy that we
21 receive from outside of the valley. There are no
22 generation -- generating stations here that I'm aware
23 of. And I feel like it's absolutely necessary to have
24 the redundancy and reliability of an additional power
25 line here.

1 There is over 600,000 acres of
2 agricultural community here, growing some very high
3 value crops; and it is imperative that we have the
4 infrastructure to support that industry. Virtually
5 everything else here is dependent upon it. There are
6 many commercial activities that are totally reliable on
7 the electricity that is furnished here. And having a
8 new power line will certainly enhance our ability to
9 continue that.

10 I just want to say those things and to
11 concur with those that are in favor of the power line.

12 A.L.J. JENNINGS-FADER: Thank you, sir.
13 Counsel?

14 (No response.)

15 A.L.J. JENNINGS-FADER: Thank you very
16 much, sir. I appreciate your statement this evening.

17 I think this is Tom Gilmore.

18 MR. GILMORE: Yes.

19 A.L.J. JENNINGS-FADER: Good evening.

20 MR. GILMORE: Good evening.

21 TOM GILMORE,
22 having been called as a witness, being first duly
23 sworn, testified as follows:

24 A.L.J. JENNINGS-FADER: Thank you.

25 Please state your name and then spell

1 your last name for the record.

2 THE WITNESS: Tom Gilmore, G-i-l-m-o-r-e.

3 A.L.J. JENNINGS-FADER: Thank you, sir.

4 And what is your statement this evening?

5 THE WITNESS: I came to support the
6 transmission line. The growing personal use of
7 electricity, in agriculture, as well as the increasing
8 need for reliability seem to me to be an important
9 factor in this.

10 Secondly, this region has great
11 opportunity to generate solar electric power. And I
12 believe the environmental impact of a narrow strip of
13 land for the transmission line is way more than offset
14 by the important environmental factors in generating
15 electricity through alternate means rather than burning
16 of coal. And I don't believe that will occur to any
17 substantial extent without an additional transmission
18 line.

19 Thank you.

20 A.L.J. JENNINGS-FADER: Thank you, sir,
21 very much.

22 Counsel, questions?

23 (No response.)

24 A.L.J. JENNINGS-FADER: Thank you,
25 Mr. Gilmore.

1 Mr. Ewing.

2 MR. EWING: Yes, Your Honor.

3 LARRY EWING,
4 having been called as a witness, being first duly
5 sworn, testified as follows:

6 A.L.J. JENNINGS-FADER: Thank you, sir.

7 Would you state your name and spell your
8 last name for the record, please.

9 THE WITNESS: My name is Larry Ewing,
10 E-w-i-n-g.

11 A.L.J. JENNINGS-FADER: Thank you,
12 Mr. Ewing.

13 What's your statement this evening?

14 THE WITNESS: I am from Saguache County,
15 as an individual; and I'm concerned that there's too
16 much of a headlong rush with the whole solar and
17 transmission line issue without people giving enough
18 thought to alternatives.

19 There's also a security issue involving
20 the grid system, as a whole -- not just this line but
21 any grid system; because as somebody else has already
22 pointed out, it doesn't take much to take down that
23 grid.

24 A few years ago, New York was taken
25 out -- not because of an act of sabotage, but just an

1 error.

2 We need to focus more on local generation
3 and local distribution.

4 That's all I have.

5 A.L.J. JENNINGS-FADER: Thank you, sir.
6 Counsel?

7 (No response.)

8 A.L.J. JENNINGS-FADER: Thank you very
9 much, Mr. Ewing. We appreciate it.

10 I said we would take a break somewhere
11 between 7 and 7:30. This looks like pretty much
12 between 7 and 7:30. I'm going to take a probably ten
13 minute recess.

14 As I said earlier if anyone has not yet
15 signed up who would like to make a statement, please do
16 so during the break; because when the break is over,
17 the sign-ups will close.

18 So thank you all very much and we are in
19 recess for ten minutes.

20 (Recess.)

21 A.L.J. JENNINGS-FADER: Call the hearing
22 back to order.

23 We'll continue with the folks who have
24 signed up to make statements.

25 And just a reminder, if you have not

1 signed up, we're done in terms of sign-ups. So I hope
2 you had an opportunity to get back and sign up.

3 Terry Smith.

4 A.L.J. JENNINGS-FADER: Good evening,
5 sir.

6 MR. SMITH: Good evening.

7 TERRY SMITH,
8 having been called as a witness, being first duly
9 sworn, testified as follows:

10 A.L.J. JENNINGS-FADER: Thank you.

11 Could you state your name and spell your
12 last name for the record.

13 THE WITNESS: My name is Terry Smith,
14 S-m-i-t-h.

15 A.L.J. JENNINGS-FADER: And what is your
16 statement for us this evening, sir?

17 THE WITNESS: I am a lifetime resident of
18 the San Luis Valley. Six generations of my family have
19 lived here and are living here now, and we're very
20 proud of our heritage. But my wife just made the
21 comment the other day that she certainly wouldn't want
22 to go back to the days when our parents were raised
23 here in the San Luis Valley without electricity. And
24 electricity has become an important part of our lives
25 and is a necessary thing and is something that we all

1 enjoy.

2 And I certainly support the transmission
3 line coming in for safety reasons as well as the
4 dependability factor.

5 I have worked a lot in business and on
6 some boards here in the San Luis Valley.

7 The economic development and the
8 dependability of power is critical to economic
9 development in our area.

10 We talk about economic development an
11 awful lot. It's a challenge to bring economic
12 development and industry to the San Luis Valley. But
13 without dependable power, certainly we cannot compete
14 with many other areas of this nation.

15 I found it interesting, as I was in
16 Denver not too long ago and I was driving down 225 and
17 there's a big transmission line going right down the
18 freeway; and it hasn't really hindered any growth that
19 I could see. It's developed clear up as close as they
20 can get to the freeway and as close as they can get to
21 the power lines. And so I didn't really see any
22 negative impact that it had in that area, which is
23 right here in our own state.

24 So I really support what has been said as
25 far as the dependability and reliability that we need

1 with the power line and the need for economic
2 development in our area.

3 Thank you.

4 A.L.J. JENNINGS-FADER: Thank you, sir.
5 Counsel, questions?

6 (No response.)

7 A.L.J. JENNINGS-FADER: Thank you.

8 Thank you very much, Mr. Smith.

9 My apologies in advance to this
10 individual. Christine Canaly?

11 MS. CANALY: You did good.

12 A.L.J. JENNINGS-FADER: Thanks.

13 CHRISTINE CANALY,
14 having been called as a witness, being first duly
15 sworn, testified as follows:

16 A.L.J. JENNINGS-FADER: Thank you very
17 much.

18 THE WITNESS: Thank you.

19 A.L.J. JENNINGS-FADER: Could you state
20 your name and spell your last name, please.

21 THE WITNESS: My name is Christine Canaly
22 C-a-n-a-l-y, and I am director of the San Luis Valley
23 Ecosystem Council.

24 I would like to address the PUC on the
25 public convenience and necessity question. The

1 council's mission is to protect and restore, through
2 research, education and advocacy the biological
3 diversity, ecosystems, and natural resources of the
4 Upper Rio Grande bioregion, balancing ecological values
5 and human needs. We are primarily concerned about the
6 impacts to federal lands, but are also advocating for a
7 landscape level approach to sustainable energy
8 planning.

9 I just wanted to say a quote here because
10 it's going to help me to kind of explain where I'm
11 going. If you are AT&T and somebody invents this new
12 thing called a cell phone, do you hunker down and just
13 hope cell phones go away or do you get into the
14 wireless business?

15 Utilities should be treating distributed
16 generation as a source of profit and competitive
17 advantage rather than as a competitive threat, Lovins
18 says. It's hard to get their heads around a lot of
19 little things instead of a few big things which is what
20 they are really good at; but if they want to provide
21 low cost reliable power for the least amount of risk,
22 distributed generation -- generation can do it for
23 them. The barriers to small systems are really
24 cultural, not technical and economic.

25 This is Amory Lovins, Rocky Mountain

1 Institute founder and chief scientist co-author of
2 Small is Profitable: The Hidden Economic Benefits of
3 Making Electrical Resources the Right Size.

4 This quote illustrates that we are at a
5 cross roads. Some call it a paradigm shift. Experts
6 disagree on how long it will take; some say ten years,
7 some say thirty, regarding the technical logical
8 storage advantages of decentralized distributed
9 generation. The reality is over the next quarter
10 century, our concept of energy transmission will be
11 changing on an exponential level.

12 When Colorado citizens supported the
13 ballot initiative for renewable energy, most were
14 probably not thinking utility scale facilities, they
15 were supporting distributed generation because that's
16 what most folks were familiar with.

17 Study after study concludes that
18 distributed or smaller scale rather than concentrated
19 or industrial scale generation projects are more
20 cost-effective, more efficient, and much quicker to
21 bring on line. Studies also show that small scale
22 projects provide long-term financial benefits to local
23 communities through sustainable jobs, robust returns on
24 investment for local businesses and homeowners, and
25 reduced carbon footprints. Furthermore, energy that is

1 produced in the place where it is used is much more
2 efficient since it eliminates transmission losses and
3 large scale production and efficiencies.

4 Without question, distributed generation
5 projects have dramatically less impact on the
6 environment.

7 In reviewing the 2008 Tri-State
8 Generation & Transmission Association Macro Corridor
9 Study, the following rationalizations were listed: The
10 primary purpose for the project would be to: One,
11 improve system reliability in the San Luis Valley; and,
12 two, to help protect voltage collapse under peak loads.

13 Our response is we believe system
14 reliability and voltage loads and security would be
15 best served by creating a locally generated source of
16 electrical power supply and transmission. We already
17 have the existing infrastructure throughout the San
18 Luis Valley. It could come on line more quickly than a
19 transmission line and be much more cost- effective for
20 consumers. This self-sustaining alternative deserves
21 to be given thorough analysis.

22 The macro study also states: A new line
23 from a second source would provide redundant service
24 rather than radial, thus improving the dependability
25 and reliability of the electric service.

1 In addition to the purpose for the
2 project described above, the following additional
3 benefits are related to the project: Provide improved
4 transmission support to the surrounding region and
5 provide transmission capacity for renewable energy
6 development in the San Luis Valley.

7 According to the macro study, the primary
8 purpose for the project is to solve a critical need to
9 improve the electric service to SLV rural co-op and
10 enable them to reliably serve customers in the San Luis
11 Valley. Currently, if a single outage event occurs on
12 the existing Poncha-San Luis Valley 230 kv transmission
13 line, the remaining system would not be able to supply
14 enough power to meet the peak loads in the area.

15 For some reason this old radio liable
16 transmission line that has served this valley admirably
17 for almost a century now has become suspect. We
18 recommend upgrading the existing transmission line to
19 provide the other services mentioned above in the macro
20 study. A thorough analysis of upgrading existing SLV
21 infrastructure deserves to be another alternative in
22 the Department of Agricultural Rural Utility Service
23 E.I.S.

24 It's good news that RUS decided last week
25 to extend the federal National Environmental Policy Act

1 analysis of federal action to include an E.I.S.
2 process. We understand that the state PUC permitting
3 process runs parallel with this federal process.

4 Since the federal process will take a few
5 years to complete, we respectfully request that the PUC
6 hold off on permitting this application until a
7 thorough analysis is completed through this federal
8 E.I.S. -- environmental Impact Statement process. You
9 may end up saving yourself a lot of time, money, and
10 effort.

11 We also recommend that the PUC become a
12 cooperating agency throughout the federal E.I.S.
13 transmission line process.

14 The counsel responded to the RUS
15 transmission line comments. The Macro Corridor study
16 document was difficult for the layperson to read and
17 analyze. We encourage the E.I.S. process to provide a
18 more public, user-friendly format.

19 The management plan for the Great Sand
20 Dunes National Park provides a good example. There are
21 several important historical resources located within
22 the proposed transmission corridor plans. The Sangre
23 de Cristo National Heritage area has been mentioned,
24 but also the Los Caminos and Antiguos Scenic By-way.
25 Because of these two special designations, we feel it

1 is important to preserve the visual landscape and feel
2 that the transmission line would not serve the historic
3 integrity of the area.

4 Historically, the SLV area was a cross
5 roads of culture. Mt. Blanca, southeast the Great Sand
6 Dunes marks the eastern boundary of the Navajo; Mt.
7 Blanca is considered one of the four mountain peaks in
8 the four corner area to be sacred among various tribes
9 to inhabited and traded in this area. We recommend the
10 consultation with tribes should be an integral part of
11 this public process as the construction of the proposed
12 transmission line would have an adverse impact to this
13 area, the viewshed being the most obvious.

14 The Rio Grande Scenic Railroad, which
15 runs from Alamosa to La Veta was begun three years ago
16 as a tourist line between Alamosa and La Veta. It
17 follows the old railroad line over La Veta Pass, but
18 from Alamosa to Ft. Garland, the route would be
19 contiguous to the proposed transmission line. This
20 railway is historic, and part of the appeal is that the
21 line being traveled is over 100 years old.

22 Habitat fragmentation, threatened,
23 endangered and sensitive species habitat as well as
24 critical cores and linkages for wildlife habitat will
25 be impacted by this potential transmission line.

1 Wildlife habitat fragmentation caused by transmission
2 lines including branch power lines, pipelines,
3 including feeder pipelines, and roads generally fall
4 into three broad categories: One, construction
5 impacts, access, right-of-way, clearing construction of
6 towers, stringing of cables;

7 Two, line maintenance impacts, inspection
8 and repairs;

9 And, three, impacts related to the
10 physical presence and operation of the transmission
11 line.

12 As such, wildlife habitat must be
13 examined on an individual project and site-specific
14 basis. The only way to accomplish this requirement is
15 to ensure that the transmission corridor is especially
16 evaluated for direct and indirect and cumulative
17 impacts.

18 The difficulty we, the Ecosystem Council,
19 have had in doing basic analysis of the La Veta Pass
20 area in terms of habitat is the fact that so much of it
21 is private land. Unless landowners take the time to do
22 their own wildlife corridor studies or have developed a
23 management plan that they might even be willing to give
24 to share with the public, means we are limited in our
25 ability to make any thorough recommendations.

1 In conclusion, along with the rootedness
2 to the land, valley residents are fiercely independent.
3 In the 1970s, when the Carter administration encouraged
4 solar energy independence, many homesteads developed
5 their own heating and energy storage systems, becoming
6 some of the earliest users of renewable energy
7 technologies to power their remote homes and
8 businesses.

9 Today this trend continues. As many
10 residents remain independent of the electrical grid
11 producing their own power through solar and other
12 renewable energy systems.

13 We recommend a state model of appropriate
14 energy development based on what is currently being
15 implemented in other countries. They appear to
16 exercise a threefold strategy: One, emphasis on
17 flexibility and size and scale fitted to location and
18 need; two, constructing open-ended systems that can
19 rapidly integrate new technologies. And three,
20 suitably subsidizing research and development that
21 encompass a range of alternative energy sources.

22 When given an opportunity to review all
23 the available alternatives, as director of the San Luis
24 Valley Ecosystem Council, I am not convinced that a
25 transmission line over La Veta Pass is justifiable or

1 necessary.

2 Thank you.

3 A.L.J. JENNINGS-FADER: Thank you, ma'am.

4 Counsel?

5 (No response.)

6 A.L.J. JENNINGS-FADER: Ma'am, I have one
7 question.

8 I just want to know, are you speaking
9 on -- on behalf of the San Luis Valley --

10 THE WITNESS: Yes, I am.

11 A.L.J. JENNINGS-FADER: -- Ecosystem
12 Council?

13 THE WITNESS: Yes, I am.

14 A.L.J. JENNINGS-FADER: Thank you very
15 much.

16 THE WITNESS: Just so you know, we have
17 about 400 members and about 4000 people on our mailing
18 list.

19 (Discussion off the record.)

20 (Pause.)

21 MS. TARLOW: I'm next -- should I tell
22 you my name?

23 A.L.J. JENNINGS-FADER: Is it --

24 MS. TARLOW: Mikela Tarlow, M-i-k-e-l-a
25 T-a-r-l-o-w.

1 A.L.J. JENNINGS-FADER: Good evening.

2 MIKELA TARLOW,

3 having been called as a witness, being first duly
4 sworn, testified as follows:

5 A.L.J. JENNINGS-FADER: Thank you.

6 And, Ms. Tarlow, what is your statement
7 this evening?

8 THE WITNESS: Okay. I'm a resident of
9 the San Luis Valley for the last 17 years and have had
10 land here for 24 years. And my concern about these
11 transmission lines is I feel like there's two separate
12 issues being contemplated. One is the energy needs of
13 the valley -- and I think that's a really valid issue;
14 you know, the redundancy issues that have been raised
15 and energy security.

16 And I think there's -- if that's the
17 issue we were addressing here tonight, I think we would
18 be talking about a number of ways to solve that problem
19 and what are the easiest and most efficient ways to do
20 that; so upgrading transmission lines, perhaps local
21 generation, things like that.

22 I feel like the real purpose of these
23 transmission lines and why I'm not in support of them
24 is that it's about positioning the valley for the
25 export of energy and paving the way for numerous large

1 scale solar development in the valley. And my concern
2 about that positioning the valley for that is -- I
3 don't feel like that issue has been fully considered.

4 So I'll just bring up one point: I'm not
5 as knowledgeable as some of the people who have spoken,
6 but a water-cooled, utility-scale solar plant uses more
7 water than a coal-fired plant; and if we're preparing
8 the way to have several of those utility-scale plants
9 in this valley, I think some of the same people who
10 have spoken in favor of the transmission line because
11 of energy security and redundancy and all those issues,
12 which I totally support, I think if there was a
13 realization that these lines also are -- the main
14 purpose of them is to export energy from the valley,
15 then some of those very same people might have concerns
16 about these energy lines. And I feel like those issues
17 are not being brought up about these transmission
18 lines.

19 I think that's it. I'm sure I'll
20 remember ten more things I wish I had said.

21 A.L.J. JENNINGS-FADER: Counsel?

22 (No response.)

23 A.L.J. JENNINGS-FADER: Anything else?

24 THE WITNESS: That's it.

25 A.L.J. JENNINGS-FADER: Thank you very

1 much, Ms. Tarlow.

2 THE WITNESS: My husband side up. Do you
3 want --

4 MR. TARLOW: I would like to say a few
5 words.

6 PHILIP TARLOW,
7 having been called as a witness, being first duly
8 sworn, testified as follows:

9 A.L.J. JENNINGS-FADER: Thank you.
10 Could you state your name and spell your
11 last name.

12 THE WITNESS: My name is Philip Tarlow,
13 same spelling as you just heard; and the name Philip is
14 with one L.

15 A.L.J. JENNINGS-FADER: Thank you, sir.
16 What would you like us to hear this
17 evening?

18 THE WITNESS: I'm going to be -- try to
19 be as brief as possible.

20 And I'm speaking as an individual, not
21 representing any organization.

22 As you have heard, we have lived here for
23 17, 18 years.

24 And I'm speaking really as an artist --
25 that's one of the things I do -- one of the main things

1 I do. And, you know, it occurred to me as I was
2 listening to the conversation that we're facing an
3 issue that we -- as Chris Canaly has pointed out --
4 haven't really taken the time to sit back and think
5 about. Now, granted there is an issue around urgency
6 and redundancy and so on; but I feel that we're living
7 in a time when the model may -- that we are -- through
8 which we are seeing the world is shifting, whether we
9 like it or not. And I don't know how that's going to
10 turn out.

11 I have some historic examples, being an
12 artist, I would say that in the 1905, Picasso and
13 Einstein, a physicist and artist -- who I don't believe
14 ever met one another, but they both -- they had
15 something in common, which is that they made a
16 breakthrough. And it's interesting that it was exactly
17 the same time.

18 And there were other breakthroughs
19 happening, but those were pretty big, a breakthrough in
20 our how we see ourselves and see the world. In
21 Einstein's case, the physical world, his theory of
22 relativity forever changed how we see the physical
23 reality; and in Picasso's case, the visual world and
24 his breakthrough forever changed how we see the visual
25 world.

1 And I think what the -- one of the things
2 that the two had in common was that they came up with
3 what physicists like to call elegant solutions. Now,
4 an elegant solution is really, to put it in a nutshell,
5 more with less. So my concern here is that we haven't
6 thought enough about what that means in this case.
7 Is -- you know, it seems to me like a distributed
8 solution is in that direction of more with less.
9 Everybody stands to gain. I can't see really how
10 anyone would stand to lose other than perhaps the
11 players who would like to come in and take advantage of
12 the situation monetarily for reasons that include the
13 well-being of the inhabitants of this valley, but go
14 beyond that.

15 So really I don't know enough to have an
16 informed opinion, but I'm throwing out some ideas as
17 artists like to do, about ways that perhaps we're -- I
18 know that we're living in a time of tremendous change
19 and that that is only going to increase exponentially
20 over the next decade or two.

21 And I think that our decision is really
22 important, not only for the valley but for other
23 valleys, other places around the country who may be
24 looking to us for what solution we come up with and
25 whether it's a solution that considers the long view

1 and is an elegant solution which benefits all with the
2 least possible means; in other words, more economical,
3 more intelligent, more -- and I feel that we need to
4 keep that in mind in -- in -- it means not just we
5 don't rush into something without -- it means that we
6 as a community, because we of the San Luis Valley are a
7 community, whether we know it or not, whether we like
8 it or not.

9 And some of us are farmers and others are
10 businesspeople and artists and we have -- there is a
11 common good here, which is that we have the electricity
12 that we need in order to live productive lives and not
13 feel threatened by the prospect of, you know, this one
14 line coming in being destroyed by fire or airplane
15 crash or any of those things.

16 I totally agree with that. But it's a
17 question of how we get there.

18 So that's all I have to say.

19 A.L.J. JENNINGS-FADER: Thank you.

20 Counsel?

21 (No response.)

22 A.L.J. JENNINGS-FADER: Thank you very
23 much, Mr. Tarlow.

24 Mr. Gibson.

25 Good evening.

1 MR. GIBSON: Good evening.

2 MICHAEL GIBSON,
3 having been called as a witness, being first duly
4 sworn, testified as follows:

5 A.L.J. JENNINGS-FADER: Thank you.

6 I would like you to state your name and
7 spell your last name for the record.

8 THE WITNESS: It's Michael Gibson,
9 G-i-b-s-o-n.

10 I'm going to perhaps give a different
11 perspective on some of the things which have been said
12 this evening and hopefully the PUC will consider them.

13 I come from a background of 30 years in
14 the extractive industries, including energy production,
15 including oil and gas, uranium, and coal. It turns out
16 that those minerals and other minerals never occur
17 where you want them to occur or in the ideal place for
18 their production and extraction.

19 I see that the potential of solar power
20 in the valley here is something that we need to
21 embrace. We need to embrace it not only on a local
22 level about we need to embrace it on a state level and
23 we need to embrace it on a national level.

24 We asked our utilities to produce 20
25 percent of renewable energy. I would argue that many

1 of us thought that would be on the large scale
2 production; and I would also like to say that
3 industrial or large scale production does not
4 preclude -- and I repeat, does not preclude distributed
5 energy. We can have both of those in this valley. And
6 so it's with that in mind that I believe that the
7 valley has this great potential.

8 And I think we have a moral
9 responsibility to the country, to our fellow citizens,
10 to the world. We talk about climate change -- and I
11 believe that it's necessary that we have a new power
12 line or additional capacity to take that energy out of
13 the valley.

14 Now, some people may argue that taking
15 energy out of the valley, let those other people figure
16 it out for themselves. Sitting here this evening, with
17 electrical power which is coming from a variety of
18 sources -- and those sources will include an open pit
19 coal mine, some somebody has to perhaps look at. It
20 includes a power plant that perhaps other people have
21 to look at. It includes emissions from that power
22 plant, some of which are controlled better than others.

23 We enjoy the luxury of those things. And
24 I believe we have an obligation to produce solar power
25 out of this valley; and to do that, we need a new power

1 line.

2 Thank you.

3 A.L.J. JENNINGS-FADER: Thank you, sir.

4 Counsel?

5 (No response.)

6 A.L.J. JENNINGS-FADER: Thank you very

7 much for taking the time to make a statement this

8 evening.

9 I believe the last name is Hart.

10 Good evening.

11 JACQUE HART,

12 having been called as a witness, being first duly

13 sworn, testified as follows:

14 A.L.J. JENNINGS-FADER: Thank you.

15 Could you state your full name.

16 THE WITNESS: Yes.

17 A.L.J. JENNINGS-FADER: And I think, in

18 this case, we will need you to spell your first name.

19 THE WITNESS: My name is Jacque,

20 J-a-c-q-u-e, last name is Hart, H-a-r-t.

21 A.L.J. JENNINGS-FADER: Thank you.

22 THE WITNESS: Uh-huh. I -- first of all,

23 I would like to totally agree with Chris Canaly and her

24 statement.

25 Next I would like to say that I was --

1 I'm a homeowner, and where the -- and landowner. The
2 lines are scheduled in one of the corridors to go
3 through my property. I was never informed of this in a
4 written --

5 When I was seven, my doctors told my
6 parents that my health was not doing well in Chicago
7 and he wasn't able to keep me well there. He
8 recommended that my parents move me to Colorado.

9 I have struggled with my health most of
10 my life. It's chased my husband and myself and my
11 family all over the place.

12 When we moved to the valley, it was the
13 longest time that I was well. I was well here for ten
14 years. We believe that the high altitude, the cold
15 temperatures, the short growing season, the alkaline
16 soil and the home that I live in with no insulation.
17 There is not a lot of people here, there is not a lot
18 of congestion, and not much in the way of industrial
19 and other types of pollutions.

20 My husband took a job in Arizona in 2000
21 and I found myself sick again and had to have many
22 surgeries. I had two mastoid surgeries for infections
23 caused by allergies and environmental issues, as
24 National Jewish puts it.

25 I have what's called multiple chemical

1 sensitivity -- it's an autoimmune problem. My
2 specialist recently told me that I can't have any more
3 mastoid surgeries; and if it happens again, he will
4 only be able to keep me comfortable.

5 In 2000, we didn't sell our home in the
6 valley and I'm very grateful as this is where I come to
7 recover and be well. I currently live here all the
8 time while my husband of 36 years lives 300 miles away
9 for work.

10 The transmission line corridors cross and
11 run in front of my property. If the lines go in, I
12 will most likely be forced to move.

13 Here I would cite a study done in
14 Australia that says the EMF may have possible adverse
15 effects for people with autoimmune and related
16 illnesses. I would also cite recent studies done by
17 the California EMF project in '93, initiated by the
18 Public Utilities Commission of California.

19 If I'm forced to move, I would expect
20 compensation for my home and my land. For this -- for
21 me, this means a safe place to live, the same amount of
22 land that I currently own.

23 I have good reason to ask you not to put
24 the lines in my or my neighbors' backyard. It's a live
25 and death situation.

1 Please consider this, you know the health
2 issues, the lands caused issues for those of us that
3 may not be able to remain if transmission lines are
4 over our head.

5 A.L.J. JENNINGS-FADER: Thank you, ma'am.
6 Counsel?

7 (No response.)

8 A.L.J. JENNINGS-FADER: Thank you very
9 much, Ms. Hart.

10 THE WITNESS: Uh-huh.

11 A.L.J. JENNINGS-FADER: Apologies in
12 advance. Is it Ms. Barker?

13 MS. BARKER: Claire Barker, like a
14 barking dog.

15 CLAIRE BARKER,
16 having been called as a witness, being first duly
17 sworn, testified as follows:

18 THE WITNESS: As far as I know it at this
19 moment, yes.

20 This is one of the issues that has come
21 up with this line: It's the truth seems to always be
22 shifting.

23 I do want to give you an article on
24 sulfur hexachloride, SF6.

25 It is the global warning potential of SF6

1 is 23,900, making it the most potent greenhouse gas the
2 IPCC has ever evaluated. SF6 is a colorless, odorless
3 nontoxic flammable gas with excellent dielectric
4 properties. SF6 is used for insulation and current
5 interruption in electrical power transmission and
6 distribution equipment.

7 A.L.J. JENNINGS-FADER: Thanks.

8 THE WITNESS: I'll enter that.

9 A.L.J. JENNINGS-FADER: Now we just need
10 to take a second.

11 THE WITNESS: That's fine.

12 A.L.J. JENNINGS-FADER: It needs to be
13 marked as an exhibit.

14 THE WITNESS: Okay.

15 A.L.J. JENNINGS-FADER: The PC-9.

16 (Whereupon, Exhibit No. PC-9 marked for
17 identification.)

18 A.L.J. JENNINGS-FADER: A few
19 formalities.

20 THE WITNESS: That's fine.

21 A.L.J. JENNINGS-FADER: Ms. Barker, the
22 article that you asked to be put into evidence, is this
23 an article which you found somewhere? How did you
24 locate it?

25 THE WITNESS: Well, I have to tell you

1 that.

2 A.L.J. JENNINGS-FADER: Is it from the
3 internet?

4 THE WITNESS: It was passed on to me by
5 Ceal Smith, who has a biology -- she has many
6 connections in the environmental and educated
7 community, I guess.

8 Anyway, one of the things that has come
9 up with this transmission line is, as far as I know,
10 this is the only public meeting that we have had where
11 we have been able to hear everybody.

12 (Discussion off the record.)

13 A.L.J. JENNINGS-FADER: Could we --

14 THE WITNESS: No.

15 A.L.J. JENNINGS-FADER: So --

16 THE WITNESS: We are trying to get
17 information; and one of the ways that we do it is
18 passing around articles through the internet.

19 So this did come from her and has
20 websites on it.

21 A.L.J. JENNINGS-FADER: Okay.

22 THE WITNESS: And one of our concerns in
23 this new energy future is that our investment in the
24 quote, unquote green energy, truly is an investment in
25 green energy.

1 I also am bringing two maps. I'm sure
2 that there are better ones. I am sorry -- I had a
3 rather difficult week.

4 One of them has the crane distribution
5 during the fall and spring 2006/2007 -- this one. And
6 this one is a very undetailed map of the wetlands.

7 A.L.J. JENNINGS-FADER: Okay. So a few
8 moments while I -- we do some paperwork here. PC-10 is
9 a map of -- entitled Distribution of Sand Hill Cranes
10 in the San Luis Valley during the fall and spring of
11 2006/2007 and Western Renewable Energy Zones. That
12 will be PC-10.

13 (Whereupon, Exhibit No. PC-10 marked for
14 identification.)

15 A.L.J. JENNINGS-FADER: PC-11 will be
16 USFWS Wetlands in the Rio Grande Basin, also a map.

17 (Whereupon, Exhibit No. PC-11 marked for
18 identification.)

19 A.L.J. JENNINGS-FADER: Ms. Barker, could
20 you explain on the record how you came into possession
21 of the sand hill crane map?

22 THE WITNESS: Yes. That came through the
23 Water Protection Coalition Council and their
24 information that they have been trying to map sensitive
25 areas in the valley. In terms of any development so

1 that in the future, as citizens, we can at least say,
2 well, let's try and avoid these areas, you know, as
3 things come up.

4 So in that effort, we have been trying to
5 get a good series of maps in regards to all the
6 factions, birds, wildlife, plants, waterways.

7 Anything else, Chris?

8 (Discussion off the record.)

9 THE WITNESS: So that's where we're
10 getting some of this information. It's not finished,
11 but it is --

12 A.L.J. JENNINGS-FADER: It's a work in
13 progress.

14 UNIDENTIFIED SPEAKER: It comes from the
15 agencies.

16 A.L.J. JENNINGS-FADER: Ma'am, only one
17 person at a time.

18 THE WITNESS: Okay.

19 A.L.J. JENNINGS-FADER: Now, with respect
20 to -- thank you, counsel.

21 With respect to the wetlands map --

22 THE WITNESS: Uh-huh.

23 A.L.J. JENNINGS-FADER: -- how did that
24 come into your possession?

25 THE WITNESS: Same way.

1 A.L.J. JENNINGS-FADER: Okay.

2 PC-9, PC-10, and PC-11 are admitted.

3 Yes, ma'am, now any further statement or
4 would you like to continue?

5 THE WITNESS: Yes.

6 In assessing this line for our need and
7 reliability and all the other issues that have been
8 brought up, I do want it entered that I support Mark
9 Johnson's, Jacque Hart, Chris Canaly, Mr. Ewing, I
10 believe was his name, anybody who is for really taking
11 a good solid look at this before we jump in whole hog
12 and say this is the answer.

13 I do believe that self-responsibility of
14 energy consumption is best brought home by distributed
15 generation models and I believe the energy
16 responsibility of consumers has been sorely neglected
17 in this process of how to deal with energy.

18 I do believe that REC -- that's the rural
19 electric cooperative has done a wonderful job of
20 providing service and I don't believe that historically
21 anything has brought our electrics down any more than
22 eight or ten hours, they are Johnie-on-the-spot.

23 I believe that the proposed route is much
24 more fragile. And I'm sorry I don't come with words
25 very well.

1 It is -- it is more vulnerable to outages
2 than the present line we have, although I can see the
3 reason for upgrading.

4 I had lots of stuff on birds. There are
5 key areas for crane collision, which is partially why I
6 brought those maps. And it is right -- the proposed
7 lines are right in the middle of those crane areas,
8 which according to Blanca Wildlife Refuge is east of
9 Highway 17, west of 285, south of 160, and north of 285
10 to around County Road G in Saguache County.

11 It seems to the power companies are
12 responsible for putting up visual markers and figuring
13 out which ones work best and they have done that with
14 the Blanca Wildlife Refuge.

15 I personally, on my corner, do see about
16 six to eight large birds die every year on our electric
17 lines. I did not realize that it was my responsibility
18 as a public person to call that in and say, oh, guess
19 what? I don't even know what the percentage is that
20 would be considered normal loss, like hitting a deer on
21 the road. But so that is one of the things that I have
22 learned is that if you see birds die on electric lines,
23 you need to call it in.

24 So I feel as other people that the
25 present ambience of the valley is very dependant on the

1 relatively concentration of space and vistas that would
2 be forever marred by the presence of the proposed
3 lines, whatever their route.

4 And if it is to be in our midst, we would
5 like serious consideration to burial.

6 And it is very difficult to separate out
7 the transmission line project from the solar aspect for
8 export. And I think that will have a huge impact on
9 the valley that we have not had the time to explore
10 well.

11 I appreciate that the E.I.S. has been put
12 through. And your time in coming here.

13 A.L.J. JENNINGS-FADER: Counsel?

14 (No response.)

15 A.L.J. JENNINGS-FADER: Ms. Barker, thank
16 you so much for your time and presentation this
17 evening.

18 Mitchell, Michael Mitchell?

19 A.L.J. JENNINGS-FADER: Good evening,
20 sir.

21 THE WITNESS: Good evening.

22 A.L.J. JENNINGS-FADER: You can stand
23 down.

24 Thank you, sir.

25 MICHAEL MITCHELL,

1 having been called as a witness, being first duly
2 sworn, testified as follows:

3 A.L.J. JENNINGS-FADER: Thank you, sir.

4 I would like you to state your name and
5 spell your last name for the record.

6 THE WITNESS: Is this still on -- no?

7 MS. BARKER: I turned it off, I'm sorry.

8 THE WITNESS: I'm not smart enough to run
9 a mike.

10 (Pause.)

11 THE WITNESS: How about now?

12 Michael Mitchell, M-i-t-c-h-e-l-l.

13 A.L.J. JENNINGS-FADER: Thank you, sir.

14 THE WITNESS: I guess I'll start out a
15 little bit on history. I'm a second generation San
16 Luis Valley farmer, with my two sons who will be third
17 generation; and their children are just being born now,
18 so we'll hopefully have four generations of farm
19 heritage in the San Luis Valley. And I think you know
20 an important part of our heritage is the fact that we
21 can look back, and progressive individuals such as the
22 REC members, years ago and years ago, were able to
23 bring lines and power lines and power to -- which has
24 been an important tool in keeping future generations on
25 the farm.

1 The biggest reason many -- I mean many
2 young people leave the farm is they are looking for the
3 technology and the things that the cities have to
4 offer; and they forget about the appreciation; but yet
5 we have with electricity, GPS, all these technologies;
6 they are getting ahead of me, yet I think it's what is
7 keeping people producing food.

8 And, you know, we're in the San Luis
9 Valley, kind of in a unique situation, we are -- we are
10 destined to be an exporter because I don't think there
11 is anybody in the room that would want enough people to
12 move to the San Luis Valley to eat the potatoes that
13 even I produce, let alone all my neighbors that produce
14 on the 60, 70,000 acres of potatoes in the San Luis
15 Valley.

16 And just expanding a little on some of
17 the points that were made by Commissioner Davie and the
18 potatoes -- the -- couple of the crops we grow are what
19 you call specialty crops, malt barley for Coors, and
20 potatoes -- and, yes, he gave you some figures for how
21 much it reduces the yield by losing water for a short
22 period of time.

23 The thing that nobody has mentioned yet
24 today is quality is an issue. Malt barley, for
25 example, the difference between malt barley and feed

1 barley is -- in last year's market, \$4 a hundred weight
2 as opposed to \$8 a hundred weight. So there is a 50
3 percent reduction in the revenues generated by that
4 crop, merely because it doesn't meet the standards.
5 And 24 hours without water in a hot June day may only
6 drop you five bushels an acre, but it can potentially
7 ruin your quality so it's not acceptable product.

8 And the same with potatoes. They get
9 knobs, they get growth cracks, they get conditions that
10 no longer -- they are plenty eatable, but the consumer
11 doesn't want them. And my yield -- my tonnage is still
12 there, I've got big potatoes, but it's got a weather-
13 related growth crack in it, it is not a marketable
14 product. And that's very, very important to us to keep
15 this thing going.

16 Some of the other things that were
17 mentioned were underground. That's a great idea; but
18 we get -- on each one of my eleven circles I've got
19 underground to every one of those; and they range
20 anywhere from 15 to 20 years they have been
21 underground. Well, now we're getting the maintenance
22 time is coming and the insulation, different things
23 deteriorate; maintenance is a lot higher.

24 And it's a lot harder to get to if you
25 have an outage. You don't just bring a bucket truck

1 out and a couple individuals and fix it and you are up
2 and going. You have to bring a backhoe, dig it up, go
3 underground and fix it. If we had something like this,
4 a transmission line, buried underground across La Veta
5 Pass, in the dead of winter, and it goes out, that's
6 going to be a real challenge to dig up and repair, in
7 my opinion. I don't know, maybe I'm wrong, but it
8 looks like a pretty big project.

9 Also I do have -- part of the
10 transmission line does come by my property and so I'm
11 very willing to accept for the things that -- you know,
12 it that's as part of the progress that's needed to
13 maintain.

14 Energy conservation has been an issue
15 that was brought up.

16 And my eleven circles, I've spent
17 approximately \$40,000 over the last ten years upgrading
18 to higher efficiency motors so -- in order to help
19 conserve the use and to at least get us to the point
20 where we are now that we could still pump. And there
21 only gets to be a certain amount that you can drop the
22 amount of water and drop the amount of power and
23 production that you are using to produce that crop.

24 And economics has driven us there
25 already, so we've made those economic and conservation

1 changes, solar; some of the future -- I was one that
2 during the Carter administration, I think it was
3 mentioned, that I've got my solar water heater on my
4 house; and I had -- while some of them are sitting
5 there, the longevity, the 15 years that lasted, it was
6 great; but the only thing that really made it great was
7 the fact that it was affordable. And it was only
8 affordable because at that time the federal government
9 wrote me a check, took it off my taxes to help pay for
10 that thing.

11 So in other words, somebody else made it
12 affordable for me. It wasn't a choice that Mike
13 Mitchell would have made if he was wanting to run his
14 own household; it was a choice that because somebody
15 else, my friends and my neighbors and fellow taxpayers
16 were willing to cough up bucks to make me affordable, I
17 invested in that. But it hasn't lasted that long. And
18 I'll probably invest again as long as somebody is
19 willing to help pay my cost.

20 And that's a sad commentary to that, we
21 want so much out of society as long as somebody else is
22 willing to help us pay for it.

23 And that's one thing I do like about the
24 Tri-State and that -- it's the members, the people
25 themselves that are willing to cover those costs and do

1 those necessary upgrades.

2 And this project that we're looking at
3 now is not, all of a sudden, hit the books this year,
4 this has been on the -- I have been going to meetings
5 and listening about this proposed project for over
6 twelve years. So this is not a new -- and going to
7 annual meetings and hearing that the need was there.
8 So this is an assessment that's not new, it has been
9 made over the years. So I think it is well thought
10 out. Sure, there are going to be things that we've got
11 to change and correct and modify as we go along, but it
12 has been thought out.

13 And the other thing that I look at, as
14 artists and people that made comments about aesthetics,
15 and I look at things that I look at for pictures and
16 farm scenery and the like; and one thing I'll see a lot
17 of times is a windmill. And I'm thinking about a
18 hundred years ago when windmills started popping up
19 places, that there were people that didn't like the
20 looks of the windmill. And now, all of a sudden, they
21 are artistic treasure.

22 I drive from here to New Mexico -- what
23 is it down there at Portellas, New Mexico; you head
24 down that country and you have grasslands and prairie
25 and kind of neat structures that are sitting on

1 pivot -- on a pivot point, and the big transmission
2 lines. And I can sit there and watch that for hours
3 and to figure out how that thing is still standing
4 without falling down; so I think aesthetics and beauty
5 are something to each other's eyes. And I don't have
6 on no problem with aesthetics of these power lines that
7 you see as part of landscape and part of progress
8 so I guess that's all I have and I thank
9 you for your time.

10 A.L.J. JENNINGS-FADER: Thank you, sir.
11 Counsel, questions?

12 (No response.)

13 A.L.J. JENNINGS-FADER: Thank you very
14 much, Mr. Mitchell. We appreciate it.

15 My apologies in advance Ms. Marsalia?

16 MS. MARSALIA: Very good.

17 A.L.J. JENNINGS-FADER: Good evening.

18 DEE MARSALIA,
19 having been called as a witness, being first duly
20 sworn, testified as follows:

21 A.L.J. JENNINGS-FADER: Thank you.

22 Could you state your name and spell your
23 last name for the record, please.

24 THE WITNESS: My name is Dee Marsalia,
25 M-a-r-s-a-l-i-a.

1 A.L.J. JENNINGS-FADER: Yes, ma'am.

2 THE WITNESS: Thank you for the
3 opportunity to speak.

4 I am a resident in the Sangre de Cristo
5 Ranches and I'm a member of that same homeowners
6 organization and I'm here to speak as a private
7 individual and also as a representative of that
8 organization.

9 Just briefly, we are not opposed to
10 progress; however we feel that a lot of the rhetoric
11 that has been going around and some of the decisions
12 that have been made have been made in haste.

13 Mr. Mitchell just mentioned that this has
14 been going on for 13 years. I found out about it about
15 four months ago, just by chance, in a conversation with
16 a neighbor of mine

17 and my husband and I have been landowners
18 in the San Luis Valley for 30 years and permanent
19 residents here for the past four years. So it's kind
20 of been a mystery to me.

21 I've heard various quotations made that
22 this is not something new, but it's new to me and it's
23 new to a lot of us in the ranches.

24 We think that there could be other viable
25 routes. We're not happy with some of the proposed

1 routing, because a great deal of it comes down across
2 some of our properties and several of the different
3 areas of -- that are being developed along 160.

4 We also question why there is not being
5 more paid -- more attention being paid to the
6 utilization of wind power. And if there is an
7 existing -- if our power comes in from the north side,
8 why could we not build another line that would kind of
9 pass through the same areas that are already been --
10 the land has been cleared and donated to the utilities;
11 or if we're bringing power into the valley from Pueblo,
12 why are we taking it all the way to Walsenburg and back
13 up 160 into the valley? Why not bring it in more
14 directly?

15 We are somewhat upset with the loss of
16 some of the -- or the invasiveness of these power
17 towers. A lot of us are new to this area and we're
18 grateful and we love this valley and we understand the
19 issues that the farmers have. We understand the issues
20 that some of other businesses have. And we are not
21 saying that we do not totally want this; but we also
22 would like to say, is there not another way to do this,
23 where it is not be invasive, where it is not obtrusive
24 and obstructive in the views, where you don't bring
25 them through small towns, by schools, by museums and

1 other things that are important to the economic status
2 of this valley?

3 And that's it.

4 A.L.J. JENNINGS-FADER: Thank you, ma'am.

5 Counsel, questions?

6 (No response.)

7 A.L.J. JENNINGS-FADER: Thank you very
8 much for your statement, ma'am.

9 I hope this is right, Goodman?

10 MR. GOODMAN: Uh-huh.

11 A.L.J. JENNINGS-FADER: Good evening.

12 MR. GOODMAN: Good evening.

13 LOU GOODMAN,
14 having been called as a witness, being first duly
15 sworn, testified as follows:

16 A.L.J. JENNINGS-FADER: Thank you.

17 I would like you to state your name and
18 spell your last name for the record, please.

19 THE WITNESS: Lou Goodman, G-o-o-d-m-a-n.

20 A.L.J. JENNINGS-FADER: Thank you,
21 Mr. Goodman.

22 And what would you like to tell us this
23 evening?

24 THE WITNESS: Well, I am a citizen, just
25 a taxpayer. \$180 million seems like a lot of money.

1 And I just think there might be a better way to spend
2 it and distribute the energy so all the farmers, all
3 the artists and everybody's happy, and possibly doing
4 direct-source electricity, so that money would go
5 directly to the farmers and set up solar and wind right
6 on their property with backup generators.

7 The electric companies could till profit.
8 They could do like Pagosa Springs Rural Electric does
9 it and it goes out there and does an estimate on how
10 much energy is actually taken and paid over a twenty,
11 thirty-year period; and the electric company could
12 still make their 15 or 20 percent profit and everybody
13 would be happy.

14 Also, last night on 6 -- or on Sunday on
15 60 minutes, there was an article about cyber warfare.

16 A.L.J. JENNINGS-FADER: I'm sorry, sir,
17 about what?

18 THE WITNESS: Cyber warfare.

19 A.L.J. JENNINGS-FADER: Thank you.

20 THE WITNESS: It was new to me.

21 So my question is, we do not have analog
22 any more, we have digital. So why are we building
23 transmission lines and electric grid -- so to speak
24 smart grid, when terrorists can come in -- and they
25 showed it right there on the TV how they can break into

1 the system and shut down the whole system.

2 So if we do direct source energy to
3 everybody and still have to have a grid out there, I
4 understand; but this way we have backup sources, we
5 have backup on the farms, backup on all office
6 buildings; and we still have the grid to fulfill all
7 electric needs for everybody.

8 A.L.J. JENNINGS-FADER: Thank you -- just
9 a moment.

10 Counsel, questions?

11 (No response.)

12 A.L.J. JENNINGS-FADER: Mr. Goodman,
13 thank you very much for your statement.

14 THE WITNESS: Oh, one last thing, I'm
15 sorry.

16 A.L.J. JENNINGS-FADER: You certainly
17 may.

18 Now just one minute?

19 A.L.J. JENNINGS-FADER: Go ahead. The
20 reporter needs to change the paper.

21 (Discussion off the record.)

22 A.L.J. JENNINGS-FADER: Yes, sir.

23 THE WITNESS: Okay. Thank you.

24 Also on the power -- exporting energy to
25 the solar and being -- this is -- Colorado is a solar

1 state and wind state. And I'm sure the PUC and the
2 electric companies looked into the feasibility of it.
3 But Colorado Springs, Pueblo, Denver, they have vacant
4 land. Why not they build their own solar plants, their
5 own wind generators, and take care of themselves in
6 Denver? We don't have transmission lines to go through
7 the La Veta Pass, possible saving wildlife and making
8 the land more beautiful.

9 A.L.J. JENNINGS-FADER: Thank you very
10 much for your statement, sir.

11 Moi year?

12 A.L.J. JENNINGS-FADER: Good evening.

13 LEON MOYER,
14 having been called as a witness, being first duly
15 sworn, testified as follows:

16 THE WITNESS: I affirm.

17 A.L.J. JENNINGS-FADER: Thank you, sir.

18 Could you state your name and spell your
19 last name for the record, please -- and use the
20 microphone.

21 THE WITNESS: Okay. Leon Moyer,
22 M-o-y-e-r.

23 My mailing address is 19417 Ridge Drive,
24 Alamosa, 81101. I live in if Deer Valley Meadows,
25 which is approximately ten miles east of here,

1 approximately halfway between Alamosa and Blanca, on
2 the south side of Highway 160. It is a residentially
3 platted area from the early 1970s that has never seen
4 any growth; but the entire three miles -- three square
5 miles or more is divided up into one-acre plats for
6 residential growth. There are probably only 30 or 40
7 family residences in the entire area; however, the
8 transmission line is proposed to run either along 160
9 at that point or along the railroad track which is on
10 the south border of Deer Valley Meadows. And that
11 railroad track was alluded to by Chris Canaly as the
12 scenic railroad that runs from Alamosa to La Veta

13 and at this point I would like to endorse
14 and give approbation to Chris Canaly's testimony and
15 evidence she gave is entirely correct, except for one
16 issue and also Claire Barker's testimony with her
17 exhibits, more or less. I may or may not have seen
18 them on E-mailings she has sent, but one exception to
19 Chris Canaly is on the railroad, there already is an
20 electric line running along that the Deer Valley
21 Meadows area particularly.

22 It is of no concern -- as a matter of
23 fact, I'm going to be asking that you run it close out
24 there to where I live because I like lower property
25 values, and that's what it will do. I just recently

1 had my property lowered 50 percent by the Board of
2 Assessment Appeals in Denver and I'm only mentioning
3 that to say, you can fight government and occasionally
4 win. And I have no problem with electric magnetic
5 fields or anything of that nature.

6 And my Deer Valley neighbors, they should
7 have been here tonight and I don't think any of them
8 are.

9 So I have no direct problem with the
10 line; however I may have also a problem with the fact
11 that we haven't seen a direct need for this project
12 other than anecdotal evidence; what you are hearing
13 tonight is farmers speaking about how they can't afford
14 to lose electricity. Well, we know that. Nobody likes
15 to lose electricity.

16 But has there been an outage?
17 Particularly has there been an outage over the current
18 line area over Poncha Pass? I was told no by the
19 electric companies and there has never been one on the
20 pass, itself. So why aren't we using that again?

21 This is where the PUC should be demanding
22 reports, surveys and evidence to show that the La Veta
23 proposal is more worthy of consideration than a Poncha
24 Pass line -- or, in my opinion, running down toward
25 Albuquerque to the south; that's actually the lowest

1 elevation. And the weather is probably better, the
2 further south you go for taking care of lines.

3 So I think there's perhaps no need for
4 this project, as it's currently speced out; although
5 there is a need for backup electricity for the valley.
6 I don't dispute that.

7 Reliability also is an issue. Since
8 there is no evidence of power loss on a regular basis,
9 the PUC needs to see if that is really necessary at
10 this time to spend this money for that reason.

11 I guess the only other comment I would
12 have is that I'm going to trust the PUC to engage in
13 deep discussion and -- in this area because we have
14 pretty good electricity here and utilities in this
15 country, based on our system of government. So I can
16 trust, to some extent.

17 But I am disappointed in the meetings
18 tonight because it was not properly thought out. And I
19 hope that the decisions they make will be better
20 thought out than this meeting. It was crowded, we did
21 not have room for everyone in here. The emergency door
22 has to be open to the outside to allow ventilation.

23 And I was told by the staff of this
24 location, Alamosa Recreation Center, that the judge
25 knew about this room and said there were only going to

1 be less than 50 people showing up and this room would
2 be sufficient. And I don't know if that's correct or
3 not, but that is what I was told by the staff and that
4 therefore they did not plan for a larger room.

5 And I would like to think that the PUC
6 would think through their decision better on the
7 transmission line and show us that they can plan far
8 into the future and look at these issues.

9 Thank you.

10 A.L.J. JENNINGS-FADER: Counsel?

11 (No response.)

12 A.L.J. JENNINGS-FADER: Thank you,
13 Mr. Moyer, very much.

14 Apologies in advance. I believe the name
15 is Krings.

16 MR. KRINGS: Yep.

17 A.L.J. JENNINGS-FADER: Good evening.

18 MR. KRINGS: Good evening.

19 TED KRINGS,
20 having been called as a witness, being first duly
21 sworn, testified as follows:

22 A.L.J. JENNINGS-FADER: Thank you, sir.

23 And could you state your name and spell
24 your last name for the record.

25 THE WITNESS: Yes, it's Ted Krings,

1 K-r-i-n-g-s.

2 A.L.J. JENNINGS-FADER: Thank you.

3 THE WITNESS: I'll make this brief as the
4 clock is ticking here.

5 I would like to comment on the necessity
6 of the transmission line project, primarily the San
7 Luis Valley portion. The transmission project is being
8 justified by Xcel and Tri-State on the basis of the
9 need to move energy captured in the valley to Front
10 Range loads and to upgrade the reliability of the SLV
11 grid by adding a second energy conduit into the valley.

12 I would like to address both -- both
13 closely be need to address energy generation resources
14 but I question the logic behind building plants in the
15 valley before exhausting suitable generation options
16 along the Front Range. For instance, the state has
17 designated several energy zones. I believe they are
18 call energy resource zones. There is one just south of
19 Pueblo. Energy Zone 5 is a large multicounty area with
20 good solar radiation that could be developed without
21 the SLV portion -- possible proposed project.

22 It's unclear to me from what I read why
23 that energy resource zone is apparently being
24 prioritized behind the valley; which, of course is an
25 additional energy resource zone. Also renewable

1 resources closer to Denver and other major loads north
2 of Pueblo could possibly be brought on line without any
3 portion of this projected or proposed project.

4 Let me offer some numbers that illustrate
5 another way of looking at this: Xcel proposes to spend
6 \$180 million on this project, plus or minus 30 percent,
7 I believe. That's money that eventually will come from
8 the taxpayers -- I'm sorry the ratepayers' pockets.
9 Might the ratepayers be better served by first
10 investing in generating resources that can come on line
11 much faster than resources down here in the valley --
12 and without the transmission line?

13 For instance, assuming installation costs
14 of 5 to \$7 per watt -- and that's a fairly standard
15 number these days, \$180 million might be better spent
16 in buying 25 to 35 megawatts of photovoltaic capacity
17 that can be installed on rooftops in Denver, Colorado
18 Springs, and in small scale plants closer to the
19 population centers in the Front Range.

20 Such as investment could no doubt also be
21 completed much faster than the transmission line
22 project and offers us a chance to eliminate a few years
23 of fossil fuel emissions as represented by that 20 to
24 30 megawatts of generating capacity.

25 Regarding the grid reliability portion of

1 the justification from Xcel, I also suggest another
2 approach: The SLV is the best solar cite in the state.
3 Why is it necessary to improve reliability here by
4 planning to import power; why not move the SLV to self
5 sufficiency by emphasizing local generation for local
6 consumption, some combination of rooftop photovoltaic,
7 thermal solar generation with storage capacity, wind
8 and solar gas hybrid plants seem to make sense rather
9 than importing generation or importing energy as a
10 first option.

11 In closing, I would like to see the PUC
12 examine these questions in detail, perhaps with input
13 from independent experts outside the realm of the power
14 generation -- or the power companies before granting
15 approval requested by Xcel and Tri-State.

16 Thank you.

17 A.L.J. JENNINGS-FADER: Thank you, sir.
18 Counsel?

19 (No response.)

20 A.L.J. JENNINGS-FADER: Thank you very
21 much, Mr. Krings, for your statement.

22 THE WITNESS: Sure.

23 A.L.J. JENNINGS-FADER: Juanita Martinez.

24 (Discussion off the record.)

25 A.L.J. JENNINGS-FADER: Good evening.

1 MS. MARTINEZ: Hi.

2 JUANITA MARTINEZ,
3 having been called as a witness, being first duly
4 sworn, testified as follows:

5 A.L.J. JENNINGS-FADER: Thank you very
6 much.

7 I would like you to state your name and
8 then spell your last name for the record, please.

9 THE WITNESS: Okay. My name is Juanita
10 Martinez, M-a-r-t-i-n-e-z.

11 Thank you for the opportunity to speak.

12 Unlike most of the folks in this
13 building, I live in a very small village called San
14 Francisco. And it is approximately ten miles east --
15 southeast of San Luis, which is, by the way the oldest
16 town in Colorado. Lots of people come to San Luis
17 and -- I mean, to the valley, and they are even
18 surprised there is a San Luis Valley. And they are not
19 aware that our community has the oldest established
20 town in the whole state.

21 One of my -- I have several comments and
22 I guess my comment is that the transmission lines that
23 are being proposed, any way you cut it, are going to be
24 ugly and without necessity. So I think if I was going
25 it buy a dress or something, I wouldn't invest the

1 travel it takes 50 miles to come here to go to the
2 store and buy something that I think is ugly or that I
3 don't need. And so we need to consider the cost of
4 this thing and the ugliness.

5 And I say that in relation to how
6 beautiful La Veta Pass is. La Veta Pass is -- is one
7 of the treasures that a lot of people are not aware of
8 from -- especially from the northern parts of Colorado.
9 A lot of people I talk to think that areas like
10 Breckenridge, Aspen, all of those areas, are just
11 tremendously beautiful -- and they are because they are
12 in Colorado.

13 But when they come to the south and they
14 realize there is an enormous pass called La Veta and
15 it's beautiful. I hate for it to be marred by an ugly
16 transmission line. And we depend on the those folks
17 who come through La Veta for tourism in our area. The
18 San Luis Valley doesn't have very large manufacturing
19 companies and that sort of thing. And we depend on the
20 tourism, especially in our new historic district in San
21 Luis.

22 And I believe that if these lines are put
23 up, it's going to detract from the beauty that we are
24 constantly telling people to come to the valley; and if
25 they see that, it could keep -- it would make people

1 wonder -- I would wonder -- I would say, why in the
2 world did they people build this thing in the most
3 beautiful place in Colorado? But that's my personal
4 opinion.

5 Also, ma'am, I wanted to say that we're
6 not -- we're an agricultural community also to the
7 south by San Luis. The difference is that you are
8 spoken to by very big larger areas. I want you to know
9 that not all of us have water -- you know, I don't even
10 know how they call those. We're traditional farmers,
11 we used the essentia method for over a hundred years of
12 farming that way. And we only -- we farm and we do, we
13 farm our 14 acres.

14 We farm and we raise squashes and fava
15 beans -- we call them fava -- fava beans and corn to
16 make chicos. And we also grow calabacitas, which are
17 the squashes.

18 We live in a sustainable farm and we
19 choose to live that way. We have chosen the most
20 beautiful place in the world to live in. We're proud
21 of where we live.

22 And I would like the PUC to consider the
23 small person, the small farmer. We don't spend --
24 we're not losing thousands and thousands and thousands
25 of dollars if the electricity goes off. We're more

1 concerned about water. And we let nature take care of
2 the land. However, we are concerned, like I said,
3 about tourism and that sort of thing.

4 If Xcel Energy is the company and it is
5 considering this particular transmission line, well, in
6 the last year we have had about six outages where I
7 live and we call them in and they take a couple, two,
8 three, maybe four hours to fix. The worst one was six
9 hours and it was in the dead of winter and nobody froze
10 because we do it the old fashioned way, we call our
11 neighbors and make sure they are okay.

12 And that we're all safe and warm. But
13 not everybody has that luxury. There are lots of
14 people who live very far from the main centers of town.
15 And so they are dependent upon electricity. And I
16 don't want people to think that I live in the dark ages
17 and I don't believe in electricity. I do and I even
18 have the internet. So I watch television and CNN.

19 So -- but there is a lot of things like
20 one gentleman said, he didn't live primarily for the
21 money things in life; and yet we need to make a living
22 and we're proud of the way we make a living. But we
23 love where we live.

24 And the Xcel Energy says that they are
25 going to build these transmission lines and that it's

1 going to benefit another part of the state that doesn't
2 even know we exist. They say, throw it in that
3 backyard. Put this ugly thing down there. But they
4 have never seen it, they have never experienced it,
5 they have never lived here, they have never seen the
6 wildlife, never seen anything about it.

7 We have some very prestigious law firms
8 here and people all interested and work for the state
9 and then the Xcel Energy field, and of course they are
10 concerned because that's their bread and butter. But,
11 you know, the electric companies -- Xcel does not give
12 us good electricity, so how am I going to believe that
13 they will even give me a little bit of the electricity
14 that is going to be produced on those transmission
15 lines? It's all going to go to Denver, Pueblo, and
16 Colorado Springs.

17 And, you know, it hurts because they want
18 to mess up our backyard for the benefit of the mega
19 cities that essentially will happen between Pueblo and
20 Denver; and yet it's the little person like us that we
21 have to put up with that. We have to put up with
22 government or put up with -- not government, but with
23 big corporations and big entities that go around and
24 want to kick you and tell you you are not worth
25 anything. Your community is not worth anything even

1 though it's been here over a hundred years.

2 And I feel that way that we've not even
3 been considered in this whole picture, the really small
4 guy.

5 Now, they have talked about how you can't
6 read some of this stuff -- I don't even know some of
7 the acronyms that are being used. And that's how come
8 a lot of the folks from the San Luis and little town I
9 live in -- the village I live in, those folks said, No,
10 who is going to spend all that money and go 50 miles to
11 go tell them, please don't build this line.

12 I mean, that's crazy. They will do
13 whatever they want, they have a lot of money, power and
14 prestige behind it.

15 I'm expecting the PUC to act on the
16 public's behalf -- the public, meaning us, the
17 taxpayer, the small guy. The small -- we're probably
18 insignificant; we stay in tune, we're always on top of
19 what's happening in the world; we're not, you know --
20 we're not the fringes out here that, you know, don't
21 want to see progress. But at the same time, we want to
22 be respected. We want to be considered in this plan.
23 And the best consideration is to not build this thing
24 through our backyard.

25 And then I was horrified to find out

1 tonight when Rick Manzanares spoke. Rick said that
2 they rerouted it because he asked, please, please, I
3 have this historical museum -- which it is, and it's
4 beautiful -- please don't build this thing close to it.
5 It's going to look ugly.

6 Well, they were very considerate, they
7 rerouted it; but they rerouted it south of the museum.
8 And what that tells me is that this power line is
9 encroaching further south and it's going to affect my
10 children because they are not happy with where they end
11 up.

12 A little bit later people say, We ought
13 to build this and that on there, and lots of other
14 people would get the bandwagon. I fear it's like
15 opening the door to satan; you are just going to let
16 him in and he will ruin your life.

17 And I thank you, ma'am, for listening to
18 me.

19 A.L.J. JENNINGS-FADER: Thank you.

20 As I said earlier tonight, I'm from the
21 Denver area, not from the San Luis Valley area.

22 THE WITNESS: Uh-huh.

23 A.L.J. JENNINGS-FADER: So could you tell
24 me a little bit more clearly or give me some idea
25 where -- aside from in California, where San Francisco

1 is located? Is it in the southern part of the valley,
2 the northern part? Could you help me?

3 THE WITNESS: Oh, of course I'll help
4 you.

5 A.L.J. JENNINGS-FADER: Thank you.

6 THE WITNESS: I'm a walking tourism.

7 A.L.J. JENNINGS-FADER: Thank you.

8 THE WITNESS: Actually, San Francisco is
9 a village. When San Luis was established, it has
10 several villages around San Luis. And you don't have
11 to write these out, they are going to be in Espanol
12 goes, there is San Acacio, San Luis, Chama, who is
13 patron saint to Santiago; San Pablo, San Pedro, and San
14 Francisco. My patron saint in my community church is
15 Saint Francis.

16 And we're approximately ten miles
17 southeast of San Luis. San Luis is about 50 miles from
18 here.

19 If you came over the La Veta Pass -- most
20 people continue on to Alamosa, but if you take a left
21 turn in Ft. Garland and go south, it that's called the
22 Old Kings Road or Camino Real. If you take that road,
23 you would end up there. To us, we're approximately one
24 hour from to us.

25 We live in the most spectacularly

1 beautiful part of the country. And I would love for
2 you and all the electric people here from Denver to
3 take a weekend -- a long weekend like this one was, and
4 visit us in our churches and just hang around and see
5 how beautiful and slow and mellow life can be.

6 A.L.J. JENNINGS-FADER: Thank you very
7 much for -- both the tourism guide and also for
8 explaining the location.

9 THE WITNESS: Okay.

10 A.L.J. JENNINGS-FADER: Counsel,
11 questions?

12 (No response.)

13 A.L.J. JENNINGS-FADER: Thank you very
14 much, Mrs. Martinez.

15 (Discussion off the record.)

16 A.L.J. JENNINGS-FADER: I'm going to have
17 to do it a different way here, Laura M. -- I'm truly
18 apologize.

19 LAURA MEZOFF CHRISTY,
20 having been called as a witness, being first duly
21 sworn, testified as follows:

22 A.L.J. JENNINGS-FADER: Thank you.

23 Please state your name and then spell
24 your name slowly for the record, please.

25 THE WITNESS: My name is Laura Mezoff

1 Christy. It is Mezoff -- as in father father -- and
2 Christy, C-h-r-i-s-t-y -- you can hyphenate that if
3 that's makes you more comfortable.

4 My name is Laura Mezoff Christy and I'm
5 here representing the Water Protection Coalition, a
6 local nonprofit dedicated to the preservation of San
7 Luis Valley's resources and natural landscapes.

8 I also own a small solar business and am
9 a huge advocate of local ownership of renewable energy,
10 as you will see later in my comments.

11 I am happy to hear that the
12 Environment -- an Environmental Impact Statement is
13 going to be done for this project and we look forward
14 to seeing it done responsibly.

15 I would also like to reiterate Chris
16 Canaly's comments.

17 First of all, I want to state that I am a
18 great supporter of renewable energy and I believe that
19 we as a society must take drastic steps to reduce our
20 carbon emissions and the environmental destruction
21 caused my mining and burning of coal. And our
22 dependence on foreign sources, of fossil fuels and I
23 firmly believe that all new transmission that is built
24 needs to connect to renewable energy sources; however I
25 also believe that we must enter into the building of

1 new transmission with the utmost most caution in order
2 to make decisions that provide the best economics and
3 environmental outcomes for our grandchildren -- because
4 once these transmission lines are built, excuse me,
5 they remain our legacy for the foreseeable future.

6 Once transmission lines are built at
7 great expense, they never go away. And we are
8 currently experiencing a nationwide drumbeat for more
9 transmission even as distributed generation from
10 renewable sources begins to reach cost parity with
11 large centralized generation that relies more heavily
12 on transmission.

13 New transmission lines should be built
14 only if they are truly needed. In particular, broad
15 deployments of small scale renewable and low carbon
16 distributed generation is a critical component to
17 reducing carbon emissions as it decreases the need for
18 expensive new transmission lines by facilitating energy
19 production and consumption in the same location and
20 reducing line loading on existing facility.

21 Unfortunately when projects like this are
22 proposed, the developers of the project are able to
23 invest huge amounts of resources in building a case for
24 large scale development and the public is left to try
25 to create a good outcome for the larger community. As

1 we've heard many members of the larger community speak
2 tonight using very limited resources. So as a member
3 of the public, I would like to raise a number of
4 questions that jumped out at me as I reviewed
5 Tri-State's documents regarding this proposal.

6 Number one, reliability. In this
7 document, alternate evaluation Tri-State, which was
8 submitted in June 2008 and revised in 2009, the stated
9 purpose of purpose of -- according to this document,
10 the stated purpose of this project was to improve
11 system reliability in the San Luis Valley and to help
12 prevent voltage collapse under peak loads. That's
13 Section 1-3.

14 Alternatives to building the transmission
15 line were considered in Section 3. These alternatives
16 included no action, additional generation in the San
17 Luis Valley, and demand side management. Each of these
18 options was rejected in turn.

19 In the additional generation category,
20 renewable sources, were rejected out of hand as a
21 second source to address reliability issues, citing
22 that renewable energy sources like wind and solar are
23 not suitable for this type of service. No evidence was
24 presented to back up this assertion.

25 It is possible that a 30 to 60-megawatt

1 concentrating solar plant could be built using natural
2 gas as a backup to address the San Luis Valley's
3 reliability issues. This concept of using natural gas
4 to help get Colorado over the divide between fossil
5 fuels and renewable sources is one strongly supported
6 by Governor Ritter, a position he stated in his address
7 to the New Energy Economy conference several weeks ago.
8 However it does not appear to be under consideration by
9 Tri-State as a solution to the San Luis Valley's
10 reliability issues despite the fact that it can address
11 the often stated issue of intermittency that is
12 inherent in many renewable energy sources of
13 electricity generation.

14 And of course we all know that
15 intermittency decreases as more renewable energy
16 generation comes on line, particularly when it is of
17 small and medium scale and proceed over large areas.

18 Most importantly, according to this
19 alternative evaluation study, Tri-State did not
20 consider what seems to be the most -- what seems to me
21 to be the most obvious alternative to spending
22 approximately \$180 million on a new transmission line.
23 And that is a hybrid approach. It is possible that the
24 reliability issue could be addressed by a combination
25 of load shedding, load shifting, and energy efficiency,

1 careful demand side management, and second source
2 generation within the valley itself.

3 Instead, Tri-State has relied on a
4 statement that, quote, It takes years to build out
5 energy efficiency, demand side management and
6 distributed generation/local renewable projects that
7 have a material impact on the local load and energy
8 requirements. That quote is from the June 2009
9 version, Section 3.1.3.

10 Again this statement is not backed up
11 with any particular evidence or reference or references
12 and does not give any credence to the fact that it also
13 takes many years to build transmission. So why choose
14 one project that is extremely expensive and takes years
15 to build over another?

16 The reality is that renewable sources can
17 come on line very quickly, given equitable incentives
18 and with much complexity in terms of permitting and
19 financing than transmission. Energy efficiency
20 measures and demand side management can also be enacted
21 very quickly, particularly if the utilities companies
22 engaged in designing rate structures that would provide
23 drastic encouragement to conserve energy.

24 The argument that it takes it too much
25 time begs the question, when are we going to start?

1 So, could we avoid the need for \$180 million
2 transmission project through our sensitive and
3 relatively pristine lands by utilizing an aggressive
4 combination of demand side management, energy
5 efficiency, and second source generation from within
6 the valley and perhaps even smaller upgrades to
7 existing transmission?

8 I believe that the answer to this
9 question is that we don't really know because it hasn't
10 really been studied or seriously considered. Yes, the
11 transmission line utilizes the most tried and true
12 method of addressing reliability issues; but I would
13 implore the PUC to think outside the box as we struggle
14 to address the unbridled and unrelenting -- excuse me,
15 as we struggle to address the unbridled and unrelenting
16 energy issues that have become such a crippling
17 economic and environmental issue for future
18 generations.

19 (Pause.)

20 Sorry.

21 A.L.J. JENNINGS-FADER: Take your time.

22 We've got it.

23 Point number two, Exportation of
24 Renewable Energy.

25 The second stated reason for building

1 this transmission line is to export renewable energy to
2 urban areas outside the San Luis Valley. This is based
3 on findings by the National Renewable Energy Lab, which
4 states that Zones 4 and 5 are prime locations for solar
5 and wind generation development areas. Public
6 Service's Resource Plan includes the development of
7 solar powered generation in the San Luis Valley region.

8 I am wondering why Public Service is
9 focusing so much attention on the solar resource in the
10 San Luis Valley while virtually ignoring the resource
11 in Zone 5 south of Pueblo. This is an enormous zone
12 with tremendous solar resources far beyond our current
13 capacity to capture. Solar resources could be
14 developed there along existing transmission corridors
15 without spending large sums of money on this
16 transmission corridor.

17 The money saved could potentially be used
18 to create incentives to distribute generation
19 throughout the state which would create more stable
20 economic growth for the renewable energy industry and
21 the local economies. However, all of the focus remains
22 on the San Luis Valley, and Zone 5 is virtually
23 ignored.

24 The sun shines everywhere in this state;
25 yes, some areas have better solar resources than

1 others, but the cost of transmission always gets
2 counted as an externality because it can be written off
3 as necessary.

4 is this project a necessity in order to
5 implement the new energy economy? Tri-State calls it a
6 necessity and it doesn't present any evidence to the
7 contrary, so how do we really know? We need studies
8 done by parties that are nonpartisan.

9 My final point is local ownership and
10 Senate Bill 100.

11 The website for the Southern Colorado
12 Transmission project states that Southern Colorado
13 Transmission Improvements would help meet the goal --
14 the goals of Colorado State Senate Bill 07-100. The
15 website states that Public Service Company's plan
16 consists of the following elements that have been
17 outlined in Senate Bill 100. The third of these
18 elements is, quote, Consider how transmission can be
19 provided to encourage local ownership of renewable
20 energy facilities. This statement contains no links
21 nor any evidence as to how Public Service, Xcel,
22 intends to encourage local ownership of renewable
23 energy facilities if it procures permission to build
24 this transmission line.

25 Does this mean that Public Service

1 actually has no plan as to how this might be
2 accomplished? Indeed, the actions of Public Service
3 Company directly contradict this assertion. I realize
4 that Xcel has finally gotten on board with renewable
5 energy projects and is offering considerable rebates --
6 particularly for solar. However, they have not
7 encouraged local ownership of renewable energy
8 generation which the Colorado legislature has
9 recognized as an excellent way to stabilize rural
10 economies such as ours.

11 Two examples of Xcel's failure to
12 encourage local ownership of renewable energy
13 generation are as follows: Number one, Xcel has
14 consistently failed to find a workable financial
15 solution for the problems facing the now infamous Six
16 San Luis Valley Irrigators who installed ten kilowatt
17 systems on their center pivot corners. These early
18 investors in grid-tied distributed solar projects are
19 facing nonexistent returns on their investments as a
20 result of misleading statements by Xcel and demand
21 charges that do not adequately credit them for the
22 benefits that their small solar projects provide to the
23 grid.

24 Xcel has consistently stated that these
25 projects were built as a result of, quote, lack of due

1 diligence and that irrigation is not well matched with
2 PV production. While a lack of due diligence clearly
3 existed in this case, these farmers are producing
4 exactly the same product that our local SunEdison plant
5 is producing, in other words kilowatt-hours of
6 electricity produced while the sun shines.

7 Yet, while SunEdison, a large corporation
8 is able to reap financial reward for its investment,
9 our local landowners are left with rate structures and
10 incentive programs that do not encourage local
11 ownership.

12 There is a huge pent up demand for local
13 ownership of solar projects in this valley, but
14 currently there are no strong plans to encourage it
15 despite the fact that this is a requirement attached to
16 Senate Bill 100.

17 The second example I would cite is the
18 new structure of Xcel's Solar Rewards Program. For the
19 small program, up to 10 kilowatts, Xcel now offers
20 differing payment structures for Renewable Energy
21 Credits, RECs, for customer-owned systems versus
22 third-party owners; customer owned systems will receive
23 a REC payment of \$1.50 per watt upon system
24 installation, while third-party owners will receive 11
25 cents per kilowatt hour of actual production over 20

1 years.

2 Assuming a 77 percent efficiency rate,
3 and a 6 -- and 6.1 hours of sun per day in the San Luis
4 Valley, an installed kilowatt of PV will produce
5 approximately 390 kilowatt hours over 20 years or about
6 \$4.30 a watt. So third-party ownership is getting
7 \$4.30 a watt, local ownership \$1.50 a watt. In other
8 words, systems owned by third-party corporations, get
9 2.8 times the payback that locally owned systems can
10 get.

11 While I support the concept of a larger
12 payback, if paid monthly over 20 years rather than up
13 front, this rate structure shows a clear bias against
14 locally owned renewable energy projects. Every
15 generator, regardless of ownership, should be able to
16 choose which payment structure they would like to fall
17 under.

18 While I understand these two examples are
19 not primary to the issue at hand tonight, they are
20 instrumental in showing that Public Service Company's
21 lack of commitment to local ownership of renewable
22 energy, a commitment that the state legislature has
23 reiterated on numerous occasions. If the PUC intends
24 to approve this project under Senate Bill 100, I
25 implore you to enforce the local ownership clause

1 contained within the bill.

2 Small scale energy generation must be
3 included in transmission modeling so that rural
4 economies can benefit from the New Energy Economy.
5 Rural parts of the state such as San Luis Valley are
6 slated to receive massive development as a result of
7 the New Energy Economy. If this transmission line is
8 built, much of the renewable energy produced will be
9 exported to the Front Range, along with corporate
10 profits.

11 Thank you for your attention to our
12 concerns and I implore you to consider that along with
13 the New Energy Economy must come a new energy paradigm,
14 one that is willing to question old assumptions about
15 how we use, produce, and transport our energy; one that
16 levels the playing field for small scale, locally owned
17 and distributed generation of renewable energy; one
18 that gravely considers the long-term impacts of its
19 decisions and is not quick to assume that things should
20 continue to be done as they have done in the past; one
21 that gives consideration to local economies over
22 corporate profits; and one that gives strong
23 consideration to the local impacts of corporate
24 decision.

25 Thank you for your time.

1 A.L.J. JENNINGS-FADER: Counsel?

2 THE WITNESS: Sorry.

3 (No response.)

4 A.L.J. JENNINGS-FADER: I have a couple
5 of questions, if I may.

6 (Discussion off the record.)

7 A.L.J. JENNINGS-FADER: You quoted
8 several times from a Tri-State Generation &
9 Transmission document. What was the document you were
10 quoting from?

11 THE WITNESS: Well, Tri-State put out
12 this San Luis Valley Electric System Improvement
13 Project Alternative Evaluation. There's one that's
14 dated June 2008 and there is one that's dated June
15 2009. They are fairly similar. I think the 2009 one
16 is just an update.

17 My notes have the actual places where
18 each of those quotes is taken from.

19 A.L.J. JENNINGS-FADER: And secondly,
20 when you were talking about a number of suggestions
21 which either individually or collectively ought to be
22 taken and studied, either at all or more seriously; and
23 demand side management, distributed generation, rate
24 structures, various approaches that might be used, you
25 mentioned second-source generation in the San Luis

1 Valley. What do you mean by that?

2 THE WITNESS: Well, one of the arguments
3 for the transmission line is that we need a second
4 source, we need a second way to provide electricity if
5 the main transmission line goes down. My point is that
6 that second source could be available from within the
7 valley, that could be -- as I said, that could be a
8 concentrating solar project with natural gas backup.
9 It could be any number of things.

10 I am asserting that these options have
11 perhaps not been studied because the proposal is from
12 the entity that wishes to build the transmission line.

13 A.L.J. JENNINGS-FADER: Okay, thank you
14 very much for that clarification. And also thank you
15 for your statement.

16 Mr. John Tembrock.

17 I guess now it's past evening. Good
18 night.

19 JOHN TEMBROCK,
20 having been called as a witness, being first duly
21 sworn, testified as follows:

22 A.L.J. JENNINGS-FADER: Thank you.

23 Could you state your name, please, and
24 spell your last name for the record.

25 THE WITNESS: John Tembrock, that's

1 T-e-m-b-r-o-c-k.

2 A.L.J. JENNINGS-FADER: Thank you, sir.

3 And what would you like to say this
4 evening?

5 THE WITNESS: First I would like to say
6 thank you for your time. Also I appreciate the
7 difficulty the PUC would have in making a decision like
8 this. There is an awful lot of input and a awful lot
9 of factors to consider. It's a big job.

10 I would like to say that I consider the
11 environmental issues of such a line to be very
12 significant. I think the viewshed is also a very
13 important asset of our valley and one that should not
14 be taken lightly.

15 However, I feel like redundancy, reliable
16 power in our valley, is essential for economic
17 development and quality of life.

18 I think that we need a better source of
19 power than we have now. I know the line we have now
20 has been at its maximum capacity on several occasions
21 and is likely to be there again.

22 Also, as an individual living in a solar
23 powered house, I know what solar energy can do. All of
24 my power comes from solar energy currently, but I also
25 know how difficult it is to supply power on a large

1 scale at night.

2 I appreciate what Laura had to say about
3 an alternate supply using natural gas. I would also
4 like to say that I would also like to say that we in
5 the valley have enjoyed electricity for over a hundred
6 years and we've not produced any of our own power
7 locally. We've relied on other people that have put up
8 with dirty air and what might be considered an eyesore
9 for our own power. I think it's time for us in our
10 excellent solar site here to produce and sell power to
11 those that need it. We can make more than we need
12 without a significant impact to our valley, I believe.
13 And I would like to see a transmission line of some
14 kind make that possible.

15 But I also would again reiterate siting
16 is extremely important, that that is the highest
17 priority to ensure that there is not damage more than
18 what is absolutely necessary to the environment and the
19 wildlife that depend on this valley.

20 That's all I have to say.

21 A.L.J. JENNINGS-FADER: Thank you, sir.
22 Counsel?

23 (No response.)

24 THE WITNESS: Thank you.

25 A.L.J. JENNINGS-FADER: Thank you,

1 Mr. Tembrock.

2 And José Martinez.

3 Good evening, sir.

4 THE WITNESS: Good evening, Your Honor.

5 JOSÉ MARTINEZ,

6 having been called as a witness, being first duly

7 sworn, testified as follows:

8 A.L.J. JENNINGS-FADER: Thank you.

9 I would like you to state your name and
10 spell your last name, please, sir.

11 THE WITNESS: Yes, Your Honor.

12 My name is José Martinez,

13 M-a-r-t-i-n-e-z.

14 And I am here to represent three
15 different groups of people -- and I'm one of them and
16 my children. We were fortunate to have five children,
17 my wife and I. And also I belong to the Land Rights
18 Council in San Luis. And I'll go into who they are a
19 little later on.

20 Historically speaking, I am an eighth
21 generation resident of San Francisco, which was
22 actually there before Colorado was actually established
23 as Colorado. I am very proud of that. And we have a
24 lot of really neat people in the San Luis Valley,
25 especially in that area, I guess, because there is a

1 lot of my people there -- relatives, I should say.

2 I was born in 1945 there in San
3 Francisco; and our parents back then used to make the
4 most of our living from ranching and farming, which
5 they still goes on; but the main thing in that
6 particular area was Los Sierra -- I don't know if you
7 are all familiar with that particular part of the
8 Sangre de Cristo range called Los Sierra from the old
9 Spanish people that came here. And our parents used to
10 sustain our families basically from that mountain we
11 called Los Sierra, which goes the same in English.

12 We had, you know, fishing, hunting,
13 grazing rights. We had timber rights. We had wood to
14 heat our homes, right; and we used a lot of timber to
15 make our homes and to also make our homes and a lot of
16 the corralles and a lot of the other needed structures
17 within the little community.

18 I am very concerned about what's going on
19 with this particular issue because, Your Honor, there
20 is no other place to me more beautiful than the San
21 Luis Valley. It is a gorgeous place. And like my wife
22 mentioned earlier, there is a lot of people to the
23 north that don't know we exist. Those that are from
24 here or have moved here can testify to that fact.

25 I know those mountains like the back of

1 my hand in that particular area because I did much
2 hunting there for 30 years while I was -- or my wife
3 and I were raising our family.

4 The only thing that happened, back in
5 1960 that Jack Taylor, a lumberjack from North
6 Carolina, came and he bought that land which was
7 approximately, back in those days, 77,000 acres. What
8 happened when that happened, he was a very brutish
9 selfish, extremely prejudice man. And he intimidated
10 the people in this area and he made us all feel like we
11 were nothing.

12 And back in those days because of the
13 fact that our parents weren't very educated, they were
14 abused by this man. And he deprived us of going to
15 those mountains to exercise any of those rights. And
16 because of that fact, the majority of people had to
17 sell their cattles, their sheep, their goats, which is
18 also part of the sustenance and move out of here to
19 Pueblo, Colorado Springs, Denver, or wherever else to
20 make a living.

21 And naturally a lot of small percentage
22 of people stayed here because they had no way to get
23 out of here, they sold everything and made live the
24 best they could.

25 Well, my wife and I met in college and

1 then we got married and then we didn't finish college
2 because we had five kids and our beautiful children.
3 Her and I lived this Colorado Springs for approximately
4 35 years. During that time, we raised our children
5 there. We used to live in the little -- in the barrio
6 called the south Conejos neighborhood, a very poor
7 barrio, a uneducated, very simple, down-to-earth
8 people.

9 We had a power plant right next to us.
10 And that power plant was causing a lot of health issues
11 to our little neighborhood. My wife and I -- she had
12 the degree -- she's a very educated woman -- I'm not.
13 I didn't even know how to speak English when I left
14 here, hardly, because the education back in those days
15 was not good.

16 The teachers were very abusive when I
17 moved to Colorado Springs, when we lost Los Sierra. I
18 finally started to like school because over there they
19 didn't abuse me or hit me. And I started to really
20 like school.

21 It was a little late for me because I was
22 barely in the fifth grade, but I got a little bit of an
23 education, thank God. I was able to go to college for
24 a couple of years. I met my wife there, got married
25 had our kids; and then we promised ourselves that some

1 day we would come back here.

2 But the first responsibility for us was
3 our children. And when that issue happened with the
4 power plant, my wife and I spearheaded a group of
5 people to fight against city Council. And believe me,
6 it's a battle when you fight against agencies that
7 huge.

8 A gentleman mentioned earlier that you
9 can fight government and win. Well, my wife and I were
10 able to fight city council through a really good lawyer
11 from Denver and we one. We made them buy us out of
12 there and move us out and give us money to buy a house
13 elsewhere.

14 We looked at the east side -- by then we
15 had three kids living in a one-bedroom home.

16 And when we moved out of there, we
17 purchased a three-bedroom rancher, with a full garage
18 and a full basement; and we had two more children when
19 we got there.

20 And our main concern, because my wife and
21 I are strong advocates to education; but what we have
22 seen our people in the past go through, we come from
23 migrant workers, and we're advocates of education. We
24 promised ourselves we're going to educate our kids. We
25 didn't know how. However, we owned -- the home that we

1 purchased after they moved us out, it was a \$30,000
2 home and we refinanced it about six times to put five
3 kids through college; and they are still up to their
4 ears in student loans, but thank God they have a good
5 education and they don't -- we don't have to worry
6 about them coming back and us having to take care of
7 them.

8 They are taking care of their own
9 children, doing very well and they are my -- still my
10 concern in reference to this issue because they
11 promised that they want to move back to the valley
12 eventually once they retire like I did -- and my wife
13 did.

14 And when we moved here -- I moved here in
15 2003. We also purchased a home here. I had some land
16 here. And I wanted to not get rid of it, like a lot of
17 people; and I kept it. And when we bought an extra
18 piece of land with a home on it, we said it -- while we
19 were up there, there were times when I worked up to two
20 jobs to take care of the family and pay our bills. And
21 I'm very grateful that I was healthy enough to do it
22 and that I'm okay with my family now.

23 I'm not worried about my kid coming back
24 with a kid, saying, you have to take care of me and my
25 kid. And thank God for that.

1 But for those kids and for my grandkids,
2 that's my concern about this issue. I personally don't
3 want this to go through the valley.

4 This, to me, is the most beautiful
5 place in the world. I guess I'm very prejudice because
6 I'm from here.

7 And if somebody else wants electricity
8 for them elsewhere, that's fine, but don't bring it to
9 my backyard, please, and ruin what we have here.

10 Surely the gentleman mentioned that other
11 people have suffered. We suffered for 30 years, a lot
12 of pollution over there in Colorado Springs, too; and
13 that's why I wanted to come back over here. I'm back
14 over here now and I want to die here and be buried
15 here. And like I mentioned earlier, my children will
16 come back over here too, eventually. And I want them
17 to enjoy the beautiful valley that I have enjoyed all
18 my life, even though I lived over there. I spent a lot
19 of weekends over here.

20 And the reason why -- two reasons why,
21 one of them is I used to do a lot of hunting. I hunted
22 for 30 years, like I said; I know those mountains like
23 the back of my hand -- and all on horseback to provide
24 meat for the kids. And also because I was involved
25 with Land Rights Council.

1 We are a group of people that started to
2 fight with Mr. Taylor back in 1974, with -- when the
3 Land Use Council was born. And we fought for 30 years;
4 and thank God, through the great lawyers we had from
5 Denver, Jeff Goldstein and his firm, we took it all the
6 way to the Supreme Court and we one -- the state
7 Supreme Court. And then they appealed it to the United
8 States Supreme Court, and they agreed with the Colorado
9 Supreme Court. However, we only got three of the six
10 rights back, grazing, lumber, and wood for heating
11 homes.

12 But those are the kind of things that
13 people in a place like this have to go through because
14 of people that have a lot of money and can do whatever
15 they want; because if have the expertise, they have the
16 money, and they have the influence -- and that's okay.
17 But don't do it in my backyard.

18 We have seen here in Pueblo, south of
19 Pueblo, a huge cement plant that was built in the last
20 few years; and then they built another huge building
21 just a little north of it. I understand it's a turbine
22 energy producing plant.

23 There is a lot of area and space up
24 there. They have a lot of land that's kind of vacant
25 and it's pretty ugly in the plains, I say. Why don't

1 of you for the time you took to think about what you
2 were going to say and then for the presentations that
3 you made. Thank you very much.

4 We are adjourned.

5 (Whereupon, at 9:30 p.m. the hearing
6 closed.)

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CERTIFICATE

I, JAMES L. MIDYETT, Certified Shorthand Reporter in and for the State of Colorado do hereby certify that I reported the foregoing proceedings in the first instance, and that later the same was reduced to typewritten form under my direct supervision and control; I further certify that the foregoing is a true and complete transcription of my stenographic notes then and there taken.

Dated November 30, 2009.

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