

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
17 SPECIFIC FINDINGS WITH RESPECT TO EMF AND NOISE, AND
18 (C) FOR APPROVAL OF OWNERSHIP INTEREST TRANSFER AS
19 NEEDED WHEN PROJECT IS COMPLETED.

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22 PURSUANT TO NOTICE to all parties in
23 interest, the above-entitled matter came on for hearing
24 before MANA JENNINGS-FADER, Administrative Law Judge of
25 the Public Utilities Commission, on November 9, 2009;
said proceedings having been reported in shorthand by
James L. Midyett, Certified Shorthand Reporter.

WHEREUPON, the following proceedings were
had:

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APPEARANCES

(AS NOTED OF RECORD.)

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1 PROCEEDINGS

2 (Whereupon, Exhibit Nos. PC-1 through
3 PC-4 marked for identification.)

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

5 I will call this hearing to take public
6 comment to order.

7 This is a hearing in two dockets: Docket
8 No. 09A-324E, which is: In the matter of the
9 application of Tri-State Generation & Transmission
10 Association, Inc., for a Certificate of Public
11 Convenience and Necessity for specific findings with
12 respect to EMF and noise and for approval of ownership
13 interest transfer as needed.

14 The other proceeding is Docket No.
15 09A-325E: In the matter of the application of Public
16 Service Company of Colorado for a Certificate of Public
17 Convenience and Necessity for specific findings with
18 respect to EMF and noise and for approval of ownership
19 interest transfer as needed.

20 This is, as I mentioned, a hearing for
21 the purpose of taking public comment on the two
22 applications, scheduled pursuant to Decisions No.
23 R09-0868-I and R09-1203-I.

24 My name is he Mana Jennings-Fader. I'm
25 the Administrative Law Judge assigned by the Commission

1 to hear this matter.

2 I would like to do a couple of things at
3 the beginning of the proceeding, starting with taking
4 appearances of counsel who may be present.

5 MR. SOPKIN: Your Honor, Greg Sopkin,
6 representing Public Service Company of Colorado.

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

8 MR. MCGANN: Good evening, Your Honor.

9 David McGann on behalf of Public Service
10 Company of Colorado.

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

12 MR. DOUGHERTY: Good evening, Your Honor.

13 Tom Dougherty, representing Tri-State.

14 MR. SINGER: Good evening, Judge.

15 Kent Singer, representing Tri-State.

16 MR. DOUGLAS: Matt Douglas, representing
17 Blanca Ranch and Trinchera Ranch.

18 MR. FLANAGAN: Good evening, Your Honor.

19 I'm carrying Matt's briefcase.

20 Tim Flanagan.

21 A.L.J. JENNINGS-FADER: I have a few
22 announcements sort of to set the stage here.

23 The first is, as I said earlier, I'm the
24 Administrative Law Judge.

25 At the table is Terry Bote of the

1 Commission staff. If you would like to speak this
2 evening, we ask that you sign in and indicate your
3 interest to speak. Folks will be allowed to speak in
4 the order in which they have signed up.

5 At this point, we have 16 individuals who
6 wish to make statements.

7 I'm going to take a break at around 7:00,
8 maybe a little after 7; and during that break, if you
9 wish to speak, please sign up because we will not take
10 sign-ups after the break. So that will be your last
11 opportunity to sign up to speak this evening.

12 The public comments, in terms of general
13 decorum, I guess would be the best way to describe it,
14 given that we are in sort of a time crunch, since there
15 are a number of people who want to speak but we don't
16 have much time, I ask that there be no applause or any
17 sort of boos or any sort of indication of approval or
18 disapproval of what the speakers are saying, simply
19 because as that happens, then you are cutting into the
20 time of someone else who may be interested in speaking.
21 So I ask you please to be respectful of folks.

22 This is a formal proceeding. That is to
23 say, the witnesses are going to be -- folks giving
24 statements are going to be sworn. So I ask that you
25 maintain the decorum that you would maintain in a

1 courtroom, since this is a formal proceeding before the
2 Commission.

3 I have issued two orders in this case
4 that set out the procedures for this evening. I'm
5 going to go through them very quickly in case you may
6 not be familiar with the rules.

7 The first is that if you are, yourself,
8 an intervenor or if you are represented by or a member
9 of an intervenor in this case, then you may not make a
10 statement tonight. Your statements will be made
11 through the formal evidence given during the
12 evidentiary hearing which will be held in December.

13 And specifically for those of you who may
14 not know, the Majors Ranch Property Owners Association,
15 Incorporated, is a formal intervenor in this
16 proceeding; so if you are a member of that association,
17 you may not make a statement this evening.

18 Members of the public who make statements
19 will be placed under oath and their statements will be
20 part of the evidentiary record in this proceeding,
21 which means that the Commission will consider your
22 statements this evening as substantive evidence when
23 the Commission decides this matter.

24 Parties who are present -- and we had the
25 counsel in the front row introduce themselves this

1 evening -- will have an opportunity, if they wish to do
2 so, to ask questions of anyone who makes a statement
3 this evening.

4 And finally, the hearing to take public
5 comment will be transcribed. And with respect to that,
6 I ask that folks who are making statements come to the
7 podium; you will be sworn; I'll ask you a couple of
8 questions to get you started in making your statement
9 and I ask that you make your statement slowly for the
10 purpose of allowing the court reporter to take down
11 everything that you are saying. I know there is a
12 tendency to rush, but I ask you to please just try to
13 resist that tendency and to speak slowly so that we can
14 all hear and appreciate and understand what you are
15 saying.

16 Please turn off all cell phones or put
17 them on vibrate or something that makes no noise
18 because we will be able to hear that and it will be
19 disruptive if they should happen to go off during the
20 course of the hearing this afternoon -- this evening.

21 With respect to statements this evening,
22 I'm happy to sit and the Commission is happy to hear
23 all the statements which you wish to make. However,
24 again, given the number of folks who have indicated an
25 interest in speaking and the limited time that we have

1 this evening, I ask that if you have -- if you have
2 heard someone speak previously and you agree with that
3 person's statement, that you indicate your agreement
4 rather than restate the points with which you agree.
5 The fact that you indicate agreement will be on the
6 record and will then lend weight to the comments that
7 have been made by the individuals preceding you.

8 This is the first of two hearings to take
9 public comment which will be held in this case.
10 There's a second one scheduled for tomorrow evening in
11 Alamosa. I would like to make it very clear that
12 you -- one may speak only at one of these proceedings.
13 So if you would like to -- you certainly may come to
14 Alamosa tomorrow night and listen to what folks have to
15 say; but if you speak tonight, you may not speak
16 tomorrow night. It's just one opportunity to make a
17 statement.

18 With that, I will, as I said, take the
19 folks who wish to make statements in the order in which
20 they signed up.

21 I want to apologize in advance for
22 anything that I do which makes your name
23 unrecognizable. I'll do my best, and I apologize.

24 I note also -- I'm sorry, one more thing:
25 There are some individuals who have had exhibits

1 marked -- and that's fine. We have four so far. But
2 if you are one of the folks who is interested in having
3 an exhibit introduced, I will need you to identify
4 yourself when you come up here and we'll go through the
5 process for getting the exhibits introduced into
6 evidence.

7 So with that, I want to thank you all
8 very much for attending and I also would like to thank
9 very much the folks who made this facility available to
10 us for the hearing.

11 So with that -- and again apologies in
12 advance, Mr. -- I believe it's Keefe, Gerald Keefe.

13 (Discussion off the record.)

14 GERALD KEEFE,
15 having been called as a witness, being first duly
16 sworn, testified as follows:

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

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

20 THE WITNESS: My name is Gerald,
21 G-e-r-a-l-d, Keefe, K-e-e-f-e.

22 A.L.J. JENNINGS-FADER: Thank you,
23 Mr. Keefe.

24 And have you a statement you wish to make
25 this evening?

1 THE WITNESS: Yes, I do, Your Honor.

2 A.L.J. JENNINGS-FADER: You may proceed.

3 THE WITNESS: First of all, good evening.

4 I am Gerald Keefe and I'm speaking on
5 behalf of some negatively impacted residential and
6 property owners in the La Veta to Old La Veta Pass
7 area. The list of those names is included in Exhibit
8 PC-1.

9 A.L.J. JENNINGS-FADER: Okay, sir, we can
10 just stop right there -- excellent.

11 If you could, you have provided me a copy
12 of Exhibit PC-1; is that correct?

13 THE WITNESS: Yes, I have.

14 A.L.J. JENNINGS-FADER: Is this a list
15 which you put together or was put together under your
16 supervision?

17 THE WITNESS: Yes, it was.

18 A.L.J. JENNINGS-FADER: And it is a list
19 of what, sir?

20 THE WITNESS: It is a list of impacted
21 property owners that was gathered, presented to myself,
22 and was -- I guess by some of the architects of it. It
23 was word of mouth with other people that are in the
24 group that I'm representing. So that includes those
25 names. There may be others that are not on this list

1 that would like to join late.

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

3 This is a document entitled Homeowners
4 Concerned about the Placement of High Voltage
5 Transmission Lines in the La Veta Pass area.

6 Just as an aside, counsel, I'm going to
7 make an assumption that you have not received copies.
8 Is my assumptions -- a lot of nodding. I'm taking that
9 as affirmative.

10 I will, when we return to Denver, make
11 copies and make them available to counsel.

12 THE WITNESS: Your Honor, we do have
13 copies available if counsel would like them.

14 A.L.J. JENNINGS-FADER: We certainly
15 would, yes. And I appreciate the fact that you have
16 done that. Thank you.

17 They are in the rogues' galleries in the
18 front.

19 THE WITNESS: With all the suits, yes.

20 A.L.J. JENNINGS-FADER: To be fair, they
21 are not all wearing suits.

22 Thank you.

23 Folks, you will excuse me if I proceed
24 along.

25 Exhibit PC-1 -- which is for Public

1 Comment-1 -- is admitted.

2 Thank you, Mr. Keefe.

3 THE WITNESS: Okay.

4 First, thanks for the opportunity to
5 speak to you this evening.

6 And let me say we were very cognizant of
7 the demands currently placed on the applicant to meet
8 state and federal policy guidelines in the area of
9 energy production and alternative energy. We are very
10 sympathetic to the pressures and guidelines that they
11 are under. We know their task is not an easy one and
12 that every decision that is made by them is often
13 considered to be a wrong decision by one group or more.

14 We recognize that the area that I am
15 speaking about today has temporarily been removed from
16 the list of considered routes, with such justification
17 outlined on the applicant's website. Among the
18 negative factors cited include the density of
19 residences, rough terrain, forest lands, thick stands
20 of trees; and we would concur with those findings.

21 But we also contend that there is a
22 direct impact on wildlife in the area, as well, that
23 has not been listed on that site.

24 However, even though the corridor is no
25 longer listed as primary or alternate route, it's not

1 been removed from consideration; and at a later date,
2 you know, this could come back into play. And thus we
3 would like to submit some of our concerns at this time.

4 Again, I want the Commission to know
5 we're very grateful for the public hearing process
6 because it is the only opportunity to address what we
7 contend are two glaring weaknesses in the applicant's
8 procedural model.

9 First, no formal notice was given to
10 negatively impacted property owners that such a project
11 was even being contemplated. And this will be very
12 quick, to respect your wish for conserving time, but I
13 would just request that any impacted member in the
14 corridor that we're speaking of -- any corridor, if you
15 did not receive a notice about the proposed project,
16 would you mind standing very briefly at this time if
17 you did not receive a notice.

18 (Pause.)

19 A.L.J. JENNINGS-FADER: I'll have the
20 record reflect that there was a fairly large number of
21 people in the audience. I won't hazard a guess as to
22 how many.

23 THE WITNESS: As you can see, the
24 communication breakdown was quite substantial, as you
25 noted. And you can add many more to the list who are

1 not in attendance this evening.

2 However, perhaps the most egregious error
3 involves the citing process, itself, in which the
4 applicant failed to put boots on the ground, so to
5 speak, and thus omitted nearly 40 homes, buildings and
6 other negatively impacted property.

7 A list of some of those properties are in
8 Exhibit PC-2. And I do believe we may have some copies
9 of those to share as well.

10 A.L.J. JENNINGS-FADER: Okay, so let us
11 go through the formality we did earlier with respect to
12 PC-2, which is labeled, Draft La Veta Acres Map Showing
13 Omitted Residences and Ownership; is that correct?

14 THE WITNESS: That's correct.

15 A.L.J. JENNINGS-FADER: It's a three-
16 page -- sorry, three or four -- yeah, three pages.

17 THE WITNESS: Three pages, uh-huh.

18 A.L.J. JENNINGS-FADER: And what --
19 without telling me what's in the document, can you
20 describe what it is?

21 THE WITNESS: The document includes,
22 through personal observation, phone calls, E-mail,
23 correspondence, again from members of the group that
24 I'm working with who, as we looked at the map on the
25 SoCo website, noted that there were some glaring

1 omissions in properties that we knew existed. And so
2 by phone calls and other methods as I just mentioned,
3 we added to that list and were able to document at
4 least 40 of their homes, buildings, and just some other
5 properties that were not labeled. And so that is the
6 process that we used to gather that information.

7 A.L.J. JENNINGS-FADER: I'm sorry, what
8 was the name of the website to which you referred?

9 THE WITNESS: The Southern Colorado
10 Transmission website. We reviewed the varying maps,
11 whether it was Map 4 or Map 5 -- just all the projects
12 maps -- trying to cross-check residents that were
13 listed on that map with residences that we knew existed
14 that were not part of the official record on the
15 website.

16 A.L.J. JENNINGS-FADER: The proposed
17 Exhibit PC-2, does it contain any residences or
18 buildings which are on the Southern Colorado
19 Transmission website?

20 THE WITNESS: I believe that there may be
21 a few. If you look -- there might be some buildings
22 that are listed, but I don't have that one right in
23 front of me right now. I do know we have a document
24 that does list some of them, I think, in the La Veta
25 Ranch area. These are primarily the omissions.

1 A.L.J. JENNINGS-FADER: So can you
2 explain to me then for the record what the yellow --
3 there are like yellow rectangles with lines connecting
4 them to the maps.

5 THE WITNESS: Yes. I think on the very
6 top you will see a graph that will say something like,
7 Residents Marked With an X; so if there was a residence
8 there that was omitted, you follow the line to the X
9 and you will see that there is a residence. If it's
10 just a property in which there is not a structure
11 currently built, then the line doesn't indicate with an
12 X, it's just a property listing that wasn't listed on
13 the website.

14 A.L.J. JENNINGS-FADER: Thank you. So if
15 it's in one of the yellow notations, it is not a listed
16 property or --

17 THE WITNESS: Right. Anything you see on
18 your list, there, I believe is not a listed property.

19 A.L.J. JENNINGS-FADER: Okay. And
20 counsel -- have you provided copies of PC-2 to counsel?

21 THE WITNESS: We are attempting to now.
22 I don't know if we have enough copies.

23 (Pause.)

24 A.L.J. JENNINGS-FADER: Okay, nods
25 indicate yes.

1 THE WITNESS: Okay.

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

3 THE WITNESS: Uh-huh.

4 A.L.J. JENNINGS-FADER: PC-2 is admitted.
5 Thank you.

6 THE WITNESS: And we are also in the
7 process of ensuring that this list is a comprehensive
8 one, because we're not convinced that it is. And you
9 may hear testimony later indicating that maybe the list
10 is more extensive; but this is a list that we have been
11 able to compile.

12 We are also exploring the possibility of
13 the development of a right-of-way inventory that would
14 address the value of these omitted properties, because
15 this project will cause a significant decrease in
16 property values, impact view lines, negatively impact
17 quality of life.

18 We're going to ask for additional time to
19 supplement the record with our report, once it is made
20 available to us. We will do this in as timely a
21 fashion as possible. And if the -- we believe an
22 extension is necessary and proper because it is due to
23 a failure to provide timely notice to impacted property
24 owners that this project was even taking place.

25 In closing, I would like to remind the

1 Commission that most if not all property owners
2 purchased their ground for its remote location and
3 aesthetic value. The transmission lines in the area
4 will not only have a negative effect -- effect on the
5 aesthetic value, but will in all likelihood have
6 environmental consequences and repercussions, as well.

7 I would like to thank you for your time
8 today.

9 I would be glad to answer any questions
10 you might have.

11 I was going to say, we would have copies
12 available if anyone else in the audience wanted them,
13 but they are all gone.

14 A.L.J. JENNINGS-FADER: Let me ask
15 counsel whether anyone has a question.

16 MR. FLANAGAN: Your Honor, I brought
17 another set of the maps that were referred to from the
18 website for this project. And I was just wondering if
19 we could mark that as an exhibit and maybe they can
20 mark on the map, to assist anyone reading this
21 transcript as to where they are.

22 Now, this witness does have some aerial
23 photos, but I assume other witnesses won't. And
24 just -- I would be asking permission to mark an exhibit
25 and have public witnesses indicate on that exhibit

1 after they testify and leave, mark where their property
2 is located.

3 (Discussion off the record.)

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

6 Mr. Flanagan, the court reporter informs
7 me that there is an exhibit marked as PC-4, which is a
8 relatively large overhead map here. I don't know if
9 it's the same --

10 MR. FLANAGAN: I don't know whose map
11 that is. Most people are familiar with the website
12 that has been up, and it's broken down into a series of
13 five or six maps, plus a general area location.

14 I don't control that document. I don't
15 know whose it is and if anyone wants that to be marked
16 on -- I don't care, that could be used too. I was just
17 trying to assist whoever might be reading this
18 transcript to get an idea of where the property is
19 relative to these transmission line corridors.

20 A.L.J. JENNINGS-FADER: I believe that
21 the -- what's been marked as PC-4 is a fairly large
22 topographical map that has already -- that has already
23 on it some markings with respect to locations of folks
24 who may or may not have had notice of this -- of the
25 transmission line.

1 MR. FLANAGAN: With --

2 A.L.J. JENNINGS-FADER: It's sitting over
3 there.

4 MR. FLANAGAN: I don't want to -- I'm not
5 trying to burden the record; but then with your
6 permission, if the witnesses, after they testify, could
7 be allowed to go to the large map then and simply
8 indicate, La Veta Acres, or whatever area they are
9 testifying about, what's mentioned -- and maybe Gerry
10 could write his name next to it, so if someone reads
11 this later, they would know what Mr. Keefe was talking
12 about.

13 A.L.J. JENNINGS-FADER: And I think
14 that's fine. We'll also deal with that when we get to
15 the map, but I think that that's a good suggestion.

16 Thank you.

17 THE WITNESS: Okay.

18 A.L.J. JENNINGS-FADER: I have -- so,
19 counsel, aside from Mr. Flanagan, had no comments or
20 questions. Okay.

21 I actually had one.

22 THE WITNESS: Okay.

23 A.L.J. JENNINGS-FADER: And that is, the
24 Draft -- PC-2, the Draft La Veta Acres Map, are any of
25 the residences or buildings which are shown on the maps

1 on the three pages, at present, in what you understand
2 to be the preferred corridor for the transmission
3 project?

4 THE WITNESS: They were up until last
5 Thursday when it was published that there has been
6 changes in the route refinement. This is all the
7 properties that I'm speaking about today that are
8 identified and were in the primary corridor.

9 A.L.J. JENNINGS-FADER: Are they now in
10 the primary corridor, to the best of your knowledge?

11 THE WITNESS: To the best of knowledge,
12 they are not now; but they have not been ruled out of
13 the picture, so to speak.

14 A.L.J. JENNINGS-FADER: Thank you for the
15 clarification. I appreciate it.

16 And, Mr. Keefe, do you have anything
17 further?

18 THE WITNESS: Just maybe the protocol and
19 procedure for ruling on the extension we asked for.

20 A.L.J. JENNINGS-FADER: Oh, I have made a
21 note and will give you my answer before the end of the
22 evening, but I'm going to have to think about it.

23 THE WITNESS: Thank you very much for
24 your time.

25 A.L.J. JENNINGS-FADER: Sorry, as part of

1 thinking about it, have you an estimate as to when it
2 might be available?

3 THE WITNESS: We are hopeful that it
4 could be available prior to your December meeting.

5 A.L.J. JENNINGS-FADER: How much prior?

6 THE WITNESS: How much? Probably not a
7 whole lot prior. A lot of it will depend obviously on
8 the ruling tonight; but what is the time frame that you
9 would prefer? We can see if we can push those time
10 lines.

11 A.L.J. JENNINGS-FADER: If I admit or
12 allow the supplemental filing, it would have to be done
13 a minimum of -- it could be available no later than
14 Thanksgiving week.

15 THE WITNESS: Thank you. We could have
16 some discussion and see if we can meet -- if that's the
17 guide and stipulation you want to impose, we can see if
18 we can meet that.

19 A.L.J. JENNINGS-FADER: So we'll revisit
20 it.

21 Thank you very much.

22 THE WITNESS: Thank you very much.

23 A.L.J. JENNINGS-FADER: Manuel Molles --
24 did I massacre your name?

25 MR. MOLLES: Moles (phonetic.)

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

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

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

8 THE WITNESS: My name is Manuel Molles,
9 last name is spelled M-o-l-l-e-s.

10 A.L.J. JENNINGS-FADER: Thank you,
11 Mr. Molles.

12 THE WITNESS: First, Your Honor, may I
13 clarify some points on PC-2? I prepared it personally,
14 so I can answer a couple of questions.

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

16 THE WITNESS: The yellow rectangles
17 around the perimeter of the three maps are the last
18 name of the owners, to the best of our knowledge, of
19 those plots. The residences or other structures that
20 were not -- did not appear at the time that we prepared
21 this on the map by SoCo are -- appear as red Xs. The
22 ones that were recognized in the preparation of the
23 report are squares, yellow squares.

24 A.L.J. JENNINGS-FADER: Or kind of
25 beigey?

1 THE WITNESS: Beigey, yes.

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

3 THE WITNESS: Okay, I have submitted a
4 PC-No. 3.

5 A.L.J. JENNINGS-FADER: Okay. And have
6 you provided a copy of this to the counsel or have you
7 available copies?

8 THE WITNESS: I have provided --

9 A.L.J. JENNINGS-FADER: Okay, thank you.
10 And, sir, without telling me the content,
11 what is the PC-3?

12 THE WITNESS: It's a Report on Wildlife
13 Studies in the Vicinity of La Veta Pass; in particular
14 at La Veta Ranch on a property owned by my wife and
15 myself, 62 acres where we have been studying wildlife
16 for some time, and then extended to a larger study area
17 between Old La Veta Pass through La Veta Acres, and
18 then to La Veta Ranch, as I'll explain in a bit.

19 A.L.J. JENNINGS-FADER: And are you at
20 least one of the authors of this --

21 THE WITNESS: Yes, I am.

22 A.L.J. JENNINGS-FADER: -- study?

23 THE WITNESS: Yes.

24 A.L.J. JENNINGS-FADER: It's admitted.

25 Thank you.

1 THE WITNESS: Thank you.

2 I'm speaking on behalf of the
3 participants in this Study of Wildlife in the Area
4 Extended from Old La Veta Pass through La Veta Acres
5 and La Veta Ranch.

6 My wife, Mary Ann Nelson, and I own
7 property in La Veta Ranch. And we are currently
8 professors and have been for some time at the
9 Department Of Biology at the University of New Mexico
10 and are in the process in moving up here full time.

11 Anyway, we have been studying wildlife
12 populations on our property for the past four years and
13 we have recently expanded the coverage of our study by
14 surveying the local ecological knowledge of residents
15 of Old La Veta Pass and La Veta Acres.

16 Our study combines mainly surveys of this
17 local ecological knowledge and trail camera monitoring
18 sites on our property. Both of the areas covered are
19 mapped in the report. To date, we have approximately
20 30,000 camera hours and photos from those cameras at
21 the sites on our property. The focus of our study were
22 three main wildlife species, elk, mule deer, and black
23 bear.

24 We bring this ongoing study to the
25 attention of the Public Utilities Commission because

1 the alternative macro-corridor study associated with
2 the project includes elk and mule deer production areas
3 as, quote, avoidance areas for transmission corridors.
4 And black bear populations are mentioned elsewhere in
5 the study, though not within the context of avoidance,
6 per se.

7 We think the consideration of wildlife
8 production areas is well justified, since the most
9 recent study by the Colorado Division of Wildlife
10 estimates that wildlife contributes substantially to
11 the Colorado economy, specifically in that most recent
12 study \$3 billion a year to Colorado through a
13 combination of hunting and fishing, which is valued at
14 1.8 billion; and wildlife viewing, estimated at a value
15 of 1.2 billion annually in contribution to Colorado's
16 economy.

17 A.L.J. JENNINGS-FADER: I'm sorry, sir,
18 that was wildlife viewing?

19 THE WITNESS: Viewing, yes -- viewing.
20 Excuse me.

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

22 THE WITNESS: That's fine.

23 The results are clear, both our local
24 ecological knowledge -- and this has become more or
25 less the standard way of expanding the results of

1 scientific studies in communities and -- in all
2 continents on the planet.

3 But the combination of this local
4 ecological knowledge and trail camera monitoring
5 portion of our study indicate that the La Veta Pass
6 area supports a high density, high abundance and
7 production of all three focal species, elk, mule deer
8 and black bear.

9 And we would like our report submitted as
10 part of the record of these proceedings.

11 A.L.J. JENNINGS-FADER: And it is.

12 THE WITNESS: Thank you. That's it.

13 A.L.J. JENNINGS-FADER: Okay, I have a
14 couple of -- well, sir, first -- sorry, counsel.
15 Counsel?

16 MR. SOPKIN: No questions.

17 MR. FLANAGAN: Yes, Your Honor.

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

19 CROSS-EXAMINATION

20 BY MR. FLANAGAN:

21 Q Could you -- I don't understand what a
22 trail camera photo is. Could you tell me what that is.

23 A Yes, it's a camera -- it's a photo taken
24 by an automatically triggered camera and computer. And
25 it's the triggering of the photo -- or the camera is

1 done by infrared sensing, as some object emitting
2 infrared light passes through the field of view of the
3 camera.

4 Q So if an elk walks by the camera, it
5 takes its picture.

6 A It takes its picture.

7 Q And what do you do with this sort of
8 data?

9 A You catalog it. You note the time of
10 day, the date, the season, and so forth, and it becomes
11 a record.

12 Q And what is -- what do people in your
13 field of biology do with this sort of data?

14 A The main purpose that it's put to is
15 monitoring the movement and the relative abundance of
16 populations of species; sometimes they are endangered
17 wildlife, sometimes just other wildlife species. They
18 are used for usually large animals.

19 Q All right, Doctor, how would you
20 characterize the wildlife population on the property
21 that you have studied?

22 A Abundant and diverse.

23 MR. FLANAGAN: Thank you.

24 A.L.J. JENNINGS-FADER: Anyone?

25 (No response.)

1 A.L.J. JENNINGS-FADER: I have a couple
2 of questions, sir.

3 THE WITNESS: Yes.

4 EXAMINATION

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

6 Q If you could turn to the -- sorry, I
7 don't have a page reference, but to Plate 1.

8 A Right.

9 Q Custom Map Created at Natural Diversity
10 Information Source.

11 A Right.

12 Q There are two -- well, lots of areas, but
13 two areas of interest, one is the Wildlife Survey
14 Coverage --

15 A Right.

16 Q -- Area; and the other is the Trail
17 Camera Study Area.

18 A Yes.

19 Q Okay. So, first with respect to Wildlife
20 Survey Coverage, to what does that refer -- and
21 probably it's explained in the material, but I haven't
22 read it.

23 A That's the larger study area from which
24 local residents responded to the questionnaire that's
25 included in Appendix A in the -- in regard to their

1 wildlife observations; like, How many elk on average do
2 they see per year; what are the largest numbers of elk
3 or mule deer or black bear, and so on?

4 And so that was the survey that we used
5 and that was the area covered by the survey that we
6 used to try and calibrate the results within the Trail
7 Camera Study area which was then a subset of that
8 larger area.

9 Q And the Trail Camera Study area is the
10 area in which the trail cameras were actually placed?

11 A Exactly, yes.

12 Q Okay, Dr. Molles, can you tell me
13 whether -- if you know, whether the area which is the
14 Wildlife Survey Coverage area, which is the larger of
15 the two, does -- to your knowledge, does the proposed
16 transmission corridor go through that particular area?

17 A Yes, it does, more or less -- no. At
18 present, no. That one is not the preferred route. It
19 was the preferred route. That has been taken off that
20 status of preferred route.

21 Q Okay.

22 A But it was at the time I prepared the
23 report.

24 Q Okay. And again, to be clear, when you
25 talk about the preferred route, you are talking about

1 what is now posted on the Southern Colorado
2 Transmission website; is that correct?

3 A What's posted on the Southern Colorado
4 Transmission site at present indicates that this route
5 is no longer preferred. Okay? And the route of -- the
6 preferred route, prior to last Thursday, is shown on
7 PC-2 as a pink line running through those areas
8 indicated as La Veta Ranch, La Veta Acres, and Old La
9 Veta Pass.

10 Q Thank you.

11 And just so the record is clear, your
12 source of information about the preferred route is the
13 Southern Colorado Transmission website?

14 A It was the Southern Colorado Transmission
15 website, Area Map No. 4.

16 A.L.J. JENNINGS-FADER: Thank you,
17 Doctor, I appreciate your testimony. Thank you, sir.

18 Mr. Morgan -- I think it's Larry.

19 Good evening.

20 MR. MORGAN: Good evening.

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

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

1 I would like you to state your name,
2 spell your last name for the record, please.

3 THE WITNESS: It is Larry Morgan,
4 M-o-r-g-a-n.

5 A.L.J. JENNINGS-FADER: Thank you, sir.
6 What is your statement this evening?

7 THE WITNESS: I have some family member
8 letters here that I would like to enter into evidence
9 or to you or whoever it may be, if that's all right.

10 A.L.J. JENNINGS-FADER: You certainly
11 may. May I -- could you come up -- you need to give
12 them to the court reporter.

13 We'll take a couple minutes while he
14 stamps them.

15 (Whereupon, Exhibit No. PC-5 marked for
16 identification.)

17 (Discussion off the record.)

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

20 Mr. Morgan, I would like you to tell me
21 for the record what is contained in what's been marked
22 as PC-5.

23 THE WITNESS: That's basically just a
24 letter to my family members, letting them know that
25 this proposed line is going through our land and to all

1 of our members of our family. And it's basically just
2 their relationship to our family and their comments
3 towards it. It's because all of them couldn't be here
4 and we couldn't have -- didn't have the time to contact
5 everybody like we should. This is the ones that I've
6 got.

7 A.L.J. JENNINGS-FADER: Is this -- can
8 you explain to me how you contacted your family and how
9 they -- how each responded to you?

10 THE WITNESS: Mostly by phone and by
11 E-mail.

12 A.L.J. JENNINGS-FADER: And the response?

13 THE WITNESS: And by phone and E-mail
14 also, yes.

15 A.L.J. JENNINGS-FADER: And the responses
16 came back the same way?

17 THE WITNESS: Yes.

18 (Pause.)

19 THE WITNESS: And it mostly has to do
20 with our family cemetery that's above La Veta Pass, is
21 what it considers.

22 A.L.J. JENNINGS-FADER: I'm sorry, sir,
23 you will need to speak up just a little bit.

24 THE WITNESS: It considers our family
25 cemetery that's up on La Veta Pass.

1 A.L.J. JENNINGS-FADER: Counsel, I will
2 make copies and send them to you when we get back to
3 Denver.

4 Exhibit 5 is -- PC-5 is admitted.

5 Mr. Morgan, do you have a statement that
6 you wish to make with respect to the proposed
7 transmission line?

8 THE WITNESS: Yes, ma'am.

9 My name is Larry Morgan and I'm speaking
10 for my entire family. My family and I are greatly
11 opposed to the proposed route. The transmission line
12 would take high voltage lines directly across our
13 property.

14 We have lived in the La Veta area for
15 over 40 years and own property up on La Veta Pass,
16 where we have made our home because of the serenity of
17 the area.

18 And when our brother was killed in a car
19 accident in 1970, there was one place to consider for
20 his burial, and that was at home. Since this time, my
21 dad, my mother, and a cousin have been laid to rest
22 here. It has been known -- and it is known now as the
23 Morgan Cemetery.

24 The proposed power line route is directly
25 over the cemetery; and to us, that's totally

1 unacceptable.

2 My family and myself and our community
3 feel that this particular route is completely
4 unnecessary because of the existing easements and
5 right-of-ways that travel the same corridors. So it
6 only makes sense to the power companies use these
7 routes.

8 And yet, again, instead of spending
9 hundreds of millions of dollars intruding on property
10 owners and transfer of energy, we wonder why there is
11 not an energy source built in the San Luis Valley.

12 And we are asking that very careful
13 consideration be taken in this matter so that we do not
14 have to face seizure of our land and our rights and
15 desecrate our family cemetery.

16 And we would also like for you to imagine
17 the noise and the views that we would have to have over
18 our cemetery.

19 Our cemetery has also been surveyed and
20 recorded in Huerfano County courthouse.

21 And that's my statement.

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

23 Just a moment.

24 Counsel?

25 (No response.)

1 could you come forward, please.

2 THE WITNESS: I'm sorry, I don't hear.

3 MR. MOURNING: Well --

4 A.L.J. JENNINGS-FADER: Mr. Mourning,
5 could you come forward, please.

6 MR. MOURNING: Sure.

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

8 I'm a little puzzled by your statement
9 that you think this is not a fact finding.

10 MR. MOURNING: That what?

11 A.L.J. JENNINGS-FADER: That you think
12 this is not for fact finding. So if you could help me
13 to understand your concern --

14 MR. MOURNING: No, fact finding for me.

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

17 MR. MOURNING: That I can have some
18 questions answered and maybe hear questions of others
19 answered.

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

21 MR. MOURNING: Such is not the case,
22 correct?

23 A.L.J. JENNINGS-FADER: Meaning, sir --
24 I'm sorry I'm having difficulty understanding your
25 position.

1 MR. MOURNING: Would I be allowed to make
2 comments at a later date?

3 A.L.J. JENNINGS-FADER: Yes, sir. You
4 may submit written comments, if you wish to do so.

5 I believe that Mr. Bote, in the back of
6 the room, has some information and an address where you
7 can either E-mail comments or send a letter or some
8 other form of comment, yes, sir.

9 MR. MOURNING: Thank you very much.

10 A.L.J. JENNINGS-FADER: Certainly.

11 Thank you, Mr. Mourning.

12 Mr. Shrout?

13 MR. SHROUT: I'm going to pass at this
14 time, Your Honor.

15 A.L.J. JENNINGS-FADER: Yes, sir, thank
16 you.

17 Sharon Shrout?

18 MR. SHROUT: That is me. Shannon Shrout.

19 A.L.J. JENNINGS-FADER: I am sorry,
20 Shannon -- my apologies. I said I would massacre some
21 names.

22 MR. SHROUT: That's all right.

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

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

2 I would like you to state your name and
3 spell your last name for the record.

4 THE WITNESS: Shannon Shrout,
5 s-h-r-o-u-t.

6 A.L.J. JENNINGS-FADER: Thank you, sir.
7 And your statement?

8 THE WITNESS: I would like to agree with
9 Larry Morgan, as a neighbor on La Veta Pass, and we
10 share a lot of the same things that they do. We have a
11 cemetery there. My father, grandmother -- grandmother
12 and cousins are buried there.

13 And my uncle and another aunt live up
14 there on the property full time. My uncle is 61. He
15 waited his whole life to build a house up there. And
16 this thing is going to go right in possibly behind his
17 house. And it's the same thing.

18 We have had our property since 1938. And
19 I represent the trust. And all of our family is in
20 agreement that we would like to not see it go through
21 the Old La Veta Pass route.

22 A.L.J. JENNINGS-FADER: I want to be sure
23 I understand, Mr. Shrout.

24 Your family also has a cemetery in that
25 location; is that correct?

1 THE WITNESS: Yes, ma'am.

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

3 THE WITNESS: The old proposed route does
4 not go directly over, like it does on the Morgan
5 property, but close to.

6 A.L.J. JENNINGS-FADER: Okay, thank you.
7 Counsel?

8 (No response.)

9 A.L.J. JENNINGS-FADER: No questions?
10 And you have answered mine.
11 Thank you very much, sir, for your
12 statement.

13 THE WITNESS: Thank you for your time.

14 A.L.J. JENNINGS-FADER: And my apologies
15 again.

16 Mr. Cain, I believe -- Roger Cain.
17 Good evening, sir.

18 MR. CAIN: Good evening, ma'am.

19 ROGER CAIN,
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 please state your name and
24 spell your last name for the record.

25 THE WITNESS: My name is Roger Cain,

1 C-a-i-n.

2 I'm also Huerfano County Commissioner.

3 A.L.J. JENNINGS-FADER: Thank you, sir,
4 and thank you for the use of the facility.

5 THE WITNESS: It's actually warm tonight.

6 We have a short statement we would like
7 to read for the County Commissioners.

8 The Huerfano County Commissioners
9 understand the inadequate state of transmission systems
10 in Huerfano County and the San Luis Valley and also our
11 nation; however we, as County Commissioners, only
12 support the most northern route for the transmission
13 line through our county, which is the ARCO line, which
14 is the preferred site now.

15 A.L.J. JENNINGS-FADER: I'm sorry, sir,
16 I'm writing as fast as I can; but could you just notch
17 it down just a little bit in terms of speed?

18 THE WITNESS: You bet.

19 A.L.J. JENNINGS-FADER: So the County
20 Commissioners support only which route?

21 THE WITNESS: The northern route, as
22 we've known it for several years, is the ARCO line,
23 which is the preferred route now on that; although
24 there are several routes and possible fingers of that.

25 We would prefer -- basically there is an

1 existing power line stretching from I-25, in the
2 proposed station, going west; and we would prefer
3 either using that line, rebuilding that line, or
4 twinning that line.

5 Okay, thank you, ma'am.

6 A.L.J. JENNINGS-FADER: Okay -- sorry,
7 Commissioner, you will have to wait.

8 THE WITNESS: Okay.

9 Any questions from counsel?

10 (No response.)

11 A.L.J. JENNINGS-FADER: Okay, sir, could
12 you -- because I am not familiar with the different
13 options --

14 THE WITNESS: Yes.

15 A.L.J. JENNINGS-FADER: -- since I've
16 only been looking at what was apparently until recently
17 a preferred --

18 THE WITNESS: Yes.

19 A.L.J. JENNINGS-FADER: -- configuration
20 or route.

21 In the northern route, it sounded to me
22 like there may be more than one possible route in the
23 north.

24 THE WITNESS: Looking at the map to date,
25 there are some fingers or some detours on the western

1 end on that; and we would prefer staying as close as we
2 can to or using the ARCO right-of-way, which is the
3 Sheep Mountain power line.

4 A.L.J. JENNINGS-FADER: Thank you, that's
5 very helpful.

6 THE WITNESS: Thank you.

7 A.L.J. JENNINGS-FADER: I appreciate your
8 statement. Thank you for taking the time to come down.

9 I'm sorry, Commissioner Cain, I
10 apologize, I do have one more question.

11 THE WITNESS: Okay.

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

13 THE WITNESS: Yes, ma'am.

14 A.L.J. JENNINGS-FADER: Is your statement
15 made on behalf of you personally --

16 THE WITNESS: No.

17 A.L.J. JENNINGS-FADER: -- or on behalf
18 of the Board of County Commissioners?

19 THE WITNESS: The latter, the Board of
20 County Commissioners.

21 A.L.J. JENNINGS-FADER: Thank you very
22 much.

23 THE WITNESS: You bet, ma'am.

24 A.L.J. JENNINGS-FADER: Mr. Heiser or --

25 MR. HEIER: Heier.

1 A.L.J. JENNINGS-FADER: Sorry about that.

2 MR. HEIER: Geoff.

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

5 MR. HEIER: Good evening.

6 GEOFFREY HEIER,

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 for the record, please.

12 THE WITNESS: It's Geoffrey Heier,
13 G-e-o-f-f-r-e-y H-e-i-e-r.

14 A.L.J. JENNINGS-FADER: H-e-i-e-r?

15 THE WITNESS: Yes.

16 A.L.J. JENNINGS-FADER: Okay, thank
17 you -- sorry about that.

18 THE WITNESS: No problem.

19 A.L.J. JENNINGS-FADER: Mr. Heier, have
20 you a statement this evening?

21 THE WITNESS: I do.

22 I'm with the Colorado Rural Electric
23 Association, which is the trade association
24 representing the 21 member-owned cooperatives around
25 the state. We have approximately 600,000 members,

1 covering about 70 percent of the geography of the state
2 and about 83,000 miles of distribution line.

3 CREA and our membership supports the
4 construction of this line. We believe that it meets
5 some of the legislative history that I'm going to give
6 you, as well as the will of the people.

7 In 2004, Amendment 37 was passed by the
8 voters in the state of Colorado, which required
9 investor-owned utilities to obtain 10 percent of their
10 energy from renewable resources by the year 2015.

11 In 2006, House Bill 1325, by
12 Representative McFadyen and Senator Takis, was created,
13 studying the reliability of our electric infrastructure
14 including additions and improvements to the state's
15 electric transmission system that will be required to
16 meet the projected demand.

17 Then in 2007, there was a series of bills
18 passed; House Bill 1281, which extended that renewable
19 portfolio standard to be 20 percent for investor-owned
20 utilities -- and that's where the electric cooperatives
21 were brought in with a 10 percent renewable portfolio
22 standard by the year 2020.

23 There are also two other bills, Senate
24 Bill 91 and House Bill -- or, excuse me, Senate Bill
25 100, both of which involve studying transmission and

1 identifying the renewable energy zones and requiring
2 the utilities to build transmission from those
3 renewable energy zones.

4 The San Luis Valley is widely recognized
5 as one of the top solar renewable energy zones in the
6 state. In addition, from our membership's perspective,
7 there is growing demand down there. And there is some
8 very real concerns about reliability. So this project
9 meets two very key legislative requirements: Building
10 transmission to get renewable energy to the population
11 base, and to improve reliability of our electric grid.

12 From our membership perspective, this is
13 a classic example of a joint project that
14 collaboratively meets two needs by both Xcel and the
15 electric cooperatives, and therefore we support this.

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

17 CROSS-EXAMINATION

18 BY MR. FLANAGAN:

19 Q Mr. Heier, I understand that one of the
20 concerns of your organization is with the electric
21 reliability problem in the San Luis Valley.

22 A That's correct.

23 Q And are you aware, sir, that the addition
24 of generating facilities in the San Luis Valley tends
25 to reduce the need for importing power for reliability;

1 do you agree with that?

2 A To a certain extent.

3 Q And would you agree then, if we were to
4 believe some of the estimates about new solar energy in
5 the San Luis Valley, that the extent those estimates of
6 additional solar generation in the San Luis Valley --
7 to the extent those are accurate, that will reduce --
8 that has to reduce then the reliability voltage problem
9 that you are talking about?

10 A I am not an electrical engineer, so I
11 can't comment on all of those aspects; but solar power
12 is not available 24/7, and we're concerned about
13 providing electricity 24/7 in the valley.

14 Q And while we're not privy to all the
15 plans of Public Service Company, they do indicate that
16 they are looking for solar energy with storage backup,
17 so that it's dispatchable power.

18 A Again, I'm not an electrical engineer.
19 I'm not privy to all their information.

20 Q All right. Of the legislation you
21 mentioned, you also mentioned Senate Bill 100. I
22 presume you are not aware of the fact that the rulings
23 by this -- of the rulings made already in this
24 proceeding about Senate Bill 100 then.

25 A I'm not totally familiar.

1 Q All right, thanks.

2 A.L.J. JENNINGS-FADER: Counsel, anyone?

3 (No response.)

4 EXAMINATION

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

6 Q Sir, I have a question, which -- I know
7 there are a number of Rural Electric Associations in
8 the state of Colorado, presumably all members of your
9 association; is that correct?

10 A There are, I believe -- according to the
11 Public Utilities Commission, there are 26 cooperatives
12 that have meters in the state of Colorado; 21 of those
13 associations are members.

14 Q Okay, thank you.

15 Which -- if you know, what are the Rural
16 Electric Association cooperatives that are the
17 distribution companies for the area of interest here,
18 the San Luis Valley and the area through the Comanche
19 site outside of Pueblo?

20 A The two primary cooperatives would be the
21 San Luis Valley and San Isabel Electric cooperatives.

22 Q And they are members of your association?

23 A They are.

24 A.L.J. JENNINGS-FADER: Thank you very
25 much, sir. I appreciate your time and your testimony.

1 Thank you.

2 I apologize in advance, Mr. Peralta?

3 MR. PERALTA: Salvador Peralta?

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

5 (Discussion off the record.)

6 SALVADOR PERALTA,

7 having been called as a witness, being first duly

8 sworn, testified as follows:

9 A.L.J. JENNINGS-FADER: Now, could you
10 state your name and spell both your first name and your
11 last name for the record.

12 THE WITNESS: Salvador, just like the
13 country without the e -- S-l-a-v-a-d-o-r P-e-r-a-l-t-a.

14 A.L.J. JENNINGS-FADER: Thank you,
15 Mr. Peralta.

16 Have you a statement this evening?

17 THE WITNESS: I do, Your Honor.

18 My statement is in opposition to the old
19 path, the southern path through La Veta Acres and the
20 Old La Veta Pass. I prefer the northern path; although
21 if there weren't any path at all, that would even be
22 better.

23 I've owned this property on La Veta Acres
24 on the old -- on the County Road 442 since 1982. I
25 paid taxes there and I've also paid electricity through

1 the San Isabel Electrical Company.

2 I was one of those that did not receive
3 any notice. I didn't find out until I spoke with some
4 of the neighbors who -- just over a chat one day, and
5 found out about the SoCo property that was coming
6 through. It turns out it comes within -- the old path
7 came within 200 yards of my residence.

8 I recently built a residence there; it --
9 at the cost of hundreds of thousands of dollars. I
10 just recently got final permit. And then I got the
11 great news about the path coming through. Of course I
12 was very concerned for several reasons: First, health
13 wise, you know, the brain cancer, the leukemia that's
14 associated with these type of lines. Also the
15 aesthetics. Since I have lived there, I've seen elk
16 herds come across there; I've seen deer, bear, et
17 cetera. Once those lines start coming in, that's going
18 to go away.

19 Secondly, the evaluation of my property I
20 feel is probably -- this is a rough estimate of my
21 own -- is going to drop at least in half. This house
22 was built as an investment, but it was also built for
23 the purpose of me living there. I intend to live there
24 within a year or two, as soon as my son graduates from
25 high school; and then hopefully this property will also

1 go on and be inherited by my four children who --
2 hopefully one of them will be -- will live there also
3 and raise their family.

4 Lastly, on the aesthetics of it, it's a
5 beautiful area. It's called the -- the people here
6 would know it as the Milk Farm. It's the Milk Farm
7 because its meadows are so rich that cows just go there
8 to feed.

9 Well, this power line, the old -- the old
10 route would go right over these meadows and right over
11 this property.

12 As far as the history of the property,
13 outside my bedroom window is the Old La Veta Pass. My
14 father once worked there as a -- as a driver who -- he
15 worked there on the pass. He also went there for
16 dances as a young man by horseback. And so the area is
17 very historic.

18 The Old La Veta Pass has a dance hall up
19 on top. It has the mule shoe area, and it's -- so the
20 families from that area -- and I assume that's why the
21 Commissioners chose the northern route because they
22 know the history of this area. It's where the settlers
23 came through originally to settle in that area. And
24 they came through there and they came through Mosca
25 Pass.

1 And by putting these power lines there,
2 they are going to destroy this history. And
3 personally, my -- the value and my residence. That's
4 why I am opposed to the southern route and prefer the
5 northern route.

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

7 Hold on one moment.

8 Counsel?

9 (No response.)

10 A.L.J. JENNINGS-FADER: With respect to
11 the northern route, did you hear the County
12 Commissioner, Mr. Cain, discuss the fact that there are
13 possibly different looks to the northern route?

14 THE WITNESS: (Witness nods.)

15 A.L.J. JENNINGS-FADER: Do you care?

16 THE WITNESS: I agree with him
17 wholeheartedly. There's the ARCO plant there. I know
18 the history -- I know that area. The ARCO plant goes
19 right through there. The workers -- I'm sure the
20 workers don't care what comes through there. There is
21 existing power lines going through there. And I agree
22 with that ARCO route over Silver Mountain and ARCO.

23 A.L.J. JENNINGS-FADER: Okay, thank you,
24 sir, very much. I appreciate you taking the time to
25 come in this evening.

1 MR. PERALTA: Same last name.

2 A.L.J. JENNINGS-FADER: Mr. Peralta --

3 MR. PERALTA: Ted, yes. My name is
4 Theodore Peralta.

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

6 MR. PERALTA: Last name is spelled
7 P-e-r-a-l-t-a.

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

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

12 Having already stated your name and
13 spelled your last name, have you a statement?

14 THE WITNESS: Well, what I have done is I
15 basically -- I'm a landowner there. I'm not quite as
16 close to the old route that my brothers' own. I'm
17 across the highway and across 160 at the Maestas Peak
18 site. I'm across the highway from my brother's place
19 and the rest the people.

20 But the concerns that -- what I heard, I
21 was one of the individuals that did not get contacted
22 either; but my concerns were not only the environmental
23 issues that this power line presents -- not so much
24 even the northern route or the southern route, but my
25 personal concerns were with the health issues that it's

1 going to possibly create -- or that it will create.

2 What I have done is I've done a little
3 research and I want to take these articles into the
4 record. And I'm just going to outline them. Okay?

5 The first article I'm going to outline --
6 it's really not an outline, but I'm going to read some
7 of the things that are in there and I'm going to
8 present it to you and put it in the record.

9 But the first study came out years ago --
10 about 13 years ago in the Midwest Today. The article
11 headlined: Do high voltage power lines cause cancer?
12 That came out in 1996. Okay?

13 The study basically links electric
14 magnetic fields, EMFs, to various illnesses. And I'm
15 going to read a little section right here that I
16 thought was pretty pertinent to the situation: It was
17 sort of a funny story when we first heard about it a
18 few years ago, a dairy farmer, living in Wisconsin near
19 a high voltage utility company's transmission line,
20 could turn out his lights in his barn; even with the
21 switches in the off position, night after night, after
22 he finished his chores, he would go back out to the
23 barn to find the light bulbs still glowing from the
24 electrical charges hovering overhead. The cows were
25 not so happy, you know, because of the fact that they

1 couldn't sleep, so they produced less milk.

2 Okay.

3 But the story doesn't seem as funny now
4 as it did then -- not after all the recent record of
5 children developing deadly illnesses and adults dying
6 prematurely of rare diseases -- all apparently because
7 they had the misfortune of living near high amounts of
8 electrical current.

9 Now, a growing body of scientific
10 evidence suggests that invisible electromagnetic
11 fields, EMFs, created by high voltage utility power
12 lines are linked to a frightening array of cancer and
13 other serious health problems in children and in
14 adults. And that's not to mention what it does to the
15 animals and their production.

16 Okay.

17 Though it's received scant attention --
18 this was back in '96, you remember -- though it's
19 received scant attention from the mainstream press, a
20 report leaked out in October of '96 from the U.S.
21 National Council on Radiation Protection, said there
22 were powerful -- there is a powerful body of impressive
23 evidence showing that even very low exposure to
24 electromagnetic radiation has long-term effects on your
25 health.

1 And that article was one of them. And
2 that was put out in Midwest -- Midwest Today, April and
3 May of '96.

4 I'll give this to you in a minute.

5 The next one is a journal, it came out in
6 Medical News Today. And the category was, Cancer and
7 Oncology. It was dated September 15, 2004.

8 The headline note was, Childhood Leukemia
9 Risks Doubled within 2 to 300 meters of high voltage
10 power lines. This was the biggest publicly funded
11 study in the U.K. -- United Kingdom. The study on the
12 power lines and childhood cancer has found that
13 children under the age of 15, living within 200 meters
14 of high voltage power lines have close to twice the
15 risk of developing leukemia. Children ages 0 to 5 are
16 the most vulnerable, so their risk is likely to even be
17 higher.

18 These results were from the Oxford
19 Childhood Cancer Research Group, regarding the power
20 lines in the U.K. and Wales.

21 The next article was put out and released
22 by Fox News. And this study was put out June of '05.
23 And the headline was, Childhood Leukemia Again Linked
24 to Power Lines. There was a doctor by the name of
25 Gerald Draper, director of the Childhood Cancer

1 Research Group at Oxford University that led the study.
2 The Draper team compared more than 29,000 children with
3 cancer, including 9700 children with leukemia to age,
4 sex and birthplace, matched the children without
5 cancer. The children birth homes were located on the
6 power line grids of England and Wales, compared with
7 the children who lived more than 600 meters from a
8 power line -- from a high voltage power line.

9 Those that lived within 200 meters of the
10 power line had a 69 percent greater risk of leukemia.
11 Those -- a further distance of up to 6 to 800 meters
12 had a 23 percent higher risk of leukemia.

13 And these findings appeared June 4 in the
14 issue of the British Medical Journal.

15 There is one more -- and there are tons,
16 but these are just a few that I picked. This came out
17 of Leukemia Cancer News. This was an '05 -- June 03 of
18 '05. The headlines, Pylons may be a leukemia risk.
19 This was also a study done by the Oxford University
20 team; and the article stresses that high voltage power
21 lines -- living too close to these high voltage power
22 lines appears to increase the risk of childhood
23 leukemia. Researchers say, The major study found
24 children who lived within 200 meters of the high
25 voltage power lines had a 70 percent greater risk of

1 having leukemia at birth.

2 And I'll give these to you and you can
3 put them into the record.

4 There is just a number of articles that
5 are out there and studies, medical studies, journals,
6 that are done today in the United States, overseas, in
7 Europe, South America, that link power lines with
8 various types of cancer in children, unborn children,
9 and adults.

10 And that was my concern. My concern is
11 that why put everything overhead? You know, there is
12 no reason to put everything overhead. I don't know if
13 it's a little bit more expensive to go underground --
14 it does affect the environment. You have got to make
15 the road and you have got to dig the trenches.

16 Or, I would say, even a better route is
17 to put a wind generator station in the valley and that
18 way you have no connections between this one and this
19 one; they are totally self-sustained with the
20 electricity that's maintained and stored and left out.

21 I know you have got passive solar
22 photovoltaic, which is now called electric -- photo-
23 electric. In my day, back when I studied it -- which
24 was a long time ago -- it was called photovoltaic.
25 It's a lot less expensive now, but then you also have

1 route, not so much opposed to the other route. Like my
2 brother said, I would rather have no route. I would
3 rather have wind generators here, wind generators
4 there, photovoltaic systems there; and that way they
5 can be self-maintainable or self-sustaining.

6 And that's it.

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

8 Counsel?

9 (No response.)

10 THE WITNESS: Any questions?

11 A.L.J. JENNINGS-FADER: No questions from
12 counsel?

13 (No response.)

14 EXAMINATION

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

16 Q Mr. Peralta, first of all, I actually
17 have a question; and secondly, we need to have the
18 copies of what you --

19 A Yes, I have them right here.

20 Do you need them right now?

21 Q Yes, sir.

22 That would be PC-6 when we get there.

23 A Okay. Do you have a -- you do have a
24 question, I meant.

25 Q I do. I'm trying to frame it here.

1 With respect to your suggestion that in
2 lieu of doing a transmission line, a new transmission
3 line, that there be distributed generation, either wind
4 or --

5 A Or both.

6 Q -- solar or both in the San Luis Valley
7 for the purpose of providing Alamosa with energy. One
8 of the purposes of the proposed transmission line is to
9 take electricity into Denver and the Denver-Boulder
10 area. So in light of that proposal and that stated
11 purpose -- I'm not saying whether it's acceptable or
12 not, just that that's a stated purpose. Could you help
13 me to understand how providing electricity to Alamosa
14 helps with the idea that maybe some of the energy needs
15 to get to Denver?

16 A Well, as far as building a transmission
17 line from Alamosa to the valley -- to the Denver area
18 and the Boulder area and Broomfield area, I don't know
19 exactly how that would work.

20 I am fairly well educated in
21 environmental design; but to do that, you are talking a
22 pretty sizable project. I would think they would have
23 areas up there in that area that they could actually
24 develop their own systems.

25 That is the goal, I would think, of a lot

1 identification.)

2 A.L.J. JENNINGS-FADER: The documents to
3 which Mr. Peralta referred are admitted as PC-6.

4 And with that, folks, we're going to take
5 about a ten-minute break. It's about halfway through
6 our time.

7 If you wish to make a statement and you
8 have not yet signed up, please see Mr. Bote -- raise
9 your hand, please, Mr. Bote, thank you -- and he'll
10 take your name.

11 And I want to thank every one.

12 We'll be in recess for about ten minutes.

13 Thank you.

14 (Recess.)

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

17 First I was approached during the break
18 by counsel representing Bar Nothing Ranch.

19 Counsel, could you please enter your
20 appearance.

21 MS. JENSEN: Yes, Your Honor.

22 Mary Jensen, with Peterson Fonda,
23 representing Bar Nothing Ranches.

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

25 Sign-up, as I had stated earlier, has now

1 concluded.

2 We have a total, if I'm counting
3 correctly, of 12 people left who have signed up.

4 And so we will continue with Mr. -- I'm
5 sorry, I had one more announcement to make. My
6 apologies.

7 And that is, in listening to the
8 presentations this evening and statements -- which have
9 been very helpful and I thank everyone so far -- I note
10 that there has been a lot of discussion about the
11 route -- the specific route that the transmission line
12 will take, southern route, northern route, and various
13 descriptions.

14 I want the record to be clear -- and I
15 hope that everyone here understands that the
16 Commission, in its decision with respect to the
17 transmission line in this docket, will not be making a
18 specific decision with respect to the route that the
19 transmission line will take; that that is a decision
20 that is made, at least initially, by the local Planning
21 Commission and the County Commissioners.

22 So please continue, if you wish to do so,
23 to refer to the different locations or proposed
24 locations; but that specific decision is not something
25 that the Public Utilities Commission will be

1 addressing -- will address in its order that comes out
2 of this -- at the end of this process.

3 So I just want to be sure that everyone
4 understood that particular point.

5 COMMISSIONER CAIN: Chairman, may I --

6 A.L.J. JENNINGS-FADER: Commissioner, you
7 certainly may.

8 COMMISSIONER CAIN: Thank you very much.

9 I have a map here, if I could put in,
10 about the northern and southern routes and that type of
11 thing.

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

13 COMMISSIONER CAIN: Let me bring this
14 up --

15 A.L.J. JENNINGS-FADER: Well, I tell you
16 what -- go ahead and come up here.

17 COMMISSIONER CAIN: -- to put that in the
18 record.

19 A.L.J. JENNINGS-FADER: This will be
20 PC-7.

21 If you could hold on a second, we'll get
22 that marked.

23 (Whereupon, Exhibit No. PC-7 marked for
24 identification.)

25 A.L.J. JENNINGS-FADER: Commissioner, you

1 have brought what has been marked as PC-7, which I
2 believe is what -- it's a map, but what does it show?

3 COMMISSIONER CAIN: It's an aerial
4 satellite of where the present ARCO line is and the
5 proposed lines. And again, the present ARCO line,
6 going across there, is what we're calling the northern
7 route. And if you notice, there is some fingers going
8 across several areas, trying to get it across the
9 mountain.

10 Again, we stress taking the ARCO line to
11 its junction at the Pass Creek area.

12 A.L.J. JENNINGS-FADER: That would be
13 literally the northernmost pink line on this?

14 COMMISSIONER CAIN: Actually -- and
15 continuing on the ARCO line, what is not labeled by
16 pink; you see the dotted black line?

17 A.L.J. JENNINGS-FADER: Yes, sorry.

18 Thank you.

19 COMMISSIONER CAIN: You bet, ma'am.

20 Thank you very much.

21 A.L.J. JENNINGS-FADER: PC-7 is admitted.

22 And thank you. It's very helpful,
23 Commissioner. Thank you.

24 Mr. Law --

25 MS. LAW: You definitely are excused on

1 this one.

2

SAM LAW,

3 having been called as a witness, being first duly

4 sworn, testified as follows:

5

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

6

Could you please state your whole name
7 and spell your last name for the record.

8

THE WITNESS: My name is Sam law, L-a-w.

9

A.L.J. JENNINGS-FADER: And yes, ma'am;
10 have you a statement?

11

THE WITNESS: Yes. I have several things
12 to do tonight. One is, I'm here as the owner of UpTop,
13 which is the ghost town located at the top of Old La
14 Veta Pass.

15

And the first round of business has to do
16 with a map that I would like to give you and with a
17 number. The map has to do with process, the number has
18 to do with harm. The map -- this corroborates but adds
19 to Mr. Keefe's testimony or whatever we're giving
20 tonight.

21

At many meetings that we've held over the
22 last couple of weeks, we have taken the maps from the
23 SoCo transmission site -- website. They have provided
24 us with these maps, these really big ones, so that we
25 could ask people, If your home is not represented by a

1 little beige square, would you put a yellow dot for
2 your home that's missing, a blue dot for any
3 outbuildings that are unnoted, or a red dot for either
4 a cemetery or a historically significant building.

5 Mr. Keefe talked about 40 properties that
6 were not recorded on the SoCo maps. We, to date, are
7 at 62 homes and counting. And they are -- and I will
8 give this to you, but they are represented on here by,
9 like you said, the yellow dots.

10 And I would add that eight of the red
11 ones, historically significant buildings, are on my
12 property alone; and one of which is an 1877 depot --
13 it's been here a while -- on the National Historic
14 Register and not to be seen on any SoCo maps. But it's
15 been there.

16 A.L.J. JENNINGS-FADER: All right. That,
17 I believe, Ms. Law, has already been marked --

18 THE WITNESS: It has.

19 A.L.J. JENNINGS-FADER: -- as PC-4; is
20 that correct?

21 THE WITNESS: This is Exhibit PC-4; yes,
22 it is. And we can cut it up for you, but we will be
23 leaving it -- we will be leaving it with you.

24 A.L.J. JENNINGS-FADER: Okay, thank you,
25 ma'am.

1 these meetings for about the last three weeks; and up
2 until Thursday, we were asking people for information
3 because the southern route was deemed preferred. It is
4 no longer.

5 But our information on that map
6 corresponds to Map 4 on the SoCo website.

7 A.L.J. JENNINGS-FADER: And insofar as
8 you are aware, Ms. Law, has everyone who wished to do
9 so had an opportunity to identify the property, using a
10 yellow, blue or red dot or designation?

11 THE WITNESS: We think we have probably
12 at least 90 percent. And we have no actual way of
13 knowing since, as you saw, over 50 percent of the
14 people who have these properties were not notified. So
15 we've just -- the information has been coming in as
16 word of mouth travels.

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

18 And are you the person who -- at least
19 one of the persons responsible for putting together
20 PC-4 in terms of making sure, as the information comes
21 in, that it's put on the map?

22 THE WITNESS: That's right. I have been
23 one of the minions who have taken the map around to the
24 different meetings and given people an opportunity to
25 come look and say, Nope, there is no square for my

1 house on the official map.

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

3 PC-4 is admitted.

4 Thank you very much.

5 THE WITNESS: Thank you.

6 A.L.J. JENNINGS-FADER: And now your
7 statement.

8 THE WITNESS: Okay. The number that I
9 wanted to give you was \$8 1/2 million. This is a very
10 rough estimate of the loss in value of those 62
11 overlooked homes that would be affected by a southern
12 transmission route. That figure is a very shoot-from-
13 the-hip number. It assigned half of the 62 homes a
14 low-end loss value of \$25,000; it assigns a high-end
15 loss to the other 31 of \$250,000; although we know of
16 at least several properties that would see losses
17 greater than a million dollars should this plan go
18 through.

19 And so when we add up -- since we haven't
20 had time to have a professional assessment done, we
21 wanted to have just some starting point of a number of
22 what these omitted homes would suffer in the way of
23 value loss. Again, it's rough, because we homeowners
24 didn't know to be on the alert to be in action. And we
25 are very much hoping that we will receive an extension

1 to be able to get a truly professional value assessment
2 done -- value lost assessment.

3 So those are those two numbers.

4 The -- I just want to add, before I go to
5 to my third and last thing, that Daniel Pike, the head
6 of Colorado Open Lands, when he gave his testimony to
7 the PUC, he asked us to take our promise to Keep It
8 Colorado very seriously -- Keep it Colorado.

9 There are a number of environmental
10 consortiums -- there is a consortium of environmental
11 groups who have identified pristine areas of Colorado
12 and they have charged us to Keep it Colorado, even as
13 we enter the new era of renewable energy generation.
14 And we take this trust very seriously.

15 We think Huerfano County could very
16 quickly lose its Colorado in preference for
17 transmission lines.

18 And lastly, I would like to put before
19 you what will be PC-8.

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

21 THE WITNESS: PC-8, this is a petition.
22 The title is: Save Huerfano County. There are
23 approximately 160 signatures on it. And it is people
24 who are opposed to all transmission lines crossing
25 Huerfano County in connection with the San Luis

1 Valley-Calumet-Comanche high voltage transmission line.

2 We believe that on the loss side are
3 things you have already heard, but not so much has been
4 said about the tremendous loss of tourism income, in
5 values of homes that we would sustain. But also there
6 is a great deal of question that comes down to, when
7 you have got a hammer, the world looks like a nail.
8 When you make coal-generated electricity, that becomes
9 the solution proposed for the San Luis Valley.

10 We think there are much less costly,
11 equally viable, satisfactory, minimally damaging
12 alternatives that should be considered in this whole
13 process.

14 (Whereupon, Exhibit No. PC-8 marked for
15 identification.)

16 THE WITNESS: I might add that while we
17 are happy to hear that the southern route is not
18 chosen, we feel like the guns have just been pointed at
19 somebody else.

20 A.L.J. JENNINGS-FADER: We'll be off the
21 record for a few moments.

22 (Discussion off the record.)

23 A.L.J. JENNINGS-FADER: PC-8 is admitted.

24 THE WITNESS: Thank you.

25 A.L.J. JENNINGS-FADER: Counsel,

1 questions -- I'm sorry, I think -- was that the
2 conclusion of your statement? My apologies.

3 THE WITNESS: Yes.

4 A.L.J. JENNINGS-FADER: Thank you, Ms.
5 Law.

6 Counsel, any questions?

7 MR. FLANAGAN: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. FLANAGAN:

10 Q Ms. Law, do I understand correctly that
11 PC-8 is a petition of approximately 160 signatures of
12 landowners in Huerfano County that would prefer to see
13 no power line at all?

14 A We do not think it's the best solution to
15 either the San Luis Valley's reliability problem nor
16 their renewable transmission problem or challenge.

17 Q And then I was listening to you at the
18 end of your last statement, where you indicated that to
19 the extent that there were other alternatives that
20 could solve the same goals of these two projects, that
21 you would support some other alternative rather than
22 the power line through Huerfano County.

23 A Yes. We are totally for the San Luis
24 Valley getting what it needs, having what it needs; we
25 do not like to see Huerfano County beggared in the

1 process.

2 Q You indicated that you had reviewed the
3 testimony that Mr. Pike had filed with this Commission.

4 A I did, as well as Mr. Dalphinais.

5 Q So from reviewing Mr. Dalphinais'
6 testimony, I take it you would support an alternative
7 that could take the power out of the San Luis Valley
8 through a northern alternative rather than an east-west
9 alternative that went over La Veta Pass?

10 A That's right.

11 We're also -- the people who signed this
12 petition are all for renewable energy. We know it's
13 going to require new things, but we believe that there
14 are ways of moving the renewable energy generated in
15 the San Luis Valley in a way that does not need to go
16 east-west across Huerfano County.

17 Q Thank you, ma'am.

18 A.L.J. JENNINGS-FADER: Other counsel,
19 anyone?

20 Ms. Law, I have a questions.

21 THE WITNESS: Sure.

22 EXAMINATION

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

24 Q At the tail end of your testimony, you
25 requested an opportunity to provide additional

1 information. Did I misunderstand you?

2 A I'm drawing a blank.

3 Q Okay. An additional --

4 A I'm happy to --

5 Q No, I'm sorry, I thought I understood you
6 to ask for an opportunity to do that.

7 A No, I didn't --

8 (Discussion off the record.)

9 A Oh -- yes, we do. We would -- I know
10 what I'm talking about.

11 We do. As I said, our whole group has
12 been behind the eight ball. Many of us -- I'm probably
13 one of the largest landowners, I own 300 acres; and I
14 was not aware of these transmission lines. They -- the
15 old route, southern route, bisects my land in two. And
16 I did not hear about this until early September, three
17 days before the end of the open contribution period.
18 And so we are scrambling.

19 We've talked with an attorney. We are
20 looking at having an appraisal done; but of course
21 would only do it if in fact we can get it done in time.
22 We would like to know not only what's the value loss to
23 the 62 homes that were missed in the process, but of
24 the other homes that are on there. We would like to
25 understand the financial loss impact this would have

1 for us. And we just haven't had the time to do it.

2 Q So am I correct that this is not the same
3 information as Mr. Keefe asked?

4 A No, that is -- I'm sorry.

5 Q It is the same information?

6 A It is the same information.

7 Q Oh.

8 A I'm sorry, I should have said I was
9 concurring with Mr. Keefe in the need for having the
10 window open longer for a professional assessment
11 because so many of us are so late coming to the
12 process.

13 Q And I think the subsequent discussion
14 with Mr. Flanagan may have helped me understand your
15 statement a little bit better. Is the group that
16 signed the -- the folks who signed the PC-8, the
17 petition --

18 A Uh-huh.

19 Q -- their concern is for transmission
20 lines, irrespective of the type of facility that
21 generates the electricity? So it doesn't matter if
22 it's coal or wind or solar or something else, it's just
23 an opposition to the transmission line in its entirety?

24 A It's an opposition to the Comanche to
25 Calumet to Huerfano County of coal-generated

1 electricity, transmitted by those -- the high energy
2 line; and it's a preference for solutions within the
3 San Luis Valley to be developed to handle the two major
4 problems that they are facing.

5 Q Okay. And I -- that's why I wish to get
6 clarification.

7 A Uh-huh.

8 Q If the transmission line is -- according,
9 at least, to Public Service Company -- principally to
10 move green energy; that is to say, renewable energy,
11 solar and wind-generated energy, does the group have
12 the same concern with respect to the transmission line?

13 A The concern is an east-west line versus
14 north-south. Right now, the line into and out of the
15 San Luis Valley are north-south. Those corridors
16 exist. The -- there is often concern raised about
17 having another new line be parallel with the existing
18 lines -- what if there is a fire?

19 As I understand it, the catastrophic
20 scenario is above and beyond any requirements made by
21 your regulatory entities. I'm out of my depths here,
22 but that is what I read, that the north-south lines in
23 existing corridors can handle the transmission of
24 renewable energy coming out of the San Luis Valley.

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

1 was very helpful to clarify. Thank you.

2 THE WITNESS: Thank you.

3 A.L.J. JENNINGS-FADER: Ms. Farmer?

4 SHANNA FARMER,

5 having been called as a witness, being first duly

6 sworn, testified as follows:

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

8 I would appreciate it if you would state
9 your name and spell your last name for the record,
10 please.

11 THE WITNESS: My name is Shanna Farmer,
12 F-a-r-m-e-r.

13 A.L.J. JENNINGS-FADER: Thank you, Ms.
14 Farmer.

15 THE WITNESS: I'm here on behalf of
16 Congressman John Salazar. And if I may, I would like
17 to read a statement from the Congressman.

18 A.L.J. JENNINGS-FADER: You certainly
19 may.

20 THE WITNESS: As a member of Congress who
21 represents the San Luis Valley, I am writing to
22 encourage the Colorado Public Utilities Commission to
23 issue a Certificate of Public Convenience and Necessity
24 for the Southern Colorado Transmission Improvements
25 Project.

1 Growth in residential and agricultural
2 areas throughout the valley and the associated increase
3 in electrical demand have caused the existing
4 transmission infrastructure to reach its limit,
5 requiring investment to increase capacity into and out
6 of the valley. As a result, the proposed project is
7 needed to accomplish two important goals: First, it
8 will improve reliability. Presently there are only
9 three transmission lines that provide a radial feed of
10 electricity from Poncha Springs into the valley. As a
11 result, this system does not provide the reliability
12 benefits of redundant service. This places the
13 residents of the valley and its extensive agricultural
14 resources at risk in the event of an electric system
15 outage.

16 The Southern Colorado Transmission
17 Improvements Project will address this concern by
18 providing a redundant loop for power in and out of the
19 valley. It also addresses load concerns and possible
20 voltage collapse, should any of the existing lines
21 experience an outage.

22 Second, the improvements will help
23 facilitate reliable energy development in southern
24 Colorado by facilitating the interconnection of new
25 solar and wind generation resources to the state's

1 power delivery infrastructure. These improvements will
2 support state Renewable Energy Standards, meet the
3 goals of Colorado Senate Bill 100 -- and help meet the
4 goals of Colorado Senate Bill 100, 2007, and help to
5 advance Colorado's greenhouse reduction objectives.

6 Furthermore, current analyses show solar
7 and wind generation facilities contributes a
8 significant economic growth in private investment and
9 create permanent high-paying jobs.

10 I want to stress the CPCN process does
11 not contemplate which specific route or corridor the
12 transmission project should occupy; rather, its focus
13 is on the purpose of and need for the project.

14 It's important to applaud the state's
15 largest two electric utilities, Public Service Company
16 of Colorado and Tri-State Generation & Transmission
17 Association, for jointly developing this project. The
18 partnership provides cost savings and environmental
19 benefits through joint planning, construction, and
20 operation of the project.

21 For these reasons, I support the
22 Colorado -- Southern Colorado Transmission Improvements
23 Project and request the Public Utilities Commission
24 issue a CPCN.

25 Sincerely, John Salazar, Member of

1 Congress.

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

3 Farmer.

4 THE WITNESS: Thank you.

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

6 CROSS-EXAMINATION

7 BY MR. FLANAGAN:

8 Q Are you aware whether or not the
9 Congressman took into account the difference in cost of
10 the alternatives before the Commission in making his
11 statement?

12 A You know, I'm not authorized to answer
13 questions. Our regional director out of Pueblo is the
14 head on this project for a --

15 MR. FLANAGAN: I got it.

16 A.L.J. JENNINGS-FADER: Ms. Farmer, thank
17 you.

18 I need -- could you please answer this
19 question? Are you with Congressman Salazar's office in
20 his district here in Colorado?

21 THE WITNESS: Yes, in Pueblo.

22 A.L.J. JENNINGS-FADER: And what is your
23 position in the office?

24 THE WITNESS: I'm a constituent services
25 representative. Our regional director, Loretta

1 Kennedy, is the head on this project; and Erin Minks,
2 out of the Alamosa office -- and she'll be there
3 tomorrow.

4 A.L.J. JENNINGS-FADER: I would like to
5 thank you very much for your statement and for reading
6 the Congressman's statement. Thank you very much.

7 THE WITNESS: Thank you.

8 A.L.J. JENNINGS-FADER: Richard Johnson.
9 Good evening, sir.

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

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

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

16 THE WITNESS: Richard Johnson,
17 J-o-h-n-s-o-n.

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

19 And you have a statement?

20 THE WITNESS: I do -- two parts: First
21 being personal, as a property owner, my wife Jeanie and
22 I have searched for property for several years before
23 locating property in Costilla County, on the west side
24 of La Veta Pass, near Forbes Wagon Creek Ranch. So
25 that puts us on the east side of U.S. 160 as it goes

1 down towards Ft. Garland.

2 We searched in Montana, Wyoming, all
3 parts of Colorado, Arizona, and New Mexico, looking for
4 property that we found desirable. One of our criteria
5 was no power lines in view. And we found that property
6 after visiting Wagon Creek Ranch on several occasions,
7 the parcel that we really found to love and enjoy; and
8 we purchased it in 2003.

9 We are now full-time residents at that
10 location, which is four miles off the highway, but
11 backs up into the ranch, but yet our property goes
12 halfway down the mountainside to U.S. 160. We're at
13 9400 feet. The view from our deck and living room is
14 of three of the 14,000-foot peaks. We see Blanca,
15 Lindsey and Ellingwood, the famous points that are in
16 that cluster of peaks, part of which the celebrated
17 Crystals are renowned for. In our view, our -- there's
18 no transmission lines at all.

19 What we came to find out last August is
20 that our entire property and our home are within the
21 corridor of transmission power down through that area,
22 going, you know, towards Ft. Garland.

23 This is not changed with the recent map.
24 The discussion so far has been those folks with the
25 north-south. At the point where we are, there was one

1 proposed line that has now been expanded to two
2 proposed pathways within the corridor; but as far as I
3 can tell, the corridor has not changed. Therefore, our
4 property is 100 percent within the corridor.

5 But the pathways are actually on the
6 other side of U.S. 160, which will put either pathway
7 showing those power lines in our view of those
8 beautiful 14,000-foot peaks.

9 This area is owned by Mr. Bacon now and
10 not the Forbes family, and is one of the most pristine
11 areas, undeveloped parts of Colorado. And the proposal
12 is to take the transmission line through this
13 undeveloped, pristine, beautiful landscape, which is a
14 home to a myriad of wildlife. You know -- and I'm sure
15 his findings have stated a lot of that that are beyond
16 me.

17 We do have a concern of the environmental
18 impact that that would make. We have, on numerous
19 occasions, waited along the highway, anywhere from La
20 Veta Pass into the San Luis Valley, for migrating herds
21 of elk, going back and forth across U.S. 160. And they
22 will definitely be impacted by the construction and
23 operation of that transmission line.

24 On the second note, I would like to state
25 that I am a business owner, I own a small business. My

1 business is installing -- designing and installing
2 solar PV systems, photovoltaic electric systems. That
3 is my livelihood. I am very well aware of the issues
4 of transmission as I am a member of the Colorado Solar
5 Energy Industry Association, or COSEIA is the
6 acronym -- COSEIA.

7 I am sometimes at odds with my fellow
8 members of that association. There is movement there
9 to not only have the San Luis Valley be a net exporter
10 of power from renewable energy, of which I am a
11 champion, but also have the state of Colorado be a net
12 exporter of renewable energy. This all requires
13 transmission lines. My feeling in this regard is that
14 Colorado should, in seeking a leadership position -- as
15 Colorado is trying to be the leader in renewable
16 energy, we have lost ground again, I think, to
17 California, who has acknowledged in the past few months
18 through legislation, that there is a paradigm shift in
19 place that will allow a move towards on-site power
20 generation rather than large megawatt power plant size
21 renewable energy that is then needing the transmission
22 lines.

23 That legislation has approved up to
24 3-megawatt -- 3-megawatt on-site power generation
25 facilities that will back-feed into the grid without

1 noticeable impact on the grid as the reason California
2 has now adopted that legislation.

3 I truly believe Colorado needs to embrace
4 that same paradigm shift which is acknowledged in Spain
5 and Germany and other places as well as California.

6 Now at this point -- now, more
7 specifically, I'm a resident of Costilla County. I
8 live in the San Luis Valley, though on the far eastern
9 reaches of it. We go into the valley. The existing
10 solar power plant in Mosca is 8.3 megawatts. The
11 John -- Ken Salazar -- our Secretary of
12 Transportation -- of Commerce, now, has stated in the
13 past that the San Luis Valley requires approximately 45
14 megawatts of power to operate internally. Now we are
15 not anywhere close to being a net exporter at this
16 point.

17 The only -- the other projects on the
18 books that I know of for large-scale solar generation
19 in the San Luis Valley is a concentrated solar power
20 plant in Saguache County, somewhere near the town of
21 Saguache that's under consideration at the moment.

22 Going back to the previous speaker, Ms.
23 Law, that north-south corridor developing redundant
24 transmission lines in the existing corridor over Poncha
25 Pass would make most sense because it is closest to the

1 proposed facilities in the northern end of the San Luis
2 Valley.

3 As to an earlier question, Your Honor,
4 that you asked, there are two components of the
5 renewable transmission. The other one being wind.
6 Wind is most acknowledged to the eastern plains
7 generated, which requires additional power transmission
8 as well. I would be a very big advocate of decoupling
9 the two, transmitting from the plains towards Denver
10 and Boulder; and from the northern San Luis Valley and
11 the existing corridor through Poncha Pass, again
12 towards Denver-Boulder.

13 But I am more an advocate of the paradigm
14 shifting to the Denver-Boulder area, allow larger than
15 100,000 watt systems, instead of 1 kilowatt; allowing,
16 as California did, the on-site solar generation to move
17 towards the 3-megawatt on-site systems that could then
18 interconnect with the grid at that location without the
19 need of transmission lines.

20 I think I've covered my agenda. They
21 were all my notes from tonight.

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

24 Counsel?

25 (No response.)

1 A.L.J. JENNINGS-FADER: Mr. Johnson, I
2 just have one quick question.

3 THE WITNESS: Okay.

4 A.L.J. JENNINGS-FADER: As I understand
5 your statement, if -- it doesn't matter at this
6 juncture whether we're talking about the northern or
7 the southern route, it still would impact your view; is
8 that -- from your residence; is that correct?

9 THE WITNESS: Correct.

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

11 THE WITNESS: And I'll -- our view would
12 include about eight miles of that transmission line.

13 A.L.J. JENNINGS-FADER: Okay, thank you
14 very much.

15 THE WITNESS: Okay.

16 A.L.J. JENNINGS-FADER: I appreciate it.
17 Thank you for taking the time to come down.

18 Sandy Borthick.

19 Good evening.

20 MS. BORTHICK: Hi.

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

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

25 And could you state your name and spell

1 your last name for the record, please.

2 THE WITNESS: My name is Sandy Borthick,
3 spelled B-o-r-t-h-i-c-k.

4 A.L.J. JENNINGS-FADER: Thank you,
5 Ms. Borthick.

6 What's your statement tonight?

7 THE WITNESS: I have a statement which I
8 was just planning to read; however in light of the
9 other statements that have been made, I wanted to add
10 to it.

11 I have sent this E-mail to all of the
12 elected and appointed officials on the list provided to
13 me by Deb Lathrop.

14 I'm writing to ask for a moratorium on
15 all decisions at every level of government relative to
16 both the proposed Silver Mountain Wind Farm and the
17 proposed San Luis Valley-Calumet-Comanche transmission
18 project until the following two issues have been
19 resolved: Number one, the completion of the Huerfano
20 County Land Use Guide and Comprehensive Plan. It is
21 imperative that the citizens of Huerfano County finish
22 developing both the spirit and the letter of the laws
23 we want to enforce here, prior to our elected and
24 appointed officials proceeding with the permit process
25 for any land use projects, especially high voltage

1 power lines, wind farms, solar farms, coal bed methane
2 extraction, and other high impact development projects.

3 Number two, completion of the
4 Environmental Impact Statement required by the U.S.
5 Department of Agricultural's Rural Utilities Services
6 loan approval process, in accordance with the National
7 Environmental Policy Act. The E.I.S. is required as
8 part of the application for funding by Tri-State
9 Generation & Transmission Association to help fund its
10 share of the proposed San Luis Valley-Calumet-Comanche
11 transmission project.

12 I want to add -- and then I thank you for
13 your courtesy in considering these items.

14 I sent that E-mail on Friday, November
15 the 6th.

16 Tonight I would like to add three points:
17 Point number three -- and again, this is in the same
18 context, no action until these matters are resolved.
19 Item number three is the ground truthing, with measured
20 data at each prospective wind and solar site. The
21 National Renewable Energy Laboratories has a
22 presentation on line by Debbie Lew -- it's the Western
23 Wind Power Resources Database. You can Google that and
24 find it. I have a couple pages here, if you want the
25 cover sheet.

1 There is a map there of Colorado -- there
2 is a map there of the entire United States, but there
3 is a map there of Colorado that's color-coded to show
4 the availability of wind power at 100 meters in the
5 air, which is the approximate height of the turbines
6 that they are talking about. Those are estimated power
7 values. Those are not measured on the ground, they are
8 measured from climatological data, which is sparsely
9 gathered in our area.

10 Okay, so that's number three.

11 Number four, I'm very much in sync with
12 the statements of Mr. Richard Johnson and also with the
13 prior testimony of Dan Pike of Colorado Open Lands, and
14 of Cody Wertz, with the Trinchera Ranch. And all three
15 of those folks are for augmenting the existing northern
16 route out of the San Luis Valley -- that's the Poncha
17 Pass route -- if you are going to net export from the
18 San Luis Valley.

19 I'm opposed to high voltage power lines
20 in Huerfano County, period.

21 End of report.

22 And I agree very much with Richard
23 Johnson on the matter of a paradigm shift to provide
24 local power generation, local power backup.

25 I'm a citizen of Huerfano County. I'm

1 also a member of the San Isabel Electric Association
2 which bills itself as a co-op. It does not
3 historically consider the wishes of its members;
4 instead, it pursues projects with other large
5 commercial entities and disregards the feelings and
6 interests and intelligence of its members.

7 I find this entire process to be very
8 frustrating. It is sad and disappointing that so many
9 specialized layers of commercial entities, governments,
10 well-meaning protectors like the Western Resource
11 Defense Council and others could come into our area,
12 ostensibly in support of the same thing, clean
13 renewable energy, and without any productive
14 interaction to speak of.

15 What do I call you, Madam Chairman, Ms.
16 Judge -- I want to address you appropriately.

17 A.L.J. JENNINGS-FADER: Your Honor works,
18 yeah.

19 THE WITNESS: At the beginning, you said
20 the purpose of this gathering was to get information on
21 public convenience and necessity. I find, in
22 consideration of all the materials I've tried to review
23 on line, there is no public convenience to this
24 transmission line. This is a matter of convenience and
25 investment on the part of Tri-State, Xcel, and San

1 Isabel.

2 There is no matter of public necessity,
3 bearing in mind the manner of options we have to
4 generate and use power locally and back power up
5 locally.

6 In a former life, I was a technical
7 editor for a publication that handled communications
8 for large communications systems, Business
9 Communications Review. In that capacity, I was well
10 aware of a number of national studies about the
11 reliability of our telephone transmission networks.

12 Many of you may already know that our
13 grid, being controlled by computers and telephone
14 connections, be they wireless or wired, is subject to
15 interference by bad guys, for lack of a better word,
16 who can zap that grid and take down any number of power
17 generating facilities. In light of that safety issue,
18 in light of that national security issue, it seems all
19 the more important to me that we here in Huerfano
20 County, and the people in Boulder and Denver and
21 wherever they need more power, undertake efforts like
22 the City of Gainesville, Florida, to fund, produce,
23 use, backup, and then share, if they are able to do so
24 at a profit, with others.

25 This is not the business model of

1 Tri-State Generation, San Isabel Electric, or Xcel
2 Energy; but I would hope, with Richard Johnson, that my
3 testimony might help to turn the tide.

4 Thank you.

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 for -- thank you very much for your statement,
10 ma'am.

11 Robert -- excuse me, Robyn Richard or
12 Richards?

13 MS. RICHARDS: Good evening.

14 Thank you for your patience.

15 A.L.J. JENNINGS-FADER: Well, I actually
16 I should be thanking you.

17 ROBYN RICHARDS,
18 having been called as a witness, being first duly
19 sworn, testified as follows:

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

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

23 THE WITNESS: Robyn Richards,
24 R-i-c-h-a-r-d-s.

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

1 much, ma'am.

2 Have you a statement?

3 THE WITNESS: I just wish to concur with
4 the following individuals who have given statements:
5 Those individuals are Sandy Borthick, who preceded me;
6 Richard Johnson; Sam law; and Gerald Keefe.

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

8 Anything further?

9 THE WITNESS: Nope.

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

11 (No response.)

12 A.L.J. JENNINGS-FADER: Thank you very
13 much. I appreciate it.

14 THE WITNESS: Thank you.

15 A.L.J. JENNINGS-FADER: Thank you for
16 taking the time to come in.

17 THE WITNESS: You are welcome.

18 A.L.J. JENNINGS-FADER: Ray Garcia?

19 Good evening.

20 MR. GARCIA: Good evening.

21 RAY GARCIA,

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

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

25 I would like to state your name and spell

1 your last name for the record, please.

2 THE WITNESS: Ray Garcia, G-a-r-c-i-a.

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

4 And what's your statement this evening?

5 THE WITNESS: My statement this evening
6 will be not in opposition to the power line.

7 I am a fifth generation resident and
8 landowner of the Huerfano valley.

9 In the early 1970s, my father gave to my
10 brother and I 160 acres south of Sheep Mountain, which
11 is north of La Veta Pass.

12 In the early 1980s, ARCO proposed a
13 115-kilovolt line that would have crossed our land
14 diagonally, which split it. My brother and I, at that
15 time, were very opposed to it -- so opposed that our
16 father was very upset with us. He said, if he would
17 have known, we would have been that opposed to it, he
18 would have never given us the property. He saw this
19 new ARCO 115 line as new jobs to the valley that he
20 thought was very necessary. And through the years, his
21 insight was proven positive.

22 At the time, we were also told that the
23 line would disrupt elk migration and other wildlife in
24 the area. Since I have been living there all my life,
25 I have found that the elk have proliferated even more

1 so. There are a lot more deer, elk, and even Rocky
2 Mountain sheep in the area. They roam right underneath
3 the line as it is now.

4 In the late 1940s, an electric
5 distribution system was built in rural Huerfano County.
6 That system would have not been possible if residents
7 at that time would have opposed it for aesthetic
8 reasons. Instead, everyone was overjoyed to get
9 electricity service in the area.

10 Now that electricity is considered a
11 right instead of a privilege, new transmission and
12 distribution is being challenged and opposed to all the
13 time.

14 It is projected that by 2030, electric
15 consumption will increase by 30 percent. 45 percent of
16 that power will be used by electronics. In the past
17 ten years, consumption has increased by -- consumption
18 use has increased by 15 percent, and that's just for
19 computers alone.

20 As mentioned about putting the scar on
21 our land, everything man does puts scars upon our land,
22 which is to build a house, roads, fences, anything that
23 is actually necessary for a society to function.
24 Sometimes these are necessary evils. This power line
25 is needed to help our cooperative brethren in the San

1 Luis Valley. As I stated, I think it is very
2 necessary.

3 Most long-time ranchers, like myself, in
4 the area that I live, don't really like this line but
5 they realize that sacrifices have to be made for
6 progress in our country.

7 Thank you.

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

10 UNIDENTIFIED SPEAKER: Excuse me. He did
11 not state that he's on the San Isabel board of
12 directors. And I really feel this is a conflict of
13 interest not to say that.

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

15 CROSS-EXAMINATION

16 BY MR. FLANAGAN:

17 Q Mr. Garcia, are you on the board of
18 directors of San Isabel?

19 A I am. But I am not here as a board
20 member of San Isabel. I am speaking as a resident of
21 the upper Huerfano-Gardner area.

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

24 I'm not even going to attempt this name.

25 MS. LAW: You know who you are.

1 A.L.J. JENNINGS-FADER: The first person
2 that signed the second sheet, David with the last name
3 that begins with a G -- and, sir, my sincere apologies.

4 MR. GNAIZDA: That's all right. I'm
5 definitely used to it.

6 My name is David Gnaizda, G-n-a-i-z-d-a.
7 And I rise today in opposition.

8 A.L.J. JENNINGS-FADER: Sir, I need to
9 swear you in.

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

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

14 And we have the spelling of your last
15 name, Mr. Gnaizda.

16 THE WITNESS: Gnaizda.

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

18 THE WITNESS: I rise in opposition to the
19 east-west corridor transmission lines.

20 We are all in favor -- strongly in favor
21 of the renewable resources and electricity, but we have
22 two prime existing corridors, Alamosa to Poncha Pass to
23 Denver, I-25 north to Denver. There is no logical
24 reason to string high power tension lines across some
25 of the most rugged and beautiful terrain that still

1 remains in the United States.

2 And regarding the reliability factor in
3 the San Luis Valley, at one of the scoping meetings
4 that I attended prior to this, I asked an Alamosa
5 engineer what -- how many hours was the City of Alamosa
6 out of electricity during the entire year of 2008? And
7 he thought and thought and he said maybe a total of
8 five hours.

9 There is no logic in \$180 million of
10 taxpayer money being spent for five hours of outage,
11 especially when the redundancy for Alamosa is being
12 built into the valley.

13 And Huerfano County, the east side, we
14 have Boone, Comanche, Calumet, Walsenburg, would be a
15 perfect backup for us and also a perfect line out of
16 any wind power -- projected wind power that might
17 happen.

18 Distributed generation, conservation --
19 which nobody has mentioned -- the location and the
20 reliability all point to denial of this east-west
21 transmission corridor. Thank you.

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

24 (No response.)

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

1 much.

2 I -- I have a question.

3 THE WITNESS: Excuse me, Your Honor.

4 Pardon me.

5 A.L.J. JENNINGS-FADER: That's fine. I
6 understand the relief and the need to get away. I've
7 got it.

8 I just wish to be sure I understand the
9 concern is with the transmission line, period, or the
10 concern is with a particular location of the
11 transmission line.

12 THE WITNESS: No. I mean, just the --
13 just coming across Forbes Trinchera, when you drop out
14 of Huerfano County going west and come over the top of
15 La Veta Pass, it is one of the most spectacular views
16 in the entire United States as you look up to the
17 northeast -- northwest; and there is Blanca and those
18 plains. And, you know, it's not my neighborhood -- and
19 by the way, I would be affected much more by the north
20 side than -- the northern route through Huerfano County
21 than the southern route.

22 We were -- I almost feel like we were
23 bushwhacked here because we have been informed for the
24 last three or four months, since this project started
25 that, Oh, it's the southern route, it's the southern

1 route, that's what we're going to emphasize; and now,
2 two days before you are here, keeping records, none of
3 the northern route people -- we've all been lulled to
4 sleep, thinking that, oh, the route is going to go
5 south. All the southern route people are thinking, Oh,
6 now I'm relieved it's not going to go through my
7 backyard. You know -- and it's just kind of twisted.
8 We've got the wrong people here.

9 And yet at the same time, two days after
10 the Alamosa meeting tomorrow, they could come back and
11 say, Oh, we've changed our mind again; now we're going
12 to want that southern route.

13 It's -- it's a totally misleading
14 project.

15 RUS sent someone here to talk to us. And
16 what did he say? Oh, I'm not an engineer. It's --
17 they have not -- none of the scoping meetings gave us
18 any reason why we need this east-west transmission
19 line. We have I-25, we have Poncha Pass. They have
20 been good for 65 years. The corridors are there. Why
21 destroy -- I happen to have been on the County Planning
22 and Zoning back in the late '70s, early '80s, when they
23 put in the first County Master Plan.

24 And one of the key points of that master
25 plan was the preservation of the 160 corridor. We knew

1 that that is the heart of Huerfano County. That's
2 where people come when they come from the west, when
3 they come from the east. That's where they see the
4 beauty of our county.

5 We're becoming a utility to the Front
6 Range. They want our water, they want our gas, they
7 want our wind. And they don't care what happens to us
8 in the meantime.

9 So, yes, I object to whatever.

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

11 THE WITNESS: Thank you, ma'am.

12 (Discussion off the record.)

13 A.L.J. JENNINGS-FADER: No, stop. I was
14 completely serious.

15 Thank you.

16 Laura -- I think it's Fagler.

17 MS. FAGLIE: Faglie.

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

19 MS. FAGLIE: Good evening.

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

23 THE WITNESS: I affirm it will be the
24 truth.

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

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

3 THE WITNESS: Laura Star, Faglie,
4 F-a-g-l-i-e.

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

7 And what's your statement this evening?

8 THE WITNESS: My statement is concerning
9 a halfbreed Native American that owns land in Huerfano
10 County. And before I go any further, can I ask a
11 question -- can I?

12 A.L.J. JENNINGS-FADER: I may not answer,
13 but you may ask.

14 THE WITNESS: Well, it would be to the
15 audience.

16 A.L.J. JENNINGS-FADER: No.

17 THE WITNESS: Oh. Well, I just was
18 wondering if any more of the Commissioners were here.
19 Can you answer that?

20 A.L.J. JENNINGS-FADER: I don't know.

21 THE WITNESS: All right. Well, you
22 answered it. I got an answer.

23 Well, first of all, I didn't know that I
24 was going to talk tonight.

25 We follow a path of spirit and the

1 elder's placed this on me. And I don't know where to
2 start because there is -- a lot was said. But a lot of
3 people said a lot of truth tonight, and I affirm the
4 ones that really spoke from the heart.

5 Our power in our country needs on a local
6 level.

7 And I don't quite understand what the big
8 power wattage lines are that is going to have so much
9 solar panels and wind energy in San Luis Valley; they
10 aren't going to have no room to farm, to be able to
11 send electricity back to that line over here.

12 And then the other is, I told my
13 neighbors, when this first came down and this company
14 first put the proposed routes in the courthouse, that
15 it wasn't going to go over there; they going to stir up
16 La Veta; and who is going to get it is over at Gardner.
17 So the Gardner people are very common people; and, of
18 course, they are known for their hippy generations over
19 there.

20 So Huerfano County is kind of symbolic,
21 this is the beginning of a movement that American
22 people need to go to, about having local renewable
23 energy at a local base.

24 And the other thing is that ARCO did come
25 in at -- in the '80s, and I think this power line -- I

1 would like to research it, I haven't had time -- where
2 this came in that's over on CC-1 Subdivision; and all
3 utility lines are supposed to follow the property
4 boundaries of people that paid prices for these 35
5 acres. And if that was so, it would be zigzaggy. That
6 would be something to investigate.

7 And the other is, we never know the
8 bigger picture.

9 And I've worked as a nuclear health
10 physics for the nuclear power companies. And that was
11 called -- the elder's had a vision for me to go into it
12 to find out about in 1996. Grandma The Fourth got the
13 whole 14 nations together. And that's the reason why
14 the utilities -- the last chance of trying to get on
15 the reservation was in New Mexico with Apaches; because
16 on the reservation, they are a sovereign nation and the
17 EPA has no control.

18 And renewable energy -- I think nuclear
19 power rides that fence. They are going to start
20 talking about that as renewable energy.

21 And these big power lines is going to
22 cross -- like I said, I don't believe that there is
23 that much room over there, with all the farmers, for
24 total wind and solar being able to come out of the San
25 Luis Valley for Denver and the other big cities.

1 And the other thing is, like I told my
2 neighbors when this first started, that the big thing
3 to hit, make people feel like they are relieved, is the
4 most natural archconservative area in Huerfano, which
5 would be La Veta -- not saying Gardner and Walsenburg
6 is not; but you get those people stirred up, they will
7 be relieved because it's not going there. But tonight
8 people talked that they are thinking about their
9 neighbors throughout the county. And I give praise to
10 the great spirit for it. And -- which I had told that
11 the elders had this vision that it will be going up by
12 69 and that a way.

13 The Native Americans don't let all their
14 history out; but the Hopis, that Mount Blanca is the
15 eastern door for the kachinas. There are four
16 mountains that mark the sacred Four Corners. And the
17 Hopi's story of how they survived the fourth world,
18 when it was destroyed -- and the fifth.

19 Well, those settlers called Sheep
20 Mountain Little and Big Sheep because sheep was up on
21 them; but that is a natural monument of the Ant
22 People -- the whole mountain range is one connection of
23 a monument of a huge ant.

24 And the other is that just always wanting
25 to state at a meeting the big power line -- if you look

1 and see what solar panels over there by Mosca is going
2 to generate, they could use just a regular electric
3 line sending that stuff back.

4 We are -- the bigger picture that the
5 common people don't get a good taste of is that we're
6 in store -- Colorado is, to have its first nuclear
7 plant. They decommissioned Fort St. Vrain in 1991.
8 That was the only graphite coal-safe nuclear plant that
9 we had.

10 And then Palo Verde is the largest
11 nuclear plant in the world. We have three reactors out
12 there, it's 1250 megawatts. It furnishes electricity
13 to Colorado, to Texas, to Mexico -- to New Mexico.

14 And the Comanche Peak is up here. It's
15 not coincident that the substation is called Comanche.
16 They have got to have -- we're going to -- we're fixing
17 to have the nuclear plants come up because we're
18 hurting so much for energy.

19 And I just want you to encourage the
20 people to start standing up for what they know is
21 right, and it's real renewable energy.

22 And I'm out of oxygen now. So --

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

24 (No response.)

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

1 much, ma'am. I appreciate your statement.

2 THE WITNESS: Oh, one last thing.

3 Also out there, where they are talking
4 about, is kangaroo rats. And I believe if you research
5 history, they are still an endanger pieces -- species
6 list. And on top of that, you know, with organizations
7 that we got, they shut down that \$7 billion horse
8 center up there by Denver.

9 And we got white tail prairie dogs out
10 there, beside, I imagine, all the two-leggins going to
11 stand up for all the illness it's going to cause us.

12 A.L.J. JENNINGS-FADER: Mark Goodale?

13 MARK GOODALE,
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: Mark Goodale,
20 G-o-o-d-a-l-e.

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

22 And what's your statement this evening?

23 THE WITNESS: My name is Mark Goodale. I
24 reside the 5203 County Road 531, in Gardner, Lots 70
25 and 71. My wife Donna and I live at a residence there

1 and have since 2003.

2 I believe the newly proposed route of
3 this transmission line is slated to go right along the
4 south side of our property line, which is approximately
5 600 feet from the view out of our house.

6 I am a cancer survivor. And the thought
7 of this transmission line being this close to a house
8 that we built with blood and sweat actually makes me
9 nauseous.

10 When we were looking for property, we
11 actually looked for a place that didn't have any power
12 lines. And there are some down below us, but they are
13 really not within view of our house and they are
14 certainly not high voltage power lines. I believe this
15 transmission line would greatly devalue our property.
16 And its value -- it happens to represent a considerable
17 percent of our assets.

18 I think that's about it.

19 There is also a cemetery on our property.
20 It has nothing to do with us, it's -- it was there from
21 an early settlement.

22 I just want to state that I'm very much
23 against this proposed route for the transmission line
24 and any other high voltage transmission line in
25 Huerfano County.

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

2 Counsel?

3 (No response.)

4 A.L.J. JENNINGS-FADER: No comment --
5 excuse me, questions.

6 Thank you, sir, very much, for taking the
7 time to make your statement. We appreciate it.

8 THE WITNESS: Thank you.

9 A.L.J. JENNINGS-FADER: Mark Barbe.

10 Good evening, sir.

11 MR. BARBE: Hello.

12 MARK BARBE,

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

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

16 Could you state your name and spell your
17 last name for the record.

18 THE WITNESS: It's Mark Barbe, B-a-r-b-e.

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

20 And what's your statement this evening?

21 THE WITNESS: Well, a lot of the things
22 that I was going to say have been said, so I'm happy to
23 hear that.

24 We own a piece of property in Abeyta
25 Creek Acres and have a house there. And we are another

1 of the parties that was not notified. I believe that
2 our property is not -- or our house is not on this map,
3 so I'll try to make sure that it is -- can we do that
4 this evening?

5 A.L.J. JENNINGS-FADER: You may.

6 THE WITNESS: Okay. And I guess I wanted
7 to say that when we bought our piece of property, we
8 had really very little development around us. There
9 were some neighbors, and everything was fairly
10 peaceful. Very shortly thereafter, we moved to our
11 house, they put a gas compression station right below
12 it. For 18 months that station vented CO-2 into the
13 atmosphere that was pumping out of the ground, using a
14 power line that is devoted exclusively to it -- that
15 runs along Highway 160 -- that was put in place only
16 for the purposes of running that compression station.

17 I believe that the amount of electricity
18 used by that line is the equivalent of three Huerfano
19 counties, in terms of revenue to San Isabel Electric.
20 We did a lot of things to try to keep that line from
21 being put in place and it was still done.

22 That line runs, according to the County
23 Land Use Code, within the scenic corridor along Highway
24 160. That Land Use Code was ignored when that line was
25 put in place.

1 The proposed southern route, that is not
2 a priority route at this time -- but is still certainly
3 not off of their maps -- would border our -- or be very
4 close to our southern property boundary and would cross
5 Highway 160 at an area that, unfortunately, the State
6 has called a scenic area. There is a sign on 160 that
7 points to this scenic area -- it's a pull-off, off of
8 Highway 160, County Road 450, that goes into La Veta.
9 And people can stop there. There are picnic tables.

10 Over the years, I've taken a series of
11 pictures of that area, looking to the west toward Mount
12 Maestas, M-a-e-s-t-a-s; and it, at one point in time,
13 was a very open and beautiful scenic plain.

14 A friend of mine is an art instructor and
15 holds classes -- and has for years in this county. And
16 that was one of his favorite spots to take his students
17 for painting. He makes his living doing that in this
18 county.

19 I have a picture of it, before any of
20 this development occurred; and then I have a picture of
21 it when the 115 kv line went in to serve the
22 compression station. And just recently, I took that
23 same picture and superimposed what the -- what this 235
24 kv line would look like as it crossed 160, right at
25 that particular location. So we continue to add insult

1 speaking out of both sides of its mouth when it says it
2 needs power in the San Luis Valley and needs power in
3 Boulder. Where do you need power? If you extract
4 power in the San Luis Valley to feed Boulder, then you
5 are not taking care of the problem in the San Luis
6 Valley. I mean, the San Luis Valley can't be all
7 things to everyone.

8 Transmission requires -- well, by
9 definition, results in giant losses of energy over
10 time -- or over distance when you move electricity
11 across a piece of wire. There are certainly renewable
12 resources much closer to Boulder than the San Luis
13 Valley.

14 I think that's about all I have to say.

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

16 (No response.)

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

19 THE WITNESS: All right, thank you,
20 ma'am.

21 A.L.J. JENNINGS-FADER: Cliff Arnell.

22 Good evening.

23 MR. ARNELL: Your Honor.

24 CLIFF ARNELL,

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 name and
4 spell your last name for the record, please.

5 THE WITNESS: Cliff Arnell, A-r-n-e-l-l.

6 A.L.J. JENNINGS-FADER: Sir, what's your
7 statement, this evening?

8 THE WITNESS: I guess I'm here
9 representing my grandkids who will be inheritors of the
10 property just on the other side of the top of La Veta
11 Pass. And also our property happens to be right in the
12 middle of what was just mentioned by the last speaker,
13 with the new power line running right up the face of it
14 for a mile. We also argued against that, of course,
15 and lost.

16 I didn't plan to speak, really; but I
17 noticed you, Your Honor, had an interest in alternative
18 power sources and maybe an alternative way of going
19 about all of this.

20 I think it's a shame, when we hand over a
21 few million or billion dollars to big business and say
22 to them, You guys are in this business, you must be the
23 right people to be expending it.

24 I think that the idea of saving energy is
25 as important as making more of it or making more use of

1 solar energy.

2 We live in a house we built 23 years ago.
3 We have eight big windows on the south side of our
4 house which supply our house with about 40 percent of
5 our heat every year. Everyone in this room could do
6 that.

7 There could be legislation that said a
8 house needs to get 10 percent of its annual heating
9 bill from the sun rather than from an electric wire or
10 a gas pipe. There is so much wrong with what's being
11 mandated here in the way of looking at where the energy
12 is coming from and where it's going. And I think we
13 can all benefit from looking at it on an individual
14 basis.

15 We have our solar panels. We had solar
16 hot water at one time. I use wind to pump our water.

17 The overall picture of that, if you apply
18 it in a neighborhood, is noisy windmills and lots of
19 solar panels and rules about shade that -- and yet is
20 that any worse than having huge power grids running all
21 over this country?

22 I saw a map of the United States in a
23 Popular Science magazine last month; someone in a very
24 high position has decided that this grid of electric
25 lines does not have to be there. I think it doesn't

1 have to be there. I have heard of people that don't
2 think it has to be there.

3 The idea of decentralizing our power
4 generation -- I believe that Xcel in Denver offered
5 incentives as high as 20 or \$30,000 to people who would
6 put solar electric panels on their roof. Admittedly,
7 the sun only shines in the daytime -- that's why you go
8 there at night.

9 But if you think about where -- how much
10 are we trying to save here, 10 percent? That's
11 probably two hours of sunshine a day with La Veta and
12 Boulder and Denver. If you put the solar panels on the
13 roof, the power goes right through the power meter and
14 out to the grid. And in the long run, we save the
15 energy we need without ever having to have these long
16 range transmission lines.

17 Someone pointed out they are wasteful. I
18 agree with that. They are certainly an environmental
19 abomination. They run right up to the face of our
20 property.

21 Someone earlier mentioned destruction of
22 the 160 corridor -- well, it's begun. It ran up right
23 up the face of our property, 75-foot-tall power lines,
24 a mile of it. There are seven and a half miles of
25 scenic corridor shot forever.

1 That's the kind of legislation we're
2 getting locally. It's caused by the pressure of big
3 business. And I think if our government would take a
4 step back and take a look and say, yes, we do need to
5 keep good -- big government -- big business going, but
6 we also need to think about our kids' future. Do we
7 want to talk about double-digit -- or double the number
8 of leukemia cases? Do we want to talk about this set
9 of lines growing into something ten times as big in 20
10 years?

11 Think about it. Get control of things
12 now. Now is the time.

13 That's all I have to say.

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

15 Just a moment.

16 Counsel?

17 (No response.)

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

19 Thank you very much, sir, for your
20 statement.

21 Mary Lynn Hughes.

22 Good evening.

23 MARY LYNN HUGHES,
24 having been called as a witness, being first duly
25 sworn, testified as follows:

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

2 I would appreciate it if you would state
3 your name and spell your last name for the record.

4 THE WITNESS: Mary Lynn Hughes,
5 H-u-g-h-e-s.

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

7 What is your statement this evening?

8 THE WITNESS: I have a very short
9 confirmation of Ms. Laws, Ms. Borthick, Mr. Keefe,
10 Mr. Johnson, and Mr. Gnaizda's position. I support
11 their positions. And that's all.

12 A.L.J. JENNINGS-FADER: That was short.
13 Counsel?

14 (No response.)

15 A.L.J. JENNINGS-FADER: Thank you very
16 much, ma'am. I appreciate you taking the time.

17 With that, amazingly we have come to the
18 end of the folks who had signed up to make statements
19 this evening.

20 I do still have one pending question left
21 over from the very first person, this morning -- or
22 this evening, rather, Mr. Keefe; and that has to do
23 with the possibility of supplementing the record.

24 Have you had an opportunity, Mr. Keefe --
25 still not ruling on supplementing the record, as to

1 whether or not I allow it, that you would have
2 something available by -- I think I said Thanksgiving
3 week. I don't have a calendar. I don't know what that
4 date is.

5 MR. KEEFE: I think we had a discussion
6 on that and felt that short a timeline is not going to
7 allow us to do as thorough a job we need to and do
8 justice to what we were trying to present. And we were
9 actually -- I think the earliest we thought we could
10 come up with something that was credible by getting
11 together with Ms. Law and everyone else of the property
12 owners would be a January date of some sort.

13 A.L.J. JENNINGS-FADER: Okay.
14 Unfortunately, sir, as you may know, the evidence
15 hearing in this matter will be held the 14th to 18th
16 and the 21st of December. And I cannot accept evidence
17 which would come in after the date of the hearing.

18 MR. KEEFE: Can I just confer, real
19 quickly, if that is anything we think is appropriate,
20 that we could meet or would we say that's just
21 beyond --

22 MS. LAW: I don't think we will know
23 until tomorrow.

24 MR. KEEFE: Could we have a date -- the
25 latest date that you feel you could probably give us

1 and then we can discuss and maybe get back to you
2 whether or not we believe that's a date that we could
3 comply with?

4 A.L.J. JENNINGS-FADER: Sure.

5 MR. DOUGHERTY: The 25th is the day
6 before Thanksgiving.

7 MR. FLANAGAN: The 23d is Monday of that
8 week.

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

10 MR. FLANAGAN: 23, 24, 25.

11 MR. KEEFE: I think you indicated some
12 December dates.

13 A.L.J. JENNINGS-FADER: The December
14 dates are the dates of the evidentiary hearing. And if
15 I were to allow a supplemental -- a supplement this
16 record -- just so you understand the process, the
17 parties in the case have an opportunity to respond to
18 the statements and the information that has come in
19 this evening. So I would place them in a severe
20 disadvantage if I were to allow a supplement at a date
21 so close to the hearing that they could not make a
22 presentation or response.

23 So I do think it would have to be the
24 23d -- no later than the 25th of November.

25 MR. KEEFE: I would say at this time --

1 at the risk of losing the possibility of an extension
2 at all, that we would be willing to accept that; and if
3 we find that's something we can't comply with, we will
4 notify you in a timely fashion.

5 A.L.J. JENNINGS-FADER: Okay. If the
6 supplemental information is limited to, I believe, what
7 Ms. Law indicated in terms of depreciation, if any, in
8 value or concerns about property values, then I'll
9 allow the supplement no later than the 25th of
10 November.

11 MR. KEEFE: Yes, it would be limited to
12 that information only.

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

14 MR. KEEFE: Certainly.

15 A.L.J. JENNINGS-FADER: Please let me
16 know if you are not able to make that date, because
17 I'll inform the parties.

18 MR. KEEFE: We will.

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

20 I have held many public hearings as an
21 Administrative Law Judge on behalf of the Commission.
22 This is by far the most well attended hearing and the
23 statements have been, by far, the most cogent and
24 informed statements that I've heard at a public
25 hearing.

1 I would like to thank each of the people
2 who took the time to make a statement this evening, and
3 certainly all the folks who took the time to put
4 together the exhibits and the other information which
5 have been admitted into the record in this proceeding.

6 Thank you all very much.

7 (Discussion off the record.)

8 A.L.J. JENNINGS-FADER: The map up here
9 that has the yellow, red, and blue dots, and will be
10 available for about another ten minutes or so. So if
11 anyone who -- Ms. Law, why don't you just be in charge
12 of it.

13 MS. LAW: I'll be in charge.

14 A.L.J. JENNINGS-FADER: So anyone that
15 wants to do so, may come up; and following the
16 instructions of Ms. Law, place a yellow, red, or blue
17 dot appropriately on the map.

18 And then that will be not changed.

19 (Discussion off the record.)

20 (Whereupon, at 9:08 p.m. the hearing
21 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 20, 2009.

JAMES L. MIDYETT, CSR
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