

IT IS SO ORDERED.

This Order was adopted by the Planning Commission on this 20th day of December, 2018.

THE SANTA FE COUNTY PLANNING COMMISSION

Charlie Gonzalez
Charlie Gonzalez, Chairperson



ATTEST:
Geraldine Salazar
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

R. Bruce Frederick
R. Bruce Frederick, County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss PLANNING COMMISSION OR
PAGES: 13

I Hereby Certify That This Instrument Was Filed for
Record On The 26TH Day Of December, 2018 at 09:15:43 AM
and Was Duly Recorded as Instrument # 1875678
of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Ganika Quiñana County Clerk, Santa Fe, NM

NOTICE OF RIGHT OF APPEAL

Ordinance 2016-9, the Sustainable Land Development Code, Chapter 4, Section 4.5.4. Appeal of a Final Decision of the Planning Commission. Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within thirty (30) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be forwarded by the Administrator to the Board. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal shall be placed on the docket of the Board for consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

SFC CLERK RECORDED 12/26/2018

- B. Case # CUP 18-5050 PNM BB2 345kV Transmission Line Project Conditional Use Permit. PNM, applicant, Laurie Moye, Agent, are requesting a Conditional Use Permit to construct approximately 31 miles of new single-circuit 345kV transmission line in southern Santa Fe County. The proposed transmission line will connect PNM's existing Clines Corners 345kV Switching Station (within Santa Fe County) to a new switching station within Sandoval County. The new single-circuit transmission line will be located immediately adjacent to the existing BB 345kV transmission line on a separate 150' easement. The steel "H" frame structures (140 pole sites) will be constructed 120' to 150' in height. The proposed 31-mile transmission line will meander through State Land (2.5 miles) and through parcels that are zoned Agricultural/Ranching and Rural (31 miles). Ordinance No. 2016-9, the Sustainable Land development Code, Appendix B, Use Matrix, identifies high-voltage electric power transmission lines as a Conditional Use within these Zoning Districts. The proposed transmission line will run east to west within southern Santa Fe County, north of Stanley and north of Golden, meandering through approximately 25 separate parcels of land, within T 10, R 7, 8, 9, 10, 11 E, T 11, R 7, 8, 9, 10, 11 E and T 12 N, R 7, 8, 9, 10, 11 E, SDA-3, (Commission District 3) [Exhibit 1: PNM provided BBE, 345kV Transmission Line Project slide deck; Exhibit 2: PNM provided CD; Staff report on file with Land Use Department]

CHAIR GONZALES: Let's get started. The next case is case #CP-18-5050, PNM 345 kV Transmission Line Project. Jose, please proceed.

MR. LARRAÑAGA: Thank you, Mr. Chair. [Reads caption] Just for clarification throughout the report, the applicant's submittal and staff report make reference to the "BB Line". The "BB Line" is an existing 345kV transmission line on an existing 150' easement, which was constructed in 1984. The CUP request is for the proposed BB2 345kV transmission line on a separate 150' easement. The applicant labeled documents as exhibits and/or attachments which are in staff's exhibits and which do not coincide with exhibits listed on page 13 of this report.

The BB2 Project consists of construction of a single-circuit line within southern Santa Fe County, commencing from the existing PNM Clines Corners 345kV switching station, which is on state land within Santa Fe County, to just west of NM-14 to the Santa Fe County line then to a point in Sandoval County. The BB2 Project is approximately 31 miles on private property for the new single-circuit 345kV transmission line. The line is also located on approximately 2.5 miles of state land on the existing Clines Corner Switching Station.

The new single-circuit line will be located immediately adjacent to the existing BB 345kV transmission line built in 1984, within an existing 150-foot easement and will



expand the existing utility corridor. The new construction will require an additional easement 150 feet in width. PNM is currently working with private landowners to obtain this easement. Access for the BB2 Project will be from existing roads adjacent to the site and the existing PNM patrol 2-tracks which is on the existing BB 150 foot easement.

The applicant states, "The BB2 project is proposed in response to a wind farm developer who has entered into an agreement with PNM to transmit into the transmission grid the electricity generated by a new wind development in Torrance County, New Mexico. PNM is required by the Federal Energy Regulatory Commission to develop the requested capacity on its transmission system to serve this wind farm developer. In order to serve the wind farm developer, PNM will need to build a new transmission line in southern Santa Fe County to deliver this new wind energy. The new single-circuit line will be located immediately adjacent to the existing BB 345kV transmission line and this will expand the existing utility corridor."

Structure type for the BB2 project is a single-circuit H-Frame and will be a dulled galvanized color to match the color of the existing BB structures. The typical height of the structures for the BB2 project is approximately 120 to 150 feet which meets the National Electric Safety Code standards for safety. The BB2 transmission structures will be located generally parallel to the existing BB transmission structures. Final locations of the transmission structures will be subject to site specific conditions. The BB2 Project consists of approximately 140 pole sites for the transmission structures in Santa Fe County. Each transmission pole site or structure area is approximately 20 x 40 feet. The average span length between transmission structures will be between approximately 1,000 to 1,500 feet. In rugged terrain, structures may be spaced up to 1,900 to 2,000 feet apart.

Ordinance 2016-9, the Sustainable Land Development Code, Section 7.12.1.3, states, "Above-ground electric utility lines that transmit electricity at a voltage greater than or equal to 46 kilovolts shall be designed and constructed at the minimum height necessary for the proposed structure to function properly and for public health, safety and welfare, as demonstrated by the applicant."

The applicant has submitted justification for the need of the required structure height which is contained in the report. Staff has reviewed the information submitted by the applicant demonstrating the need for the height of the structure and agrees with the applicant that in order for the structure to function properly and for public health, safety and welfare the structures require a height of 120 to 150 feet. The applicant has addressed the conditional use criteria and staff has responded as contained in the report. The applicant submitted the required studies, reports and assessments which include an environmental impact report and a fiscal impact assessment which are contained in the report.

The applicable SLDC design standards were addressed by the applicant which include the following: fire protection, historic and archaeological resources, terrain management and flood prevention and flood control.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a conditional use permit to construct approximately 31 miles of new single-circuit 345kV transmission line in southern Santa Fe County: the use is compatible with the current development within the Agricultural/Ranching and Rural Zoning Districts; the

SEC CLERK RECORDED 10/29/2018

use will not impact adjacent land uses; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

The applicant has demonstrated that the minimum height necessary, for the proposed structures to function properly and for public health, safety and welfare, would be 120 to 150 feet in height. The review comments from the State Historic Preservation Office and County staff have established findings that this application to construct 31 miles of new single-circuit 345kV transmission line immediately adjacent to the existing BB 345kV transmission line is in compliance with State requirements and design standards set forth in the SLDC.

Hearing Officer Recommendation: On July 12, 2018, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented recommended approval of the request for a Conditional Use Permit with the conditions recommended by staff.

Recommendation: The recommendation of the Hearing Officer and staff's recommendation is for approval of a Conditional Use Permit to allow a new single-circuit 345kV transmission line, 31 miles in length, running east to west within southern Santa Fe County, meandering through 25 separate parcels of land, with the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR GONZALES: Yes, you may.

[The conditions are as follows:]

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. Prior to recording the CUP the applicant shall submit, to staff for the record, the recorded documentation of the acquisition of the entire 31 mile, 150 foot wide easement utilized by the BB2 345 kV transmission line.
3. Prior to recording the CUP the applicant shall submit a Geotechnical Reconnaissance Report on the entire 31 mile, 150 foot wide easement utilized by the BB2 345kV transmission line. If the final design places a structure ("H" Frame) within a no build area, PNM is required to address the requirements specified in Chapter 7, Section 7.17.4. of the SLDC and submit the findings to staff for the record.
4. If the final design places a structure ("H" Frame) within a Zone A flood hazard area, PNM is required to work in consultation with the appropriate flood zone authorities to address the requirements specified in Chapter 7, Section 7.18.9.1.of the SLDC and submit the findings to staff for the record.
5. The patrol 2-track dirt road shall be capable of supporting emergency apparatus and shall be kept in good condition.
6. All mitigation implemented as recommended in the Environmental Impact Report shall be documented and the findings submitted to staff for the record.
7. Ground disturbance at archaeological sites LA 171600, LA 171612, LA190494 and LA 191147 shall be avoided. A mitigation plan shall be prepared and implemented for LA 55687 and LA 77436. The mitigation plan shall be provided

to the Historic Preservation Division for review and approval prior to implementation.

8. The maximum height of the "H" Frame structures to be utilized for the BB2 345 kV transmission line shall not exceed 150 feet.

MR. LARRAÑAGA: Thank you, Mr. Chair, and also this report and the exhibits listed below are hereby submitted as part of the hearing record. Mr. Chair, I stand for any questions.

CHAIR GONZALES: Thank you, Jose. Does the Commission have any questions of staff? Okay. Let me see if I do. Okay, thank you, Jose. Laurie.

[Duly sworn, Laurie Moye testified as follows:]

LAURIE MOYE: My name is Laurie Moye. I'm representing PNM. The office is at 2401 Aztec NE in Albuquerque, New Mexico, 87107.

Mr. Chair, Commissioners, Laurie Moye, coordinator, regulatory projects and public participation for the projects and program management department at PNM. I'm here to talk about the BB2 345kV transmission line project in Santa Fe County. I'm just going to walk through the slide deck. This is old school tonight. Slide deck in paper and some boards. Okay?

CHAIR GONZALES: Okay.

MS. MOYE: Slide #2 is about renewables. It's growing nationally. Renewable systems are more efficient and affordable and due to renewable requirements in many states, due to increase in public interest and demand for renewable energy, renewable energy is getting built. Wind is the blue, and you can see in 2003 New Mexico interconnected the first wind farm into the PNM system grid. In 2016, 13 years later, you can see nationally a substantial increase in wind development, almost 20-fold.

Slide #3, you can see that wind generation potential is huge and primarily in eastern New Mexico. The state can produce many times its own electrical consumption because of this potential and it is in a position to export wind energy.

What makes good wind energy? Consistent wind speeds for a significant portion of the year. Very few still times and very few extreme wind times. And I know that living in New Mexico for as long as I have it feels like the wind blows all the time a lot, but apparently that's not necessarily true for wind developers.

On the next slide, let me just say that wind developers when they are developing the site, they do site specific considerations and they do test the sites before they put in a permit to have a site there. On slide 4 I just want to say that this map is from the National Renewable Energy Lab, NREL, which is a national research lab of the US Department of Energy and the Office of Energy Efficiency and Renewable Energy NREL has identified the annual average wind resource potential in the United States using a system of wind power classes that range from one to seven, seven being the windiest. Classes 6 and 7 are found in off-shore locations. You notice in New Mexico it's classes 3, 4, and 5, and this is a map of eastern New Mexico to Albuquerque. Santa Fe has wind potential in the southern portion of the state, basically mostly 3 and a few spots of 4.

On slide 5, AVANGRID Renewables, LLC, has requested and entered into an agreement with PNM to transmit electricity from new wind development in Torrance County. PNM is required by the Federal Energy Regulatory Commission – FERC – to

SEC CLERK RECORDED 10/29/2018

develop the requested capacity. The BB2 project meets the need for this service request. The added transmission capacity needs to be in place in fall 2020.

On slide 6 you can see, Jose referenced the existing BB line and then we're here to permit the BB2 line. The existing BB line is from BA to Blackwater station. It's been in place since 1985. It's 216 miles long. This line had a total maximum of 1,000 megawatts available so the solid red line is the existing BB line and you can see to the left, on the left there's the BB and the BB2 there. So when you add together all of the existing wind farms you'll notice that there are two on the left-hand side that are proposed. You add all of those megawatts up and you'll see that that comes to a thousand of total transmission service commitments. So the BB line is completely subscribed and cannot accept any more wind energy. So the addition of the BB2 line, between Clines Corners and the BA station would serve future wind development in Tarrant County.

If we move to slide 7 I'm going to talk now specifically about the BB2 project. It supports the requested capacity. PNM will acquire all applicable permits at the local level with Santa Fe County and the state level with the NMPRC. No federal permits are required. As we have said 100 times this is a new single circuit 345kV transmission line. It's the expansion of an existing station within the existing fence area. The current zoning, and I have the zone map right there, the current zoning is Agriculture/Ranch, Rural and state land zoning districts. The current uses are ranching and dispersed residential, and these uses can continue.

This project, this line, requires an additional 150-foot wide easement adjacent to the existing BB2. I'm going to ask you to edit this page. I'm going to ask you to delete the word "new" up there. It's supposed to be - we have an existing 150-foot easement on the BB line. We're going to add an additional 150 feet. So we talk about the 150 - the only thing that's new is the first 150 feet. And access, as Jose noted, will be patrol-2 tracks as much as possible along the existing easement, along existing roads in southern Santa Fe County.

So I want to talk about stakeholder engagement. The board down on the bottom, the dark peach and the light peach, those are the landowners that we contacted. We engaged in a variety of public outreach. We had what we call the leadership team. We had three meetings of this leadership team. They nominated people to participate in the utilities search conference, which was a day and a half event. Maybe Commissioner Gonzales is the only one that was around when we built Project Power. This is the same process that we used for the Project Power line.

Then after that we went to a pre-application neighborhood public meeting. It was held on April 4th in Moriarty. We contacted the 190 property owners and we had ten people attend. There were no concerns, issues, or problems identified at this particular meeting. Also we've held individual meetings with property owners and their representatives. We hosted a property owner meeting on March 22nd and from the utilities search conference, which was the day and a half, people volunteered to participate in a continuing set of meetings with a group that we call a community working group. We have had three meetings with them and these meetings will continue until the project is complete.

If you move to slide 9 you'll see in really fine print that this begins at the existing Clines Corners station on the right-hand side and it goes all the way up to the BA and the new proposed station in Sandoval County. The BB line, it's a guide delta line, and next to it is

the proposed new structures. It's a gray, galvanized H steel frame. This was selected by landowners whose property the line would cross. As Jose indicated, this would be 120 to 150 feet in height. The span lengths are 1,000 to 1,500 feet and there's some illustrations down on those boards. That's in flat terrain. If we need to go to rugged terrain the structures may be spaced up to 1,900 to 2,000 feet. The pole sites will be direct bury, two holes, as indicated on that board. As Jose also said, we're going to try to match it structure for structure placement. If there is a terrain issue or an archeological site or some other feature where we need to move we'll be moving slightly in either direction. This again is a visual simulation of what the line would look like. The photo was taken from a road crossing New Mexico 41 looking north.

I'm sorry. I should have turned the page because on page 10 it really talks about the two structures. You can see the existing steel galvanized guide structure and then the new H frame structure right next door to it.

If we move to slide 11, this is a photo of the Clines Corners switching station viewed from north-bound Highway 285. This is six miles north of the Clines Corners interchange on I-40. It's on the west side of the road. So the net effect on PNM rate payers is beneficial or neutral. Santa Fe County will directly benefit \$386,876 from PNM property tax payments. Forty to 50 temporary construction jobs will be created in the area and we strive to utilize local workers as much as possible. Any workers that come in of course will stay in this area. They typically bring in their RVs or their trailers and they stay in the area and so they eat and recreate in the area. AVANGRID has indicated that there are permanent renewable energy jobs that will be created. The economic development for the State of New Mexico, this is a bonus because it's helping to address the public's interest in renewable energy development. Again, developments like this attract other developers. The bottom line is nationally, the public wants renewable, and they want renewable wind, and New Mexico has that to deliver.

This concludes my presentation. Thank you for your time. I will stand for any questions.

CHAIR GONZALES: Thank you, Laurie. Does the Commission have any questions of PNM?

MEMBER SHEPHERD: Mr. Chair.

CHAIR GONZALES: Mr. Shepherd.

MEMBER SHEPHERD: You said that the landowners preferred the H structure as opposed to – was that because the existing structures require a lot of guide wires, and they were concerned about that? Where the H is just two holes in the ground?

MS. MOYE: Chairman Gonzales, Commissioner Shepherd, quite frankly I was stunned. I had thought that they would want an identical structure side by side. But you can tell that the H frame is smaller, shorter, and there is less disturbance with the H's. It's two holes in the ground. They really didn't get into the details. I was very surprised. I would have expected to guide deltas.

MEMBER SHEPHERD: Thank you. Next question. I have a couple questions. How long is the construction period going to be?

MS. MOYE: Chairman Gonzales, Commissioner Shepherd, about eight months.

MEMBER SHEPHERD: When will the construction start?

MS. MOYE: When we have approval. We need to get approval from the NMPRC. Q4 2019, or Q1 2020. We need to be complete by fall of 2020.

MEMBER SHEPHERD: Right. That's the goal you're shooting for.

MS. MOYE: Yes.

MEMBER SHEPHERD: Safety. Is there any issues that you know of in other installations where side by side towers, if there's a problem with one tower, like a line breaks on one tower and it whips over and it hits the other tower, has there been any issues of safety relating to one line affecting the other line through some type of wear or act of go?

MS. MOYE: I would like to bring up my engineer expert, Emilie Dohleman.

[Duly sworn, Emilie Dohleman testified as follows:]

EMILIE DOHLEMAN: Emilie Dohleman. Chair Gonzales and Commissioner Shepherd, transmission lines are designed to withhold certain ambient conditions, particularly ice and wind, and we have not experienced an issue where parallel lines, where one has failed and taken the other line out with it. And we do regularly maintain the lines and look for issues like loose bolts or something that might cause a problem. We do that on a regular basis anyway.

MEMBER SHEPHERD: While you're up there, my last question really would be for you too. There have been incidents – I've been in the Fire Department for 20 years so my ears perk when it comes to fire. There have been wildland fires started by lines coming down in the middle of trees. When you look at the actual route you're going to be taking, are there any areas in there where there is a potential interface with fuel, culled trees and stuff like that?

MS. DOHLEMAN: Well, we would be clearing portions of the right-of-way, and that is actually a NERC requirement, to maintain clearances on your right-of-way to vegetation, just for that very issue. And the other is our operations center keeps – they are always watching where fires are in New Mexico compared to where the transmission lines are on the grid, and if necessary during a fire a line will be turned off.

MEMBER SHEPHERD: Thank you. Thank you, Mr. Chair.

CHAIR GONZALES: Anybody else? Mr. Anaya?

MEMBER ANAYA: Mr. Chair, have you read all of the terms that the staff or the Hearing Officer has given you? One through eight? Meaning that your conditions must meet certain requirements?

MS. MOYE: Mr. Chair, Commissioner Anaya, yes.

MEMBER ANAYA: And you're in favor of every one of them?

MS. MOYE: Yes. We can comply with all of them.

MEMBER ANAYA: Okay, let me ask about item #2. Prior to recording the conditional use permit the applicant shall submit to the staff the records of recorded documents in acquisition of all 31 miles. The entire 31 miles, and additional 150-foot wide easements. Has that been accomplished already, or is that still in talks right now?

MS. MOYE: Mr. Chair, Commissioner Anaya, that is still in talks. Out of the 21 landowners we have all but four today. We will continue to negotiate with these landowners, and then as we receive approval from the NMPRC we will go ahead and file easements on all of those properties.

SEC CLERK FORBIDDEN 10/29/2018

MEMBER ANAYA: Out of the 21 landowners, how much land are we talking still unnegotiated?

MS. MOYE: Let me check.

MEMBER ANAYA: I figured you have an answer.

MS. MOYE: Mr. Chair, Commissioner Anaya, we have 27 percent in hand.

MEMBER ANAYA: So you've got a long ways to go.

MS. MOYE: We have some large landowners that we're still negotiating with and once they're in place we'll be there.

MEMBER ANAYA: And where will this land be located? Most of the large landowners? I would assume it's ranching land.

MS. MOYE: Mr. Chair, Commissioner Anaya, the majority of the land on here is used for ranching by all of the landholders and I'll try to point out some of the large landowners. We have some present right here. We have a very large landowner right here.

MEMBER ANAYA: Where's that located?

MS. MOYE: Where is this located?

MEMBER ANAYA: Yes. Between 41 and 14. Oh, reversed.

MS. MOYE: So this is east, west, 41, I don't know where 14 is. Right in here. It's up in there. It leads into – so this is Golden, Algodones is up here, if that helps.

MEMBER ANAYA: So out of the 21 landowners, they own 80 percent, 79 percent of what you still need to negotiate?

MS. MOYE: I believe four landowners, and three of them large own approximately three-quarters of the property.

MEMBER ANAYA: Are you close to negotiating?

MS. MOYE: I believe we are.

MEMBER ANAYA: You're asking us to grant you a permit and I'd kind of like to know where you are, at what stage in order for me to say, hell, yeah, go for it.

MS. MOYE: Great. Thank you.

MEMBER ANAYA: I'm all for the project. There's no question about that. I think we need renewable energy. But I also think that we need to treat everybody fair and equitable in this process.

MS. MOYE: Absolutely. Chairman Gonzales, Commissioner Anaya, we will negotiate with these landowners until the very end. Once we receive NMPRC approval for this line we will then move, if we have not reached an agreement with these landowners we will move to condemnation. We do not want to do that, and we want to continue to negotiate with them up until the very end.

MEMBER ANAYA: Wow. That's a bad word for me.

MS. MOYE: I would understand that. I'm not a fan of that word either. But we've found that most landowners, once we keep moving through the process, ultimately agree, prior to condemnation. But this is in the public interest and I can appreciate your reaction to this. However, this is what can happen when you want to build a road, when you want to build a water line to benefit the public, when you want to build a gas pipeline. Sometimes you have owners that want things that the developer can't do. That developer could be the County of Santa Fe.

SEC CLERK RECORDED 10/29/2018

MEMBER ANAYA: Well, one of the reasons I ask, because if you're taking an additional 150 feet, that's 300 feet of easement already given up by part of them. And some parcels there, that's almost all of their land for that easement alone. Three hundred feet is a lot. And that's why I'm asking you these questions because I want to make sure that everybody – everybody's for this project. Nobody's going to tell you, no, we don't want to do it. But they want to be treated fair. And if they're losing 90 percent of their property because they can't develop it, and you know that they can't develop it if there's a high line and stuff like that.

MS. MOYE: May I answer?

MEMBER ANAYA: Sure.

MS. MOYE: Okay. Chairman Gonzales, Commissioner Anaya, all of those landowners that have a small parcel have all already signed the easements. And to repeat what Ms. Dohleman said, the four holdouts are the very, very large landowners that are not as impacted by this as you are talking about, those small parcels.

MEMBER ANAYA: Then why are they holding out?

MS. MOYE: Chairman Gonzales, Commissioner Anaya, if I knew I would answer this question. I do not know.

MEMBER ANAYA: Have you asked them?

MS. MOYE: Constantly, as we continue to negotiate with them. Like I said, we will continue to negotiate with them as long as we can.

MEMBER ANAYA: Okay. Thank you. I would hope that you all do it in good faith because condemnation is not a good word for me.

MS. MOYE: Chairman Gonzales, Commissioner Anaya, it's not a good word for us either. We really do not like to do that. We will negotiate in good faith with the landowners.

MEMBER ANAYA: Thank you, ma'am.

MS. MOYE: Thank you.

CHAIR GONZALES: Thank you, Mr. Anaya. Any other questions from the Commission? I have a few myself. So we're talking – okay, first of all, I'd like to thank you for all the interesting and great computer-generated submittals. It makes our job a lot easier. So back to what Commissioner Anaya said, so the total width of the easement will be 300 feet with 150 feet from the center of the existing tower to the center of the proposed tower. Correct?

MS. MOYE: The 150 feet, if you look on –

CHAIR GONZALES: So it's a total of 300 feet, but that means the towers will be 150 feet apart. Correct?

MS. MOYE: No. If you go to slide 10, slide 10 shows the existing 150 feet, which is the existing structure, and then you'll see the additional easement to the left, and that structure will be in the middle of that 150-foot easement.

CHAIR GONZALES: Yes, but if the section is showing 150 feet from the center of the tower to the center of the other tower.

MS. MOYE: That's a typical separation, and that's required by the National Electric Safety Codes.

CHAIR GONZALES: Okay. That's what I was talking about. Okay, how close can a property owner build to the easement? Is there a setback requirement from PNM for this? Or can they build all the way up to the easement?

MS. MOYE: Chairman Gonzales, they can build all the way up to the easement. All we control is the easement itself, to either ask them for an encroachment agreement, or prohibit them from building within the easement.

CHAIR GONZALES: Okay. Will any of these lines be tall enough to have to be marked for aircraft?

MS. MOYE: No. For aircraft, the structure must be 250 feet or taller.

CHAIR GONZALES: Thank you. I've always wanted to know that. Are any of the existing towers going to be replaced?

MS. MOYE: We're not planning to replace any of the existing towers.

CHAIR GONZALES: And what type of mitigation is going to be used for the arc sites?

MS. MOYE: I'm going to bring up our archaeologist to answer that question.

[Duly sworn, Doug Campbell testified as follows:]

DOUG CAMPBELL: Doug Campbell, at PNM, the same address. So with respect to the conditions, under these conditions we're moving toward preparing a mitigation plan for two of the sites that were identified and frankly, I'm not sure exactly what we'll end up doing there, but what I'm thinking – so both of these sites are just east of New Mexico 14 and they're mostly chipped stone scatters and a couple of ash stains, so we'll probably develop an incremental plan where we'll start focusing on and excavating and testing around the ash stains to see if the site extends out under the surficial soils and then move out from there. Most likely those two sites will be completely excavated within our 150-foot easement. But as the condition specifies, we'll develop a written plan, submit it to the Historic Preservation Division and work with them on that and then notify staff that that's been completed.

CHAIR GONZALES: Thank you. Emilie, I think it's your turn.

MS. DOHLEMAN: Good.

CHAIR GONZALES: The topography indicates that some of the arroyo crossings need some grading and culverts. Have any culverts or ditches been installed or going to be installed or been installed?

MS. DOHLEMAN: At this point we have not installed any culverts or ditches because we have not started any roadwork on the project.

CHAIR GONZALES: I mean for the maintenance. I was looking at some of the little arroyos there by the two-track roads. You guys haven't had to put any culverts in there or anything?

MS. DOHLEMAN: I don't believe we have put in any culverts. I believe we usually work with Doug and the environmental staff about ways to cross those.

CHAIR GONZALES: Okay. How many public roads are going to be crossed?

MS. DOHLEMAN: Well, there are three major highways – US 285, State Road 41 and State Road 14. I do not know how many exact County roads will be crossed, but there are several.

CHAIR GONZALES: Are there required setbacks from the rights-of-ways for these towers or roads? Or are there setbacks required from edge of road or right-of-way?

SFC CLERK RECORDED 10/29/2018

MS. DOHLEMAN: There are. The National Electric Safety Code does have setbacks from the edge of the pavement or edge of the driving lanes.

CHAIR GONZALES: And you guys are in compliance with that?

MS. DOHLEMAN: Yes.

CHAIR GONZALES: Will County staff be notified of the disturbance of floodplains and no-build areas before permitting, or at permitting stage?

MS. DOHLEMAN: I believe if we need to get into a floodplain then we will be notifying you when we apply for the HIFAR permit. Our goal is to avoid that.

MS. MOYE: Mr. Chair, that's a condition of here and just to reiterate, we will not start any construction until we're able to meet these requirements because we understand that at that point we will be granted the conditional use permit.

CHAIR GONZALES: Okay. I don't have any other questions. Does anybody have any other questions?

MEMBER SHEPHERD: Mr. Chair, one more.

CHAIR GONZALES: Mr. Shepherd.

MEMBER SHEPHERD: I know that you're tracking right along side an existing line, but I'm still going to ask the question because perhaps you ran into this when you put the first line in. Are you going to infringe on any Native religious or sacred sites on that 30-mile path?

MS. MOYE: I'm going to bring up our archaeologist.

MR. CAMPBELL: Mr. Chair, Commissioner Shepherd, so PNM's undertaken a cultural resource survey as required by County code and in addition to that, we've engaged with the San Felipe Pueblo seeking out any additional concerns such as traditional cultural properties, those types of resources. And so we're still speaking with them and seeking information from them. So that's probably going to continue to be an ongoing dialogue for some time to come as we work on our conversation on that. But as yet, we've understood that there may be some pathways between ancestral homes that might be of concern but as I understand it currently, all of those are in Sandoval County.

MEMBER SHEPHERD: Thank you, Mr. Chair.

CHAIR GONZALES: Okay. Does anybody have any other questions? Okay, this is a public hearing. Is there anybody out there that wants to speak in favor or against this project? Please come up.

[Duly sworn, Bill King testified as follows:]

BILL KING: My name is Bill King. I live at 254 King Road, Moriarty, New Mexico. Mr. Chair, committee members, thank you for letting me address you. My name's Bill King. I'm one of those landowners that's holding out that has a block of land that they're going through and as you've stated tonight and I've stated many times, I've been in meetings with Laurie. I'm in favor of this project. I want the Estancia Valley to be able to grown and wind energy seems to be a good thing. I have only asked that they pay the same kind of damages to us that they paid the Torrance County ranchers before PNM took over. Because in Torrance County AVANGRID Wind Energy does not have the power of condemnation and so they contracted with PNM to build the rest of this line and they are looking to get permission from the PRC to do condemnation.

So I had one request tonight of your conditions here that you would put in #2, that they also negotiate in the same faith with us that they have with Torrance County ranchers and that AVANGRID did and that they not be allowed to condemn us, because

under state law I believe they're only allowed to condemn a 100-foot right-of-way anyway. That's why they have to get permission from the PRC to condemn a larger right-of-way. Because most of your big power lines, like Sun Zia and all of those that you've heard so much about are not being acquired by condemnation because they're owned by windmill companies. So I would ask that you make them deal with us in the same faith that they have in the other counties and the other windmill things.

The second thing that I would like to talk about tonight is this 150-foot right-of-way that they're purchasing does not seem completely fair to me. They have the 150 feet between their two lines, but they only have 75-foot on the other side and if a line would happen to fall over the other way it would be 75 feet into my property. I certainly couldn't sell that to anybody for a home or anything else because you people listen to people argue over six inches here tonight for two hours. So it seems to me that the right-of-way they need to purchase really is 225 feet because I would like it if the line fell over it would at least be on their right-of-way. And I never really realized until now that they were going to build all of those towers at 150 feet or 120 to 150 because originally they talked about building them at 85 or 75 feet. So I know that the reason they're separating them by 150 feet is they don't want one to fall into the other if one blows over so I would just ask that the County require that they get a 225-foot right-of-way also. So I'd be glad to answer any other questions that you might have.

CHAIR GONZALES: Thank you, Mr. King. Does anybody have any questions? No?

MEMBER ANAYA: I do.

CHAIR GONZALES: Okay.

MEMBER ANAYA: Bill, put your hat back on because I didn't know who you were.

MR. KING: I take my hat off on the courtroom. It's a gentlemanly thing to do.

MEMBER ANAYA: You bring up a good point about – and I never thought about this either as I was going through all of the documents, and by the way, PNM, I've got to admit you guys had a very good set of documents come to us that showed a lot of things that I didn't know, so you educated me very well, which could be a good thing or it could be a bad thing. But Mr. King, the 75 feet, if it fell over on one side, would you even hear it fall?

MR. KING: I'm not certain. But we do these things by those standards for safety and I assume that I would just want the safety out on my side too in case – we're all familiar with the big fires that were caused by a tree blowing into a power line, I would think that I would like to at least – and I know that they purchased the first one only 150 feet. I didn't own the property at that time or I probably would have had the same question because they want to purchase it by an acre price, but they want to take a smaller portion than they're really taking. All the studies that I've read, it's really 300 or 400 feet that you can build a house within one of these big 345kV lines. So it seems that they ought to at least take that. And I gave Jose some federal standards and things to look at one time and I don't know if they researched that, but ice storms, altitude, a lot of things have an effect over that, but I do believe they need to be at least 225 so they don't fall on the property that I still own.

MEMBER ANAYA: Do you sit on the board for CNM?

MR. KING: Yes, I do.

MEMBER ANAYA: So you know about electricity and high lines.

MR. KING: Mr. Anaya, I'm learning a lot about electricity through the – there's a lot of difference between the 345kV line and the little 110 lines that we run most of CNM electricity through. But we need these lines. I'm not saying that we don't, and I think the wind energy is a good thing. This energy is going to go to Facebook. That's good for economic development but we just ask that we get the same consideration in the negotiations for our property as the ranchers did before PNM took over building the line. Because PNM's getting paid by AVANGRID to build this line and so we just want them to operate by the same rules they have all the way through. So thank you for your consideration.

MEMBER ANAYA: Thank you, sir.

MR. KING: Any other questions?

CHAIR GONZALES: No? Thank you. Laurie, would you like to respond before we go into our discussion?

MS. MOYE: Yes, we would, and Mr. King was one of our most faithful members of our leadership team for this project when we began this project. Mr. King has been learning right alongside of us about this project and the height of structures and the widths and this sort of thing. I know he's a large rancher in the area but it has been a pleasure to have him on the leadership team and to be negotiating with him in good faith on this project. I'd like to have our engineers come up and I'm not quite sure what you would like to hear specific questions about. I'd like to be clear that this is a PNM project. This is not an AVANGRID project; this is a PNM project, and PNM did not buy anything from anybody in Torrance County. This is our project.

CHAIR GONZALES: Okay. Thank you.

MS. MOYE: So I'm assuming you have specific engineering questions about poles falling in, falling over, Commissioner Anaya?

MEMBER ANAYA: Yes.

MS. DOHLEMAN: Would you like me to start, Commissioner Gonzales and Commissioner Anaya? I would like to explain a little bit about how our easement widths are determined.

CHAIR GONZALES: Okay.

MS. DOHLEMAN: All right. So the 75 feet, if you look at a structure and I'm looking at this one. I'll just use this as an example. The conductor on the wire is attached at the pole but in the middle of the span, as you can see down here, it extends approximately 60 feet. When the wind blows that wire will move out, and so we need to have enough easement to accommodate what they call the blowout of the wire, plus an electrical clearance to the edge of the easement. And that is how we get to the 75 feet from center of structure to edge of an easement. It's very similar thinking when we go to all the new line together, only in that case we are looking at making sure that the wire that blows out towards the existing circuit does not get caught up with anything on that circuit. Because the wires could actually move in two different directions you really have your 75 foot twice there.

MEMBER ANAYA: That would only be caused by the wind, right? That's why you're doing this, right?

MS. DOHLEMAN: Yes. Exactly. So there will be wind.

MEMBER ANAYA: So 75-foot is the maximum span that the wires could follow, 75 or less?

MS. DOHLEMAN: It's 75. We did put in our application, I believe that in the event we had to go to some of those longer spans, we might need to look at a little wider right-of-way.

MEMBER ANAYA: The spans are 2,000 feet. Is that correct?

MS. DOHLEMAN: The spans are roughly 1,000 to 1,500, particularly over the flat land. On the western edge of Santa Fe County it's a little bit of that rougher terrain where you might go to a little longer span.

MEMBER ANAYA: So it could be up to 2,000?

MS. DOHLEMAN: It could be.

MEMBER ANAYA: Okay. Well, you answered that question. Thank you.

MS. DOHLEMAN: Thank you.

CHAIR GONZALES: Okay. Any more questions? Okay.

ERIC AMES (Assistant County Attorney): Mr. Chair.

CHAIR GONZALES: Yes.

ERIC AMES (Assistant County Attorney): I'm Eric Ames with the County Attorney's Office. I believe there might be another member of the public who wanted to speak.

CHAIR GONZALES: Come forward.

[Duly sworn, Robert Heineman testified as follows:]

ROBERT HEINEMAN: Robert Heineman, 4 Caminito Corto, Santa Fe. I'm up in Jacona. Mr. Chair, members of the Commission, my name's Rob Heineman. I'm a retired electrical contractor. I served on the State Electrical Code Technical Advisory Committee for 16 years under two different governors. I don't purport to know a heck of a lot about high voltage transmission but I can pretty much get my way around electricity. I want to speak from a 10,000-foot viewpoint down on New Mexico, Santa Fe County, specifically and the grid and power lines and renewables and all that kind of stuff.

So I wanted to bring to light a relatively new phenomenon in the electrical transmission industry that is making the rounds state by state. It's called a merchant line and basically it's an electrical transmission line for hire that's not owned by PNM or any serving or public utility. It's a private line. They're privately owned and they're not subject to the same level of scrutiny in New Mexico that a PNM line such as BB2 would be. While PNM has to make its case for this line at several governmental levels, including this Commission and ultimately the New Mexico PRC, merchant lines by their private nature are relieved of many of these points of review.

While PNM has to provide a constellation of data and supporting financial information for this line to the PRC, a currently proposed merchant line, the so-called Verde Line, which if approved by the BLM will cross through Santa Fe County northward from Norton station to Ojo station and will not have to meet the same level of public scrutiny.

In fact to date, Hunt Power, proponent of the line, has publicly stated that they have no customers for the line at present and PNM engineers that I spoke with at the public meeting in Moriarty, and some of them are in this room, stated they don't see a value of the Verde line to transmit green energy northward as proposed by Hunt. While

BB2 and Verde do not seem to be joined at the hip from either development or use standpoint, the bottom line is New Mexico regulatory agencies at every level, in their quest to foster and promote renewable energy, are not paying enough attention to the possible blight all of these transmission lines will pose to our beautiful state.

Both public and private transmission lines interconnect with the larger electric grid to both move energy and increase system reliability. However, there does not seem to be clear policy or plan coming from the hierarchy within the industry that either advocates individual transmission line installations based on need, or police proposed installations with respect to their impact on the grid as a whole. In the meantime, speculators can ride roughshod over our beautiful state, stringing cables everywhere, not unlike the oil industry did in its heyday prior to the encompassing public regulation. No one is looking at all of this private line construction and saying, hey, this makes sense, or while this looks like a good idea, the technology will render this line obsolete in five or ten years.

While the BB2 line looks good on paper currently, can someone from PNM explain whether this line will serve future needs in, say, 15 or 20 years, based on the development of any number of merchant lines of yet unknown origin, ownership or capability. I think not. Long story short. This body currently reviews these transmission lines under the conditional use code, which I am not familiar with to a great extent, which may not afford the County an adequate review regime with respect to the need for these lines and their impacts created to land, vistas, homeowners, private property values, and property tax revenue. These lines are not tough sheds sitting in somebody's backyard. I should have said horse sheds.

With respect to private merchant lines, the Commission should not assume that the PRC will have a role in reviewing these proposed merchant line installations regarding the need and customer rate impact. This body may indeed be the only backstop in the process of merchant line approval. My suggestion would be for the County to effect a moratorium on transmission lines until the true impact of this energy gold rush can be evaluated and a reality check on the need for these lines as well as their value to the County can be ascertained. Thank you for your time, and I know you guys put in just a ton of time are out here until the middle of the night and I really respect your public service. I'll stand for any questions.

CHAIR GONZALES: Thank you. Any questions? Okay. So I'm going to close the public hearing now.

MS. MOYE: Mr. Chair, I'd like to make a comment that this line is not going to be obsolete in five years. The existing BB line was built in – energized in 1985. It's been active and in use since then. We have a number - this BB2 line will be in use that long or longer. We have a number of lines that 60 and 70 years old that are still in active use

CHAIR GONZALES: Thank you. I'm going to close the public hearing now. Does the Commission have any questions, discussion or motions?

MEMBER ANAYA: Mr. Chair.

CHAIR GONZALES: Mr. Anaya.

MEMBER ANAYA: I need to ask the attorneys a question. I know that this body in making a motion cannot require that they negotiate in good faith because that's not our purview. Just like earlier when I made the motion about the 25 foot, I

wanted that to be a good neighborly suggestion. And I wish there was a way that I could do this but I can't. But I believe in the project. I believe that it's going to serve New Mexico now and in the future with wind and solar. A lot of the wind comes from my neck of the woods. Born and raised in Torrance County, and by the way, our electrical license is 9065, so I've been around.

I really do like to see the ventures between the private and the – of course PNM stockholding and I've been watching your stock fluctuate, just like pretty much everybody else's is right now. And I think that maybe we'll be able to generate probably more income for the County which is something that's really needed, and along with the State of New Mexico. So this is why I really believe that this project is a good project. And Mr. Chair, I'd like to make a motion if I may.

CHAIR GONZALES: You may.

MEMBER ANAYA: I'd like to make a motion of approval of CUP 18-5050, PNM BB2 345kV transmission line project, CUP, conditional use permit, and I would like to make a notation on there as a friendly notation that you do negotiate in good faith with Avatar, whoever that is. I just know that as a movie. I didn't know it was anything else. That you do this because it's something that's going to help everybody. Okay? So Mr. Chair, that is my motion.

CHAIR GONZALES: That's with the conditions?

MEMBER ANAYA: No, I can't make the conditions. We can't do that.

CHAIR GONZALES: Vicki.

MS. LUCERO: Mr. Chair, that was going to be my question, if Commission member Anaya's motion included staff conditions.

CHAIR GONZALES: Right.

MEMBER ANAYA: Oh, yes. Yes.

CHAIR GONZALES: Okay. That's what I was asking. Okay, do we have a second?

MEMBER ANAYA: I apologize. Yes. I thought that was already –

MEMBER KATZ: Second.

LISA LAUER: [Away from mike] Lisa Lauer for Mr. King. I just wanted to correct on our position on asking for negotiation in good faith, the landowners. We believe that [inaudible] establish our relationship. So we would [inaudible]

MEMBER ANAYA: I can't do that. I'm sorry. I'm just making a friendly request. Sorry. I'm sorry ma'am. I cannot. I understand where you're coming from though.

MEMBER SHEPHERD: Mr. Chair.

CHAIR GONZALES: Mr. Shepherd.

MEMBER SHEPHERD: I had a question for Commissioner Anaya on the proposal. Basically, we're having the eight staff recommendations, and then he's added a ninth. Could you explain that? And also explain how do you measure the success of that?

MEMBER ANAYA: I didn't add a 9 to it. It's just with the conditions 1 through 8, as requested by the County staff. The friendly amendment was just as communications to the landowners and PNM that they negotiate in good faith with the landowners and whoever else that's involved currently, because we do need this project. So that's not a condition, because I can't make that as a condition. If I could, I would.

MEMBER SHEPHERD: Thank you.

CHAIR GONZALES: Okay. So we have a motion with a second.

MR. AMES: Mr. Chair.

CHAIR GONZALES: Yes.

MR. AMES: Just a clarification. I believe that Commissioner Anaya referred to 245 kilovolt line. It is really 345.

MEMBER ANAYA: 345.

MR. AMES: Just to clarify.

MEMBER ANAYA: If I said that, I'm sorry. It's 345.

CHAIR GONZALES: Thank you for the clarification. Again, we have a motion on the table and a second.

The motion passed by unanimous [6-0] voice vote.

CHAIR GONZALES: Thank you, all. Thank you for coming.

C. Petitions from the Floor

None were offered.

D. Communications from the Commission Members

None were offered.

E. Communications from the Attorney

None were presented.

F. Matters from Land Use Staff

MS. LUCERO: Mr. Chair, just some information on the case that was tabled under "Old Business." It was heard by the Planning Commission last month and ended in a tie vote so therefore it is tabled until there is a greater number of members present which is all seven Planning Commission members have to be present. That is the reason that it was tabled because we did not have all seven members present. So if possible if we can have all seven members present at the next meeting or let us know ahead of time if there's an issue with attendance. Thank you.

CHAIR GONZALES: Okay, thank you, Susan.

MEMBER MARTIN: In the past we have asked for and gotten a report on the status of cases that we have ruled on and how they were treated by the County Commission so at the next meeting or the one after that can we have the same kind of report?

MS. LUCERO: Mr. Chair and Commission Member Martin, we can do that. Under the new code a lot of the cases don't move forward to the Board. The Planning Commission has final authority so there haven't been too many. But we will give you an update next month.

SEC CLERK RECORDED 10/29/2018

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February 22, 2019

Santa Fe County Board of County Commissioners
c/o Jose Larrañaga and Penny Ellis-Green
102 Grant Ave
Santa Fe, NM 87501

Re: Appeal of Case No. CUP 18-5050
BB2 345 kV Transmission Line Project (Project)
Public Service Company of New Mexico, Applicant (PNM)

Dear Mr. Larrañaga, Ms. Ellis-Green and Commissioners:

PNM provides the following response to the February 7, 2019 letter by Joseph Karnes, on behalf of Bill King, to the Santa Fe County Board of County Commissioners. Mr. King alleges that the 150-foot right-of-way (ROW) is inadequate and contrary to the Santa Fe County Land Development Code (SLDC) because the County has not made the required finding that the Project will not be detrimental to the health, safety and general welfare of the area and affected private property owners. Mr. King's allegations are without foundation and merit and are addressed below. The documents cited below in the King's allegations are from a NMPRC hearing and were not in a PNM Santa Fe County submittal or discussed in any hearings in the Santa Fe County process. The documents cited below as PNM JRM-1 are assumed to have been taken from a NMPRC hearing; however, since those documents were not provided to PNM, it is unclear if it is the same document PNM submitted to NMPRC.

1. King allegation: The PNM analysis included calculations of the minimum ROW with an 1,800' interval between H Frames. PNM determined that the minimum required width for the extreme wind case is 202.8 feet. (Exhibit A, PNM Exhibit JRM-1) The proposed 150' ROW is inadequate to accommodate the extreme wind case, which could result in adverse safety impacts with respect to the existing parallel transmission lines and with respect to adjacent privately-owned property outside the proposed easement.

PNM response: The National Electric Safety Code, 2017 (NESC) is adopted by the State of New Mexico and "covers basic provisions for safeguarding of persons from hazards arising from the installation, operation, and maintenance of (1) conductors and equipment in electric supply stations, and (2) overhead and underground electric supply and communications lines". The provision for horizontal clearances to buildings and to other facilities is described in Rule 234 of the NESC.

The cited exhibit (Exhibit A PNM Exhibit JRM-1) shows ROW calculations for a range of spans and includes data for an 1800-foot ruling span which was solely for presentation purposes. As a point of clarification and after further review, there are no spans in Santa Fe County more than 1600 feet. The line design spans in Santa Fe County are in the range of 1350 to 1450 feet and there are no



NBB-197

spans in Santa Fe County that are 1900 to 2000 feet. To meet NESC Rule 234 and to provide clearance to buildings if present, a ROW width of 121.5 feet has been presented as adequate for a 1400-foot span. Therefore, a 150-foot ROW based on NESC code is appropriate and proper. The NESC Rule 250 cited only addresses structure strength requirements which includes the Extreme Wind Load Case.

2. King allegation: PNM's submittal acknowledges that its own safety analysis did not assess the proposed maximum 2,000' H Frame interval, which renders the PNM analysis facially defective.

PNM response: There are not any 2000 ft spans in Santa Fe County, see above PNM response to number 1.

3. King allegation: The PNM analysis states "since the point of this analysis is to provide the absolute minimum ROW width, for this analysis the lesser clearance was used. Note that this is not a safe distance or a recommended distance, simply the minimum distance required to maintain line energization during an unusual weather event." (Exhibit A, P. 5) PNM does not explain why it proposes to use a ROW width that is neither safe nor recommended. The point of the analysis should have been to determine a safe ROW width. The lack of such a safety analysis precludes the County's ability to make a defensible finding, supported by substantial evidence, that the use "will not be detrimental to the health, safety and general welfare of the area." (Order ¶18.a) There is no evidence in the record to support a finding that this mandatory SLDC requirement has been satisfied or that the safety of affected property owners will be protected.

PNM response: To meet NESC Rule 234 and provide clearance to buildings, a ROW width 121.5 feet has been presented as adequate for a 1400-foot span. The paragraph cited in the King allegation is not applicable to NESC horizontal clearance requirements and is taken out of context. PNM is designing this project to meet applicable NESC code requirements as is required for all PNM projects in the State of New Mexico including Santa Fe County. The technical calculations to meet NESC requirements have been accepted by NMPRC professional technical staff in recent recommendations to the NMPRC as shown on page 21 in attachment NMPRC Staff Initial Posthearing Brief, February 20, 2019.

4. King allegation: Even assuming a 150' ROW adjacent to the existing 150' ROW is safe and adequate for its own purposes, which it is not, PNM's proposal would result in an effective 75' ROW with respect to adjacent unencumbered private land, which is insufficient. The proposed 150' ROW provides a horizontal width of 150' between the existing H Frames and transmission lines and the proposed H Frames and transmission lines (75' from the existing 150' ROW and 75' from the new 150' ROW). However, on the exterior side of the proposed ROW, the horizontal distance is only 75'. In other words, PNM proposes to treat the adjoining unencumbered private property in a manner different than the encumbered property between the two parallel transmission lines. PNM has determined that an effective 150' ROW is necessary for its own development; but has not explained why a lesser 75' ROW on the exterior side of the new transmission line would be adequate with respect to the affected private property owners. For example, if a 150' tall H Frame toppled toward the parallel transmission line due to an event such as an earthquake, erosion or a high wind event, the H Frame would not affect an existing H Frame along the parallel line that is 150' away. However, if the H Frame fell the opposite way, toward the adjacent private property, it would fall 75' into the unencumbered private property. As a result, the effective encumbrance of the proposed H Frames is 150', not 75' as proposed by PNM. A private property owner could not build structures within 75

NBB-198

feet of the proposed ROW and that property would effectively be taken by PNM. There should be an additional 75' of ROW on the exterior side of the easement in order to provide the private properties with the same degree of safety and protection as PNM provides to itself. Such a ROW would also accommodate the minimum required width for an extreme wind event addressed in paragraph 1, above.

PNM response: Each line is situated within its own full ROW width and is designed so that horizontal clearances are maintained both to the edge of ROW and in this case from one energized line to the other energized line. It should be noted that the proposed BB2 line is H-frame design and the existing parallel line is lattice steel design.

The distance from centerline to centerline of the two lines is 150 feet. This spacing is not based on the ability to contain an unlikely structure failure, but rather addresses 1) containing blowout for each circuit within its ROW, 2) providing adequate spacing between the circuits under wind displacement of both lines, and 3) providing distance between the two lines to allow for construction and maintenance while working near an energized facility. This is sound engineering principles and prudent utility practice.

5. King allegation: The PNM analysis does not address the potential for an H Frame to topple, potentially onto private property outside the proposed easement. Again, the analysis is facially inadequate. The ROW should be no less than 150' on the exterior side of the H Frames.

PNM response: Transmission line structures are to be designed to withstand significant high wind and ice loadings per the NESC Rule 250. The NESC is based on extensive historical and engineering data. Similar to the code requirements for other facilities such as streetlights, fencing, and tall buildings, ROW is not acquired that would accommodate a full failure under any possible catastrophic event.

Mr. King's true objection to the BB2 Project is compensation. As correctly noted by county attorneys at the SLDC Hearing Officer Meeting on July 12, 2018 and at the Santa Fe Planning Commission hearing on September 20, 2018, there is nothing in the Santa Fe County Ordinances that give the Santa Fe County Commissions the authority to hear and resolve the sorts of monetary and/or real estate disputes presented by Mr. King.

As noted by NMPRC staff on November 13, 2018:

"..it was not that long ago that Mr. King was in support of the project - albeit with reservations, but only regarding how much money he thought BKR should get from PNM for the land required for the BB2 line and the size of the right-of-way that PNM should be required to purchase for use in connection with the BB2 line. ...As Mr. King stated to the Santa Fe County Planning Commission shows, Mr. King is "in favor of this project", but with a couple of caveats. Mr. King wants (1) PNM to pay him more money for the part of the BB2 project that would run through Mr. King's land, and (2) Mr. King would otherwise like to force PNM to purchase a larger right-of-way width of 225 feet, which would mean yet more money for Mr. King." (From pages 2-4 of Staff's Response to the Supplemental Protest of Bill King Ranch, Inc. and Bill King Ranch, Inc.'s Request to Delay the December 5, 2018 Public Hearing in This Matter).

In addition, PNM is attaching letters from the New Mexico State Land Office and the New Mexico Energy and Minerals Department. As stated in these attached letters, this project and others like it will enable

NBB-199

renewable energy to be developed and used in support of the Santa Fe County Sustainable Growth Management Plan.

In conclusion, the County should dismiss Mr. King's appeal because his allegations are inaccurate and fundamentally flawed. The Project complies with applicable SLDC requirements and NESC sound engineering principles and prudent utility practices. The BB2 Project meets the SLDC requirements for the health, safety and general welfare of the area. The BB2 Project is being designed, including a ROW width of 150 feet, in order to meet or exceed the requirements of the NESC and is not detrimental to the health, safety, and welfare of the area.

Please let us know if you need additional information.

Sincerely,



Laurie Moyer
Coordinator, Regulatory Project and Public Participation

Enclosures:

NMPRC Staff Initial Posthearing Brief, February 20, 2019

Staff's Response to the Supplemental Protest of Bill King Ranch, Inc. and Bill King Ranch, Inc.'s Request to

Delay the December 5, 2018 Public Hearing in This Matter

New Mexico State Land Office letter dated February 11, 2019

New Mexico Energy and Minerals Letter dated July 9, 2018

NBB-200



State of New Mexico
Commissioner of Public Lands

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Stephanie Garcia Richard
COMMISSIONER

February 11, 2019

Theresa Becenti-Aguilar, Chair
Valerie Espinoza, Vice-Chair
Cynthia Hall, Vice-Chair
Jefferson Byrd, Commissioner
Stephen Fischmann, Commissioner

Public Regulation Commission
1120 Paseo De Peralta
PERA Building
P.O. Box 1269
Santa Fe, NM 87504

FILED IN OFFICE OF

FEB 14 2019

NM PUBLIC REGULATION COMM
RECORDS MANAGEMENT BUREAU

RE: PNM BB2 Transmission Line Case No. 18-00243-UT

Dear Commissioners:

I am writing in support of Public Service Company of New Mexico's (PNM) application for Commission approvals of the proposed BB2 transmission line, currently pending before you in Case No. 18-00243-UT. PNM has applied to the New Mexico State Land Office for an easement for the transmission line to cross about 3.8 miles of state trust land. The State Land Office is working through its normal easement process and expects to conclude that process shortly.

I understand this transmission line is necessary to accommodate new renewable generation and for PNM to serve its customers, including Facebook's Las Lunas data center. I hope you will join me in encouraging renewable energy development in New Mexico.

As you may know, the New Mexico State Land Office has about nine million acres of land available for lease to renewable energy companies and has a sustained track record of partnering with companies to create successful projects. Renewable energy leasing is expected to be the largest growth area for commercial leasing, providing a tremendous opportunity to earn more money for State Trust Land beneficiaries – which include public schools, universities, and hospitals throughout the state – while creating jobs, advancing clean energy, saving taxpayer money, and caring for the land.

Construction of new electric transmission lines is an integral part of development of renewable energy in our state. New transmission lines are needed to bring renewable energy from the eastern portions of our state, where reliably windy conditions have spurred considerable interest in wind energy development, to the higher load centers in our state and to out-of-state markets.

The State Land Office strongly supports the development of renewable energy and the transmission lines necessary to move New Mexico to a clean energy future. I appreciate your consideration of this request.

Sincerely,

Stephanie Garcia Richard
Commissioner of Public Lands

NBB 201

