

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF SOUTHWESTERN)
PUBLIC SERVICE COMPANY'S)
APPLICATION FOR: (1) ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING)
CONSTRUCTION AND OPERATION OF)
TWO 230 KV TRANSMISSION LINES AND)
ASSOCIATED SUBSTATION FACILITIES IN)
CURRY AND ROOSEVELT COUNTIES, NEW)
MEXICO; (2) APPROVAL OF THE)
LOCATION OF THE 230 KV TRANSMISSION)
LINES AND ASSOCIATED FACILITIES;)
AND (3) AUTHORIZING ACCRUAL OF AN)
ALLOWANCE FOR FUNDS USED DURING)
CONSTRUCTION FOR THE TRANSMISSION)
LINES AND ASSOCIATED FACILITIES,)
SOUTHWESTERN PUBLIC SERVICE)
COMPANY,)
APPLICANT.)**

CASE NO. 12-_____-UT

DIRECT TESTIMONY

of

KELLI D. BOREN

on behalf of

SOUTHWESTERN PUBLIC SERVICE COMPANY

February 7, 2012

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GLOSSARY OF ACRONYMS AND DEFINED TERMS

Acronym/Defined Term	Meaning
kV	Kilovolt
Manning Land	Manning Land L.L.C.
Proposed Project	230/115 kV Pleasant Hill Substation and two 230 kV transmission lines and associated substation facilities in Curry and Roosevelt Counties, New Mexico
ROW	Right-of-way
SPS	Southwestern Public Service Company
TRC	TRC Environmental Corporation
Xcel Energy	Xcel Energy Inc.

LIST OF ATTACHMENTS

Attachment	Description
KDB-1	Standard Electric Power Line Easement

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Direct Testimony
of
Kelli D. Boren

1 **I. WITNESS IDENTIFICATION AND QUALIFICATIONS**

2 **Q. Please state your name and business address.**

3 A. My name is Kelli D. Boren and my business address is 600 S. Tyler Street,
4 Amarillo, Texas 79101.

5 **Q. On whose behalf are you testifying in this proceeding?**

6 A. I am filing testimony on behalf of Southwestern Public Service Company,
7 a New Mexico corporation (“SPS”), a wholly owned subsidiary of Xcel
8 Energy Inc. (“Xcel Energy”). Xcel Energy is a registered holding
9 company that owns several electric and natural gas utility operating
10 companies and a regulated natural gas pipeline company.¹

11 **Q. By whom are you employed and in what position?**

12 A. I am employed by SPS as Principle Permitting Analyst.

13 **Q. Please briefly outline your responsibilities as Principle Permitting**
14 **Analyst.**

15 A. In this position I am responsible for the development of local, state and
16 federal land use permit applications for the construction, operation and

¹ Xcel Energy is the parent company of four electric and gas utility operating companies: Northern States Power Company, a Minnesota corporation; Northern States Power Company, a Wisconsin corporation; Public Service Company of Colorado, a Colorado corporation; and SPS. Xcel Energy’s gas pipeline subsidiary is WestGas InterState, Inc.

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1 maintenance of major utility facilities including transmission lines,
2 substation facilities, and power plants. I am also responsible for
3 development and compliance of management plans to address state and
4 federal natural resource management issues and monitoring and ensuring
5 compliance with state and federal permits.

6 **Q. Please describe your educational background.**

7 A. I received my Bachelor of Science in Environmental Science in 1996 from
8 West Texas A&M University.

9 **Q. Please describe your professional experience.**

10 A. After graduation in 1996, I went to work for the Texas Commission on
11 Environmental Quality as an Environmental Investigator. In that position I
12 conducted environmental sampling, provided environmental permitting,
13 and engaged in environmental planning on wastewater treatment plants,
14 and public water supplies. I joined American Electric Power, in 2001, as
15 an Environmental Specialist and was involved in routing studies and
16 permitting of electric transmission lines and substations. From 2006 to
17 2010, I was employed as a Project Manager with PBS&J, a full service
18 engineering firm. I have managed or provided oversight on over 30
19 electric transmission line and substation projects. The transmission line

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1 projects I have managed ranged in size from 69 kilovolt (“kV”) to 345 kV
2 and ranged in length from one mile to ninety miles. In August of 2010, I
3 went to work for SPS as Principle Permitting Analyst. In my current
4 position I am responsible for performing permitting, planning, routing
5 analysis, selection and development of sites and corridors for major
6 electric transmission lines and substation facilities, in addition to
7 negotiating with landowners for the acquisition of land rights (easements
8 and fee acquisitions) within the SPS service territory.

9 **Q. Have you testified before any regulatory authorities?**

10 A. Yes. I have testified before the Public Utility Commission of Texas.

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II. ASSIGNMENT

Q. What is your assignment in this proceeding?

A. My testimony supports SPS’s application for issuance of a certificate of public convenience and necessity for the new 230/115 kV Pleasant Hill Substation, two 230 kV transmission lines and associated substation facilities in Curry and Roosevelt Counties (“Proposed Project”), and the approval of the location of the two 230 kV transmission lines. I specifically address SPS’s route selection and the contents of SPS’s standard right-of-way (“ROW”) agreement.

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III. ROUTE SELECTION

- Q. Please generally describe the location where the proposed transmission lines and facilities will be located.**
- A. The proposed transmission lines and facilities are located in Curry and Roosevelt Counties, New Mexico. The first proposed transmission line begins at the existing Roosevelt County Substation, located southeast of the City of Clovis, just south of the Curry-Roosevelt County line. From the Roosevelt County Substation the transmission line continues to the north along the eastern side of the City of Clovis to the proposed Pleasant Hill Substation, located northeast of the City of Clovis. From the proposed Pleasant Hill Substation the second proposed transmission line continues along the northern side of the City of Clovis before turning south along the western edge of the City of Clovis and ending just south of U.S. Highway 60/84 at the Oasis Connection Point of an existing 230 kV transmission line that continues on to the existing Oasis Substation.
- Q. Please briefly describe SPS's route selection procedure.**
- A. The locations of restrictive areas were determined and considered during alternative transmission line route delineation. To the extent possible, such constraints as individual residences, rural subdivisions, airstrips,

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1 mobile irrigation systems, cemeteries, wetlands, parks, churches, and
2 schools were avoided to reduce the overall impact of the alternative routes.
3 SPS also considered paralleling existing compatible ROW and property
4 lines where reasonable and practical. A network of links for the project
5 was delineated using aerial photographs, existing transportation and utility
6 ROW, with consideration being given to existing land use constraints.
7 These links combined to form preliminary routes. Each of the alternative
8 routes was examined in detail from publicly accessible locations in the
9 field and using digital aerial photography.

10 **Q. Were field trips to the study area conducted?**

11 A. Yes. Multiple field trips to the study area were conducted from November
12 2010 through September of 2011 by a team consisting of myself and two
13 firms, Manning Land L.L.C. (“Manning Land”) and TRC, hired by SPS to
14 assist with the project. Manning Land is a firm hired to assist with the
15 routing and ROW acquisition. TRC is a consulting firm providing
16 environmental services hired to provide an environmental assessment of
17 the Proposed Project.

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1 **Q. After SPS identified the preliminary alternative routes, what process**
2 **did it use to evaluate the feasibility of those alternative routes?**

3 A. SPS provided information regarding the routes, identified existing land use
4 constraints, and transportation and utility ROW to TRC. TRC was asked
5 to prepare an Environmental Assessment to address land use, visual
6 resources, socioeconomic elements, biological/ecological resources,
7 geology and soils, hydrology, and cultural resources along the preliminary
8 alternative routes. TRC used this information to delineate a study area,
9 collect necessary data from local, state, and federal agencies, and develop
10 maps. TRC examined the initial preliminary routes in the field, and as a
11 result, adjustments were made to the location and alignment of several
12 links.

13 **Q. Please describe the public involvement program utilized for the**
14 **Proposed Project.**

15 A. The adjusted preliminary alternatives were presented at a public meeting
16 held at the Clovis Carver Public Library on April 26, 2011. This meeting
17 was intended to solicit comments from citizens, landowners, and public
18 officials concerning the Proposed Project. The meetings objective was to
19 inform and educate the public regarding the project, and to promote a

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1 better understanding of the Proposed Project, including the purpose, need,
2 potential benefits, and impacts of the project. Manning Land identified the
3 property owners within 300 feet of the preliminary alternative routes and
4 SPS mailed postcard type invitations to landowners, as well as local,
5 federal, and state officials. The format of the meeting followed an
6 informational station type format for one-on-one discussions with
7 interested attendees.

8 **Q. How did SPS receive feedback from attendees of the public**
9 **open-house meeting?**

10 A. Feedback from the public open-house meeting was received in two
11 primary ways. First, attendees had one-on-one conversations with
12 personnel from SPS and Manning Land about their interests and comments
13 regarding the project. During the one-on-one conversations, attendees
14 provided comments and clarification regarding structures and features
15 depicted on a mosaic of aerial photographs present at the meeting.

16 Second, each attendee at the meeting received a questionnaire that
17 solicited comments on the Proposed Project. Oral comments and
18 responses to the questionnaires were considered in the overall
19 identification and evaluation of the alternative routes.

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1 **Q. Please describe how SPS used the feedback from persons who**
2 **attended the meeting.**

3 A. As a result of the meeting, several changes to the alternatives were made
4 to address landowners' concerns where possible. Some new links were
5 added and others were deleted.

6 Following the public meeting, Manning Land began meeting with
7 individual landowners on behalf of SPS. The purpose of the meetings was
8 to review the information presented at the public meeting with landowners
9 who were unable to attend the public meeting and secondly to request
10 permission for SPS to survey on the landowner's property.

11 **Q. Did SPS or TRC make any other modification to the alternative**
12 **routes?**

13 A. As a result of the meetings with individual landowners, several changes to
14 the alternative routes were made to address landowners' concerns.
15 Specifically, the location of two segments - one on the Pleasant Hill
16 Substation to Oasis Connection Point and the other on the Pleasant Hill
17 Substation to Roosevelt Substation - were modified at the request of
18 landowners.

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1 The segment on the northwest side of the study area (Pleasant Hill
2 Substation to Oasis Connection Point) crosses several pieces of property
3 owned by the same family and they requested that the original segment be
4 moved one-half mile to the east on their property in order to reduce the
5 direct impact to a home owned by a member of the family.

6 The segment on the southeast side of the study area (close to the
7 Roosevelt County Substation) was modified at the request of a landowner
8 who purchased the property after the public meeting was conducted. This
9 landowner requested the route be moved onto other property he owns to
10 avoid being in close proximity to his dairy and to be further away from the
11 location of his planned home site.

12 **Q. Please identify and describe the primary route selected for Roosevelt**
13 **County substation to the Pleasant Hill Substation.**

14 A. SPS's preferred route contains segments R1, R6, R8, R9, R11, R19, R24,
15 R27, R28, and R30. This route is approximately 17.5 miles in length and
16 parallels or is adjacent to roadways for approximately 14.5 miles. The
17 route is shown on Figure 1.1 of TRC's Environmental Assessment.

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1 **Q. Please identify and describe the primary route selected for Pleasant**
2 **Hill Substation to Oasis Connection Point.**

3 A. SPS's preferred route is provided on Figure 1.1 of TRC's Environmental
4 Assessment and will use segments 01, 02, 05, 09, and 010. This route is
5 approximately 19.9 miles in length with approximately 19 miles
6 paralleling or adjacent to roadways and section boundaries.

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V. CONCLUSION

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**Q. Is Attachment KDB-1 a true and correct copy of SPS's standard
Electric Power Line Easement form?**

3

4

A. Yes.

5

Q. Does this conclude your testimony?

6

A. Yes.

VERIFICATION

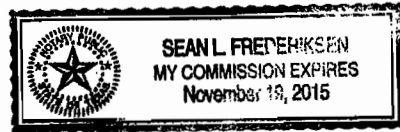
STATE OF TEXAS)
) ss.
COUNTY OF POTTER)

Kelli D. Boren being first duly sworn on oath, deposes and states that she is the witness identified in the foregoing prepared testimony, that she has read the testimony and is familiar with its contents, and that the facts set forth are true to the best of her knowledge, information, and belief.

Kelli Boren

SUBSCRIBED AND SWORN TO before me this 2nd day of February, 2012.

Sean L. Frederiksen
Notary Public
My Commission Expires: 11/19/15



ELECTRIC POWER LINE EASEMENT

DATE: _____

GRANTOR: _____

GRANTEE: SOUTHWESTERN *PUBLIC SERVICE COMPANY*

GRANTEE'S MAILING ADDRESS:

P.O. BOX 1261
Amarillo, Texas 79105-1261

COUNTY AND STATE IN WHICH PROPERTY IS LOCATED, XXXX COUNTY, NEW MEXICO

For \$10 and other valuable consideration, the receipt and sufficiency of which is acknowledged, Grantor grants to Southwestern Public Service Company ("Southwestern") an easement to construct, maintain, operate, inspect, patrol, repair, replace, add to, change the number of circuits, alter voltage, remove, and relocate an electric power line on, over and across the lands now owned by Granter that are described as follows:

SEE EXHIBIT "A"

The easement shall be subject to the following terms and conditions:

1. Southwestern is a corporation organized under the laws of the State of New Mexico, and has its main office and principal place of business in Amarillo, Potter County, Texas. It is a public utility.
2. The electric power line will consist of a variable number of conductors, wires, communication cables, insulators, crossarms, and all other necessary and desirable appurtenances and devices attached to, supported from, and a part of the necessary structures consisting of a variable number of wood, steel, other metal, or other substance members of poles, props, guys, and anchors.
3. Southwestern, its successors and assigns, shall have the right (a) of ingress and egress over Grantor's adjacent lands to and from the easement for the purpose of constructing, maintaining, operating, inspecting, patrolling, repairing, replacing, changing the number of circuits, altering voltage, adding to or removing the electric power line, its conductors, structures, and other devices; (b) to relocate the electric power line on the easement; (c) to remove all trees, parts of trees, or other obstructions that might endanger or interfere with the operation, safety, or efficiency of the electric power line, its structures, and other devices; and (d) to enter Grantor's property to conduct (i) routing surveys and studies relating to the electric power line, (ii) environmental surveys and studies relating to the electric power line, (iii) cultural resource surveys and studies relating to the electric power line, and (iv) any other activities that Southwestern deems necessary or desirable to comply with federal, state, or local statutes, laws, ordinances, rules, or regulations, or the requirements of any government or governmental authority or agency claiming jurisdiction over Southwestern or its operations.
4. Southwestern, its successors and assigns, must construct and at all times maintain the electric power line in accordance with the National Electric Safety Code requirements and practices now in effect.

5. Grantor shall not construct or permit to be constructed any habitable structure within the easement. For purposes of this paragraph, "habitable structure" shall include, but not be limited to, those structures normally inhabited by humans on a daily or regular basis. The term "habitable structure" shall include, but not be limited to, single family dwellings and related structures, apartment buildings, business structures, major additions to the foregoing types of pre-existing structures, and mobile home parks. The term "habitable structure" shall not include repairs to existing structures, farm or livestock facilities, storage barns, hunting structures, small personal storage sheds, or similar structures, unless the size or location of such structures would endanger or interfere with the operation, safety, or efficiency of the electric power line, its structures, and other devices.
6. Southwestern, its successors and assigns, shall enjoy the rights, benefits, and privileges conveyed by this instrument only until the electric power line is abandoned and removed, at which time all right, title, and interest in the easement shall revert to the then-owner of the property.
7. In addition to the consideration set forth above, on completion of construction, actual loss or damage to crops occasioned by construction of the electric transmission line will be paid by Southwestern to Grantor or Grantor's tenant, as determined by any existing lease agreement between Grantor and Grantor's tenant.
8. Southwestern, at its sole expense, will control the growth of weeds for a reasonable distance around all poles and guys. In general, weeds will be chemically controlled on a minimum area of 5-foot radius around poles and a minimum area of 6-feet by 13-feet around guys, when poles and guys are located on farmland. Chemical control of weeds on grassland will not be used unless authorized by agreement between Southwestern's weed control contractor and Grantor and Grantor's tenant, if any. Grantor and Grantor's tenant, if any, may, by mutual consent with Southwestern's weed control contractor, (a) avoid chemical treatment on any part of the easement, or (b) increase or decrease the area of chemical weed control, within reasonable limits, to avoid weed growth between chemically treated areas and cultivated areas.
9. Southwestern may employ an independent contractor for weed control work, and that work will utilize recognized and accepted weed control methods and materials.
10. Grantor acknowledges that the general course of this easement is based on preliminary surveys of the desired location of the electric power line, and agrees that the easement shall apply to the actual location of the electric power line when constructed.

When the context requires, singular nouns and pronouns include the plural.

Grantor binds Grantor, and Grantor's heirs, successors, assigns, and legal representatives, to WARRANT AND FOREVER DEFEND all and singular the rights conveyed in this instrument of Southwestern and its successors and assigns.

IN TESTIMONY WHEREOF, the GRANTORS herein have executed this conveyance this _____ day of _____, 2009.

LANDOWNER'S SIGNATURE AND ADDRESS

ACKNOWLEDGEMENTS

STATE OF _____ §

COUNTY OF _____ §
§

Before me, the undersigned authority, on this day personally appeared _____,
known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged
to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20__.

Notary Public
State of _____
My Commission Expires: _____

STATE OF _____ §
§
COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared _____,
known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged
to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20__.

Notary Public
State of _____
My Commission Expires: _____