

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF SOUTHWESTERN PUBLIC)
SERVICE COMPANY’S APPLICATION REQUESTING: (1))
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHORIZING)
CONSTRUCTION AND OPERATION OF THE)
ROADRUNNER TO PHANTOM TO CHINA DRAW 345-KV)
TRANSMISSION LINE AND ASSOCIATED FACILITIES;)
(2) APPROVAL OF THE LOCATION OF THE 345-KV)
TRANSMISSION LINE AND ASSOCIATED FACILITIES;)
(3) DETERMINATION OF RIGHT-OF-WAY WIDTH FOR)
THE TRANSMISSION LINE; AND (4) AUTHORIZATION)
TO ACCRUE AN ALLOWANCE FOR FUNDS USED)
DURING CONSTRUCTION FOR THE TRANSMISSION)
LINE AND ASSOCIATED FACILITIES)
)
)
**SOUTHWESTERN PUBLIC SERVICE COMPANY,)
APPLICANT.)****

Case No. 20-00085-UT

FINAL ORDER ADOPTING RECOMMENDED DECISION

THIS MATTER comes before the New Mexico Public Regulation Commission (“Commission”) upon the Southwestern Public Service Company (“SPS”)’s Application, filed on April 14, 2020 (the “Application”) and upon the Recommended Decision (the “RD”) issued by the Hearing Examiner, Christopher Ryan, dated September 4, 2020; whereupon being duly advised in the premises,

THE COMMISSION FINDS AND CONCLUDES:

1. SPS’s Application requested the Commission issue an order: (1) issuing a certificate of public convenience and necessity (“CCN”) that authorizes SPS to construct, operate, and maintain a forty two (42) mile long 345-kilovolt (“kV”) transmission line and associated facilities in Eddy and Lea Counties, New Mexico that extends from SPS’s Roadrunner Substation to its Phantom Substation to its China Draw Substation (“Proposed Project” or “Project”) (Sections 62-9-1 and 62-9-6 of the PUA); (2) approving the location of the 345-kV transmission line route

and the location of associated substation facilities (Section 62-9-3 of the PUA and 17.9.592.10 NMAC (“Rule 592”)); (3) determining that a right-of-way (“ROW”) width of 150 feet, with a 200-foot ROW width at the Pecos River crossing, is necessary for SPS’s construction, operation, and maintenance of the proposed 345-kV transmission line (Section 62-9-3.2 of the PUA); and (4) authorizing SPS to accrue the proposed allowance for funds used during construction (“AFUDC”) for the Proposed Project, in accordance with 17.3.580 NMAC. SPS stated that it expects the Proposed Line to be operational by November of 2021. SPS stated that the Proposed Line will cross federal, state and private land owned by SPS. The Application stated that the Southwest Power Pool (SPP) deemed the project necessary to ensure system reliability and to serve SPS’s increasing retail loads in Eddy and Lea counties.

2. The Commission has jurisdiction over the parties and the subject matter of this proceeding pursuant to the New Mexico Constitution, the New Mexico Public Utility Act and other applicable law.

3. Reasonable, proper, and adequate notice of this case has been given.

4. Staff recommended that the Commission approve the Proposed Line but recommends approval be predicated upon SPS’s acceptance and satisfaction of the following conditions: a) SPS must file copies of all construction and environmental permits for the Proposed Line within two weeks of receiving a final permit; b) SPS must file a report in the docket of the final cost of the Proposed Line when the final cost is known; c) SPS must file a notice on the date the Proposed Line actually enters into service; and d) SPS must (i) agree that the majority of the Proposed Line will remain within the 150 foot ROW and that the line will remain within the 200 foot ROW at the Pecos River, (ii) file notice it received all permits for roadway crossings and for

the river crossing, and (iii) agree that it will seek Commission authorization if it anticipates exceeding the 150 and 200 foot ROWs requested.

5. SPS has agreed to comply with these conditions.

6. The RD recommended that the Commission grant SPS all approvals it seeks and all that are necessary to construct the Proposed Line and agrees with Staff that approval should be conditioned upon SPS's compliance with the conditions identified by Staff.

7. The Commission finds that the RD's findings, conclusions, decisions, rulings, and determinations made and construed in the RD should be adopted and approved as the findings, conclusions, rulings, and determinations of the Commission.

8. The Commission further finds that the Application should be APPROVED consistent with the terms and conditions of set forth in the RD and this Order in their entirety.

IT IS THEREFORE ORDERED:

A. The findings, conclusions, decisions, rulings, and determinations made and construed in the RD are hereby adopted and approved as the findings, conclusions, rulings, and determinations of the Commission in their entirety.

B. The Application is APPROVED consistent with the terms and conditions of set forth in the RD and this Order.

C. Any matter not specifically ruled on during the course of this proceeding or in this Order is disposed of consistent with this Order and the Commission's Rules.

D. This Order is effective immediately.

E. This docket is closed.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 7th day of
October, 2020.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Cynthia B. Hall, electronically signed

CYNTHIA B. HALL, COMMISSIONER DISTRICT 1

/s/ Jefferson Byrd, electronically signed

JEFFERSON L. BYRD, COMMISSIONER DISTRICT 2

/s/ Valerie Espinoza, electronically signed

VALERIE ESPINOZA, COMMISSIONER DISTRICT 3

/s/ Theresa Becenti-Aguilar, electronically signed

THERESA BECENTI-AGUILAR, COMMISSIONER DISTRICT 4

/s/ Stephen Fischmann, electronically signed

STEPHEN FISCHMANN, COMMISSIONER DISTRICT 5



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Final Order Adopting Recommended Decision** issued by the New Mexico Public Regulation Commission on October 7th, 2020 was sent via email to the parties indicated below:

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DATED this 7th day of October, 2020.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed
Isaac Sullivan-Leshin, Paralegal