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May 15, 2019

19-00139-UT

**HAND - DELIVERED**

Melanie Sandoval  
Record Bureau Chief  
New Mexico Public Regulations Commission  
1120 Paseo de Peralta  
Santa Fe, NM 87501

FILED IN OFFICE OF

MAY 15 2019

NM PUBLIC REGULATION COMM  
RECORDS MANAGEMENT BUREAU

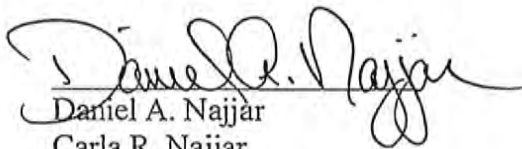
Application for Location Site Approval of  
Clines Corners Wind Farm LLC's Clines Corners Wind Farm and  
Gen-Tie System and Request for Right-of-Way Determination

Dear Ms. Sandoval:

Enclosed for filing, please find an original and five copies (plus a sixth copy for conforming for our records) of the Application for Location Site Approval of Clines Corners Wind Farm LLC's Clines Corners Wind Farm and Gen-Tie System and Request for Right-of-Way Determination and supporting testimony and exhibits pursuant to NMSA 1978, §62-9-3 and 62-9-3.2.

Please review and contact me at your earliest convenience with any questions or comments.

Sincerely,



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**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF THE APPLICATION FOR )  
THE LOCATION OF THE CLINES CORNERS )  
WIND FARM AND GEN-TIE SYSTEM IN )  
TORRANCE AND GUADALUPE COUNTIES )  
PURSUANT TO THE PUBLIC UTILITY ACT, NMSA )  
1978, §§62-9-3 AND 62-9-3.2 )  
CLINES CORNERS WIND FARM, LLC )  
APPLICANT. )

Case No. 19 - \_\_\_\_\_

APPLICATION  
FOR  
LOCATION SITE APPROVAL  
OF  
CLINES CORNERS WIND FARM LLC'S  
CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM  
AND  
REQUEST FOR RIGHT-OF-WAY DETERMINATION

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

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NM PUBLIC REGULATION COMM

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Case No. 19 - 00139-ut

IN THE MATTER OF THE APPLICATION FOR )  
THE LOCATION OF THE CLINES CORNERS )  
WIND FARM AND GEN-TIE SYSTEM IN )  
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1978, §§62-9-3 AND 62-9-3.2 )  
)  
CLINES CORNERS WIND FARM LLC )  
)  
APPLICANT. )

APPLICATION FOR LOCATION SITE APPROVAL OF CLINES CORNERS WIND FARM LLC'S CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM AND REQUEST FOR RIGHT OF WAY DETERMINATION

Clines Corners Wind Farm LLC ("Clines Corners" or the "Applicant") respectfully submits this Application and supporting testimony and exhibits to the New Mexico Public Regulation Commission (the "Commission") pursuant to NMSA 1978, §§62-9-3, 62-9-3.2, and Commission Rule 17.9.592 NMAC (collectively, "Application"). The Application requests approval of the location of a wind generation project ("Clines Corners Wind Farm") of up to approximately 600 megawatts ("MW") and the associated transmission system ("Clines Corners Gen-Tie System" or "Gen-Tie System"), consisting of an approximately 18.72 mile, 345-kilovolt ("kV") alternating current transmission line and associated facilities to be located in a 150-foot right-of-way ("ROW") within a 1 mile-wide corridor ("Clines Corners Gen-Tie System Corridor"). Collectively, the Clines Corners Wind Farm and the Gen-Tie System will be referred to herein as the "Clines Corners Wind Farm Project" or "Project". The Clines Corners Wind Farm and the Clines Corners Gen-Tie System Corridor together comprise the area that was studied as part of the review that is required for the issuance of a location permit by the Commission ("Clines Corners Wind Study Area").



## **I. BACKGROUND.**

### **A. THE APPLICANT**

1. Clines Corners is a limited liability company organized under the laws of the State of Delaware and is a wholly owned subsidiary of Orion Wind Resources LLC (“Orion Wind Resources”). Orion Wind Resources is owned by a joint venture between Orion Renewable Energy Group LLC (“Orion”), and MAP Energy® (“MAP”). Orion is a pioneer in the development, finance, construction, and operation of renewable energy wind projects throughout the United States. MAP is one of the oldest and most successful private energy investors in the United States, with over 25 years of experience managing over two billion dollars of capital. Orion and MAP are privately held companies that have developed over 15,000 MW of operating renewable power projects worldwide through power purchase agreements, development asset sales, and build-transfer arrangements. All land rights, permits and agreements needed for the development and construction of the Clines Corners Wind Farm Project are, or will be, held by the Applicant prior to construction.

2. Orion Wind Resources, Orion and MAP are not public utilities under New Mexico law, NMSA 1978, §62-3-3(G), and are not regulated by the Commission.

### **B. CLINES CORNERS WIND FARM**

3. The Clines Corners Wind Farm will consist of up to 600 MW of wind power facilities and will be located within an area of approximately 40,000 acres (currently estimated to be 39,580 acres) across Torrance and Guadalupe Counties on private land. A map and legal description of the Clines Corners Wind Farm are included with the Direct Testimony of Michael Kurnik.

4. To produce the desired energy, it is anticipated that there will be up to 220 wind turbines with a nameplate capacity ranging from 2 MW to 4.2 MW. Each turbine will be connected by 34.5-kV collection lines to a proposed electric substation that will be located within the Clines Corners Wind Study Area. A final determination of the number of wind turbines in the Project and the specific siting of the turbines, collection lines and substation will be made over time, and such information will be made available, upon request, to the Commission prior to construction. For the current proposed layout of Clines Corners Wind Farm, please refer to the Direct Testimony of Michael Kurnik.

### **C. CLINES CORNERS GEN-TIE SYSTEM**

5. The Gen-Tie System consists of an approximately 18.72-mile, 345 kV transmission system and associated transmission facilities, including a 150-foot ROW, to be located within the Clines Corners Gen-Tie System Corridor. The Gen-Tie System is more specifically described in the Direct Testimony of Michael Kurnik and Gregory Parent.

6. The Applicant intends that the Clines Corners Wind Farm will be interconnected via the Gen-Tie System to the proposed Western Spirit transmission line (“Western Spirit”) at a point that is approximately 11 miles west-northwest of Encino (34.689855, -105.647307). The Gen-Tie System is currently contemplated to include a single substation, as well as an interconnection facility at the Western Spirit point of interconnection. Should it be deemed necessary to add additional substations, the Commission will be notified prior to the commencement of construction, and such substations will be located within the Clines Corners Wind Farm Study Area.

7. The Applicant is also requesting a ROW width determination pursuant to NMSA 1978, §62-9-3.2. The Gen-Tie System requires a ROW width for the transmission line of

approximately 150 feet across mostly private land and some state land. The Applicant has obtained, or will obtain, agreements with landowners and the State of New Mexico as needed prior to commencement of construction. Please see the Direct Testimony of Michael Kurnik for more information regarding the status of Clines Corners's efforts to secure the necessary approvals from landowners and the state.

## **II. LOCATION CONTROL REQUIREMENTS AND RIGHT-OF-WAY.**

### **A. LOCATION STATUTORY REQUIREMENTS, NMSA 1978, §62-9-3.**

8. NMSA 1978, §62-9-3 ("Siting Statute") provides for the supervision and control by the Commission of the location within this state of new plants, facilities and transmission lines for the generation and transmission of electricity for sale to the public. NMSA 1978, §62-9-3(A).

9. The Siting Statute further provides that no application shall be approved pursuant to this section if such application violates an existing state, county or municipal land use statute or administrative regulation unless the Commission finds that the regulation is unreasonably restrictive, and compliance is not in the interest of the public convenience and necessity. NMSA 1978, §62-9-3(G). The Applicant has determined that none of the applicable state, county, and municipal land use statutes and administrative regulations will be violated and all of the relevant statutes and regulations will allow for the installation of the Project.

10. Under the Siting Statute, the Commission may approve an application without a formal hearing if no protests are filed within sixty (60) days of the date notice is given. NMSA 1978, §62-9-3(K). An application is deemed to be approved if the Commission fails to issue an order within six (6) months after filing. NMSA 1978, §62-9-3(L).

11. The Applicant respectfully requests that the Commission proceed to an expedited decision without a hearing if no valid protests are filed within sixty (60) days of the date of

publication notice. A proposed form of notice is attached as Exhibit 1 to this Application and incorporated herein.

### **1. GENERATION PLANT**

12. The Siting Statute provides the Commission with specific and limited jurisdiction over the siting of power plants within the State of New Mexico with a “capacity of three hundred thousand kilowatts [300 MW] or more for the generation of electricity for the sale to the public within or without [the state of New Mexico.]” NMSA 1978, §62-9-3(B).

13. The Commission is required to approve an application for the location of the generating plant unless it finds that the operations of the facilities for which approval is sought will not comply with all applicable existing air and water pollution control standards and regulations. NMSA 1978, §62-9-3(E). However, the Commission is precluded by the Siting Statute from requiring “compliance with performance standards other than those established by the agency of this state having jurisdiction over a particular pollution source.” *Id.* The New Mexico agency that has jurisdiction over air and water pollution is the New Mexico Environment Department (“NMED”).

14. The Applicant has evaluated the air and water pollution control standards in connection with the proposed Clines Corners Wind Farm and has determined that it will comply with these standards. For more detailed information, please refer to the Direct Testimony of Christopher Knopp, and the environmental report performed by Burns & McDonnell Engineering Company Inc. regarding the Clines Corners Wind Study Area (“Environmental Report”) which is an exhibit to the Direct Testimony of Christopher Knopp.

## 2. GEN-TIE SYSTEM

15. The Siting Statute also gives the Commission jurisdiction over “transmission lines in connection with ... a [generating] plant, on a location within [New Mexico] ....” NMSA 1978, §62-9-3(B). For purposes of this statute, Gen-Tie System “means any electric transmission line and associated facilities designed for or capable of operations at a nominal voltage of two hundred thirty kilovolts or more....” *Id.*

16. The Commission is required to approve an application for the location of transmission lines unless it finds the location will unduly impair important environmental values. NMSA 1978, §62-9-3(F). Past Commission decisions have held that environmental values will not be unduly impaired if the requirements under Commission Rule 17.9.592.10 NMAC are met. *In the Matter of Corona Wind Companies Joint Application for the Location of the Corona Wind Project & the Corona Gen-Tie Sys. in Lincoln, Torrance, & Guadalupe Ctys. Pursuant to the Pub. Util. Act, Nmsa 1978, S 62-9-3 Ancho Wind LLC, Cowboy Mesa LLC, Duran Mesa LLC, Red Cloud Wind LLC, Tecolote Wind LLC, Viento Loco, LLC, Joint Applicants*, No. 18-00065-UT, 2018 WL 4955435, at \*1 (Oct. 3, 2018); *In the Matter of Sw. Pub. Serv. Company’s Application Requesting: (1) Issuance of A Certificate of Pub. Convenience & Necessity Authorizing Constr. & Operation of A 345-Kv Transmission Line & Associated Facilities in Eddy & Lea Ctys., New Mexico; (2) Approval of the Location of the 345-Kv Transmission Line; (3) Determination of Right of Way Width; & (4) Authorization to Accrue an Allowance for Funds Used During Constr. for the Transmission Line & Associated Facilities Sw. Pub. Serv. Company*, Case No. 16-00126-UT, 2016 WL 6678978, at 6 (Nov. 9, 2016); *In the Matter of Sw. Pub. Serv. Co.'s Application for: (1) Issuance of A Certificate of Pub. Convenience & Necessity Authorizing Constr. & Operation of Two 230 Kv Transmission Lines & Associated Substation Facilities in Curry & Roosevelt Ctys.,*



*New Mexico; (2) Approval of the Location of the 230 Kv Transmission Lines & Associated Facilities; & (3) Authorizing Accrual of an Allowance for Funds Used During Constr. For the Transmission and Associated Facilities Sw. Pub. Serv. Co.'s Applicant*, Case No. 12-00027-UT, 2012 WL 10937016, at 1 (June 20, 2012).

17. The Commission also has the discretion to consider certain additional factors under NMSA 1978, §62-9-3(M) to determine if a proposed transmission line unduly impairs important environmental values. *Id.* These additional factors are:

- (1) existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed location;
- (2) fish, wildlife, and plant life;
- (3) noise emission levels and interference with communication signals;
- (4) the proposed availability of the location to the public for recreational purposes, consistent with safety considerations and regulations;
- (5) existing scenic areas, historic, cultural or religious sites and structures or archaeological sites at or in the vicinity of the proposed location; and,
- (6) additional factors that require consideration under applicable federal and state laws pertaining to the location.

18. The Applicant has evaluated these factors in connection with the proposed Gen-Tie System and has determined that the statutory and regulatory requirements for siting a transmission line or gen-tie system or associated facilities are or will be satisfied. Analysis and conclusions of the studies performed are discussed in detail in the Direct Testimony of Christopher Knopp and in the Environmental Report.

**B. ROW WIDTH STATUTORY REQUIREMENTS, NMSA 1978, §62-9-3.2.**

19. NMSA 1978, §62-9-3.2 (“ROW Statute”) provides that “unless otherwise agreed to by the parties, no person shall begin the construction of any transmission line requiring a width for right of way of greater than one hundred feet without first obtaining from the commission a determination of the necessary right-of-way width to construct and maintain the transmission line.” NMSA 1978, §62-9-3.2(A).

20. Under the ROW Statute, “the applicant shall cause notice of the time and place of hearing on the application for the [ROW] determination to any owner of property proposed to be taken.” NMSA 1978, §62-9-3.2(D). Notice shall be given by first class mail at least twenty (20) days before the time set for hearing, and the applicant shall file proof of notice on or before the hearing. *Id.*

21. The statute further provides the Commission shall act upon the application, after public hearing, within six (6) months of the date the application was filed, and failure to do so is deemed to be approval of the application. NMSA 1978, §§62-9-3.2(E) and (F).

**C. REGULATORY REQUIREMENTS, COMMISSION RULE 17.9.592 NMAC.**

22. The Commission’s Location of Large Capacity Plants and Transmission Lines Rule 17.9.592 NMAC (“Location Rule”) states the requirements for an application for location approval of a large capacity generation plant and a transmission line, pursuant to the Siting Statute, NMSA 1978, §62-9-3. The Application, including the supporting testimonies and exhibits, provides all the required information for Commission review.

**1. GENERATION PLANT**

23. Location Rule 17.9.592.9 NMAC for generating facilities (“Generation Location Rule”) lists the requirements for a generating plant for or capable of operation at a capacity of 300 MW or greater:

- A. a description of the large capacity plant, including, but not limited to:
  - (1) a legal description of the property upon which the large capacity plant will be located;
  - (2) the size of the large capacity plant;
  - (3) fuel specifications including, but not limited to, the type of fuel to be used; and,
  - (4) a map showing the location of the large capacity plant;
- B. identification of all applicable land use statutes and administrative regulations and proof of compliance or a statement of noncompliance with each;
- C. identification of all applicable air and water pollution control standards and regulations and proof of compliance or a statement of noncompliance with each;
- D. all written air and water quality authorizations necessary to begin construction of the large capacity plant;
- E. all written air and water quality authorizations necessary to begin operation of the large capacity plant; if any such authorization cannot be obtained until after construction of the large capacity plant, proof of application for such authorization;
- F. the expected date that the large capacity plant will be online;
- G. proof that the application has been served on all local authorities in each county and township where the large capacity plant will be located, the New Mexico

attorney general, the New Mexico environment department, and the New Mexico state engineer;

H. any other information, including photographs, which the applicant wishes to submit in support of the application.

## **2. GEN-TIE SYSTEM**

24. Under Commission Rule 17.9.592.10 NMAC for transmission lines (“Transmission Location Rule”), an applicant must file an application supported by written testimony and exhibits that contain the following information for transmission lines for which location approval is required:

- A. a description of the transmission line including, but not limited to:
  - (1) the location of the transmission line;
  - (2) identification of the ownership of the land (such as private, bureau of land management, U.S. forest service, state trust, etc.) the transmission line will cross and the number of feet the transmission line will cross over each owner’s land;
  - (3) the total length of each transmission line in feet;
  - (4) a description of interconnection facilities;
  - (5) a map showing the location of the transmission line; and
  - (6) a schematic diagram showing the transmission line and the interconnection of the transmission line to the transmission grid;
- B. identification of all applicable land use statutes and administrative regulations and proof of compliance or statement of noncompliance with each;
- C. if required under NEPA, an environmental assessment prepared in connection

- with the transmission line;
- D. if required under NEPA, an environmental impact statement and record of decision or a finding of no significant impact, prepared in connection with the transmission line;
  - E. if preparation of a federal environmental assessment or environmental impact statement is not required under NEPA in connection with the transmission line, then a report, comparable to an environmental impact statement, in the format prescribed in 40 C.F.R. Section 1502.10;
  - F. all written federal, state, and local environmental authorizations necessary to begin construction of the transmission line;
  - G. all written federal, state, and local environmental authorizations necessary to begin operation of the transmission line; if any such authorization cannot be obtained until after construction of the transmission line, proof of application for such authorization;
  - H. testimony demonstrating that the transmission line will not unduly impair important environmental values; important environmental values include, but are not limited to, preservation of air and water quality, land uses, soils, flora and fauna, and water, mineral, socioeconomic, cultural, historic, religious, visual, geologic and geographic resources;
  - I. the expected date that the transmission line will be online;
  - J. proof that the application has been served on all local authorities in each county and township where the transmission line will be located, the New Mexico attorney general, the New Mexico environment department, and the New

Mexico state engineer;

K. any other information, including photographs, which the applicant wishes to submit in support of the application.

**III. ALL THE REQUIREMENTS FOR THE REQUESTED APPROVALS ARE SATISFIED.**

25. The Clines Corners Wind Farm and Gen-Tie System will satisfy all the requirements of NMSA 1978, §62-9-3 and Commission Rule 17.9.592 NMAC for location approval of a large capacity electric generating plant and a transmission line. The Applicant will cause the Clines Corners Wind Farm and the Gen-Tie System to comply with all applicable environmental requirements under the Siting Statute and Location Rule. Existing state, county, and municipal land use statutes and regulations allow for the installation of the Project, specifically with the approval of a Special Use District and Height Variance in Torrance County. Furthermore, the approximately 150-foot ROW width is necessary for the Gen-Tie System.

**A. THE APPLICANT WILL CAUSE THE CLINES CORNERS WIND FARM PROJECT TO COMPLY WITH ALL ENVIRONMENTAL REQUIREMENTS.**

**1. THE CLINES CORNERS WIND FARM.**

26. As a renewable energy generation facility, the Clines Corners Wind Farm will result in environmental benefits and will not negatively impact air or water quality during the operating life of the generating facilities. The Clines Corners Wind Farm will produce zero-emission electricity using state-of-the-art wind turbine technology and, in addition, will displace electricity generated from non-renewable sources causing a reduction in greenhouse gas emissions and regulated air pollutants. The Clines Corners Wind Farm will also have a *de minimis* effect on water quality during construction and will conserve water that would otherwise be used in cooling thermal power plants during operation of the Project.



27. Pursuant to NMSA 1978, §62-9-3, the Applicant will cause the Clines Corners Wind Farm to comply with all applicable (1) water pollution control standards and regulations of the NMED; and (2) air pollution control standards and regulations of the NMED. The Direct Testimony of Christopher Knopp explains the applicable requirements and summarizes how the Clines Corners Wind Farm intends to comply with these standards.

28. The types of construction activity permits needed to construct the Clines Corners Wind Farm are typically applied for and issued shortly before the start of construction and are anticipated to consist of air quality permits from NMED for concrete batch plants and mobile rock crushing, if required. No other air or water pollution permits are required from NMED.

29. All air and water quality permits associated with environmental impacts due to construction activities will be acquired by the balance of plant (“BOP”) contractor from the NMED prior to the initiation of construction. Issuance of these permits by NMED and compliance with their terms will satisfy applicable state water and air pollution control standards and regulations.

**(1) WATER POLLUTION CONTROL STANDARDS AND REGULATIONS OF THE NMED.**

30. Clines Corners will not need any water quality permits from NMED to comply with water quality performance standards and regulations of NMED. However, a National Pollution Discharge Elimination System (“NPDES”) permit will be obtained from the United States Environmental Protection Agency (“EPA”) prior to the commencement of construction activities.

31. The purpose of the New Mexico Water Quality Control Act (“New Mexico Water Act”) is to prevent the impairment of New Mexico’s groundwater quality. NMSA 1978, §§74-6-1 *et seq.* Water will be necessary for construction activities such as concrete mixing and dust management. Water for this use will be sourced through private landowners or permissions to drill or utilize water wells, as necessary. In either case, the Project will be subject to and adhere to all

applicable local and state laws. Impacts, if any, to groundwater from the Clines Corners Wind Farm Project will be *de minimis*. Only a small amount of potable water will be needed long-term to support the local operations and maintenance facilities for restrooms or drinking. Since Clines Corners does not anticipate adverse effects on surface or groundwater at the site, it will not require a permit under the New Mexico Water Act.

32. Clines Corners will acquire a storm water Construction General Permit (“CGP”) under the NPDES permit program from the EPA under the Federal Water Pollution Control Act Amendments of 1972, as amended, more commonly referred to as the “Clean Water Act.” 33 U.S.C. §1342. This permit will ensure that storm water discharge from construction activities that disturb one or more acres are managed through best management practices. The Clines Corners Wind Farm will prepare a Storm Water Pollution Prevention Plan as required under the CGP program.

33. The Applicant will obtain coverage under a NPDES CGP from the EPA pursuant to 33 U.S.C. §1342. This construction phase permit requires the management of storm water discharge from the site during construction, including implementation of standard erosion control measures and best management practices. Further, the Clines Corners Wind Farm facilities are being sited to avoid or minimize impacts in potential Waters of the United States. Any impacts will be within the thresholds allowed under the 2017 Nationwide Permit Program under Section 404 of the Clean Water Act administered by the U.S. Army Corps of Engineers. 33 U.S.C. §1344. The facilities will be sited to avoid placement of structures in the floodplain to the extent practicable.

**(2) AIR POLLUTION CONTROL STANDARDS AND REGULATIONS OF THE NMED.**

34. With respect to applicable air pollution standards, construction activities will be required to comply with NMED's General Construction Permits ("GCP"). Applicant will require air quality general construction permitting from NMED to comply with all air quality performance standards and regulations of NMED.

35. The New Mexico Air Quality Control Act applies to the Clines Corners Wind Farm. NMSA 1978, §§74-2-1 *et seq.* The Applicant will require the BOP contractor to obtain a GCP before the start of construction, as necessary for concrete batch plants and for aggregate facilities (GCP-5 and GCP-2, respectively) from the Air Quality Bureau of NMED. The Applicant will provide copies of these permits to the Commission upon request before construction activities associated with these permits begins.

36. The application for the GCP will demonstrate that construction of the Clines Corners Wind Farm complies with applicable air pollution control standards and regulations. Once the Clines Corners Wind Farm is in operation, there will not be any material adverse impact to air quality. To the contrary, the Clines Corners Wind Farm will benefit air quality by displacing sources of electricity which adversely impact air quality.

### **(3) THE GENERATION LOCATION RULE.**

37. This Application and supporting testimony and exhibits provide the information required by the Generation Location Rule and the information needed for the Commission's evaluation of this Application to construct the Clines Corners Wind Farm.

38. The Applicant will cause the Clines Corners Wind Farm to comply with local land use statutes and administrative regulations.

39. No use of state lands for the Clines Corners Wind Farm is anticipated, but to the extent state lands are utilized Clines Corners will obtain New Mexico State Land Office ("SLO")

approval for use of any state trust land, in compliance with Commission Rule 17.9.592.9(B) NMAC.

40. The foregoing authorizations to begin construction and operation of the wind facilities are typically obtained immediately prior to start of construction and in any case will be obtained prior to construction.

41. Clines Corners intends to put the wind facilities into operation as early as the end of 2020.

42. The Application and supporting testimony and exhibits have been served on all local authorities in Torrance and Guadalupe Counties in New Mexico, the New Mexico Attorney General, the NMED, and the New Mexico State Engineer. A copy of the Application and testimony is available at the public library in Estancia, New Mexico, which is the county seat of Torrance County, and in Santa Rosa, New Mexico, which is the county seat of Guadalupe County. This Application and supporting testimony and exhibits are also available on the Applicant's website, [www.orionrenewables.com/nm-clines-corners](http://www.orionrenewables.com/nm-clines-corners), all in compliance with Commission Rule 17.9.592.9(G) NMAC, and Commission Rule 17.9.592.13 NMAC.

## **2. THE GEN-TIE SYSTEM**

### **(1) NO UNDUE IMPAIRMENT TO IMPORTANT ENVIRONMENTAL VALUES UNDER THE SITING STATUTE.**

43. The location of the Clines Corners Gen-Tie System will not unduly impair any important environmental values. A more detailed discussion of environmental aspects of the Gen-Tie System is provided in the Direct Testimony of Christopher Knopp and the Environmental Report.

44. The proposed Gen-Tie System will comport with existing plans of the state and local government, specifically with the approval of a Special Use District and Height Variance in Torrance County. NMSA 1978, §62-9-3(M)(1).

45. The proposed Gen-Tie System will also conform with existing land uses (farming and ranching) near and adjacent to the site and the line will have limited impacts on natural resources. NMSA 1978, §62-9-3(M)(2). This conclusion is supported by extensive studies and fieldwork for the Clines Corners Wind Farm and the area surrounding and inclusive of the Gen-Tie System Corridor. The Project is well-sited from a natural resource perspective. For example, the Project is located outside the range of the lesser prairie chicken, which is a sensitive species of importance in the state of New Mexico.

46. The Gen-Tie System will not produce significant noise emissions or interfere with communication signals. NMSA 1978, §62-9-3(M)(3). A more detailed discussion of this is provided in the Direct Testimony of Christopher Knopp.

47. The Gen-Tie System will mostly be located on private land, which is not open to the public, and the small portion of the transmission line passing through state trust land will not impact public access. NMSA 1978, §62-9-3(M)(4). A more detailed discussion is provided in the Direct Testimonies of Christopher Knopp and Michael Kurnik.

48. The Applicant has conducted extensive, voluntary studies throughout the Clines Corners Wind Study Area and determined that the Gen-Tie System will not unduly impair “existing scenic areas, historic, cultural or religious sites and structures or archaeological sites at or in the vicinity of the proposed location.” NMSA 1978, §62-9-3(M)(5). A detailed discussion is provided in the prepared Direct Testimony of Christopher Knopp and the Environmental Report.

**(2) THE TRANSMISSION LOCATION RULE.**

49. This Application, including supporting testimony and exhibits, provides the information required by the Transmission Location Rule and the information needed for the Commission's evaluation of this Application.

50. Clines Corners will cause the Gen-Tie System to comply with local land use statutes and administrative regulations.

51. Clines Corners will obtain SLO approval for use of any state trust land, in compliance with Commission Rule 17.9.592.10(B) NMAC.

52. The necessary authorizations to begin construction and operation of the Gen-Tie System will be obtained by Clines Corners immediately prior to the start of construction.

53. The Applicant intends to put the Gen-Tie System into operation as early as the end of 2020. The Gen-Tie System will not unduly impair important environmental values in compliance with Commission Rule 17.9.592.10(I) and (H) NMAC. See the Direct Testimony of Christopher Knopp for detailed analysis and explanation of environmental impacts.

54. The Application and supporting materials have been served on all local authorities in Torrance and Guadalupe Counties in New Mexico, the New Mexico Attorney General, the NMED and the New Mexico state engineer. A copy of the Application, testimonies and exhibits is available at the public library in Estancia, New Mexico, which is the county seat of Torrance County, and in Santa Rosa, New Mexico, which is the county seat of Guadalupe County. This Application and supporting testimony and exhibits are also available on the Applicant's website, [www.orionrenewables.com/nm-clines-corners](http://www.orionrenewables.com/nm-clines-corners), all in compliance with Commission Rule 17.9.592.10(J) NMAC, and Commission Rule 17.9.592.13 NMAC.



**B. THE EXISTING STATE, COUNTY, AND MUNICIPAL LAND USE STATUTES AND ADMINISTRATIVE REGULATIONS ALLOW FOR THE INSTALLATION OF THE CLINES CORNERS WIND FARM PROJECT.**

55. Existing state, county, and municipal land use statutory and administrative regulations allow for the construction and development of the Clines Corners Wind Farm Project. The Project is also supported by landowners and local counties. Please see the Direct Testimony of Michael Kurnik for letters of support.

56. There are no zoning regulations in Guadalupe County. As part of Torrance County's Goals and Objectives in the Torrance County Comprehensive Land Use Plan, the development of wind and solar generated power is encouraged to improve and expand Torrance County infrastructure, enhance the quality of life and support economic development. The Torrance County Zoning Ordinance encourages the development of businesses that harness wind energy. Special Use Districts for Wind Energy Facilities are allowed in Torrance County to foster the development of the county's wind power resources, while preserving traditional land uses. On February 28, 2019, the Applicant applied for a Torrance County Zoning Ordinance Amendment for Special Use District and Height Variance. The Applicant received a conditional recommendation to approve the application from the Torrance County Planning and Zoning Board on April 3, 2019. It is anticipated that final approval of the application will be received from Torrance County in June 2019.

57. Most of the Project will be located on privately-owned land. The Applicant has executed private land agreements for approximately 39,580 acres (100% of the total Clines Corners Wind Farm area), as well as approximately 10.3 miles of the Gen-Tie System ROW. Negotiations are well-advanced and continue with additional landowners to enter into transmission ROW easement agreements for the additional 7.4 miles of private land.

58. The Applicant will cause the Project to comply with the conditions for use of state trust lands. Clines Corners is in the process of submitting an application to the SLO for land agreements for approximately 20 acres of state trust lands, which will accommodate approximately 1.1 miles of the Gen-Tie System ROW. State trust land use, while not necessary for the development and operation of the Project, is anticipated and would allow for greater flexibility and efficiency in Project design. State land use is further discussed in the Direct Testimony of Michael Kurnik.

**C. THE 150-FOOT ROW WIDTH IS NECESSARY FOR THE GEN-TIE SYSTEM AND THE APPLICATION PROVIDES THE INFORMATION REQUIRED BY THE ROW STATUTE.**

59. The 150-foot ROW width is necessary for the Gen-Tie System to connect the Clines Corners Wind Farm to Western Spirit in a safe and reliable manner. The 150-foot ROW width is necessary to provide sufficient space for variation in design while addressing electrical safety code requirements and construction and operation considerations according to prudent and standard industry practice. Please refer to the Direct Testimony of Gregory Parent for more details on technical aspects of the Gen-Tie System, 150-foot ROW and interconnection facilities.

60. The Gen-Tie System will be located primarily on private land for which the Applicant has obtained or will obtain land rights. All underlying landowners will agree to the ROW and no land will be “taken” without prior landowner negotiation and agreement.

61. To the extent that the Commission finds the requested ROW width approval is necessary, Clines Corners requests such approval pursuant to NMSA 1978, §62-9-3.2.

**IV. THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM HAVE THE SUPPORT OF LOCAL LANDOWNERS AND COUNTIES.**

62. Clines Corners has received letters of support from landowners and local counties for the construction and development of the Project. These letters of support are included as exhibits to the Direct Testimony of Michael Kurnik.

63. Clines Corners has engaged in outreach to economic development organizations, potential construction partners, and vendors that may participate in the construction of the Project. There is strong interest in the opportunity the Clines Corners Wind Farm Project affords.

64. Additionally, the Clines Corners Wind Farm Project is located in the East Torrance and Guadalupe Soil and Water Conservation Districts. The Applicant has communicated with representatives of both districts and will have follow-up meetings as necessary to address any concerns of the districts.

**V. NOTICE AND PROCEDURAL MATTERS.**

65. Attached to this Application is a proposed form of Notice of Application that Clines Corners proposes, upon order of the Commission, to publish in a newspaper of general circulation in Torrance and Guadalupe Counties.

**VI. TESTIMONIES.**

66. In support of its Application, Clines Corners accompanies its Application with the following testimonies:

<b>Witness</b>	<b>Subject</b>
Michael Kurnik	Clines Corners Wind Farm, Gen-Tie System and ROW overview.
Christopher Knopp	Environmental, biological, cultural and archeological studies.
Gregory Parent	Technical design of the Gen-Tie System and interconnection facilities.
John Tysseling	Economic impacts.

**VII. CONCLUSION.**

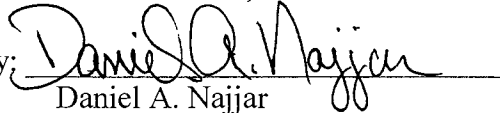
67. Clines Corners has demonstrated that the Project satisfies, or will satisfy prior to construction, all applicable requirements of NMSA 1978, §§62-9-3, 62-9-3.2 and Commission Rule 17.9.592 NMAC. Specifically, (1) the location of the Clines Corners Wind Farm and Gen-Tie System will comply with applicable statutes and environmental regulations under NMSA 1978, §62-9-3 and Commission Rule 17.9.592 NMAC; (2) existing state, county, and municipal land use statutory and administrative regulations allow for the installation of the Project, see NMSA 1978, §62-9-3(G); and, (3) the approximately 150-foot ROW width is necessary for the Gen-Tie System to safely connect the Clines Corners Wind Farm to Western Spirit.

68. The Applicant has complied with all the applicable requirements of NMSA 1978, §§62-9-3, 62-9-3.2 and Commission Rule 17.9.592 NMAC, and respectfully requests that the Commission issue a Final Order as expeditiously as possible approving this Application for the location of the Project in Torrance and Guadalupe Counties and approving the proposed 150-foot right-of-way for the Clines Corners Gen-Tie System.

WHEREFORE, for the foregoing reasons Clines Corners requests that the Commission grant this Application to the extent required by law and for such other relief as may be deemed necessary and appropriate.

Respectfully submitted,

VIRTUE & NAJJAR, PC

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