

1041 2008-002

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February 25, 2016



Mr. Gregory J. Styduhar
Pueblo County Courthouse
215 W. 10th Street
Room 312
Pueblo, Colorado 81003

Re: **SDS 1041 Permit 2008-002 Condition 22 and the Compliance Letter of
February 1, 2016**

Dear Greg:

Mr. Fredell is in receipt of the above referenced letter concerning the reclamation of disturbed lands. Colorado Springs Utilities appreciates the thoroughness of the letter and the release of the relevant bonds. To the extent the letter suggests that Colorado Springs Utilities has an ongoing commitment to maintain 90 percent vegetative cover on the right-of-way in perpetuity, we respectfully disagree. The provisions of Condition 22 were time limited, namely the 90 percent cover was to be achieved and the bonds released without mention of any ongoing obligation. For the reasons that I described in testimony to the County Commission and that were contained in our letter to the County we respectfully reserve our objections to the portion of Ms. Armstrong's letter suggesting that there is an ongoing and enforceable responsibility on the part of Colorado Springs Utilities to maintain the 90 percent cover for the life of the project.

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In preserving this objection Colorado Springs Utilities, in no way, wishes to suggest that it will not continue to work with the County with respect to the maintenance of the right-of-way, bearing in mind that a great percentage of the right-of-way crosses private land and, with the release of bonds, the City's obligations to the landowners are as set forth in the respective easement documents not through the conditions of the 1041 permit.

Hopefully, as matters proceed into the future, a cooperative environment will exist so that our concerns will not ever have to be addressed in any other way. Thank you again for your cooperation and achieving the release of the bonds.

Very truly yours,



David W. Robbins

DWR/jlm

cc: Joan Armstrong
John Fredell
Rick Griffith
Jerry Forte