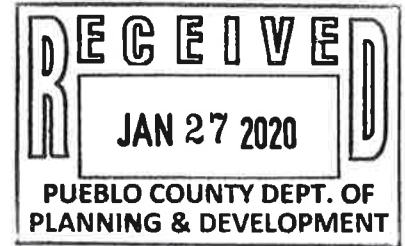


January 27, 2020

Commissioner Garrison Ortiz
Commissioner Terry Hart
Commissioner Chris Wiseman
Pueblo County Commissioners
215 W. 10th Street
Pueblo, CO 81003



Regarding: House Bill No. 1014 2019-003 Rebuttal of Black Hills Energy (BHE) submission

Dear Commissioner Ortiz, Commissioner Hart and Commissioner Wiseman:

Please know that we appreciate you and thank you for all diligent work. Please accept this submission as the Pueblo West Neighbors for a Better Harmonious Environment (Opposition) rebuttal, plea, and important information to the Black Hills Energy's December 23, 2019 report.

PUEBLO COUNTY COMMISSIONERS, PLEASE HEAR OUR PLEA.

With extensive research and documentation, we have voiced our concerns. We realize that these concerns are extremely important for the Commissioners to make their decision but there is one concern that is more important than anything that has been addressed. What's more important than all our concerns? **OUR LIVES, FIREFIGHTERS' LIVES, LAW ENFORCEMENT'S LIVES.** Please do not put the citizens of north Pueblo West in extreme danger of deadly fires with high-risk transmission lines in a severe drought area. (<https://www.weather.gov/pub/droughtInformation>). We will live in constant fear. Can our safety be guaranteed? Could the Pueblo West Fire Department stop a tragic fire from claiming lives? Could they get there in time - day OR night? Being so close to the transmission lines (left image below), how many houses would go up in flames? Who would accept responsibility and/or liability if there is loss of property or life?

WITH HIGH TRANSMISSION LINES - WE ARE AT HIGH FIRE RISK



224 E. Parkridge Dr. Pueblo West, CO



Neighbors Cherl Alfonso, second from left, hugs Steve Little, left, as another neighbor Barb Benedict, right, consoles his mother, Shirley Little as they stand in the rubble that was once his home on April 18, 2018, the morning after the Barnett Fire destroyed five homes in Pueblo County. (Chris McLean, The Pueblo Chieftain)

Will we go from this to this?

TRANSMISSION LINES CAUSE FIRES

FIRE EAST OF PUEBLO MAY HAVE BEEN CAUSED BY TRANSFORMER BLOWN BY HIGH WINDS *Pueblo Chieftain* April 18, 2018

“...the Barnett Fire, which burned 15-18 acres east of Pueblo Tuesday evening, prompting hundreds of evacuations and destroying five homes (see picture on page 1) and multiple outbuildings. Numerous residents in the area speculated the fire may have been caused by a blown power transformer, as witnesses reported seeing the transformer blow in the moments immediately leading up to the blaze”.

“Pueblo Rural Fire District Assistant Chief Mike Furney said Wednesday that the cause of the fire is still under investigation, but noted investigators had heard residents’ claims of the blown transformer and are looking into them. Furney said six emergency responders sustained injuries during fire-fighting operations. Three Pueblo Rural firefighters and one Pueblo County Sheriff’s deputy were transported to a local hospital for their injuries -- three for smoke inhalation and the fourth to address a minor eye injury -- and two additional firefighters were treated for their injuries on-scene. More than 200 families had been under mandatory evacuation as a result of the fast-moving fire, which was fanned by winds as high as 65 mph and rapidly burned through the area. The fire was reported to be 100 percent contained just after 8 p.m. and evacuations were lifted at approximately 11 p.m. However, firefighters remained on scene throughout the night and into Wednesday morning, conducting mop up operations and monitoring hot spots. Although five Pueblo County residents did lose their homes in the fire, Furney credited the fast response of responding agencies for minimizing the damage in the residential neighborhood. “I was real happy with the way all the fire departments came together and assisted with the Pueblo Rural Fire Department,” Furney said. “Without the combined effort I think we would have lost a lot more homes.” <https://www.chieftain.com/8def1ef9-6fef-572a-a592-1352c9f87625.html>

DANGEROUS WINDS January 17, 2019 KOAA - PUEBLO: “dangerous winds possible as wind gusts max out between 45 to 55 mph”. Winds maxed out at 58 mph for Pueblo. <https://www.koaa.com/weather/dangerous-continental-divide-travel-with-damaging-winds-possible-here-at-home>

FORT CARSON FIRE March of 2018, “the FORT CARSON FIRE could not be stopped and rapidly spread because of the high winds and dry brush that frequent the Pueblo West high-desert area. The fire quickly destroyed homes. Fortunately, it did not take lives. Wildfire risk will increase dramatically with the proposed line (high winds, lightning strikes, dry brush, rapture mortality, environmental impacts to wildlife, e.g. California Pacific Gas & Electric liability)”. The close proximity (100-300 feet) to homes puts Pueblo West residents at EXTREMELY high risk of losing their homes and possibly their lives – A TRAGETY WAITING TO HAPPEN. <https://www.denverpost.com/2018/03/26/fort-carson-fire-army-live-ammo/>

WESTERN PUEBLO COUNTY Former Fire Chief of Rye, in western Pueblo County, said that, “He had lost count of how many fires started from power lines arching to trees. Among others in my area, the 2012 Wetmore Fire (2500 acres, **15 homes lost**) started from a defective transformer, as I understand. The 2016 Junkins Fire (18000 acres, something like **10 home lost**) started when a high wind blew apart a metal shed and panels from it hit a power line, causing an arc to dry grasses”.

COLORADO UTILITIES LEARNING FROM CALIFORNIA'S WILDFIRE AGONIES, BLACKOUTS

October 28, 2019

"PG&E was blamed for last year's Camp fire that demolished the town of Paradise and killed 86 people in the state's deadliest wildfire". "Pacific Gas & Electric Co. power lines have caused more than 1,500 California wildfires in the past six years, including the deadliest blaze in the state's history". PG&E has filed for bankruptcy. Would BHE be forced to sign bankruptcy?



PG&E Paradise transmission lines fire

"The danger that a power line can be blown down by high winds and set off a conflagration in a remote area that then spreads to subdivisions and towns has Colorado utilities looking at burying more lines. Holy Cross Energy, which provides electricity for Vail, proposed a new 115-kilovolt transmission line between a substation at Gilman and Avon last year, according to Summit Daily. Undergrounding transmission lines could help communities along Interstate 70 be less vulnerable to wildfires. Gunnison Electric — which has 629 of its 1,089 miles of its distribution lines underground — is pushing to get more power lines buried, said John Stoeber, a line superintendent for Gunnison".

<https://www.outtherecolorado.com/colorado-utilities-learning-from-californias-wildfire-agonies-blackouts/>
<https://www.businessinsider.com/pg-e-caused-california-wildfires-safety-measures-2019-10>

ART GOODTIMES, a former San Miguel County commissioner, believes that "underground lines pose less risk of causing wildfires". "If you're really serious about (mitigating) wildfire risk, undergrounding makes sense if you consider the avoided costs, the dollars and cents, of containing wildfires," he says.

CITY OF FORT COLLINS UTILITIES October 4, 2016 · "Over 99% of our power lines are underground. Underground lines help support high reliability, keeping the lights on during snow, rain, wind storms and even floods. More money up front but long term pays off — lower maintenance". 222 Laporte Ave., Fort Collins, Colorado 80521, (970) 212-2900

UNDERGROUNDING (Wikipedia) "It demonstrates the higher technology in developed countries for fire prevention and to make the power lines less susceptible to outages during high wind thunderstorms or heavy snow or ice storms. An added benefit of undergrounding is the aesthetic quality of the landscape without the powerlines".

TOP 5 REASONS TO USE UNDERGROUND TRANSMISSION LINES February 19, 2018

Excerpts:

"Much less likely to need a repair, preserves natural beauty and land value, overhead lines permanently alter the look of residential neighborhoods and scenic areas, underground transmission is a dependable solution, underground transmission poses very little risk No electrocution hazard for people or wildlife, no collision or entanglement hazards for small planes or helicopters, no risk of line exposure from traffic collisions, **no fire risk to people, wildlife, nature or homes from arching lines during windy conditions**, underground line backed by the community after opposition to an overhead line was voiced, spurring a ruling for underground transmission, underground transmission is gaining popularity for good reason."

<https://www.hdrinc.com/insights/top-5-reasons-use-underground-transmission-lines>

REBUTTAL REMARKS

- I. **Floodplain – Black Hills is to provide information on the maximum variation from the indicated center line alignment that may be possible due to engineering requirements and what will be the minimum possible distance from the alignment to the property line of all adjacent properties. Black Hills is to provide information on the effect of steel monopoles within a 100-year floodplain in the event of a 100-year flood and possible mitigation and reclamation measures that may be taken to prevent and remedy such effects.**

Rebuttal

The 2019 proposed route along the Wildhorse Creek drainage is partially within a 100-year FEMA floodplain. At the November 26, 2019 Commissioners' hearing, when the Commissioners expressed concern about placing lines in a designated floodplain, BHE responded that they would **"zigzag" the lines over the creek -"zigzag"**. This is ridiculous. **Plus, this would require a much wider right-of way and would also require access roads along both sides of the creek.**

- II. **Fremont County – Black Hills is to provide information on the current status of the project in Fremont County and clarify statements made by the applicant in the Pueblo County 1041 permit application as to the status of the project in Fremont County.**

Rebuttal

"We're glad the city has not yet taken official action to renew that franchise because we think it's important that Cañon City wait and see what Pueblo does," said Emily Tracy, the founder of CCEF. <https://www.canoncitydailyrecord.com/2019/12/05/canon-citys-energy-future-urges-the-city-to-hold-off-on-black-hills-franchise-vote/>

- III. **Underground Report – Black Hills is to provide a copy of any reports or documents prepared or to prepare reports or documents that examine the feasibility and cost of underground transmission lines in the portion of the alignment that borders residential properties.**

Rebuttal

In their Response to Information Requests (on the Case Documents website, December 20, 2019, pages 18-60), BHE justifies their claim that undergrounding will cost 5-to-9 times the cost of overhead lines by **submitting an article written by their own company backing up their claims. This proves nothing, and is merely self-serving.** When questioned about the cost from Commissioner Sal Pace during a 2018 Pueblo County Commissioner's meeting, BHE said it would be \$5 million, then at a later meeting it was \$7 million and the latest cost was quoted at \$9+ million. Depending on the day, the amount changes.

Lineman's and Cableman's Handbook, Eleventh Edition, by James E. Mack Attachment A Excerpts:

Chapter 20: Transmission Tower Erection - "Towers present more problems. The towers require foundations; they are higher and heavier and are therefore more difficult to erect; the conductors are larger and the spans longer, making wire stringing a more difficult job".

Chapter 29: Underground System – Overview -Underground transmission and distribution are installed when:

The appearance of numerous heavy overhead lines would be unsightly, as in dense downtown areas or in new or redeveloped districts of cities. Underground lines are therefore used only when necessity demands them, as stated above".

IV. Existing Substation Expansion – Black Hills is to provide additional information, reports or documents that support the position that the existing substation is necessary.

Rebuttal

The current sub-station is located on Desert Cove in Pueblo West (north side). The new BHE proposed Industrial sub-station is located 3 miles from the Desert Cove sub-station. Does BHE actually need an additional sub-station? **Is a sub-station needed every 3 miles?**

According to *The Pueblo Chieftain* – report of population, April 18, 2019. **"Pueblo West population in 2017 was about 31,500." "The growth rate of 0.7% was the county's weakest in four years and comes amid a period of little job growth locally". Pueblo West 2019 estimated population = 31,704 an increase of 204 people over a two-year period.**

<https://www.chieftain.com/news/20190418/pueblo-county-population-gains-lag-new-mayor-reaffirms-growth-agenda>

We are questioning the need for an additional substation for Pueblo West. Are the high transmission lines and sub-station actually for Pueblo West **even with low population growth** OR for Canon City since they (BHE) shut down the power plant in Canon City OR could the high transmission lines be for BHE's new "Renewable Advantage" (large scale renewable energy projects (wind, solar, battery storage)? blackhillsenergy.com/renewable-advantage

Pueblo West residents are opposed to BHE's placement of **another unsightly substation** in our community. IF a substation is actually needed, it would be best located, west of Pueblo West, along the north side of Hwy 50, in the area of West McCulloch. The Hwy 50 route, on Walker land, provides a more appropriate location.

V. Feasibility of the use of alternatives routes (i.e., Highway 50 corridor and along the north section of the Walker Ranches adjacent to the Fort Carson Military Reservation -WAPA lines).

Rebuttal

Feasible and less offensive alternate routes exist: Our preference is for BHE to run the lines south to Highway 50, then NW along the highway where electrical infrastructure already exists, then onto Walker Ranch land and NW OR run the transmission line north along the Pueblo West main corridor to the Fountain Valley substation, then west. BHE claims that running the line west from the Fountain Valley substation will violate the Nature Conservancy protected areas. However, **we have previously submitted a letter from the Conservancy** that states the only requirement for putting a line across these protected lands is supervised construction by wildlife officials. In other words, **the line could easily be run along the Highway 50 route or the northern route (WAPA lines).** When an alternate route is submitted (such as the northern route towards Fort Carson-Western Area Power Association [WAPA]), BHE “plays the Conservancy card”. When another route idea is submitted such as Highway 50 corridor, they “play the Conservancy card” again, moving it each time to fit Mr. Walker’s preferred plan.

We would like to point out – During the November 26, 2019 Pueblo County Commissioner’s meeting when BHE was questioned by the Commissioners about the different route options, each time, BHE said, “Mr. Walker prefers, Mr. Walker prefers, Mr. Walker prefers”. **BHE cares more about what Mr. Walker “prefers” than what the Pueblo West residents’/their customers “prefer” - what would be best for the community, safety concerns, fire risks, health concerns, taking all rules and regulations into consideration.** If the lines were put along Highway 50 and a fire occurred from the line, it would be immediately spotted and the fire department could get to the source quickly, saving time, down Highway 50 resulting in less chance of loss of property and life.

BHE’s Alternative A4 Study – Comparisons of Alternatives Attachments B & C

Let’s step back from looking at BHE’s Preferred Route and consider a different, previously approved, BHE route. **Alternative A4 Route** meets all project requirements including purpose, need, length and cost but was never considered because of what BHE said - “of visual impact to a larger number of residents”. The study results between BHE’s Preferred Route and the Alternative A4 Route are actually skewed and the Alternative A4 Route is actually the better route:

- ❖ Attachment C shows the view of the properties south of Highway 50 in Pueblo West. The blue line extends approximately 2500’ from the easement on the north side of Highway 50. The 502 properties, located between the Highway 50 easement and the end of the blue line, are the **Alternative A4** residents. More than ninety percent of these residents would NOT BE ABLE to see a transmission line on the opposite side of Highway 50 that would line up with other power lines already there. **Alternative A4 residents should have been included for consideration in the permit process. Surveying these residents is all that remains to possibly ending an on-going gridlock.**

According to BHE, running the transmission lines along Highway 50 has “environmental and social impacts” as if Wild Horse Creek doesn’t have “environmental and social impacts”. Running the transmission lines down Highway 50 will not significantly impact residents along the highway, as BHE claims. The location of the Highway 50 residences is a further distance away and across the highway, and already have the highway and existing powerlines in their view.

Conservancy - When researching the **Conservancy** restrictions on Walker Ranches and how they impact the proposed route by BHE, we found that additional research may be needed and evaluated.

http://county.pueblo.org/sites/default/files/Survey_of_Critical_Biological_Resources_of_Pueblo_County,_Colorado_by_CNHP.pdf

VI. Property Value – Both the applicant and those in opposition are to provide documentation, reports or other evidence that property values are or are not affected by the placement of transmission lines near adjacent residential properties.

Rebuttal

We stand by our extensive December 27, 2019 report, studies, comparisons, local realtors' statements, and research that provided numerous detailed proof of reduction in property values not only across the nation but specifically properties with transmission lines in Pueblo West. Our submissions were from newer studies and recent reports and comparisons using updated knowledge and studies.

In BHE's Response to Information Requests (on the Case Documents website, December 20, 2019), BHE chose old articles and articles from 2010-2012 (lingering recession effects on real estate?) to justify no impact on property values, while our opposition group found recent articles identifying adverse impacts on values (more robust market). **BHE's report was outdated, using old studies and information.**

We purposely spent premium dollars to buy or build our homes here along Wild Horse Creek (WHC). The open views are stunning. When we purchased our homes along WHC, there was no mention of transmission lines being built in the easement. In fact, at least one realtor mentioned that existing supply/distribution lines would probably soon be buried, like in Pueblo West south of Highway 50. Unfortunately, BHE's claim that **"Residents had clear notice of the location of utility infrastructure when they purchased their property". Is simply not true. We knew there was "Distribution Infrastructure" from the sub-station to our homes – there isn't any "Transmission Infrastructure" in Wild Horse Creek – BHE was not attempting to put "Transmission Infrastructure" near our homes when our homes were purchased. BHE's last original route filed with the PUC was going from Midway across the Southern Boundary of Fort Carson. Also deceptive is BHE's claim that "BHE is upgrading to the extent possible distribution infrastructure that already exists in the utility easement, significantly minimizing new impacts. BHE is also using steel monopoles to further lessen visual impacts. These efforts ensure the route proposed is the most optimal route to meet the community's need."** (page 10 of BHE's Response to Information Requests, December 20, 2019).

VII. Pueblo West – Pueblo West is to provide additional information regarding their position of opposition to the application and status of any easement agreement between the parties.

Rebuttal

On pages 55-56 of the 2019 1041-003 application, BHE states **"BHE is also seeking an easement through the Pueblo West Metro District area and are negotiating directly with that agency for an easement acquisition."** The PWMD Board has denied having this negotiation via a letter to the Commissioners.

Our first preference is the Highway 50 route, but at the very least, we asked BHE to **BURY THE LINES** as the safest, decent thing to do, being a "good neighbor" to the residents of Pueblo West and their customers.

We are attaching two pages of important facts, regulations, and information and ask that you read them also. The information is very important to our case against Black Hills Energy's proposed route.

Once again, we thank you for this opportunity. We, your constituents, are grateful for the thoughtful consideration our Pueblo County Commissioners have given to our pleas and concerns during this long process. We submit our documentation for your review. If you need further clarification, please feel free to contact us.

Respectfully submitted,

Pueblo West Neighbors for a Better Harmonious Environment

Pueblo West Neighbors for a Better Harmonious Environment (Opposition)

Submitted to Gail L. Wallingford-Ingo, Interim Director
229 West 12th Street
Pueblo, CO 81003

Attachments

Important Facts, Regulations, and Information for Consideration Prior to Decision

- **2018 Denial Letter** - We question if the 2019 1041 BHE proposal completely rectifies the Commissioners' concerns in their 2018 denial letter. We question if the 2019 BHE proposal merely shifts the adverse impacts of the 2018 proposal to a different Pueblo West residential area.
- **S-1 Zoned Easement - BHE is a corporate utility, NOT a public utility company.** Attachment BHE claims a "use by right" of existing S-1 zoned easement (Tract 251, Parcel #508099251) along Wildhorse Creek (WHC) however, a 1977 Quit Claim deed transferring ownership of easements to Pueblo West Metro District (PWMD) indicates that the proposed transmission lines are an illegal use for an easement stating, "...for the express benefit of all property owners within the boundaries of the PWMD...". The proposed transmission line is of NO BENEFIT to the Pueblo West citizens. This same Quit Claim Deed from 1977 provides the easement parcels being transferred to PWMD for "...public utilities, sewage, water and drainage easements, equestrian easements...". Once again, **BHE is a corporate utility, NOT a public utility company.** Pueblo County definition of S-1 "Use by right" does NOT apply to utility lines of any kind, only to emergency facilities - **Code 17.84 Public Use District: Uses by right are for "An emergency facility as defined within Section 17.04.040 shall be use by right in the S-1 Public Use District".** Emergency facilities "include fire departments and ambulance headquarters, but shall not include hospitals". County regulations differentiate between lower-voltage "utility lines" and high-voltage "transmission lines". "Public utility installations shall be subject to the following requirements: ...transmission and service lines for service to properties exclusively within Pueblo County... shall not be subject to zoning requirements". BHE's proposed line would run from Pueblo to Fremont County; therefore, it would be subject to zoning requirements, and thus **ILLEGAL** based on the above zoning definitions of S-1 land.
- **Pueblo County Codes** - Further examination of Pueblo County codes and associated definitions also indicate that the S-1 zoned Wild Horse Creek easement cannot be used for the proposed transmission lines – **Code 17.168.010 Exemptions are NOT met by the proposed lines: A. No existing major line; B. Proposed line requires expanding from existing 60 ft. to 125 ft. easement width; C. Adjacent property owners' rights will be severely diminished.**
- **County Supplementary Regulations** also prohibit the proposed transmission line - **Code 17.120.010 Accessory uses: "...B. The use is not injurious, noxious, or offensive to the neighborhood..."**. The neighborhood opposition deems this line is injurious, noxious, and offensive to the residence.
- **Confusion/Concerns of BHE Application** - In BHE's 2019 1041-003 application, BHE admits that there are "existing overhead distribution lines" along Wild Horse Creek, but then they immediately state that "BHE plans to use this existing infrastructure by upgrading the existing tower structures to be used for the transmission line" (page 25 of 2019 1041-003 application). Also in their 2019 1041-003 application, BHE states that part "... of the length of the line in Wild Horse Creek will include upgrades to existing distribution infrastructure to accommodate a transmission line. By upgrading the existing distribution lines, BHE avoids locating the Project in undisturbed land with undisturbed views". (page 12 of 1041-003). **Confusion/deception?** Transmission line towers will be 2 to 3 times as tall as distribution towers, and will carry 3 to 4 times as many wires, all at much higher voltage. This is much more obnoxious to adjacent and nearby homeowners. High-voltage

transmission lines continuously buzz and crackle. And many studies show health risks and fire risks near high-voltage transmission lines, which is a major concern.

- **MORE Deception** – “Black Hills Energy Deceptions”, *Pueblo Chieftain*, Jan. 18, 2020
“We are seeing lots of information from Black Hills Energy these days on television and in the news. The latest push is from a campaign called Pueblo C.A.R.E.S., which is calling itself a grassroots movement. The chair is Steve Welchert, chief executive officer of The Welchert Company, a political action company in Denver. This political marketing front is funded with contributions from Black Hills and clearly is disseminating fear and misinformation in favor of Black Hills. This leads us back to the main issue: Do you trust Black Hills? The Black Hills corporate team in South Dakota who really run the operation haven't changed. They still will invest, invest and invest to get their guaranteed return on investment, even when it's not in the best interest of customers.

San Isabel Electric Association has proposed a similar arrangement, where it would run the operations and maintenance, that will save customers 15 percent. SIEA would hire all the local Black Hills employees that serve Pueblo. Anything Black Hills can do, public power can do at lower cost. Public power has access to lower cost financing for capital investment than Black Hills. Public power will focus on customer interests rather than Black Hills shareholders.”

<https://www.chieftain.com/opinion/20200118/black-hills-energys-deceptions>

- **Future** - If the proposed 115 kilovolt line is approved and built, it will eventually be upgraded with even larger poles and more wires to a 230 kilovolt line, **per the Colorado Public Utilities Commission (PUC) regulations requiring this upgrade**. This would further degrade our property values and lifestyles along the route.

"Much of the U.S. grid will go the way of the landline phone. As renewable energy picks up and electricity demand drops, it's getting way more expensive for a large part of the grid to produce electricity, and that's a problem for everyone." Source: Wired Magazine 2018

- **RATES** - BHE rates are higher than most due to their dual internal corporation model. One corporation generates the electrical power, and then sells it to its sister corporation which then distributes the power. Each corporation must be profitable, so the distribution side pays the generating side, and then has to pass on this cost on to customers. Thus, Pueblo West residences have some of the highest rates in the country. We also are concerned with BHE's 2019 public notices to hike their electrical rates beginning January 1, 2020. These notices were published in the Pueblo Chieftain on December 3 and December 10, both on page B9. So, BHE raises the PW rates but “touts” that they will not raise the rates for 5 years.
- **Property Taxes** - We pay significantly higher property taxes than does Walker Ranches, so we should at least have **an equal say**. The County Assessor's website indicates the 70,000-acre-plus Walker parcels were billed a total of \$5,912 in property tax in 2019, while each individual 1-to-3-acre Pueblo West parcel was billed an average of \$2,000. If transmission lines are put up near our homes, it will lower our property values and the county will receive less money in taxes. Many homeowners will move away from the transmission lines.

S-1 Zoned
Easement
Attachment

562576 10:50 A.M. DEC 30 1977
NO. RECORDED
JON H. GILBERT, Notary

BOOK 1917 PAGE 148

QUIT CLAIM DEED

For the consideration of Ten Dollars; and other valuable considerations,
LAWYERS TITLE OF PUEBLO, INC., A Colorado Corporation, as Trustee for
McCULLOCH PROPERTIES, INC.

hereby quit-claims to

Pueblo West Metropolitan District, a quasi-municipal entity,
and its successors,

the following real property situate in the County of Pueblo and
State of Colorado, to-wit:

SEE ATTACHED EXHIBITS "A" AND "B" INCORPORATED HEREIN BY REFERENCE.

"The use of the within described property shall be
restricted to and shall be dedicated for public use
in perpetuity as thoroughfares and easements for
public utilities, sewage, water and drainage easements,
equestrian easements and other such related uses.
The restriction contained herein is for the express
benefit of all the property owners within the
boundaries of the Pueblo West Metropolitan District,
and such other property owners or each of them
may enforce these restrictions at law or in equity.
Grantee, by accepting this deed, acknowledges the
foregoing restriction and agrees to be bound thereby."

Signed and delivered this 28th day of December, A. D. 1977.

LAWYERS TITLE OF PUEBLO, INC.
A Colorado Corporation, as Trustee
under that certain Trust Agreement
dated July 18, 1966 (a Memorandum of
which is recorded in Book 1606, Page 107,
Pueblo County Records)

By Betty Lynde (SEAL)
President

ATTEST:
Leslie A. Hayden
Secretary

STATE OF COLORADO)
COUNTY OF PUEBLO) ss.

The foregoing instrument was acknowledged before me this 28th day
of December, A. D. 1977 by Betty Lynde as President and Leslie A. Hayden
as Secretary of Lawyers Title of Pueblo, Inc., a Colorado Corporation, as Trustee
under that certain Trust Agreement dated July 18, 1966 (a Memorandum of which is
recorded in Book 1606, Page 107, Pueblo County Records).

Notary Public

My Commission Expires: April 5, 1978

Witness my hand and official seal.



1917 149

STATE OF COLORADO)
COUNTY OF PUEBLO) ss.

I hereby certify that this instrument was filed for record in my
office this day of DEC 30 1977 at
10:50 o'clock A.M., and duly recorded in Book 147, Page 148.
Film No. Reception No. 562576

Recorder

By

Deputy

AFTER RECORDING RETURN TO:
LAWYERS TITLE OF PUEBLO, INC.

NOV 1917 150

EXHIBIT A

<u>Tract</u>	<u>Parcels</u>
142	A-I
Am. 143	A-J
Am. 144	A-G
145	A-G
146	A-R
147	A-J
148	A-O
149	A-Q
231	A-V
232	A-T
233	A-N
234	A-B
235	A-D
236	A-T
237	A-J
238	A-I
239	A-L
240	A-G
Am. 242	A-N
244	A-D
245	A-C
250	A-F
251	A-M
Am. 253	A-F
Am. 255	A-X
Am. 256	A-F
300	A-I
301	A
302	A-B
303	A-K
304	A
305	A-V
306	A-G
307	O-U
316	A-T
318	A-B
319	A-C
320	A-E
Am. 334	A-E
337	A-N
350	A-C
352	A-B
353	A-O
355	A-E
357	A-J
358	A-H
359	A-P
361	A-D

#505099251
9529000001
9529099238



January 13, 2020



Copyright 2015

Provided by: Pueblo County EDCIS

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



Lineman's and Cableman's Handbook, Eleventh Edition

By James E. Mack

Chapter 20: Transmission Tower Erection

- The general procedure for erecting transmission towers is similar to that for poles, but towers present more problems. The towers require foundations; they are higher and heavier and are therefore more difficult to erect; the conductors are larger and the spans longer, making wire stringing a more difficult job.
- Only the general procedure of the construction process will be given. Illustrations will be used to show the various steps. The discussions will be limited to a description of the operations shown in the illustrations.
- The order of the operations in tower erection may be briefly outlined as follows:
 - Clearing right-of-way for the line
 - Installing tower footings
 - Grounding tower base
 - Erecting transmission towers
 - Insulator installation
- These operations will be illustrated in the pages that follow, and comments will be made on the operations performed.
- **Clearing Right-of-Way.** The right-of-way is cleared of all obstructions that interfere with the operation of the electric transmission line. In scenic and residential areas, clearing of natural vegetation is limited. Trees, shrubs, grass, and topsoil that are not cleared are protected from damage during the construction of the tower line. At road crossings, or other special locations of high visibility, right-of-way strips through forest and timber areas are cleared with varying alignment to comport with the topography of the terrain. Where rights-of-way enter dense timber from a meadow or other clearing, trees are feathered in at the entrance of the timber for a distance of 150 to 200 yards. Small trees and plants are used for...

Chapter 21: Stringing Line Conductors

The installation of conductors on poles and towers must be accomplished in a manner to provide an electric circuit that will operate reliably and not endanger the public. Conductors with surface scratches or defects energized at high voltages will have corona losses and generate radio-interference voltages that will be transmitted through the atmosphere.

Slack Conductor Stringing. Slack conductor stringing is limited to short lengths of line operating at low voltages utilizing conductors with a weatherproof covering or installations where scratches on the surface of the conductor are not important. Scratches on ground or neutral conductors will not cause problems if the strength of the wire is not impaired.

The reels of wire can be mounted on a vehicle in such a manner that the reels are free to rotate. The ends of the conductors are fastened to a pole, tower footing, or other fixed object. The vehicle is then slowly propelled along the route of the line, allowing the conductors to unwind as the reels are moved forward. In this method the conductors are not dragged over the ground, causing them to become scratched or damaged. They are simply laid out on the ground without being pulled over it. The method, however, cannot be used on one-circuit tower lines or on X-braced H-frame

lines because the center or middle conductor must be placed over the internal framework of the tower or over the X braces of the H frames. This obviously is impossible if the reels are on the...

Chapter 29: Underground System

OVERVIEW

Underground transmission and distribution are installed when:

1. Space is not available for overhead lines, as in the congested downtown areas of large cities.
2. The hazard of high-voltage overhead lines is too great, as in heavily built-up areas of large cities.
3. The **appearance of numerous heavy overhead lines would be unsightly**, as in dense downtown areas or in new or redeveloped districts of cities.
4. Community ordinances, administrative codes, or franchise agreements require the installation of underground electric facilities in defined areas.

Underground lines cost more than the equivalent overhead lines. Underground lines are therefore used only when necessity demands them, as stated above.

Parts of Underground System. An underground system may consist of six parts:

1. Conduits or ducts
2. Manholes
3. Cables
4. Transformer vaults
5. Risers
6. Transformers

The first three parts listed above are illustrated in Fig. 29.1. The ducts are the hollow tubes in the conduit runs connecting the manholes, one with another. The cable is the electrical power circuit placed in the conduit through which power flows, and the manhole is the chamber where cable ends are spliced together to make a continuous circuit. Transformer vaults (Fig. 29.2) are underground rooms in which the power transformers, network protectors, voltage regulators, circuit breakers, meters, etc. are housed. Cables terminate in transformer vaults or customers' substations or connect with overhead lines in potheads, as illustrated in Fig. 29.3. The last termination is called a riser.

Conduits

Types. The hollow tubes or ducts running from manhole to manhole can be made of...

Copyright The McGraw-Hill Companies, Inc. 2007 under license agreement with Books24x7

Let's step back from looking at Black Hills Preferred Route and consider a different, previously approved, Black Hills route. Alternative A4 Route meets all project requirements including purpose, need, length and cost but was never considered because of visual impact to a larger number of residents.

(Excerpt in last years **Black Hills' ALTERNATIVES ANALYSIS - Canon West Reliability Project** dated November 2018)

Table 1. Comparison of Alternatives (page 15)

Route ID	Does the Alternative Meet the Purpose and Need?	Total Length (Miles)	Miles Under-ground	Parcels Crossed	Residences within 1,000 feet of New Easement	Residences between 1,000 - 2,500 feet of New Easement	Cost Relative to Preferred Route (Pueblo County Only) ⁵
A1	No	19.56	0	39	234	396	1.04P
A2	No	18.89	0	23	234	396	1P
A3	No	17.03	0	16	140	416	0.9P
A4	Yes	15.68	0	18	169 ₂	502 ₂	0.83P
Preferred	Yes	18.87	0	19	26 ₂	180 ₂	1P
B1	No	21.37	0	24	247	441	1.13P
B2	No	16.98	0	20	164	386	0.90P
B3	Yes	18.87	3	19	3 _{2,4}	131 _{2,4}	1P+8.52M ₆
B4	Yes	15.32	0	18	191 ₂	788 ₂	0.81P
B5	Yes	14.97	0	13	191 ₂	743 ₂	0.79P

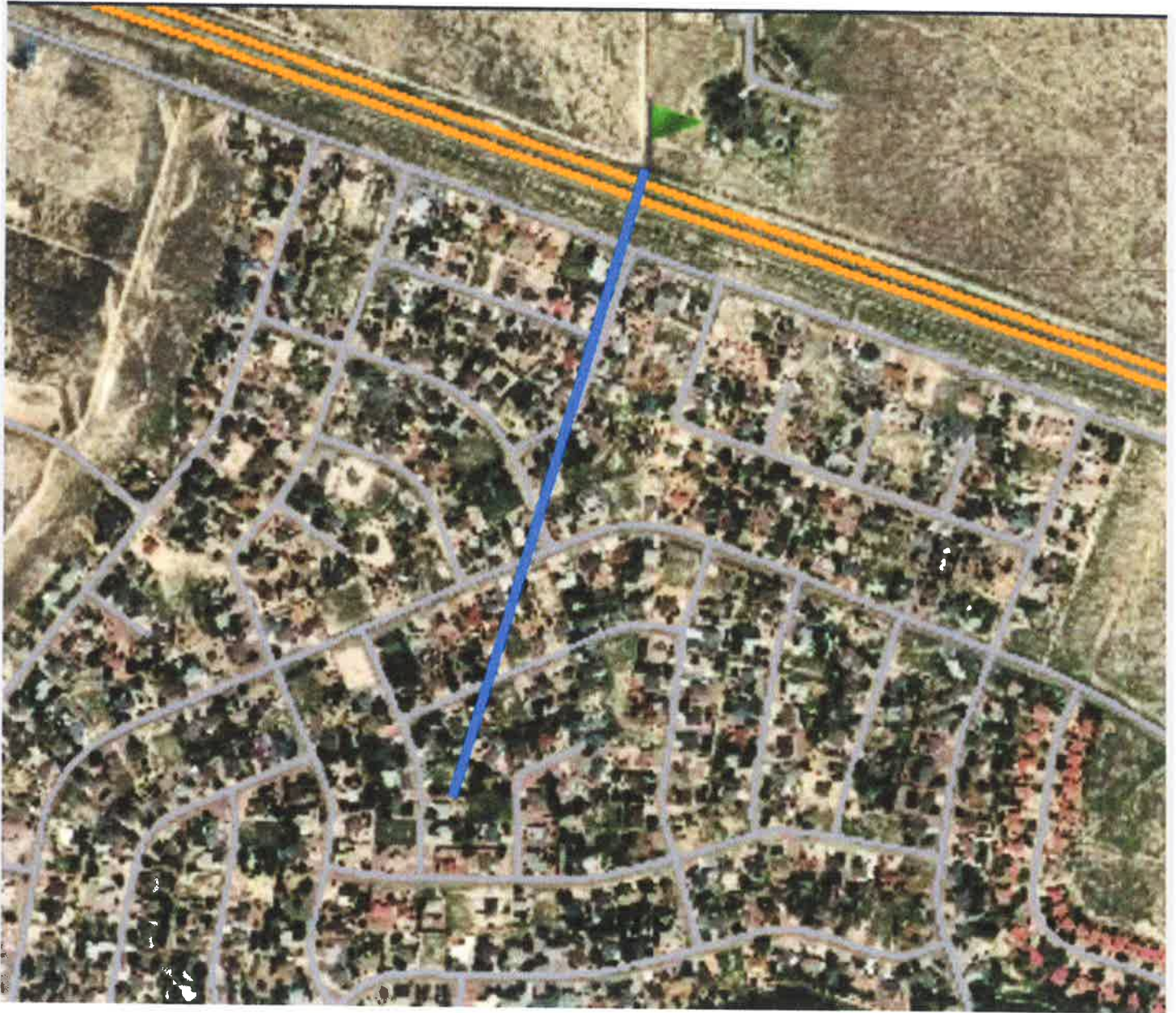
¹ Residences between 1,000 and 2,500 feet of the new easement could experience some visual impacts depending on topography and other factors, but the level of visual impacts decreases with distance from the transmission line. Because this alternative would have more visual impacts on residences than the Preferred Route, it was not considered further.

4.2.4 Alternative A4 (page 16 & 17)

Black Hills Energy also considered routing the transmission line further south to run parallel to Hwy 50 into Fremont County. **there would be more land owners south of Hwy 50 that would have the line within their view shed as they look west than is proposed under the Preferred Route. Alternative A4 would result in visual impacts to the largest number of residents as compared to the other alternatives identified by Black Hills Energy. Because this alternative would have more visual impacts on residences than the Preferred Route, it was not considered further.**

Attachment c

This is the map that was missing on the last email. There are the 500 and some properties south of Hwy 50 that were omitted from the Alternative A4 study.



This is a view of properties south of Hwy 50. The blue line extends approximately 2500' from the easement on the north side of Hwy 50. The 502 properties, located between the Hwy 50 easement and the end of the blue line, are the Alternative A4 residents. More than ninety percent of these residents would not be able to see a transmission line on the opposite side of Hwy 50. And not be in opposition to it. Alternative A4 residents should have been included for consideration in the permit process. Surveying these residents is all that remains to possibly end ongoing gridlock.