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September 27, 2018

CREA.COOP

Nina Ruiz, Planner II El Paso County, Colorado Development Services Department



2880 International Circle, Suite 110

Colorado Springs, Colorado 80910

Re: AASI-Revisions to Chapter 5 - Site Selection and Construction of Major Facilities of a Public

Utility Case No.: AASI184

Dear Ms. Ruiz:

The Colorado Rural Electric Association (CREA) is a trade association representing 22 electric distribution cooperatives and one generation and transmission cooperative headquartered in Colorado. CREA appreciates the opportunity to comment on proposed changes to El Paso County regulations for permitting major facilities of a public utility.

CREA and its members respect the authority of counties to implement regulations for the site selection and permitting of major facilities of a public utility as defined in Colorado Statutes and regulations established by the Public Utilities Commission (PUC). The statute and regulations adopted by the PUC clearly differentiate between electric lines used for transmission and distribution.

Included in the proposed changes to Chapter 5 of the El Paso County regulations is an attempt to redefine electrical distribution lines. This new term "minor transmission lines" is not recognized in Colorado Statutes nor PUC regulations promulgated to implement the statutes as passed by the Colorado General Assembly.

Clearly El Paso County, through statutes adopted by the General Assembly known as 1041 powers has authority to adopt regulations for transmission lines as defined in statute and regulations. However, no county as the authority redefine what is defined in statute and regulations as an electric distribution line in order to regulate these lines as if they were transmission lines.

Therefore, CREA respectfully requests that language reference "minor transmission facilities" be removed from the proposed changes to the regulations prior to adoption by the commission. Expansion of 1041 powers is under the authority of the Colorado General Assembly. CREA is willing to work collaboratively with representatives of El Paso County, Colorado Counties Inc. the PUC, public utilities and other stakeholders to explore changes to 1041 powers if necessary.

Thank you for your consideration of CREA's comments. Please contact me if you have any questions.

Sincerely,

Geoffrey C. Hier
Director of Government Relations
303-601-0978