

# PIKE SOLAR LLC



Appendix A- 1041 Application Form

**Exhibit B**

**APPLICATION FOR A PERMIT TO CONDUCT A  
DESIGNATED ACTIVITY OF STATE INTEREST OR  
TO ENGAGE IN DEVELOPMENT IN A DESIGNATED AREA  
OF STATE INTEREST**

To: Permit Authority, El Paso County

RE: El Paso County Approval of the Proposed Pike Solar Project

From:

Applicant: Pike Solar LLC  
1710 29<sup>th</sup> Street, Suite 1068  
Boulder, CO 80301  
Attention: Jay Sonnenberg, General Counsel  
Contact: Claire Gerrish, Project Planner  
Phone: 303.996.4154  
Email: [cgerrish@juwiamericas.com](mailto:cgerrish@juwiamericas.com)

Date Submitted: 6/16/2021

Date Received and Accepted as complete: \_\_\_\_\_

1. Matter of State Interest

The applicant requests that a permit be issued for each of the items checked below: A permit to conduct one or more of the following matters of state interest:

- a. Efficient Utilization of municipal and industrial water projects
- b. Site selection and construction of major new domestic water and sewage treatment system and or major extension of existing domestic water and sewage treatment
- ✓ **c. Site selection and Construction of major facility of a public utility**
- d. Development in areas containing or having a significant impact upon floodplain natural hazard areas
- e. Site selection and expansion of airports
- f. Site selection of arterial highways and interchanges and collector highways
- g. Site Selection of rapid or mass transit facilities

## 2. Proposed Activity or Development

Pike Solar LLC is seeking a 1041 permit approval by El Paso County, Colorado to construct, operate, maintain, and decommission the Pike Solar Project. This Project is a solar facility that will provide 175 alternating current (AC) MW of photovoltaic solar energy and also provide up to a 75 MW X4 hour battery energy storage system. The power generated from the Pike Solar Project will interconnect directly with the Colorado Springs Utilities grid. The site will have a project footprint of approximately 1,350 acres.

The solar PV system will be composed of photovoltaic modules that convert the sun's radiant energy into electricity. The modules will be mounted on horizontal single-axis tracking racks that rotate from east to west to track the sun over the course of each day. The modules will be electrically connected in series strings to achieve a system DC design voltage of 1500V DC. Cables from the module strings will be buried in trenches and combined with DC combiner boxes located strategically throughout the field. The DC combiners will connect multiple arrays in parallel, from which point the electricity will be conducted via cables to the inverters, which convert the DC power generated by the modules to grid-synchronized AC power. Step-up transformer(s) will raise the inverter AC output voltage to 34.5kV, and the Solar Project output will pass through an AC collection system to the Pike Solar substation and ultimately to the Point of Interconnection (POI) at the Williams Creek Substation via a 230kV overhead transmission line.

The site will include 45 power stations located throughout the project site in order to connect the different arrays systems to the project substation. There will be one project substation located near the Williams Creek substation. The location was determined in order to create the shortest overhead connection required to connect the project to the CSU system. There will be one 230 kV overhead transmission line that is approximately 1,400' long to connect the project to the Williams Creek Substation. The collection lines will be built with nearly all underground 34 kV AC collection lines. In addition, there will be one operation and maintenance shed onsite located permanently on the site near the project substation. Lastly, there will be 9 temporary laydown yards throughout the project site near each array group. These will be temporary locations available for supplies and equipment storage during the construction process.

A plant monitoring and control system will maximize energy generation while minimizing the downtime associated with planned and forced outages. The system will also provide for the necessary control and dispatching functionality required by utilities and grid operators. The supervisory control and data acquisition ("SCADA") system delivers a high-level overview of plant operations in addition to environmental sensing and real-time electrical data associated with subsystems down to the individual array. More importantly, the system is designed to provide operators with an alert of important events including communications outages, inverter failures, and breaker trips.

The Williams Creek Substation, owned and operated by the Utilities, is located on parcel 5600-00-0123. The existing fence-line footprint is 7.0 acres (636' X480') including a drive access and grading south of the station totaling 9.2 acres. The proposed expansion will not increase this footprint and

all improvements will be made within the existing boundaries. Williams Creek is an existing 230kV ring bus substation that will be transitioned into a breaker and a half in bays 2, 3, and 4 with the installation of seven circuit breakers. This reconfiguration will accommodate a renewable energy provider connection and a loop in of the existing 230kV Nixon-Claremont transmission line, including one new transmission tower within the existing alignment and easement. The substation plot does not require expansion and updates to drainage, grading, ground grid, cable trench, fencing, yard rock, conduit, cabling, steel, bus, instrumentation, protection and control, and substation equipment will only be installed or modified as required for the installation of the new equipment. No work for other future expansion will be considered. This upgrade will help service a new Juwi solar farm in the surrounding area.

### 3. Location of Development

The proposed project will be located within parcels 5600-00-0123 and 5600-00-0140. This land is owned by the City of Colorado Springs on behalf of its enterprise Colorado Springs Utilities in El Paso County, Colorado. The site location is about three miles southeast of the City of Fountain. A map of this location is attached as Attachment "1". One entrance for this project will be located off Birdsall Road and the other entrance will be located just south of the Fountain Landfill off Squirrel Creek Road. The Williams Creek Substation is located on parcel 5600-00-0123 for the proposed system improvements associated with this Project.

### 4. Legal Description

#### Tract 1:

The following described lands located in Township 16 South, Range 64 West

of the 6<sup>th</sup> P.M., El Paso County, Colorado:

Section 19: The SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>; Lots 3 and 4 (W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>) and the E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>

Section 30: Lots 1, 2, 3 and 4 (W<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> and W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>); E<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> and the E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>

Section 31: Lots 1 and 2 (W<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub>) and the E<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub>

The following described lands located in Township 16 South, Range 65 West of the 6<sup>th</sup> P.M., El Paso County, Colorado:

Section 13: All except the NW <sup>1</sup>/<sub>4</sub> NE <sup>1</sup>/<sub>4</sub>

Section 14: E <sup>1</sup>/<sub>2</sub>

Section 23: E <sup>1</sup>/<sub>2</sub>

Section 24: All

Section 25: All

Section 26: NE <sup>1</sup>/<sub>4</sub>

Section 36: N <sup>1</sup>/<sub>2</sub>

Parcel ID: 56000-00-123

#### TRACT 2:

All the real property, together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

Portions of Sections 11, 12 and 13, Township 16 South, Range 65 West and portions of

Sections 7, 18 and 19, Township 16 South, Range 64 West of the Sixth Principal

Meridian, El Paso County, Colorado, more particularly described as follows:

All of said Section 12;

The East Half of said Section 11;  
The Northwest Quarter of the Northeast Quarter of said Section 13;  
The Northeast Quarter of the Southwest Quarter and Government Lots 3 and 4 of said Section 7;  
The East Half of the West Half and Government Lots 1, 2, 3 and 4 of said Section 18;  
Government Lots 1 and 2 and the Northeast Quarter of the Northwest Quarter of said Section 19;  
EXCEPTING from said Sections 11 and 12 those portions described in Book 5734 at Page 253.  
Parcel ID: 56000-00-140

Said Tracts are further described on the Land Survey Plat No. 97902142 of the Records of El Paso County, Colorado and contain approximately 1,341.96 acres, more or less.

#### 5. Owners and Interests

Set out below the names of those persons holding recorded legal, equitable, contractual and option interests and any other person known to the applicant having any interest in the property described in paragraph 4, above, as well as the nature and extent of those interests for each person, provided that such recorded interests shall be limited to those which are recorded in the El Paso County Clerk and Recorder's Office, the land office of the Bureau of Land Management for this State, the Office of the State Board of Land Commissioners of the Department of Natural Resources, or the Secretary of State's Office of this State (attach additional sheets if necessary):

**Property Owner to parcels 5600-00-0123 and 5600-00-0140:**

City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation, on behalf of its enterprise Colorado Springs Utilities  
121 South Tejon Street, 5<sup>th</sup> Floor  
Colorado Springs, CO 80903

**Leasehold Interest:**

Pike Solar LLC, a Delaware limited liability company  
1710 29<sup>th</sup> Street, Suite 1068  
Boulder, Colorado

The memorandum of lease is included as Attachment "2".

The records of El Paso County Tax Assessor and El Paso County Clerk and Recorder show the identified parcels have mineral estate owners. Per Section 24-65.5-103 of the Colorado Revised Statutes and El Paso County Code, notice of application for surface development will be provided to Mineral Estate Owners no less than 30 days of initial public hearing. The attached list of Mineral Estate Owners is included as Attachment "3".

## 6. Submission Requirements

Submission requirements described in the Guidelines and Regulations for Areas and Activities of State Interest of El Paso County for each of the activities or areas checked in paragraph 1 above are attached to this application. Those attachments are identified, by letter or number and described by title in the Attachment "4" enclosed herein.

## 7. Additional Information Required

All information required by the El Paso County Planning and Community Development Department has been submitted with this application.

## 8. Duration of Permit

Applicant requests a permit for a period of 35 years from the date Pike Solar is commissioned.

## 9. Application Fee

Fee will be provided upon notice from El Paso County.

Applicant:

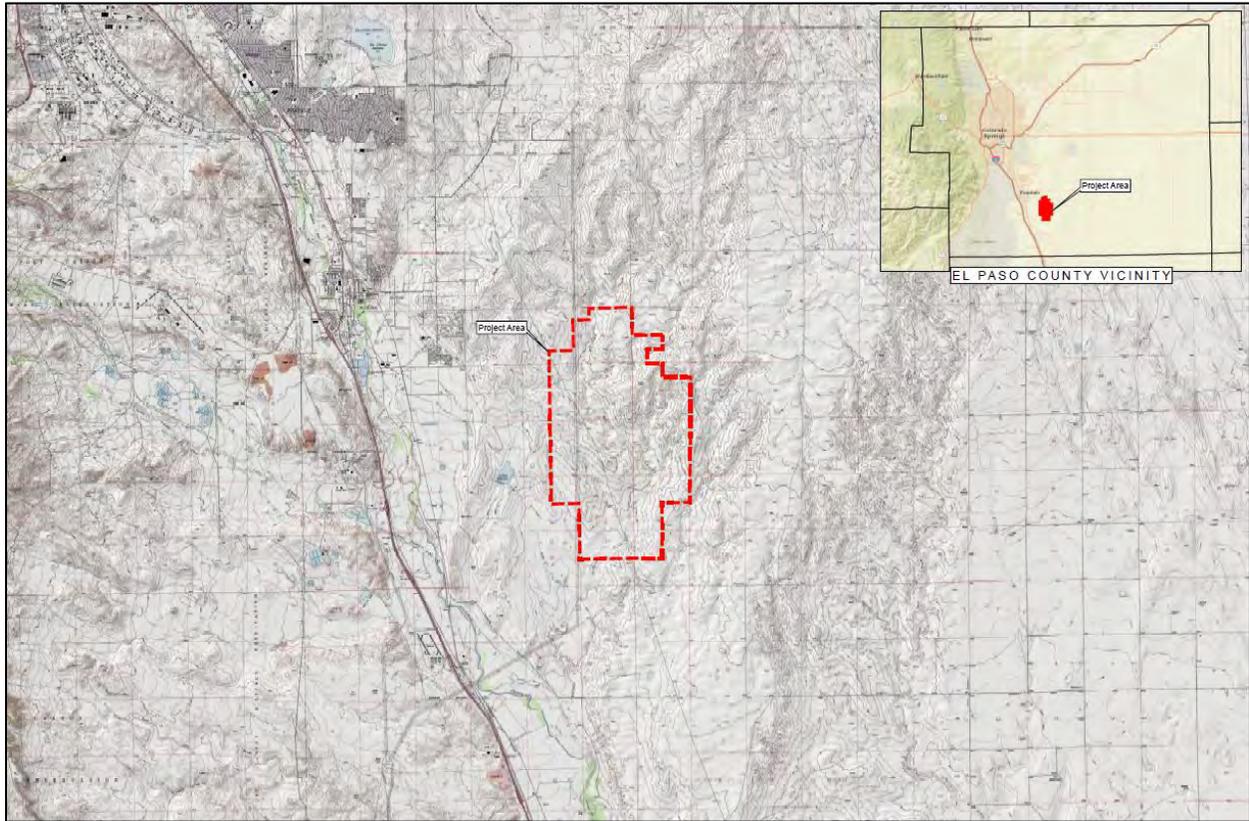
Pike Solar LLC

A handwritten signature in black ink, appearing to be 'MJM', written over a horizontal line.

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Michael J. Martin, President

ATTACHMENT "1"



## ATTACHMENT "2"

## MEMORANDUM OF LEASE

## PIKE SOLAR PHOTOVOLTAIC AND BESS PROJECT

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

juwi Inc.  
1710 29<sup>th</sup> Street  
Suite 1068  
Boulder, CO 80301  
c/o Legal Department

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(Space above this line for Recorder's use only)

MEMORANDUM OF  
LEASE

## PIKE SOLAR PHOTOVOLTAIC AND BESS PROJECT

THIS MEMORANDUM OF LEASE FOR PIKE SOLAR PHOTOVOLTAIC AND BESS PROJECT ("**Memorandum**") is made as of September 14, 2020 by and between **the City of Colorado Springs, Colorado, a home-rule city and Colorado municipal corporation, on behalf of its enterprise Colorado Springs Utilities** ("**Utilities**"), and **Pike Solar LLC** ("**Lessee**").

A. **Lease**. On the date hereof (the "Effective Date"), the Parties have entered into a Lease for Pike Solar Photovoltaic and BESS Project (the "**Lease**") under which Landlord has granted to Lessee a solar energy ground lease which includes additional access and transmission rights for the installation, operation, and maintenance of certain solar energy infrastructure ("Solar Facilities") including: solar energy development and related rights; transmission lines and facilities; monitoring and studying of solar radiation, solar energy and gathering of other meteorological data; and access on, over, and across certain land which is more particularly described in **Exhibit A** attached to this Memorandum and incorporated by this reference (the "**Premises**");

B. **Term**. The term of the Lease commences on the Effective Date and continues for a period of twenty-one (21) years thereafter (unless earlier terminated).

C. **No Title to Solar Facilities**. Lessee at all times during the Term retains title to the Solar Facilities and Landlord has no ownership or other interest in any Solar Facilities installed on

the Premises. Utilities does not now have nor can Utilities grant any lien thereon or other interest in the Solar Facilities.

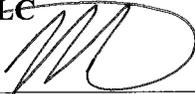
D. **Notice.** The Parties have prepared this Memorandum, which is to be recorded, in order that third parties may have notice of the interests of Lessee in the Premises and of the existence of the Lease and of certain access rights granted to Lessee in the Premises as part of the Lease. This Memorandum will continue to constitute notice of the Lease, even if the Lease is subsequently amended. Nothing contained herein shall be deemed to in any way modify or otherwise affect any of the terms and conditions of the Lease. In the event of any inconsistency between the terms of the Lease and this instrument, the terms of the Lease shall prevail.

E. **Successors and Assigns.** Utilities and Lessee intend that the covenants, conditions and restrictions contained in the Lease will be both personal to Utilities and Lessee and binding on their successors and assigns. Each successive owner of the Premises or of any portion thereof, and each person having any interest therein derived through any owner thereof, will be bound by such covenants, conditions and restrictions.

F. **Counterparts.** This Memorandum may be executed in one or more counterparts, each of which will be an original instrument, but all of which, when taken together, will constitute one and the same instrument.

[Signature page follows]

PIKE SOLAR LLC

By: 

Name: Michael J. Martin

Title: President

Date: September 14, 2020

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF BOULDER    )

The foregoing was acknowledged before me this 14<sup>th</sup> day of September, 2020, by Michael Martin, as President of Pike Solar LLC.

  
Notary Public

My Commission Expires: 05/10/2023

MICHAEL CRAIG NICHOLS  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20194017912  
MY COMMISSION EXPIRES MAY 10, 2023

City of Colorado Springs, Colorado,  
a home rule city and Colorado municipal corporation,  
on behalf of its enterprise Colorado Springs Utilities

By: [Signature]

Name: ARAM BENYAMIN

Title: CEO COLORADO SPRINGS UTILITIES

Date: SEPT. 15<sup>th</sup>, 2020

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF EL PASO        )

The foregoing was acknowledged before me this 15<sup>th</sup> day of September, 2020, by Aram  
Benyamin of the City of Colorado Springs, Colorado, a home-rule city and Colorado  
municipal corporation, on behalf of its enterprise Colorado Springs Utilities.

[Signature: Linda Cucinelli]  
Notary Public

My Commission Expires: 7/20/24

LINDA CUCINELLI  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20204024868  
MY COMMISSION EXPIRES 07/20/2024

## EXHIBIT A

### Premises

PARCEL	NAME	ACREAGE	COUNTY	STATE	LEGAL DESCRIPTION
56000-00-123	CITY OF COLORADO SPRINGS	3,654.65	EL PASO	COLORADO	S:19 T: 16S R: 64W SE4NW4, LOT 3 & 4 S:30 T:16S R:64W LOTS 1, 2, 3, 4, E2NW4, E2SW4; S:31 T: 16S R:64W W2NW4; E2NW4; S:13 T:16S R:65W ALL EX NW4NE4; S:14 T:16S R:65W E2; S:23 T:16S R:65W E2; S:24 T:16S R:65W ALL; S:25 T:16S R:65W ALL; S:26 T:16S R:65W NE4; S:36 T:16S R:65W N2
56000-00-140	CITY OF COLORADO SPRINGS	1,309.36	EL PASO	COLORADO	S:12 T:16S R:65W ALL EX TR CONV BY BK 5734-253; S:11 T:16S R:65W E2 EX TR CONV BY BK 5734-253; S:13 T:16S R:65W NW4NE4; S:7 T:16S R:64W NE4SW4, LOTS 3, 4; S:18 T:16S R:64W E2W2, LOTS 1, 2, 3, 4; S:19 T:16S R:64W LOTS 1, 2, NE4NW4

ATTACHMENT "3"

Name	Street Address	City	St	ZIP	Legal
Clark Eugene Moreland	10001 County Road 1210	Midland	TX	79706	Sec 11-16S-65W: SESE Sec 7-16S-64W: Lot 3
State of Colorado	1127 Sherman St	Denver	CO	80203	Sec 30-16S-64W: E2SW, SENW, SWSW Sec 31-16S-64W: NW Sec 36 16S-65W: N2
Frances A. Armstrong,	1432 CULEBRA AVE	Colorado Springs	Co	80907	Sec 14-16S-65W: E2 Sec 23-16S-65W: NW Sec 24-16S-65W: N2 Sec 13-16S-65W: All Except NWNE
Patricia Waters Lisle	220 Mercator Avenue	Lafayette	CO	80026	Sec 11-16S-65W: SESE Sec 7-16S-64W: Lot 3
Emily J. Meier	25 Pifershire Ln	West Simsbury	CT	6092	Sec 14-16S-65W: E2 Sec 23-16S-65W: NW Sec 24-16S-65W: N2 Sec 13-16S-65W: All Except NWNE
Patricia Moreland Kidwell	305 County Road 140	Midland	TX	79706	Sec 11-16S-65W: SESE Sec 7-16S-64W: Lot 3
Herman F. Waters, Jr.	4837 Eider Dr	Corpus Christi	TX	78413	Sec 11-16S-65W: SESE Sec 7-16S-64W: Lot 3
Mary Helen Waters	4837 Eider Dr	Corpus Christi	TX	78413-2313	Sec 11-16S-65W: SESE Sec 7-16S-64W: Lot 3
William P. Starr III	930 N Weber ST	Colorado Springs	CO	80903	Sec 14-16S-65W: E2 Sec 23-16S-65W: NW Sec 24-16S-65W: N2 Sec 13-16S-65W: All Except NWNE
City of Colorado Springs	P.O. Box 1575, Mail Code 455	Colorado Springs	CO	80901	Sec 30-16S-64W: W2NW, NENW, NWSW Sec 19-16S-64W: SW, SENW Sec 26-16S-65W: NE Sec 25-16S-65W: All Sec 24-16S-65W: S2 Sec 23-16S-65W: SE Sec 14-16S-65W: E2 Sec 23-16S-65W- NE Sec 24-16S-65W: N2 Sec 13-16S-65W: All Except NWNE Sec 13-16S-65W: NWNE Sec 7-16S-64W: NESW Sec 18-16S-64W: Lots 1 &2, E2NW, E2SW Sec 19: NENW Sec 11-16S-65W: E2, except SESE Sec 12-16S-65W: All Except parcel descried in WD 5734-253 Sec 7-16S-64W: W2SWSW

ATTACHMENT "4"

**1041 Appendices**

- A – 1041 Application Form
- B – Certification of Notice to Mineral Estate Owners
- C- Vicinity Map
- D – 1041 Map Plan
- E- Power Purchase Agreement
- F- Biological Resources Report
- G- Phase I Environmental Site Assessment
- H- Non-Wetland Water Features and Wetlands Report
- I- USFWS Correspondence
- J- CPW Correspondence
- K- USACE Correspondence
- L- FAA Correspondence
- M- OAHP Correspondence
- N- Hanover Correspondence
- O- PPRBD Correspondence
- P- Zoning Map
- Q- Air Quality Management Plan
- R- Grading and Erosion Control (GEC) Plan
- S- Drainage Report
- T- Geotechnical Engineering Report
- U- Elevation Plans
- V- Preliminary Fire Prevention and Protection Plan
- W- Preliminary Emergency Response Plan
- X- Integrated Noxious Weed Management Plan
- Y- Decommissioning Plan
- Z- Water Service Letter
- AA- Class I Cultural Resources Report
- AB- Electromagnetic Interference Report
- AC- Visual Simulation
- AD- Lighting Plan
- AE- Community Meeting Advertisements
- AF- Parks and Trails Proposal
- AG- Colorado Springs Utilities Service Territories Map
- AH- Operations and Maintenance Plan
- AI- Haul Route Map
- AJ – Traffic Memo
- AK– Road Condition Survey Work Plan
- AL- Utility Request For Proposal