

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

**IN THE MATTER OF THE APPLICATION OF)
TRI-STATE GENERATION AND)
TRANSMISSION ASSOCIATION, INC., (A))
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY FOR THE)
SAN LUIS VALLEY-CALUMET- COMANCHE) Docket No. 09A-324E
TRANSMISSION PROJECT, (B) FOR)
SPECIFIC FINDINGS WITH RESPECT TO)
EMF AND NOISE, AND (C) FOR APPROVAL)
OF OWNERSHIP INTEREST TRANSFER AS)
NEEDED WHEN PROJECT IS COMPLETED)**

**IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF)
COLORADO (A) FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
FOR THE SAN LUIS VALLEY TO CALUMET) Docket No. 09A-325E
TO COMANCHE TRANSMISSION PROJECT,)
(B) FOR SPECIFIC FINDINGS WITH)
RESPECT TO EMF AND NOISE, AND (C))
FOR APPROVAL OF OWNERSHIP)
INTEREST TRANSFER AS NEEDED WHEN)
PROJECT IS COMPLETED)**

REBUTTAL TESTIMONY OF DANNY PEARSON

1 **Q. PLEASE STATE YOUR NAME.**

2 A. My name is Danny Pearson.

3 **Q. DID YOU FILE DIRECT TESTIMONY IN THIS DOCKET?**

4 A. Yes, I did on behalf of Public Service Company of Colorado.

5 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

6 A. I respond primarily the Answer Testimonies of Inez Dominguez, Dean Apostol
7 and Daniel Pike.

1 Q. IN HIS ANSWER TESTIMONY, MR. DOMINGUEZ EXPRESSES SEVERAL
2 CONCERNS THAT PUBLIC SERVICE WILL COMPROMISE EMF LEVELS
3 TO MEET THE 50 dB(A) NOISE LEVEL ON THE SAN LUIS – CALUMET –
4 COMANCHE PROJECT (SEE PAGES 18-19 OF ANSWER TESTIMONY).
5 WILL PUBLIC SERVICE EVER COMPROMISE EMF LEVELS TO MEET
6 THE 50 dB(A) NOISE LEVEL.

7 A. No. Public Service will continue to recommend a design that has a
8 reasonable balance between EMF values and audible noise values. For this
9 project, there were several phasing configurations that would have had lower
10 EMF values but exceeded the 50 dB(A) noise level. There were also several
11 phasing configurations that would have lowered the noise level by 2 -3 dB(A)
12 but raised the EMF levels by 20%. I presented in my Direct Testimony
13 starting on pages 22 through 24 the prudence avoidance being recommended
14 by the Company which does not sacrifice EMF levels for noise, but instead
15 balances the two elements by using various prudent avoidance mitigation
16 practices such as reverse phasing.

17 Q. MR. DOMINGUEZ ALSO STATED IN HIS ANSWER TESTIMONY (AT
18 PAGE 11) THAT PUBLIC SERVICE COMPROMISED THE PRUDENT
19 AVOIDANCE RULES OF THE COMISSION FOR EMF AND C.R.S. 25-12-
20 103(1) ON THE DANIELS PARK - COMANCHE PROJECT. DID PUBLIC
21 SERVICE COMPROMISE EMF LEVELS AND NOISE LEVEL STATUTE ON
22 THAT PROJECT?

1 A. No. Public Service utilized a reasonable balance between audible noise and
2 EMF levels. C.R.S. § 25-12-103(1) does not apply to transmission lines.
3 Rather, C.R.S. § 25-12-103(12) provides that the Commission can determine
4 whether the projected audible noise levels for electric transmission lines are
5 reasonable when reviewing applications for certificates of public convenience
6 and necessity. In the Daniels Park – Comanche Project, the Commission
7 granted the CPCN with a reasonable noise level of 55 dB(A) with EMF levels
8 not to exceed 150 mG.

9 **Q. HAVE YOU READ DEAN APOSTOL AND DANIEL PIKE’S ANSWER**
10 **TESTIMONY?**

11 A. Yes.

12 **Q. IN THEIR TESTIMONY, THEY INDICATE THAT THE TRINCHERA RANCH**
13 **IS A HIGHLY SCENIC AREA, DEDICATED TO THE PRESERVATION OF**
14 **NATURAL HABITAT AND THAT EXISTING HUMAN MODIFICATIONS TO**
15 **THE NATURAL LANDSCAPE ARE GENERALLY SMALL SCALE. DO**
16 **YOU AGREE WITH THESE STATEMENTS?**

17 A. I have flown over portions of Trinchera Ranch in a helicopter. I would agree
18 that this area is a very scenic area. During the helicopter flight, we did see a
19 paved airport runway on the Blanca portion of Trinchera Ranch approximately
20 4,000 to 5,000 feet in length built parallel to Ute Creek just northeast of Fort
21 Garland near Tri-State’s proposed project route. I have attached a
22 photograph of the runway as Exhibit No. DJP-2. In my opinion a 4,000 foot
23 paved runway is not a “small scale” modification.

1 Q. CAN THIS RUNWAY BE SEEN FROM FORT GARLAND AND HIGHWAY
2 160?

3 A. No. Unless there is a jet landing, the runway cannot be seen. It is behind a
4 ridge in the creek valley that shields it from Fort Garland and Highway 160.

5 Q. COULD SIMILAR METHODS BE UTILIZED TO ROUTE THE PROPOSED
6 TRANSMISSION LINE TO REDUCE VISIBILITY?

7 A. Yes. Our final alignment would utilize these methods to reduce visibility.

8 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

9 A. Yes.