

DOCKET NO. 46936

**APPLICATION OF SOUTHWESTERN §
PUBLIC SERVICE COMPANY FOR: §
A CERTIFICATE OF CONVENIENCE §
AND NECESSITY AUTHORIZING § PUBLIC UTILITY COMMISSION
CONSTRUCTION AND OPERATION §
OF WIND GENERATION AND §
ASSOCIATED FACILITIES IN HALE §
COUNTY, TEXAS AND ROOSEVELT § OF TEXAS
COUNTY, NEW MEXICO, AND §
RELATED RATEMAKING §
PRINCIPLES; AND APPROVAL OF A §
PURCHASED POWER AGREEMENT §
TO OBTAIN WIND GENERATED §
ENERGY §**

**DIRECT TESTIMONY
of
ELDON LINDT**

on behalf of

SOUTHWESTERN PUBLIC SERVICE COMPANY

(Filename: LindtTXDirect.doc; Total Pages: 17)

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GLOSSARY OF ACRONYMS AND DEFINED TERMS

<u>Acronym/Defined Term</u>	<u>Meaning</u>
BBCS	Bird and Bat Conservation Strategy
CCN	Certificate of Convenience and Necessity
NextEra Energy	NextEra Energy Resources
PSA	Purchase Sale Agreement
PSCo	Public Service Company of Colorado, a Colorado corporation
PURA	Public Utility Regulatory Act
SPS	Southwestern Public Service Company, a New Mexico corporation
TPWD	Texas Parks and Wildlife Department
TxDOT	Texas Department of Transportation
USFWS	U.S. Fish and Wildlife Service
Wind Energy Guidance or Guidance	U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines (2012)
Xcel Energy	Xcel Energy Inc.
XES	Xcel Energy Services Inc.

LIST OF ATTACHMENTS

<u>Attachment</u>	<u>Description</u>
EL-1(CD)	Workpapers <i>(Non-native format)</i>

**DIRECT TESTIMONY
OF
ELDON LINDT**

1 **I. WITNESS IDENTIFICATION AND QUALIFICATIONS**

2 **Q. Please state your name and business address.**

3 A. My name is Eldon Lindt. My business address is 1800 Larimer Street, 12th Floor,
4 Denver, Colorado 80202.

5 **Q. On whose behalf are you testifying in this proceeding?**

6 A. I am filing testimony on behalf of Southwestern Public Service Company, a New
7 Mexico corporation (“SPS”) and wholly-owned electric utility subsidiary of Xcel
8 Energy Inc. (“Xcel Energy”).

9 **Q. By whom are you employed and in what position?**

10 A. I am employed by Xcel Energy Services Inc. (“XES”), the service company
11 subsidiary of Xcel Energy, as Director, Environmental Services.

12 **Q. Please briefly outline your responsibilities as Director, Environmental
13 Services.**

14 A. My duties include directing environmental strategies and programs to maintain
15 compliance with air, water and waste permit and regulatory requirements on
16 behalf of SPS and Public Service Company of Colorado (“PSCo”), utility
17 operating companies owned by Xcel Energy.

18 **Q. Please describe your educational background.**

19 A. I received a Masters in Environmental Policy and Management from the
20 University of Denver in 1995 and a Bachelor of Science in Chemistry from

1 Colorado State University in 1980. I have also received several environmental-
2 related professional certifications.

3 **Q. Please describe your professional experience.**

4 A. I began employment with PSCo in September 1990 as the Quality Assurance
5 Coordinator for the Synhytech Project. I transferred to the Environmental
6 Services Group in November 1992. Since 1992, I have held several positions
7 including Environmental Analyst responsible for all water/wastewater compliance
8 for PSCo; Team Lead and Manager for Air and Water Compliance responsible for
9 coordinating and managing air and water compliance activities across PSCo;
10 Director of Auditing and Technical Services responsible for coordinating Xcel
11 Energy's environmental compliance program and coordinating environmental
12 disclosures and continuous improvements; and Director, Environmental Services
13 responsible for environmental compliance programs for SPS and PSCo.

14 **Q. Have you attended or taken any special courses or seminars relating to
15 public utilities?**

16 A. Yes. I completed the Public Utilities Reports – “Principles of Public Utilities
17 Operations and Management” Course. Also, I have attended several
18 utility-related classes and seminars hosted by Xcel Energy and utility consulting
19 firms.

1 **II. ASSIGNMENT AND SUMMARY OF TESTIMONY**

2 **Q. What is your assignment for this testimony?**

3 A. In this proceeding, SPS is seeking Certificate of Convenience and Necessity
4 (“CCN”) authorization for construction of the Hale and Sagamore wind facilities.
5 The purpose of my testimony is to present environmental and related site-specific
6 information concerning the Hale wind project, located in Hale County, Texas.
7 My testimony addresses the following CCN factors: community values;
8 recreational and park areas; historical and aesthetic values; environmental
9 integrity; and required permits.

10 **Q. Please briefly summarize your testimony.**

11 A. The construction of the Hale wind facility will not detrimentally affect
12 community values, recreational and park areas, historical and aesthetic values, or
13 the environmental integrity of the surrounding area. In addition to complying
14 with all applicable permitting and regulatory requirements, SPS will use the U.S.
15 Fish and Wildlife Service Land-Based Wind Energy Guidelines (2012) (“Wind
16 Energy Guidance”) to support pre-construction monitoring, construction and
17 operation.

18 **Q. Does Attachment EL-1(CD) contain true and correct copies of the documents**
19 **you describe in your testimony?**

20 A. Yes. Attachment EL-1(CD) contains workpapers that I used in preparation of my
21 direct testimony. These workpapers consist of preliminary environmental
22 assessments conducted at the direction of NextEra Energy Resources (“NextEra
23 Energy”) that have been provided to SPS. NextEra Energy is the project
24 developer of the Hale wind project.

1 **III. EVALUATION OF PURA § 37.056(c)(4)(A)-(C) FACTORS**

2 **Q. What is the purpose of this section of your testimony?**

3 A. In this section of my testimony, I address the criteria set forth in Public Utility
4 Regulatory Act (“PURA”) § 37.056(c)(4)(A) through (C) relative to the Hale
5 wind facility. Specifically, I discuss the proposed project’s potential impacts on
6 community values, recreational and park areas, and historic and aesthetic values.
7 I do not discuss the application of these factors to the Sagamore wind facility, as
8 that facility will be located entirely in New Mexico.

9 **Q. Please give a general description of the geography and land uses in the area**
10 **where the Hale wind facility will be located.**

11 A. The Hale wind facility will be located on approximately 105,349 acres in Hale
12 County, Texas, approximately twenty-one miles north of Lubbock, Texas. The
13 project area is within the region known as the Llano Estacado ecoregion, which is
14 an elevated plain demarcated by escarpments on three sides that has been almost
15 entirely converted into agriculture. Elevation of the land within the project area
16 ranges from 3,230 – 3,350 feet.

17 **Q. Please describe the expected impact of constructing and operating the Hale**
18 **wind facility on the immediately surrounding area.**

19 A. Due to the rural location of the site, and sparse population of the immediately
20 surrounding area, it is not expected that there will be any significant adverse
21 impact related to noise or traffic. Only a small percentage of the site for the Hale
22 wind project will be occupied by permanent and temporary infrastructure,
23 including but not limited to the turbines, substation, maintenance and operations

1 building, and additional access roads. Construction activities will result in some
2 unavoidable, temporary increase in traffic.

3 **Q. Will the Hale wind facility be located within proximity to any residential**
4 **areas?**

5 A. No residential communities will be located within the wind farm facilities.
6 However, several rural residential home sites will be located within the area of the
7 Hale wind facility. SPS will obtain, through the project developer, all the
8 necessary leases to construct a sufficient Hale wind facility. Accordingly, the
9 Hale wind facility will be constructed upon land for which the owners have
10 consented to its construction.

11 **Q. Will the Hale wind facility be located within one-half mile of any area**
12 **designated by a governmental body as a park or recreational area?**

13 A. No.

14 **Q. Are there significant archaeological or historic remains on or near the plant**
15 **sites that may be adversely affected by construction and operation of the**
16 **Hale wind facility?**

17 A. No. The archaeological potential for the area is considered to be low to moderate.
18 Two sites were located on or within the buffer area of the Hale wind project,
19 however those sites were recommended as not eligible for inclusion in the
20 National Register of Historic Places. The two sites are an historic artifact scatter
21 (primarily glass) and an abandoned segment of the Denver Fort Worth Southern
22 Plains Railroad Line.

1 **Q. In your opinion, will granting a CCN for the Hale wind facility adversely**
2 **affect any sites listed on the National Register of Historic Places?**

3 A. No. The nearest site on the National Register of Historic Places is the Plainview
4 Site located approximately 12 miles north from the Hale wind site. The Plainview
5 Site is a Native American archaeological site near Plainview, Texas.

6 **Q. Does SPS have a process in place for addressing previously unrecorded, but**
7 **potential, historic or cultural resources encountered during construction?**

8 A. Yes. SPS uses management practices to minimize the potential impacts to
9 potential historic or cultural resources encountered during construction. In
10 addition, SPS will ensure that qualified consultants that specialize in cultural
11 resource investigation will be available to support the Hale wind project. Per its
12 Unanticipated Discovery Procedure, should SPS uncover previously unrecorded
13 artifacts during construction, it will direct its employees and contractors to cease
14 work. SPS will notify its cultural resource consultant to review the site to
15 determine the appropriate actions.

16 **Q. In light of the information you have provided, would granting the requested**
17 **CCN have any significant adverse impact on community values, recreational**
18 **and park areas, or historical and aesthetic values?**

19 A. No. Due to the rural location of the site, relatively sparse population of the
20 immediately surrounding area, and absence of recreational, park, or historic sites
21 in proximity to the site, it is not expected that the Hale wind facility will have a
22 significant adverse impact on community values, recreational and park areas, or
23 historical and aesthetic values.

1 **IV. EVALUATION OF ENVIRONMENTAL ISSUES**

2 **Q. What is the purpose of this section of your testimony?**

3 A. In this section of my testimony, I address the criteria set forth in PURA
4 § 37.056(c)(4)(D) regarding environmental integrity as applied to the Hale wind
5 facility. Specifically, I address how the Hale wind facility will not adversely
6 impact the environmental integrity of the surrounding area. Please note that the
7 permit issues discussed in Section V of my testimony will also serve to minimize
8 the proposed project’s impacts on the environmental integrity of the surrounding
9 areas. I do not discuss the application of the PURA § 37.056(c)(4)(D) criteria to
10 the Sagamore wind facility, as that facility will be located entirely in New
11 Mexico.

12 **Q. Are there any significant ecological resources on or near the Hale wind**
13 **facility that may be adversely affected by its construction and operations?**

14 A. No. The location of the wind facility is on land primarily used for agriculture and
15 rangeland. A jurisdictional wetland evaluation indicated that there appeared to be
16 no jurisdictional wetlands or waterbodies within the project area regulated by the
17 U.S. Army Corps of Engineers. Field surveys and desktop reviews indicate that
18 no federal-listed threatened or endangered species are expected to occur within
19 the project area. The Hale wind site may include some state-listed threatened or
20 rare species. In accordance the Wind Energy Guidance, prior to construction,
21 SPS will undertake additional field studies to assess the presence or absence of
22 these protected species. If a protected species is discovered, sound management
23 practices during construction and operation should minimize adverse impacts. As

1 such, the Hale wind facility is not expected to affect any known habitat or
2 designated critical habitat for federally or state-listed threatened, endangered, or
3 rare plant or animal species.

4 **Q. Will SPS have practices in place to ensure that, in the event federally or**
5 **state-listed endangered or threatened species are encountered during**
6 **construction of the Hale wind facility, such species are not adversely**
7 **impacted?**

8 A. Yes. SPS uses sound management practices to minimize the potential impacts to
9 threatened or endangered species to ensure compliance with the Endangered
10 Species Act, and will consult with the United States Fish and Wildlife Service
11 (“USFWS”) or the Texas Parks and Wildlife Department (“TPWD”) should any
12 federally or state-listed species be observed during construction.

13 **Q. Does SPS have practices in place to mitigate potential adverse effects to other**
14 **wildlife in the area of the Hale wind facility?**

15 A. Yes. SPS’s Bird and Bat Conservation Strategy (“BBCS”) and post-construction
16 monitoring will minimize impacts to wildlife in the area of the Hale wind facility.
17 SPS will use qualified individuals to conduct field assessments of the project site
18 to identify water resources, cultural resources, potential migratory bird issues, and
19 threatened or endangered species habitat that may be impacted as a result of the
20 project. As a result of these assessments, if SPS identifies additional permits that
21 are necessary, SPS will consult with required agencies, to obtain all necessary
22 environmental permits, and comply with the relevant permit conditions during
23 construction and operation of the generation plant.

1 **Q. What are the water needs for the Hale wind facility?**

2 A. The water needs of the Hale wind facility will be nominal. There will be some
3 water requirements in the construction phase to support dust suppression and
4 making concrete. These water needs will decrease during operation, with only the
5 need to support the maintenance and operations building.

6 **Q. In your opinion, will granting SPS's requested CCN adversely affect the**
7 **environmental integrity of the area in which the Hale wind facility will be**
8 **located?**

9 A. No, for the reasons I discuss earlier. Further, the permits and authorizations that
10 will be obtained for the Hale project, which are discussed in the next section of
11 my testimony, will further serve to minimize the proposed project's impact on the
12 environmental integrity of the surrounding areas.

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V. PERMITS

Q. Will any permits be required for the construction and operation of the Hale wind facility, in addition to the CCN sought in this proceeding?

A. Yes, certain permits and authorizations will be required for construction and operation of the Hale wind facility. As discussed in the direct testimony of SPS witness Riley Hill, SPS will acquire the wind development rights to the Hale wind facility from the project developer, NextEra Energy, as a part of SPS's and NextEra Energy's Purchase Sale Agreement ("PSA"). The closing of the PSA will occur once certain conditions are met, which include but are not limited to all applicable regulatory approvals and other permits having been obtained. After close, SPS and XES personnel will assume overall project management responsibility for construction of the Hale wind facility. Once complete, SPS will own and operate the facility.

Below is a list of permits that may be required for construction of the Hale wind facilities:

- *Federal Aviation Administration ("FAA")* – Determination of No Hazard to Air Navigation (already obtained) and FAA Permits (to be obtained).
- *United States Army Corps of Engineers* – Nationwide permit under § 404 of the Clean Water Act (subject to § 401 state certification) (if necessary).
- *Texas Commission on Environmental Quality*
 - Storm Water Pollution Prevention Plan
 - Domestic well permit (water supply for maintenance and operations building)
 - Sanitary sewer permit (septic system for maintenance and operations building)
 - Air permits (e.g., concrete batch plant, small tanks)

- 1 ▪ Above Ground Storage Tank (storage of petroleum products)
- 2 • *Texas Department of Transportation (“TxDOT”)* – TxDOT permit(s) will
- 3 be required for crossing state-maintained roadways or using TxDOT
- 4 rights-of-way to access the project (not yet obtained).
- 5
- 6 • *Hale County* – Miscellaneous permits (e.g., oversized loads).

7 Other permits may be required based on certain site conditions and activities, and

8 these will be obtained as necessary.

9 **Q. Does SPS expect that all required permits will be obtained prior to**

10 **commercial operation of the Hale wind facility?**

11 A. Yes. SPS and its contractors will obtain all necessary permits and authorizations

12 for operation and comply with all applicable federal and state regulations that

13 apply to the operation of the Hale wind facility.

14 **Q. Will any additional guidelines and best practices be followed with respect to**

15 **the design and construction of the Hale wind facility?**

16 A. Yes. The Wind Energy Guidance will be utilized to the fullest extent practicable.

17 The Guidance provides a structured process for evaluating and addressing

18 protected species concerns at all stages of land-based wind energy projects. For

19 example, the Guidance recommends development of a BBCS to support

20 continued evaluation of construction and project impacts and implementation of

21 mitigation measures, if necessary. SPS will use the BBCS and post-construction

22 monitoring to minimize the potential impacts to threatened or endangered species.

23 SPS will consult with USFWS and TPWD should any federally or state-listed

24 species be observed during construction.

25 **Q. Does this conclude your pre-filed direct testimony?**

26 A. Yes.

AFFIDAVIT

STATE OF COLORADO)
)
COUNTY OF DENVER)

ELDON LINDT, first being sworn on his oath, states:


I am the witness identified in the preceding testimony. I have read the testimony and the accompanying attachments and am familiar with their contents. Based upon my personal knowledge, the facts stated in the testimony are true. In addition, in my judgment and based upon my professional experience, the opinions and conclusions stated in the testimony are true, valid, and accurate.



ELDON LINDT

Subscribed and sworn to before me this 9th day of March, 2017 by ELDON LINDT.

LISA ANNE SCHWAIG NOTARY PUBLIC - STATE OF COLORADO Notary Identification #20154041264 My Commission Expires 10/20/2019
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Notary Public, State of Colorado
My Commission Expires: Oct 20, 2019

CERTIFICATE OF SERVICE

I certify that on March 21, 2017, this instrument was filed with the Public Utility Commission of Texas, and a true and correct copy of it was served by hand delivery on the Staff of the Public Utility Commission of Texas and the Office of Public Utility Counsel, and by hand delivery, next business day courier delivery, or first class mail on each party of record in SPS's most recent base rate case, Docket No. 45524.

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to read "Amy M. St...".

PUCT DOCKET NO. 46936

**Application of Southwestern Public Service Company
for: a Certificate of Convenience and Necessity Authorizing
Construction and Operation of Wind Generation and
Associated Facilities in Texas and New Mexico, and
Related Ratemaking Principles; and Approval
of a Purchased Power Agreement to Obtain
Wind-Generated Energy**

Attachment EL-1(CD)