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*VIA EMAIL DELIVERY*

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California Energy Commission  
Dockets Office, MS-4  
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Re: 2013 IEPR – Consideration of Environmental and Land Use Factors (13-IEP-1E)

Dear Commissioners:

Power Company of Wyoming LLC (PCW) appreciates the opportunity to provide comments on Recommendation #9 in the Renewable Action Plan. PCW's comments focus on the availability and use of Environmental and Land Use data through the planning process for in-state and out-of-state renewable projects.

PCW is an independent wind energy developer that is focused on permitting and developing the Chokecherry and Sierra Madre Wind Energy Project (CCSM Project) in Carbon County, Wyoming. The CCSM Project is one of six wind energy projects identified as a 2012 Renewable Energy Priority Project by the U.S. Bureau of Land Management (BLM).

Planned to have up to 1,000 turbines, the CCSM Project is the nation's largest proposed wind farm and the largest proposed on BLM land. It will capture the nation's best, highest-capacity wind energy resources – located in south-central Wyoming – and produce up to 3,000 MW of clean, renewable wind power for Desert Southwest markets, where cost-effective supplies of renewable energy are needed the most.

Because the CCSM Project is located in Wyoming's checkerboard of alternating public and private land, including federal land managed by BLM, the project has already been subject to extensive federal environmental analysis with the participation of many other state and local government agencies. In 2008, BLM began preparation of an Environmental Impact Statement (EIS), the highest level of analysis under the National Environmental Policy Act. On October 9, 2012, Secretary of the Interior Ken Salazar signed the Record of Decision (ROD) for the site, which: (1) determined the portions of the public land within the Application Area suitable for wind energy development and associated facilities; and (2) identified the appropriate development plan as the one described under the Preferred Alternative in the CCSM Project Final EIS. Subsequent NEPA analysis in 2013-2014 will review final site-specific plans and designs for project facilities and will evaluate the site-specific impacts of those facilities. After confirming that the final plans and designs conform to the ROD and the Final EIS, the BLM will issue ROW grants to construct project facilities.

The ROD incorporates various environmental mitigation measures set forth in Appendix C of Volume II of the Final EIS. There also may be further environmental mitigation obligations arising in connection with the site-specific ROW grants issued by BLM or in connection with the permit for the CCSM Project issued by the Wyoming Industrial Siting Council (ISC). In addition, PCW will be obligated under federal and state regulations to adequately decommission and reclaim the public and private land impacted by the CCSM Project, and to provide adequate financial assurance to support those obligations. A PCW affiliate has proposed to place over 26,000 acres into a wind energy conservation easement where the present agricultural uses will continue in the future without any wind energy development.

### **Comments**

#### *1. Considering CPUC's current and long-term renewable energy data needs related to CPUC scenario input and potential future database improvements:*

##### *a. What type of environmental/land-use data would be useful for the Energy Commission to continue gathering?*

PCW is generally aware of the environmental/land-use data currently being gathered by the Energy Commission. We believe it would be more beneficial to first gather a general baseline set of environmental data across a broad range of potential renewable energy development zones throughout California and other Western states, instead of diving in detail into a few specific, well-documented areas in California. The lack of data from other Western areas has led the planning process to make false assumptions about all out-of-state renewable energy zones and development projects within these zones.

The detailed data collected by the Energy Commission may be useful for other land use planning initiatives for renewable energy zones; however, we don't see why the level of detail needs to be greater than other locations used for the CPUC scenario inputs.

##### *b. What enhancements to Energy Commission data tracking and environmental reporting to CPUC would be helpful for scenario planning?*

The Energy Commission also should focus on collecting the permitting status and actual advancement of projects under development. The CPUC scenario process tracks the status of whether developers have simply filed an environmental permitting application, but this data falls far short of capturing the actual status of development projects that would be essential to meaningful planning efforts. Several participants at the workshop outlined a development business model that focuses first on obtaining a PPA prior to permits; however, several developers including PCW are working to de-risk their projects first before securing commitments in the form of a PPA. We think it would be very useful to the CPUC scenario development and other long-term planning efforts to use the status of a federal NEPA process to provide indication that both the permitting and the environmental risk has been largely mitigated. For example, reaching the certainty of a Record of Decision milestone should be more highly regarded than completing an application in the planning process.

*2. What sources of out-of-state renewable project data are available for the Energy Commission's use?*

The U.S. Department of the Interior and U.S. Bureau of Land Management have several websites that provide the status of permits under their review. At the following site, the Energy Commission can find a listing of approved renewable energy projects since 2009. [http://www.blm.gov/wo/st/en/prog/energy/renewable\\_energy/Renewable\\_Energy\\_Projects\\_Approved\\_to\\_Date.html](http://www.blm.gov/wo/st/en/prog/energy/renewable_energy/Renewable_Energy_Projects_Approved_to_Date.html)

In addition, the Western Governors' Association has several databases on environmental data for renewable energy zones.

*a. How can we access them?*

See above.

*b. What are some of the issues with working with various states' datasets (and renewable energy-related databases in general)?*

The federal databases are useful to show the status of projects on federal land that require a NEPA review. These projects oftentimes also include state and local permits that are typically tiered off of the NEPA environmental documents. State and local permitting sites could be accessed to get the specific status; however, for large-scale renewable projects with a federal nexus, the DOI BLM site provides a good proxy for the permitting status of projects.

*3. What type of renewable energy metrics/reports are used and/or reported by your organization? (e.g., total MW per county, types of renewable facilities and siting status, status of power purchase agreements, etc.)*

PCW has regularly reported on the progress of the federal Environmental Impact Statement for its wind energy project, including the milestones of reaching public scoping, release of the Draft EIS, release of the Final EIS and release of the Record of Decision for the project site. Subsequent milestones related to the site-specific NEPA analysis also will be reported. In addition, PCW has reported that it has obtained the required conditional use permit from Carbon County.

*4. What are important characteristics and data fields for a publicly accessible renewable energy project database that would be useful to agencies and stakeholders?*

PCW believes that a renewable project database should contain data about the project that goes beyond the development milestones being considered by the Energy Commission, CPUC, CAISO and utilities in long-term planning. Current databases and business processes for long-term transmission planning and procurement planning are constrained to a single development model that (inaccurately) assumes developers will not take on any significant development risks without first having a commercial offtake agreement. This assumption has served these processes well to a certain extent for projects that fit this model; however, projects that do not fit the model are significantly discounted by the adoption of this constraining assumption.



The use of environmental (and cost) data in the procurement planning and transmission planning process has been effectively regulated to a non-factor through the simple application of this PPA-first only assumption. The CPUC scenario development process and corresponding CAISO transmission planning process focuses on identifying “needed” transmission to support the base case scenario and one or more of two other scenarios. As the CPUC presentation highlighted, the base scenario and one of the alternative cases (the “High DG case”) have a 70% weighting for “commercial interest” and a 10% weighting for each of the environmental, cost and permitting scores. While the alternative “Environmental case” has a 70% weighting for the environmental score, the CAISO planning process would not identify transmission for any projects/areas that stand out in this case due to the requirement to be in multiple cases. Thus the environmental aspects captured within the environmental and permit scores are never given any importance in planning transmission to meet the RPS.

PCW believes that transmission should be developed to reach the lowest cost, most environmentally responsible areas. To do so, planning should focus primarily on cost, environmental and permitting scores for different areas across the West, not solely focused on one particular type of business development model. By recognizing other business models and other project attributes, California will be better positioned to reach its RPS goals in the most cost-effective and environmentally responsible way.

PCW looks forward to further interaction with the Energy Commission on these matters and request consideration of these comments. Please contact David Smith, Director of Engineering at [david.smith@tac-denver.com](mailto:david.smith@tac-denver.com) or 303.299.1545 should you have any questions about these comments or about Power Company of Wyoming LLC’s wind energy project.

Sincerely,

/s/ David F. Smith  
David F. Smith  
Director of Engineering

Copy: Misa Milliron