BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

DIRECT TESTIMONY
OF
MICHAEL KURNIK

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DIRECT TESTIMONY OF

MICHAEL KURNIK

ON BEHALF OF CLINES CORNERS WIND FARM LLC

I. INTRODUCTION AND QUALIFICATIONS

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Michael Kurnik. My business address is 155 Grand Avenue, Suite 706, Oakland, California, 94606.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND WORK BACKGROUND.

A. I am a 2011 graduate of the University of Sydney, Australia with a B.E. in Chemical and Biomolecular Engineering (Hons.). I have been working in the wind industry since 2010, when I joined Epuron Australia as a summer intern and continued to a full-time position in 2011. My previous work experience has been focused on wind and solar energy development, in both Australia and the United States.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by Orion Renewable Energy Group LLC ("Orion"). I hold the position of Project Development Manager. I am the lead project developer for the wind generation facilities up to a maximum of 600 megawatts ("MW") ("Clines Corners Wind Farm") and the associated 18.72 mile 345-kilovolt ("kV") alternating current transmission system and related transmission facilities ("Clines Corners Gen-Tie System" or "Gen-Tie System"), including a 150-foot right-of-way ("ROW") to be located within a 1-mile-wide corridor ("Clines Corners Gen-Tie System Corridor" or "Gen-Tie Corridor"). Collectively, I refer to the Clines Corners Wind Farm and the Gen-Tie System as the "Clines Corners Wind Farm Project" or "Project". The Clines Corners Wind Farm Project is the subject matter of the application for location control approval before the New Mexico Public Regulation

Commission ("Commission") pursuant to NMSA 1978, §§62-9-3, 62-9-3.2 and Commission Rule 17.9.592 NMAC ("Application").

Q. PLEASE DESCRIBE THE DUTIES AND RESPONSIBILITIES FOR YOUR CURRENT POSITION.

A. In the course of my employment with Orion, I am responsible for overseeing all aspects of project development, including but not limited to, issues related to the development of wind, solar, and transmission projects, environmental permitting, and related regulatory matters. In my capacity as lead project developer of renewable projects, such as the Clines Corners Wind Farm Project, I coordinate with third-party consultants with respect to the assessment and minimization of environmental impacts of Orion's projects and am responsible for securing all requisite permits prior to project construction and financing. I am in contact, either directly or through our consultants, with federal regulatory and environmental agencies, such as the U.S. Fish and Wildlife Service ("USFWS"), the New Mexico Department of Game and Fish ("NMDGF") and the Federal Aviation Administration, as well as state and local officials in communities where Orion develops its projects.

Q. ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

A. I am testifying on behalf of Clines Corners Wind Farm, LLC ("Clines Corners" or "Applicant") which is indirectly owned by a joint venture between Orion and MAP Energy® ("MAP").

Q. PLEASE PROVIDE A SUMMARY OF YOUR TESTIMONY.

A. First, I will provide a brief overview of Orion, MAP and Clines Corners. I will then discuss the proposed Clines Corners Wind Farm Project. I will also generally address the existing

environmental values of the proposed location of the Project ("Clines Corners Wind Study Area"). I will then identify generally the statutes and regulations that apply to the location permits for the Project. Next, I will describe how the Project will comply with all applicable laws and regulations and the additional protection measures we will incorporate into our development of the wind generation facilities and the Gen-Tie System. Finally, I will summarize Orion's public outreach, and its coordination with local, state, and federal agencies.

Q. WHAT SUBJECTS WILL OTHER WITNESSES ADDRESS?

A. The Application will have supporting testimony from the following witnesses:

Christopher Knopp of Burns & McDonnell Engineering Company, Inc. ("Burns & McDonnell") will provide testimony about the environmental, biological, cultural, and archeological studies performed in the Clines Corners Wind Study Area as well the environmental report ("Environmental Report") submitted with the Application and sponsored by Christopher Knopp.

Greg Parent of Ulteig Engineers, Inc. will describe the technical design of the Gen-Tie System, including design conditions, ROW determination, structure spans and footprints, transmission structure design, and interconnection facilities.

John Tysseling of Moss Adams LLP will describe the fiscal and economic impacts of the Clines Corners Wind Farm Project.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE ANY REGULATORY AUTHORITIES?

A. No.

II. COMPANY OVERVIEW

Q. PLEASE PROVIDE SOME BACKGROUND ON CLINES CORNERS.

A. Clines Corners is a limited liability company, organized under the laws of the State of Delaware and is a wholly owned subsidiary of Orion Wind Resources LLC ("Orion Wind Resources"). Orion Wind Resources is owned by a joint venture between Orion and MAP. Orion Wind Resources will assign land rights and permits it has obtained with respect to the development of the Project to Clines Corners prior to construction. Clines Corners will be the entity to obtain any future land rights and permits needed for the development and construction of the Clines Corners Wind Farm Project. To summarize, Orion has entered into a joint venture with MAP. Orion Wind Resources is owned by the joint venture. Orion Wind Resources has a wholly-owned subsidiary, which is Clines Corners, the Applicant in this proceeding.

Q. PLEASE PROVIDE SOME GENERAL BACKGROUND ON THE BUSINESS OF ORION WIND RESOURCES.

A. Orion Wind Resources is in the process of developing a portfolio of wind and solar energy projects in the United States.

Q. PLEASE PROVIDE SOME ADDITIONAL BACKGROUND ON ORION.

A. Orion's headquarters are in Oakland, California. Orion and its management team have been pioneers in renewable energy for over 25 years. More than 5,000 MW of clean, renewable energy projects in operation worldwide have been developed by Orion's management team. Orion's long track record of successfully completing projects is the result of expertise in siting, development, finance, construction and operations.

In the United States, more than 4,500 MW of operating wind power projects and nearly 300 MW of operating solar projects have been developed by Orion and its management team. Orion specializes in developing greenfield sites, including entering into long term land agreements, managing the transmission interconnection process, monitoring wind resource, assessing potential environmental and wildlife impacts and obtaining relevant state and federal permits.

Q. PLEASE PROVIDE SOME BACKGROUND ON MAP.

A. MAP is one of the oldest and most successful private energy investors in the United States, with over 25 years of experience managing over two billion dollars of capital.

Q. WILL THE APPLICANT IMPLEMENT ENVIRONMENTAL SAFEGUARDS, POLICIES OR PRACTICES REGARDING THE CLINES CORNERS WIND FARM AND THE GEN-TIE SYSTEM?

A. Yes. The Applicant will implement voluntary best management practices that avoid or minimize environmental impacts of the Clines Corners Wind Farm and the Gen-Tie System. I will discuss this in the context of the Project later in my testimony.

Orion participates in industry efforts to understand, study, and minimize the environmental impacts of wind energy and to advance the development of best practices.

III. DESCRIPTION OF THE CLINES CORNERS WIND FARM PROJECT AND ROW.

A. CLINES CORNERS WIND FARM.

Q. PLEASE DESCRIBE THE CLINES CORNERS WIND FARM.

A. The Clines Corners Wind Farm will consist of up to 600 MW of wind power generation facilities and will be located in Torrance and Guadalupe Counties in New Mexico within the Clines Corners Wind Study Area. The Clines Corners Wind Study Area encompasses

both the Gen-Tie Corridor and Clines Corners Wind Farm which will be situated on approximately 40,000 acres of private land within these counties. Our current estimate of the Clines Corners Wind Farm footprint is 39,580 acres. The Clines Corners Wind Farm will be interconnected via the Gen-Tie System to the proposed Western Spirit transmission line ("Western Spirit") at a point that is approximately 11 miles west-northwest of Encino (34.689855, -105.647307). This point of interconnection will be further explained in the Direct Testimony of Gregory Parent. Exhibit MK-1 is a map of the Clines Corners Wind Study Area. Exhibit MK-2.1 provides a legal description of the Clines Corners Wind Study Area with respect to landowners' property. Exhibit MK-2.2 is a legal description regarding state lands that will be included in the Clines Corners Wind Study Area. Exhibit MK-3 provides a table that demonstrates the acreage of land under option or under negotiation at the time of the Application. The Clines Corners Wind Farm does not require a fuel source for the generation of electricity. Rather, it will utilize wind turbine generators to convert kinetic energy from wind movement into electricity. The Clines Corners Wind Farm will utilize one or more wind turbine models with a nameplate capacity ranging from 2 MW to 4.2 MW per turbine. Specific wind turbine models have not yet been selected. Turbine model selection is typically made relatively late in the development process to consider the maximum amount of wind data that is available to be utilized in final wind turbine siting.

Q. IS THE PROPOSED LOCATION WELL-SUITED FOR WIND ENERGY GENERATION?

A. Yes. Exhibit MK-4 shows average wind speed across New Mexico at 80 meters above ground level (the approximate hub height of an average wind turbine). The Clines Corners Wind Farm is on the border of Torrance and Guadalupe Counties, northeast of Encino,

where some of the highest wind speeds are shown. We expect to pair industry leading wind turbine equipment with the strong wind resource in the Clines Corners Wind Study Area to maximize energy generation.

Q. HOW WAS THE CLINES CORNERS WIND STUDY AREA SELECTED?

A. As discussed previously, the proposed Clines Corners Wind Farm is in an area with a wind resource superior to much of the rest of New Mexico. Orion recognized the favorable resource at the location for the Project. Additionally, we recognized that this site has relatively low numbers of sensitive species and natural resources, is not visible from population centers, and enjoys strong support from private landowners for wind development. We contemplate having large areas of buildable terrain, and this area is in close proximity to existing or proposed utility transmission lines.

Q. WHERE WILL THE WIND TURBINES BE LOCATED WITHIN THE CLINES CORNERS WIND STUDY AREA?

A. Please refer to Exhibit MK-5 for a preliminary project layout. It is important to note that final siting decisions for each wind turbine will be made only after completing site suitability studies and final selection of a wind turbine model for the Project. This process could result in changes in the precise locations of the turbines but will not take any of the turbines outside of the Clines Corners Wind Study Area in which we have conducted extensive environmental impact studies.

Q. HOW WILL THE PROJECT CONNECT TO WESTERN SPIRIT?

A. We contemplate bringing the power from the wind turbines to a single substation within the Clines Corners Wind Study Area and located within the Gen-Tie Corridor. From the

substation, an approximately 18.72 mile 345-kV transmission line will connect this substation to a switchyard installed at the point of interconnection to Western Spirit. Please see Exhibit MK-6 for a map showing the proposed point of interconnection to Western Spirit.

Q. WHEN IS THE PROJECT EXPECTED TO BE IN SERVICE?

A. The Clines Corners Wind Farm Project is expected to be in service as early as the end of 2020.

Q. HOW WILL DECOMMISSIONING OF THE WIND TURBINES BE HANDLED AT THE END OF THE CLINES CORNERS WIND FARM'S OPERATING LIFE?

A. The Clines Corners Wind Farm will be located on privately held lands. All the private land agreements provide for the removal and disposal of any above ground equipment after the land agreements expire. The cost of the decommissioning activities under the Clines Corners Wind Farm land agreements will be borne solely by the Applicant.

B. CLINES CORNERS GEN-TIE SYSTEM

Q. PLEASE DESCRIBE THE GEN-TIE SYSTEM.

A. The Gen-Tie System consists of an approximately 18.72 mile 345-kV transmission system and associated transmission facilities, including a 150-foot ROW located within the one-mile-wide Clines Corners Gen-Tie System Corridor. Please see Exhibit MK-7 for maps identifying the location of the Gen-Tie System. As currently designed, the Gen-Tie System would be 118,843 linear feet. Please see Exhibit MK-8 for a table identifying the length and land surface ownership of the ROW. The Gen-Tie System will connect the Clines Corners Wind Farm to Western Spirit. Technical details of the Gen-Tie System, including

a description of the interconnection facilities, a schematic diagram showing the transmission line and interconnection of the line to Western Spirit, and the need for a 150-feet ROW, are provided in the Direct Testimony of Gregory Parent.

Q. WHERE WILL THE GEN-TIE SYSTEM BE LOCATED?

A. As mentioned above, the Gen-Tie System will be mainly located on private land within the Clines Corners Gen-Tie System Corridor. Though not necessary for the construction and operation of the Gen-Tie System within Clines Corners Gen-Tie System Corridor, State lands are anticipated to be used for further flexibility.

We are providing a map of the location of the proposed Gen-Tie System route within the Clines Corners Gen-Tie System Corridor. Please see Exhibit MK-7. There are points along the Gen-Tie System route where the proposed transmission facilities would not be along the centerline and these are reflected in the maps we are providing as well.

Although this is the planned location for the Gen-Tie System, it is important to emphasize that this alignment is subject to change as further site evaluations and fieldwork are done and we make modifications necessary to minimize the impact on the environment, accommodate landowner concerns, and assure the safe and reliable operation of the Gen-Tie System. This use of micro-siting is very common in the industry and is a key component of impact avoidance and minimization for linear projects. The siting of transmission infrastructure is a data-driven process. While the Gen-Tie System will ultimately be restricted to a 150-foot ROW within the Clines Corners Gen-Tie System Corridor, the Clines Corners Wind Farm Project is still under active development. As part of the development process, we have been collecting and are constantly adding new data

that is integrated into the design of our projects. Generally, the more flexibility a project has to integrate site-specific data into project design, the better a project will be from both an operational and an environmental standpoint. The protection measures which are detailed in the Environmental Report are instrumental in this process.

The exact location of the ROW may change within the Clines Corners Gen-Tie System Corridor due to micro-siting of the alignment of the Gen-Tie System, or adjustments in the location of Project turbines that could result in minor changes to the location of the project substation within the Clines Corners Wind Study Area. These factors are sufficient to drive changes in the location of the Project substation, the transmission line and the switchyard, each of which results in changes to the alignment of the Gen-Tie System. However, any modifications in the final location of the wind turbines or the Gen-Tie System will remain within the Clines Corners Wind Farm Study Area that has been extensively studied by our environmental consultants from Burns & McDonnell and reflected in the Environmental Report.

The Clines Corners Wind Study Area has been studied holistically for potential impacts of the Gen-Tie System anywhere within this 1-mile corridor, as documented in the Environmental Report. The Clines Corners Gen-Tie System Corridor allows for micro-siting to occur later in the project development as final decisions are made after reviewing all of the data.

Q. PLEASE EXPLAIN WHAT WOULD OCCUR IF THE GEN-TIE SYSTEM HAD TO BE LOCATED OUTSIDE OF THE CLINES CORNERS GEN-TIE SYSTEM CORRIDOR.

A. In the highly unlikely event that all or part of the Gen-Tie System had to be moved or relocated outside of the Clines Corners Gen-Tie System Corridor the Applicant would be obligated to return to the Commission for location approval. We are not concerned with this possibility but want to acknowledge our obligation, nevertheless.

Q. WHEN IS THE GEN-TIE SYSTEM EXPECTED TO BE IN SERVICE?

A. The Gen-Tie System is expected to be in service as soon as the end of 2020.

C. ROW

Q. PLEASE EXPLAIN WHY THE GEN-TIE SYSTEM REQUIRES A 150-FOOT ROW WIDTH.

A. Clines Corners proposes to use a 150-foot ROW width to ensure compliance with safety codes; to provide adequate space for construction, operations and maintenance of the transmission line. See the Direct Testimony of Gregory Parent which addresses these factors for the Gen-Tie System and concludes that a 150-foot ROW width is necessary for the final design.

IV. ORION WIND RESOURCES ENVIRONMENTAL VALUES IN DEVELOPMENT OF THE CLINES CORNERS WIND FARM PROJECT.

Q. PLEASE DESCRIBE HOW ORION WIND RESOURCES HAS DEVELOPED AND DESIGNED THE CLINES CORNERS WIND FARM PROJECT WITH RESPECT TO POTENTIAL IMPACTS TO THE ENVIRONMENT?

A. The Clines Corner Wind Farm Project has been underway since 2013 and the Applicant has followed the USFWS Land-Based Voluntary Wind Energy Guidelines ("WEGS") throughout the process of developing the Project. The WEGs provide a step-wise tiered approach for assessing, understanding, and integration of desktop and field data on natural

resources such as avian use into wind farm siting and micro-siting. When we began work on the Clines Corners Wind Farm Project in 2013, we engaged Western EcoSystems Technology, Inc. ("WEST") to complete initial site assessments. Tier 1 and Tier 2 studies, per the WEGs, were performed by WEST in 2014 and 2018 respectively. Tier 3 field studies pursuant to the WEGs were conducted beginning in 2014. Twelve months of avian use surveys at specific point locations were conducted in 2015-2016 and followed USFWS survey recommendations for eagle activity. Additionally, avian use surveys, designed in conjunction with USFWS and NMDGF input, commenced in November 2018. These ongoing studies will cover both the 2015-2016 point locations, as well as additional point locations for a period of 15 months (2 winter seasons). Raptor nest surveys by helicopter were performed in Spring 2014, Spring 2015, Spring 2016, Spring 2018 and Spring 2019. The results of these surveys are discussed in the Environmental Report prepared and sponsored by Christopher Knopp. These studies allowed us to understand not only the existing environment and possible species of concern within the Clines Corners Wind Study Area, but also the likelihood of their presence or absence.

Q. WILL THE PROJECT IMPLEMENT ENVIRONMENTAL SAFEGUARDS, POLICIES OR PRACTICES REGARDING THE CLINES CORNERS WIND FARM PROJECT?

A. Yes. Orion Wind Resources actively participates in wind industry efforts to understand, study, and minimize the environmental impacts of wind energy and to advance the development of technology and best practices. Orion Wind Resources also routinely implements voluntary best management practices and mitigation strategies that further its environmental values. Additionally, the Applicant has agreed to all of the conditions that

the Commission has imposed upon recent applicants for location permits, specifically the Corona wind projects, and has an extensive list of protection measures detailed in the Environmental Report.

Q. PLEASE SUMMARIZE THE BEST MANAGEMENT PRACTICES AND VOLUNTARY STRATEGIES THAT CLINES CORNERS WILL IMPLEMENT IN THE PROPOSED LOCATION OF THE PROJECT.

A. Clines Corners will implement protection measures, which are further explained in detail in the Environmental Report, to avoid or minimize any impacts on environmental resources located within the Clines Corners Wind Farm Study Area. Please see Exhibit MK-9. Clines Corners has also reviewed and adopted, as part of its commitments in the Application, other conditions imposed on other wind projects by the Commission in recent cases, involving the Corona Wind Companies in Case No. 18-00065-UT and Pacific Wind Development LLC in Case No. 18-00353-UT. Please see Exhibit MK-10 for a list of these conditions.

Q. WHAT IS THE EXISTING ENVIRONMENT OF THE CLINES CORNERS WIND FARM?

A. The Clines Corners Wind Farm is located within the Southwestern Tablelands and Arizona/New Mexico Mountains Level III Ecoregions. More detailed information is available in the Direct Testimony of Christopher Knopp and the Environmental Report which are submitted in support of this Application.

Q. WHAT IS THE EXISTING ENVIRONMENT IN THE AREA CONSTITUTING THE CLINES CORNERS GEN-TIE SYSTEM CORRIDOR?

A. The Gen-Tie System is located primarily in grassland. Existing land uses principally consist of ranching throughout the area. All private landowners on the lands where the

Gen-Tie System will be located will be participating landowners with negotiated Right of Way and/or Wind Lease contracts. More detailed information is available in the Environmental Report and in the Direct Testimony of Christopher Knopp which is submitted in support of the Application.

Q. PLEASE SUMMARIZE THE GOVERNMENT CONSULTATION ON ENVIRONMENTAL ISSUES THAT CLINES CORNERS HAS COMPLETED IN FURTHERANCE OF THE PROJECT.

A. We have consulted with the relevant government entities to apprise them of the environmental studies and expected impacts of the Clines Corners Wind Farm Project to obtain their input on how best to avoid or minimize such impacts. Please refer to Exhibit MK-11 for a table of federal and state agencies with whom Orion has consulted to date. Consultation has been fruitful and positive and will be ongoing throughout development of the Project.

Q. DID ANY OF THE STATE AND FEDERAL AGENCIES WITH WHOM CLINES CORNERS HAS CONSULTED RAISE CONCERNS OR PROVIDE RECOMMENDATIONS WITH RESPECT TO THE CLINES CORNERS WIND FARM OR THE GEN-TIE LINE?

A. Orion and WEST have met with the USFWS and NMDGF in April 2018 to discuss the Project and expect to do so again prior to start of construction. Both agencies provided feedback on studies performed to date as well as planned field studies. A summary of the Environmental Report analysis has been sent to both USFWS and NMDGF for further comment on the Gen-Tie System. The Applicant is not anticipating any further issues with the Gen-Tie System alignment.

V. REQUESTED COMMISSION APPROVALS

Q. WHAT COMMISSION APPROVALS IS THE APPLICANT REQUESTING?

A. Clines Corners requests that the Commission approve the location of the Project in Torrance and Guadalupe Counties in New Mexico pursuant to NMSA 1978, §62-9-3, ("Siting Statute") and Commission Rule 17.9.592 NMAC, ("Location Rule"). In addition, Clines Corners requests that the Commission determine that a 150-foot ROW width for the Gen-Tie System is needed pursuant to NMSA 1978, §62-9-3.2.

A. SITING STATUTE, NMSA 1978, §62-9-3

Q. WHY DOES THE CLINES CORNERS WIND FARM PROJECT REQUIRE LOCATION APPROVAL?

A. My understanding is that New Mexico's Siting Statute, specifically NMSA 1978, §62-9-3(B), requires prior approval by the Commission for construction within New Mexico of any generating plant designed for or capable of operation at a capacity of 300 MW or more and for transmission lines and associated facilities designed for or capable of operations at a nominal voltage of 230-kV or more to be constructed in connection with said plant. The Commission's location approval is required because the Clines Corners Wind Farm Project is designed for or capable of operating up to 600 MW of wind generation.

Q. PLEASE EXPLAIN YOUR UNDERSTANDING OF THE NEED TO COMPLY WITH STATE, COUNTY OR MUNICIPAL LAND USE.

A. I understand that NMSA 1978, §62-9-3(G) prohibits the Commission from approving a location control application that violates an existing state, county or municipal land use

statutory or administrative regulation unless the Commission finds the regulation is unreasonably restrictive.

1. THE CLINES CORNERS WIND FARM

Q. PLEASE EXPLAIN YOUR UNDERSTANDING OF THE STATUTORY REQUIREMENTS FOR LOCATION APPROVAL FOR THE CLINES CORNERS WIND FARM.

A. My understanding is that NMSA 1978, §62-9-3(E) of the Siting Statute requires the Commission to approve an application for location of a generating plant unless the Commission finds that the operation of the facilities will not comply with all applicable air and water pollution control standards existing and established by the New Mexico agency having jurisdiction over a particular pollution source. I understand that the New Mexico Environment Department has jurisdiction over air and water pollution.

Q. DOES THE CLINES CORNERS WIND FARM COMPLY WITH THE REQUIREMENTS OF THE SITING STATUTE?

A. Yes, the Application and supporting testimony and exhibits demonstrate that the Clines Corners Wind Farm complies with all applicable air and water pollution control standards. Moreover, the existing state, county, and municipal land use statutory and administrative regulations allow for the installation of the Clines Corners Wind Farm.

2. THE GEN-TIE SYSTEM

Q. PLEASE EXPLAIN YOUR UNDERSTANDING OF THE STATUTORY REQUIREMENTS FOR LOCATION APPROVAL FOR THE GEN-TIE SYSTEM.

A. My understanding is that NMSA 1978, §62-9-3(F) of the Siting Statute requires the Commission to approve an application for location of transmission lines unless it finds that

the location will unduly impair important environmental values. In making that determination, NMSA 1978, §62-9-3(M) of the Siting Statute allows the Commission to consider the following factors:

(1) existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed location;

(2) fish, wildlife, and plant life;

(3) noise emission levels and interference with communication signals;

(4) the proposed availability of the location to the public for recreational purposes, consistent with safety considerations and regulations;

(5) existing scenic areas, historic, cultural or religious sites and structures or archaeological sites at or in the vicinity of the proposed location; and,

(6) additional factors that require consideration under applicable federal and state laws pertaining to the location.

Q. DOES THE GEN-TIE SYSTEM COMPLY WITH THE REQUIREMENTS OF THE SITING STATUTE?

A. Yes, the Application and supporting testimony and exhibits demonstrate that the Gen-Tie System will not unduly impair important environmental values, complying with the requirements stated under NMSA 1978, §62-9-3(M). As the other witnesses and I explain in our testimonies, the existing state, county, and municipal land use statutory and administrative regulations also allow for the installation of the Gen-Tie System.

B. LOCATION RULE, 17.9.592 NMAC

1. THE CLINES CORNERS WIND FARM, 17.9.592.9 NMAC

Q. WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENTS OF THE COMMISSION'S LOCATION RULE, 17.9.592 NMAC, REGARDING APPLICATIONS FOR LOCATION OF GENERATION PLANTS?

A. Under the Location Rule, 17.9.592.9 NMAC for generating facilities ("Generation Location Rule") an applicant must file an application supported by written testimony and exhibits that contain the following information for generating plants for which location approval is required:

A. a description of the large capacity plant, including, but not limited to:

(1) a legal description of the property upon which the large capacity plant will be located;

(2) the size of the large capacity plant;

(3) fuel specifications including, but not limited to, the type of fuel to be used; and,

(4) a map showing the location of the large capacity plant;

B. identification of all applicable land use statutes and administrative regulations and proof of compliance or a statement of noncompliance with each;

C. identification of all applicable air and water pollution control standards and regulations and proof of compliance or a statement of noncompliance with each;

D. all written air and water quality authorizations necessary to begin construction of the large capacity plant;

E. all written air and water quality authorizations necessary to begin operation of the large capacity plant; if any such authorization cannot be obtained until after construction of the large capacity plant, proof of application for such authorization;

F. the expected date that the large capacity plant will be online;

G. proof that the application has been served on all local authorities in each county and township where the large capacity plant will be located, the New Mexico attorney general, the New Mexico environment department, and the New Mexico state engineer;

H. any other information, including photographs, which the applicant wishes to submit in support of the application.

Q. DOES THE CLINES CORNERS WIND FARM COMPLY WITH THE REQUIREMENTS OF THE GENERATION LOCATION RULE?

A. Yes, the Application, and supporting testimony and exhibits demonstrate that the Clines Corners Wind Farm will comply with all the requirements under the Generation Location Rule prior to the start of construction. As noted in the Application, certain air and water permits will be obtained shortly before the construction of the Clines Corners Wind Farm begins. The Applicant has engaged expert consultants to assure that the design, construction and operation of the Project will comply with all applicable statutes and regulations. Moreover, we have committed to many environmental best practices to further mitigate any potential impact on the environment.

2. THE GEN-TIE SYSTEM, 17.9.592.10 NMAC

Q. WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENTS OF THE COMMISSION'S LOCATION RULE, 17.9.592 NMAC, REGARDING APPLICATIONS FOR LOCATION OF TRANSMISSION LINES?

A. Under the Location Rule, Rule 17.9.592.10 NMAC for transmission lines ("Transmission Location Rule") an applicant must file an application supported by written testimony and exhibits that contain the following information for transmission lines for which location approval is required:

A. a description of the transmission line including, but not limited to:

(1) the location of the transmission line;

(2) identification of the ownership of the land (such as private, bureau of land management, U.S. forest service, state trust, etc.) the transmission line will cross and the number of feet the transmission line will cross over each owner's land;

(3) the total length of each transmission line in feet;

(4) a description of interconnection facilities;

(5) a map showing the location of the transmission line; and

(6) a schematic diagram showing the transmission line and the interconnection of the transmission line to the transmission grid;

B. identification of all applicable land use statutes and administrative regulations and proof of compliance or statement of noncompliance with each;

C. if required under NEPA, an environmental assessment prepared in connection with the transmission line;

D. if required under NEPA, an environmental impact statement and record of decision or a finding of no significant impact, prepared in connection with the transmission line;

E. if preparation of a federal environmental assessment or environmental impact statement is not required under NEPA in connection with the transmission line, then a report, comparable to an environmental impact statement, in the format prescribed in 40 C.F.R. Section 1502.10;

F. all written federal, state, and local environmental authorizations necessary to begin construction of the transmission line;

G. all written federal, state, and local environmental authorizations necessary to begin operation of the transmission line; if any such authorization cannot be obtained until after construction of the transmission line, proof of application for such authorization;

H. testimony demonstrating that the transmission line will not unduly impair important environmental values; important environmental values include, but are not limited to, preservation of air and water quality, land uses, soils, flora and fauna, and water, mineral, socioeconomic, cultural, historic, religious, visual, geologic and geographic resources;

I. the expected date that the transmission line will be online;

J. proof that the application has been served on all local authorities in each county and township where the transmission line will be located, the New Mexico attorney general, the New Mexico environment department, and the New Mexico state engineer;

K. any other information, including photographs, which the applicant wishes to submit in support of the application.

Q. DOES THE GEN-TIE SYSTEM COMPLY WITH THE REQUIREMENTS OF THE TRANSMISSION LOCATION RULE?

A. Yes, the Application and supporting testimony and exhibits demonstrate that the Gen-Tie System complies with the requirements under the Transmission Location Rule. As with the Clines Corners Wind Study Area analysis and evaluation, our internal personnel, working with expert consultants, have studied a vast area as part of the identification of a suitable path for the Gen-Tie System. We have identified potential environmental issues and developed our proposed plans to minimize any impacts on the environment. Furthermore, we have incorporated many environmental best practices that were agreed to by other project developers in recent location permit cases before the Commission to further mitigate any impacts.

C. RIGHT-OF-WAY STATUTE, NMSA 1978, §62-9-3.2

Q. WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENT FOR ROW WIDTH APPROVAL?

A. My understanding is that NMSA 1978, §62-9-3.2 ("ROW Statute") provides that "unless otherwise agreed to by the parties, no person shall begin the construction of any transmission line requiring a width for right of way of greater than one hundred feet without first obtaining from the commission a determination of the necessary right-of-way width to construct and maintain the transmission line." In our discussions with the private landowners there is no opposition to date with respect to the proposed 150-foot right of way width. We are unaware of any likely opposition from these owners or the state as well.

Q. PLEASE DESCRIBE THE REQUESTED ROW.

A. Clines Corners requests the approval, to the extent such approval is required, of a 150-foot ROW width for the Gen-Tie System to ensure compliance with safety codes; to provide adequate logistical space for construction, operations and maintenance of the transmission line. This information is explained in detail in the Testimony of Gregory Parent.

VI. PUBLIC OUTREACH AND SUPPORT AND GOVERNMENT COORDINATION

Q. WERE LOCAL COMMUNITIES AND OFFICIALS INFORMED ABOUT THE CLINES CORNERS WIND FARM AND THE GEN-TIE SYSTEM?

A. Yes, Clines Corners representatives and consultants have attended several county meetings in Torrance and Guadalupe Counties and have had several meetings with local and state officials representing Torrance and Guadalupe Counties. Clines Corners representatives will also meet with the local conservation districts during their scheduled May 2019 board meeting. This process is ongoing and will continue throughout the construction of the Project if approved by the Commission.

Q. HAS CLINES CORNERS INFORMED THE PUBLIC ABOUT THE CLINES CORNERS WIND FARM PROJECT?

A. Yes. In addition to several County meetings, Clines Corners representatives have met individually with many local landowners about the Clines Corners Wind Farm Project.

Q. DOES THE CLINES CORNERS WIND FARM PROJECT HAVE THE SUPPORT OF THE WIND PROJECT'S LANDOWNERS AND THE STATE OF NEW MEXICO?

A. Yes, approximately 39,870 acres of private land have been leased or are in final negotiation from private landowners and approximately 20 acres are in the process of being leased

from the State of New Mexico. The private leases have been negotiated and signed by the landowners at their discretion. Right of Way leases for state lands are currently in the application and lease negotiation stages. Please see Exhibit MK-12 for letters of support for the Clines Corners Wind Farm Project written by private landowners.

Q. DOES THE CLINE CORNERS WIND FARM PROJECT HAVE THE SUPPORT OF LOCAL GOVERNMENT OFFICIALS?

A. As discussed in the Direct Testimony of John Tysseling, the Clines Corners Wind Farm Project expects to produce substantial economic benefits for local businesses. Please see Exhibit MK-13 for letters of support for the Clines Corners Wind Farm Project written by Torrance and Guadalupe Counties.

VII. CONCLUSION

Q. PLEASE SUMMARIZE YOUR CONCLUSION.

A. By following exceptional practices, Clines Corners will avoid, when possible, or otherwise have minimal impact on environmental resources during the construction and operation of the Clines Corners Wind Farm Project. The Application, my testimony and the testimony of other witnesses in this proceeding demonstrate that the Clines Corners Wind Farm Project will comply with New Mexico's Siting Statute, Location Rules and ROW Statute. Furthermore, the Clines Corners Wind Farm Project has the public support for the socioeconomic benefits these projects will bring to this area of New Mexico.

Q. DOES THIS INCLUDE YOUR TESTIMONY?

A. Yes, it does.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-1

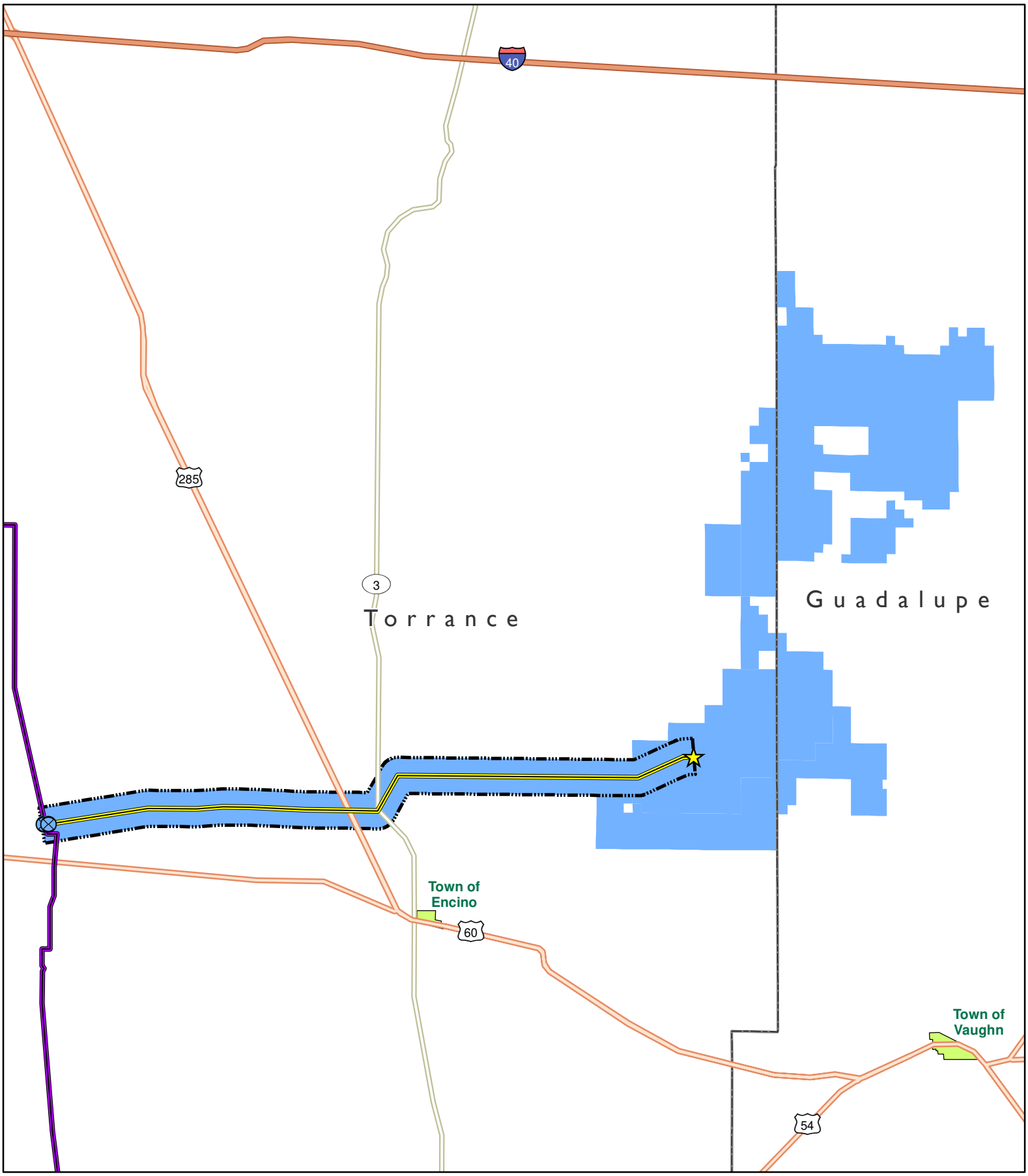


Exhibit MK-1: Clines Corners Wind Farm Area

NORTH

1 inch = 3 miles

0 1 2 Miles

- Western Spirit POI Switchyard
- Preliminary Substation
- Gen-Tie System
- Preliminary Western Spirit Transmission Line
- Gen-Tie System Survey Corridor
- Clines Corners Wind Farm Project
- Towns
- County Boundary

5/13/2019

ORION RENEWABLE ENERGY GROUP LLC

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-2.1

LEGAL DESCRIPTION OF CLINES CORNERS WIND FARM AREA
LANDOWNERS LAND

Wells Fargo Bank, N.A., Trustee of the Richard M. Krannawitter Trust

Township 7 North, Range 16 East, N.M.P.M.:

Section 1: Lots 1, 2, 3, 4; S/2 N/2
Section 2: Lots 1, 2, 3; S/2 NE/4; Lot 4; S/2 NW/4; S/2
Section 3: Lots 1. 2, 3, 4; S/2 N/2; S/2
Section 4: Lots 1, 2, 3, 4; S/2 N/2; S/2
Section 5: Lots 1, 2, 3, 4; S/2 N/2; S/2
Section 6: Lots 1, 2, 3, 4, 5, 6, 7; S/2 NE/4; SE/4 NW/4; E/2 SW/4; SE/4
Section 7: Lots 1, 2, 3, 4; E/2 W/2; E/2
Section 8: N/2 NE/4; N/2 NW/4; SW/4 SW/4
Section 9: NE/4; N/2 NW/4; W/2 SE/4; E/2 SE/4
Section 10: All
Section 11: All
Section 14: All
Section 15: All
Section 16: All
Section 17: N/2
Section 18: Lots, 1, 2, 3, 4; E/2 W/2; E/2
Section 19: Lots 1, 2, 3, 4; E/2 W/2; E/2
Section 20: W/2
Section 21: S/2 S/2
Section 22: SW/4 NW/4; SW/4; SW/4 SE/4; N/2 NE/4
Section 23: W/2 NE/4; NW/4
Section 27: W/2 NW/4; W/2 SW/4
Section 28: All
Section 29: NW/4; NW/4 SW/4; SE/4 SE/4
Section 30: Lots 1, 2, 3, 4; E/2 W/2; E/2

Township 8 North, Range 16 East, N.M.P.M.:

Section 19: Lots 1, 2, 3, 4; E/2 W/2
Section 25: NE/4 SW/4; S/2 SW/4; W/2 SE/4
Section 26: E/2 SE/4
Section 27: SW/4 SW/4
Section 29: SW/4 SW/4
Section 30: Lots 3, 4; E/2 W/2; E/2
Section 31: Lots 1, 2, 3, 4; E/2 W/2; E/2
Section 32: All
Section 33: All
Section 34: S/2 NE/4; NW/4; S/2
Section 35: NE/4; S/2 NW/4; S/2
Section 36: All

Total - Guadalupe County

LEGAL DESCRIPTION OF CLINES CORNERS WIND FARM AREA
LANDOWNERS LAND

Township 7 North, Range 15 East, N.M.P.M.:

Section 1:	S/2 SE/4
Section 12:	E/2 SE/4; NE/4; SE/4 NW/4; NW/4 SE/4; NE/4 SW/4
Section 13:	S/2; S/2 NE/4; NE/4 NE/4; SE/4 NW/4; NW/4 NW/4
Section 24:	All
Section 25:	All
Section 36:	All

LEGAL DESCRIPTION OF CLINES CORNERS WIND FARM AREA
LANDOWNERS LAND

L.T. Lewis Ltd. Company

Township 5 North, Range 15 East, N.M.P M.

Section 1: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 2: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 3: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 4: Lots 1, 2, 3, 4, S2N2, 82 (all)
Section 5: Lots 1, 2, 3, 4, S2N2, S2 (all)

Township 6 North, Range 15 East. N.MP.M.

Section 1: NWNW, S2NW, W2SE, SW
Section 12: N2, SW
Section 28: N2, SE, E2SW, SWSW
Section 32: N2, N2SE, SWSE, SW
Section 33: SWSW
Section 36: All

Township 7 North, Range 15 East. N.MP.M.

Section 26: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 35: Lots 1, 2, 3, 4, S2N2, S2 (all)

Guadalupe County, New Mexico – 2,830 acres

Township 6 North, Range 16 East, N.M.P.M.

Section 7: Lots 1, 2, 3, 4, E2SW, SE
Section 8: W2SW
Section 17: W2
Section 18: Lots 1, 2, 3, 4, E2W2, E2 (all)
Section 19: Lots 1, 2, 3, 4, E2W2, E2 (all)
Section 20: W2
Section 30: Lots 1, 2, E2NW, NE

LEGAL DESCRIPTION OF CLINES CORNERS WIND FARM AREA
LANDOWNERS LAND

Berlier Ranches

Township 6 North, Range 15 East, N.M.P.M.

Section 13: All
Section 14: E2
Section 22: S2
Section 23: All
Section 24: All
Section 25: All
Section 26: All
Section 27: All
Section 33: N2, SE4, N2SW4, SE4SW4
Section 34: All

Section 35: All

Township 6 North, Range 16 East, N.M.P.M.

Section 20: E2
Section 28: All
Section 29: All
Section 30: Lots 3,4 E2SW4, SE4
Section 31: Lots 1, 2, 3 and 4, E2NW4, NE4SW4
Section 33: ALL, EXCEPT for the East 1056 feet of the E2E2NE4

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-2.2

LEGAL DESCRIPTION OF CLINES CORNERS WIND FARM AREA
STATE LAND

Township 5 North, Range 15 East, N.M.P M.

Section 1: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 2: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 3: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 4: Lots 1, 2, 3, 4, S2N2, 82 (all)
Section 5: Lots 1, 2, 3, 4, S2N2, S2 (all)

Township 6 North, Range 15 East, N.M.P.M.

Section 1: NWNW, S2NW, W2SE, SW
Section 12: N2, SW
Section 13: All
Section 14: E2
Section 22: S2
Section 23: All
Section 24: All
Section 25: All
Section 26: All
Section 27: All
Section 28: N2, SE, E2SW, SWSW
Section 32: N2, N2SE, SWSE, SW
Section 33: All
Section 34: All
Section 35: All
Section 36: All

Township 6 North, Range 16 East, N.M.P.M.

Section 7: Lots 1, 2, 3, 4, E2SW, SE
Section 8: W2SW
Section 17: W2
Section 18: Lots 1, 2, 3, 4, E2W2, E2 (all)
Section 19: Lots 1, 2, 3, 4, E2W2, E2 (all)
Section 20: All
Section 28: All
Section 29: All
Section 30: Lots 1, 2, 3, 4 E2SW4, SE4, E2NW, NE
Section 31: Lots 1, 2, 3 and 4, E2NW4, NE4SW4
Section 33: ALL, EXCEPT for the East 1056 feet of the E2E2NE4

Township 7 North, Range 15 East, N.M.P.M.:

Section 1: S/2 SE/4
Section 12: E/2 SE/4; NE/4; SE/4 NW/4; NW/4 SE/4; NE/4 SW/4
Section 13: S/2; S/2 NE/4; NE/4 NE/4; SE/4 NW/4; NW/4 NW/4
Section 24: All
Section 25: All
Section 26: Lots 1, 2, 3, 4, S2N2, S2 (all)

LEGAL DESCRIPTION OF CLINES CORNERS WIND FARM AREA
STATE LAND

Section 35: Lots 1, 2, 3, 4, S2N2, S2 (all)
Section 36: All

Township 7 North, Range 16 East, N.M.P.M.:

Section 1: Lots 1, 2, 3, 4; S/2 N/2
Section 2: Lots 1, 2, 3; S/2 NE/4; Lot 4; S/2 NW/4; S/2
Section 3: Lots 1. 2, 3, 4; S/2 N/2; S/2
Section 4: Lots 1, 2, 3, 4; S/2 N/2; S/2
Section 5: Lots 1, 2, 3, 4; S/2 N/2; S/2
Section 6: Lots 1, 2, 3, 4, 5, 6, 7; S/2 NE/4; SE/4 NW/4; E/2 SW/4; SE/4
Section 7: Lots 1, 2, 3, 4; E/2 W/2; E/2
Section 8: N/2 NE/4; N/2 NW/4; SW/4 SW/4
Section 9: NE/4; N/2 NW/4; W/2 SE/4; E/2 SE/4
Section 10: All
Section 11: All
Section 14: All
Section 15: All
Section 16: All
Section 17: N/2
Section 18: Lots, 1, 2, 3, 4; E/2 W/2; E/2
Section 19: Lots 1, 2, 3, 4; E/2 W/2; E/2
Section 20: W/2
Section 21: S/2 S/2
Section 22: SW/4 NW/4; SW/4; SW/4 SE/4; N/2 NE/4
Section 23: W/2 NE/4; NW/4
Section 27: W/2 NW/4; W/2 SW/4
Section 28: All
Section 29: NW/4; NW/4 SW/4; SE/4 SE/4
Section 30: Lots 1, 2, 3, 4; E/2 W/2; E/2

Township 8 North, Range 16 East, N.M.P.M.:

Section 19: Lots 1, 2, 3, 4; E/2 W/2
Section 25: NE/4 SW/4; S/2 SW/4; W/2 SE/4
Section 26: E/2 SE/4
Section 27: SW/4 SW/4
Section 29: SW/4 SW/4
Section 30: Lots 3, 4; E/2 W/2; E/2
Section 31: Lots 1, 2, 3, 4; E/2 W/2; E/2
Section 32: All
Section 33: All
Section 34: S/2 NE/4; NW/4; S/2
Section 35: NE/4; S/2 NW/4; S/2
Section 36: All

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-3

Landowner	Negotiation Status	Length	Length (Rods)	Acreage	Township	Range	Section	Subdivision	County	State	Description
					006N	R015E	31	N2N2			Centerline of 150ft easement beginning 75ft South of the NE corner of section 31, then West 5280 ft.
					006N	R014E	36	N2N2			Centerline of 150ft easement beginning 75ft South of the NE corner of section 36, then West 5280 ft.
					006N	R014E	35	N2N2			Centerline of 150ft easement beginning 75ft South of the NE corner of section 35, then West 5280 ft.
LT Lewis Ltd Co	Signed	34,840 ft.	2112	120					Torrance	NM	
					006N	R014E	34	N2N2			Centerline of 150ft easement beginning 75ft South of the NE corner of section 34, then West 5280 ft.
					006N	R014E	33	N2N2			Centerline of 150ft easement beginning 75ft South of the NE corner of section 33, then West 5280 ft.
					006N	R014E	32	N2NE4, W2			Centerline of 150ft easement beginning 75ft South of the NE corner of section 32, then West 2,640 ft., then south-southwest 5,800 ft.
Michele and Wesley Goodson	Signed	4,166 ft.	252.5	14.3	005N	R014E	6	N2NE4, NE4N	Torrance	NM	Centerline of 150ft easement beginning 75ft South of the NE corner of section 6, then West 4,166 West ft.
					006N	R013E	33	S2S2			Centerline of 150ft easement beginning 75ft North of the SE corner of section 33, then West 1326 ft.

Burson, Thomas W. Parcel (1 of 2)	Signed	7,970 ft.	483	27.4	006N	R013E	34	S2SW4	Torrance NM	Centerline of 150ft easement beginning 75ft North of the SE corner of SESW, section 34, then West 2653.8 ft to Western edge of section 34.
					005N	R013E	4	N2NW4, NW4		Centerline of 150ft easement beginning NE corner of NWNE, section 6, then West South West 3979 ft to Western edge of section 4.
Burson, Thomas W. (Parcel 2 of 2)	Signed	5,280 ft.	320	18.2	005N	R013E	6	N2N2	Torrance NM	Centerline of 150ft easement beginning 75ft south of NE corner of section 6, then west 5280 ft to Western edge of section 6
Harral, Malcolm C. & Loretta Ray Trust	In negotiation	14,200 ft.	860.6	48.9	005N	R014E	6	NW4NW4	Torrance NM	Centerline of 150ft easement beginning 75ft South of the NWNE corner of section 6, then West 914 ft.
					005N	R013E	1	N2N2		Centerline of 150ft easement beginning 75ft South of the NE corner of section 1, then West 5280 ft.
					005N	R013E	2	N2N2		Centerline of 150ft easement beginning 75ft South of the NE corner of section 2, then West 5280 ft.
					005N	R013E	3	N2NE4		Centerline of 150ft easement beginning 75ft South of the NE corner of section 3, then West North West 2655.5 ft.
					006N	R013E	34	S2SE4		Centerline of 150ft easement beginning SE corner of section 34, then West North West 2655.5 ft.
					006N	R013E	35	S2S2		Centerline of 150ft easement beginning SE corner of section 34, then West North West 5290 ft.
McLaughlin Ranch, LLC	In negotiation	5,280 ft.	320	18.2	005N	R013E	5	N2N2	Torrance NM	Centerline of 150ft easement beginning 75ft south of NE corner of section 5, then west 5280 ft to edge of section 5

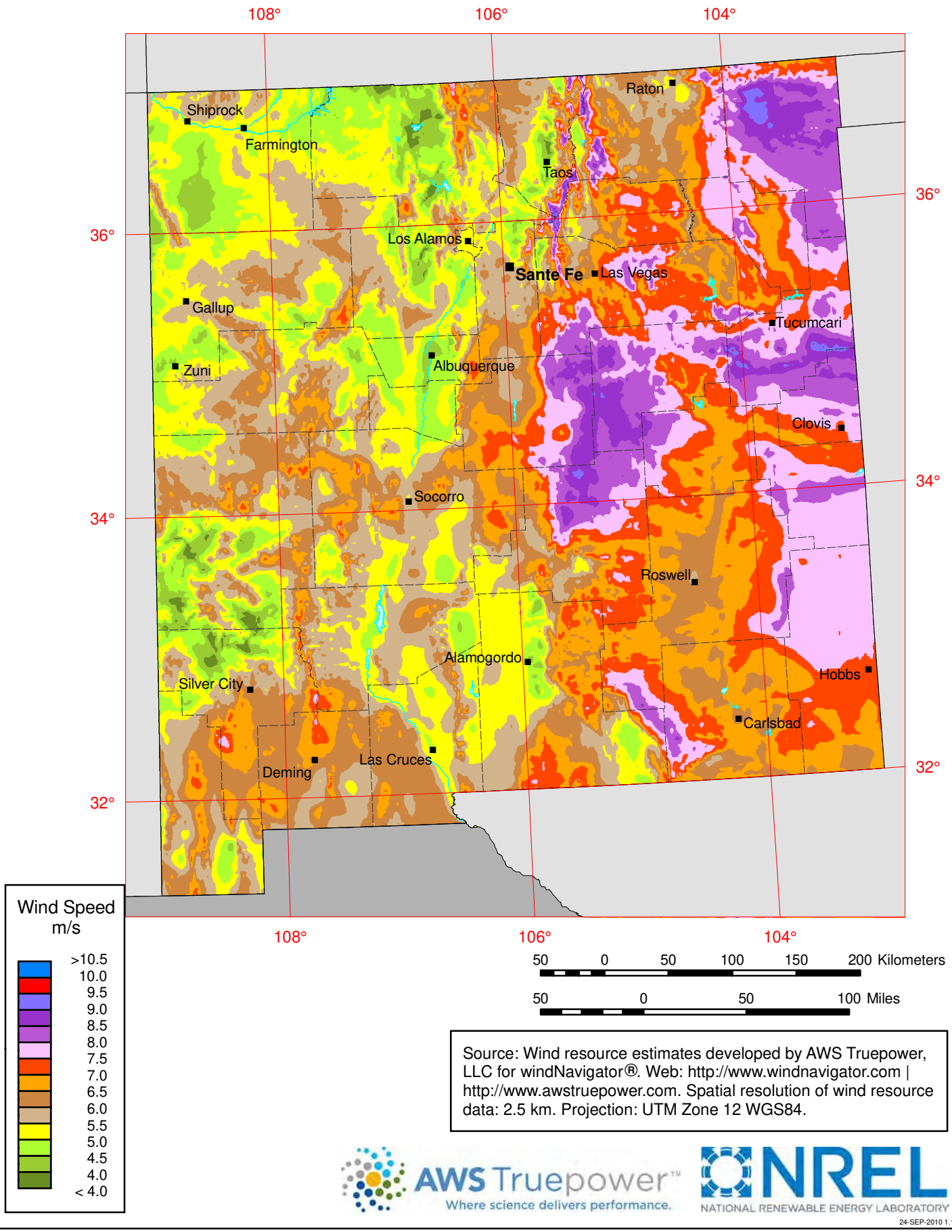
Prather, Delma E. Rev Trust	In negotiation	5,280 ft.	320	18.2	005N	R012E	1	N2N2	Torrance NM	Centerline of 150ft easement beginning 75ft south of NE corner of section 1, then west 5280 ft to West edge of section 1
Howling Wind Ranch, LLC	In negotiation	1,000ft	60.6	3.5	005N	R012E	3	SE4NE4	Torrance NM	Centerline of 150ft easement beginning 75ft south of NESENE corner of section 3, then southwest 1000 ft.
New Mexico State Trust Land	In negotiation	5,800 ft.	351.5	19.9	005N	R012E	2	N2N2	Torrance NM	Centerline of 150ft easement beginning 75ft south of NE corner of section 1, then west 1,180 ft., then 4,620 ft. southwest

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-4

New Mexico - Annual Average Wind Speed at 80 m



Source: Wind resource estimates developed by AWS Truepower, LLC for windNavigator®. Web: http://www.windnavigator.com | http://www.awstruepower.com. Spatial resolution of wind resource data: 2.5 km. Projection: UTM Zone 12 WGS84.

AWS Truepower™
Where science delivers performance.

NREL
NATIONAL RENEWABLE ENERGY LABORATORY

24-SEP-2010 1.1.1

Exhibit MK-4

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-5

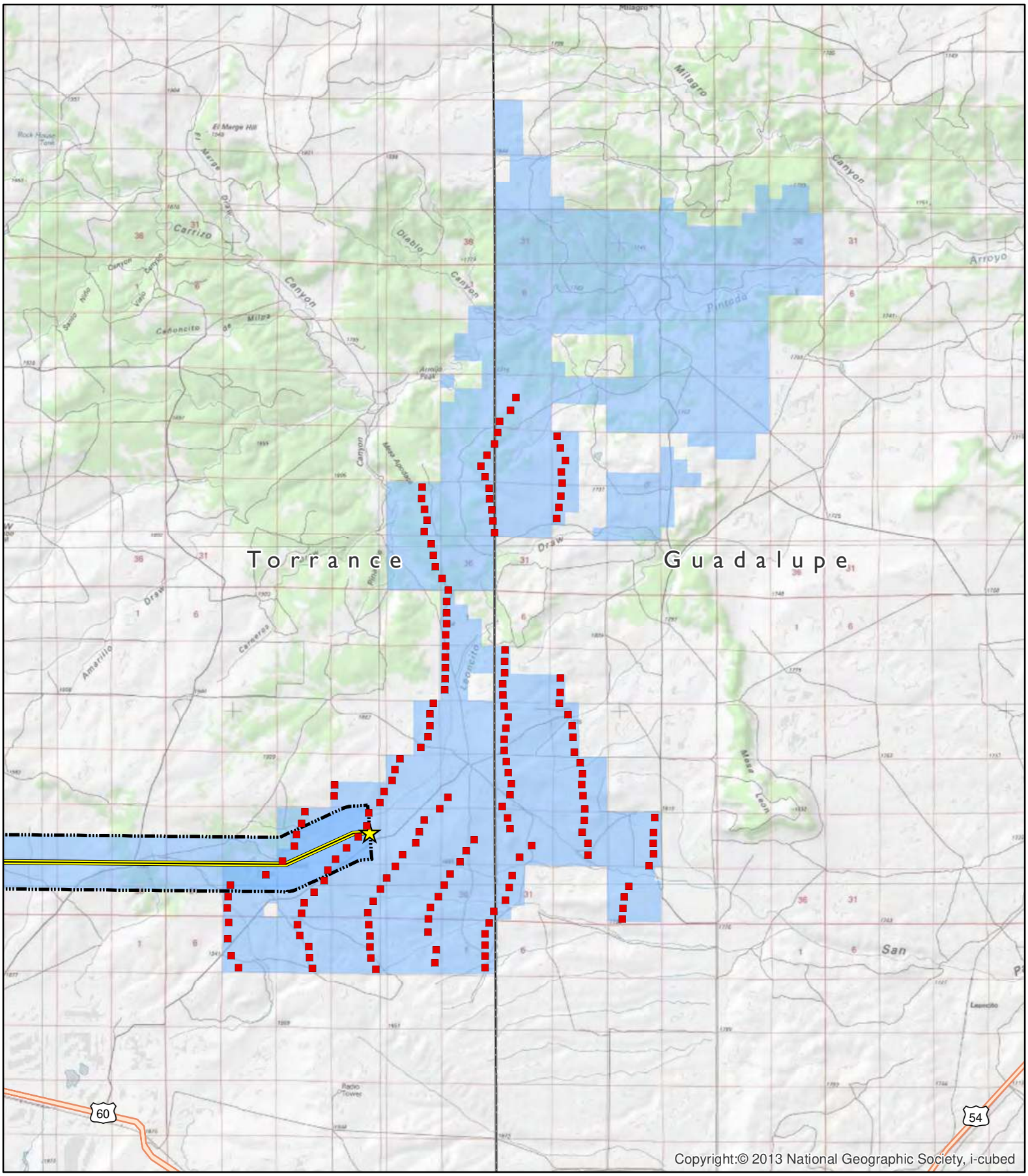


Exhibit MK-5: Preliminary Wind Turbine Layout

NORTH

1 inch = 2 miles

0 1 2 Miles

- Preliminary Turbine (Indicative Location)
- Preliminary Substation
- Highways
- Gen-Tie System
- Gen-Tie System Survey Corridor
- Clines Corners Wind Farm Project
- County Boundary

5/13/2019

ORION RENEWABLE ENERGY GROUP LLC

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-6

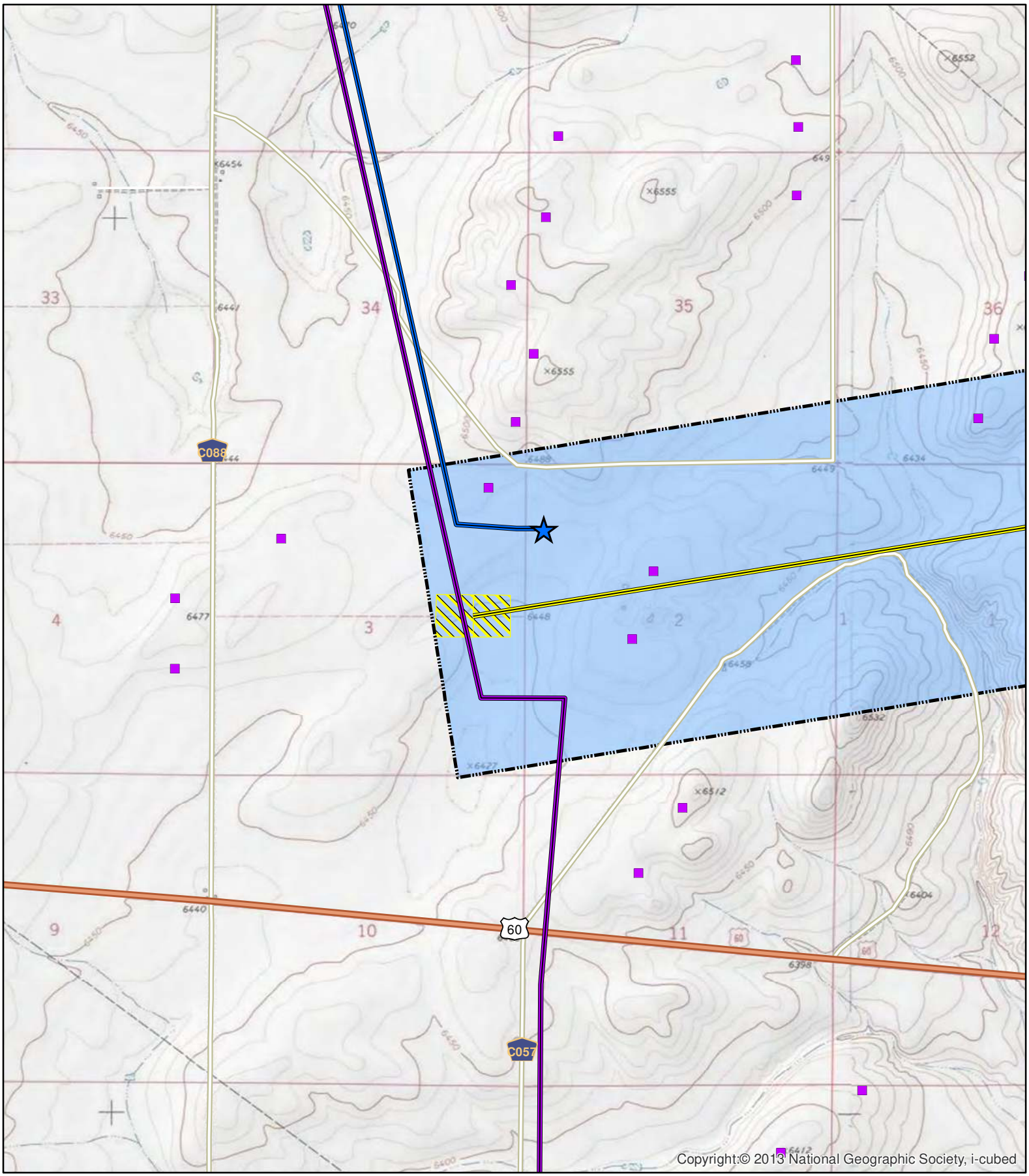


Exhibit MK-6: Point of Interconnection to Western Spirit

NORTH

1 inch = 2,123 feet

0 1,000 2,000 Feet

- Existing Turbine
- El Cabo Substation
- El Cabo Gen-Tie Line
- Gen-Tie System
- Proposed Western Spirit Transmission Line
- Gen-Tie System Survey Corridor
- Western Spirit POI Switchyard

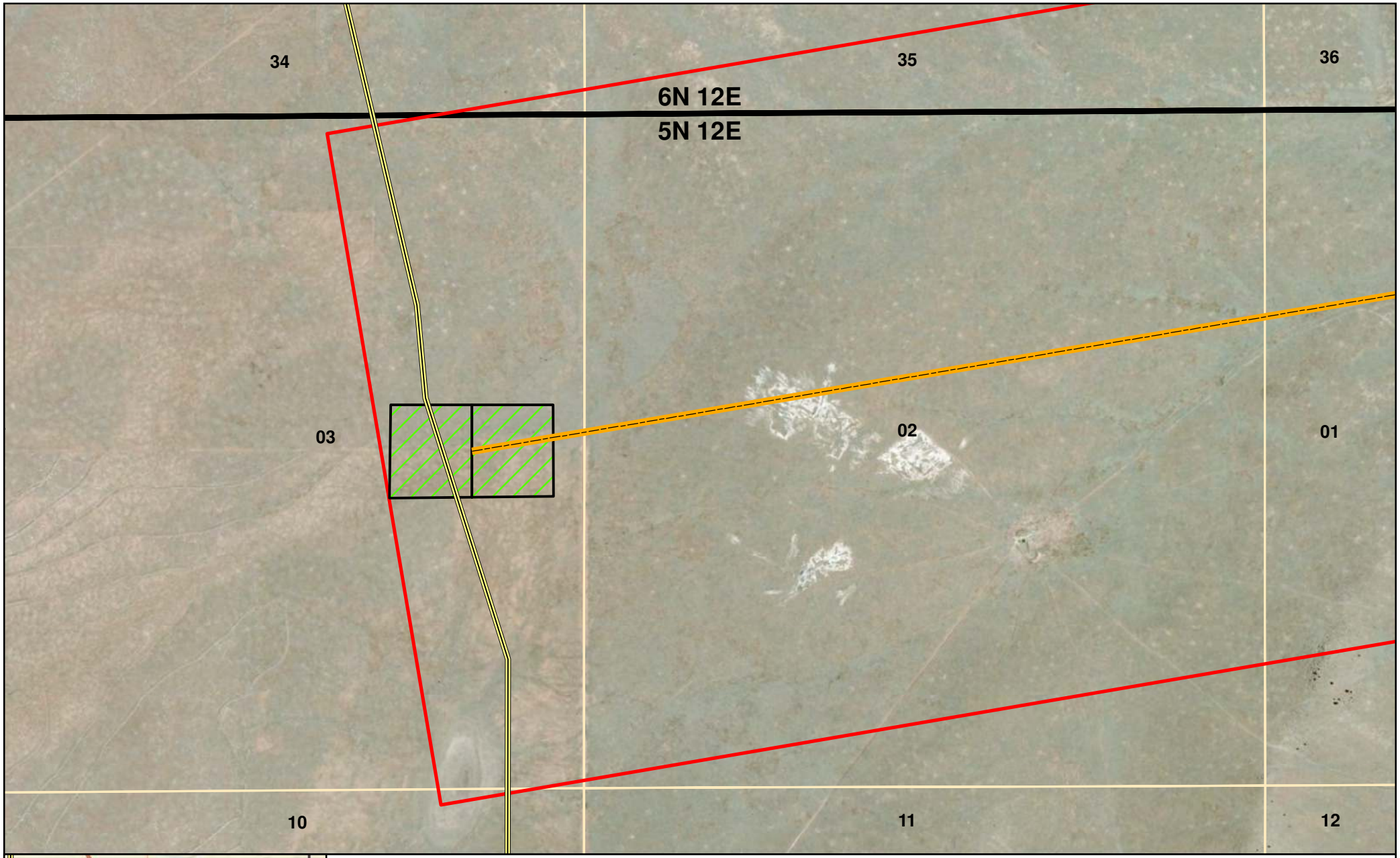
5/6/2019

ORION RENEWABLE ENERGY GROUP LLC

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-7



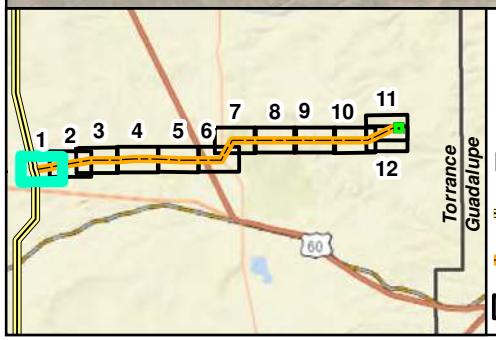


Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Proposed Western Spirit Transmission Line
- Gen-Tie System
- Gen-Tie System-Point of Interconnection Switchyard
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

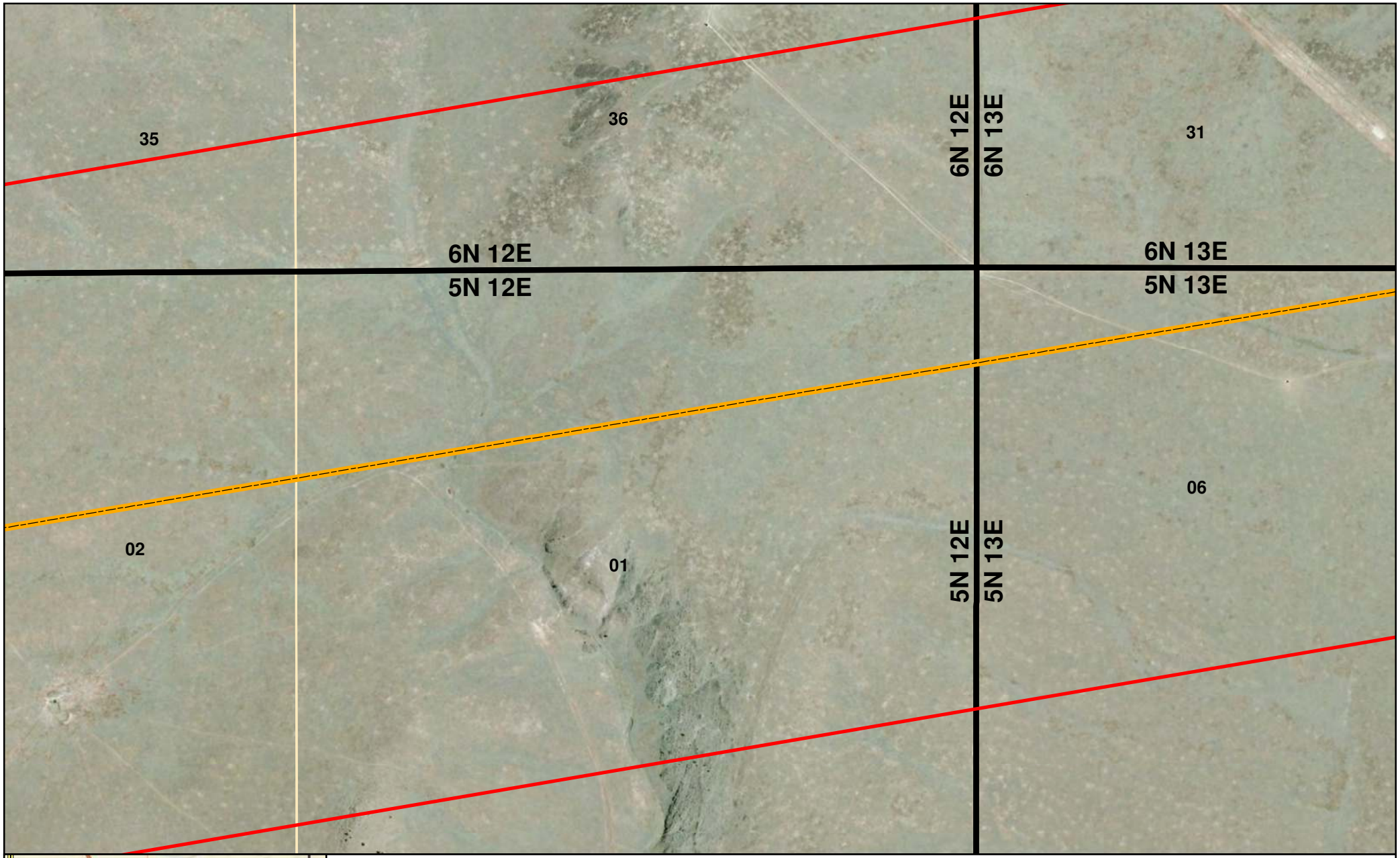
1:12,000

0 250 500 750 1,000
Feet

0 0.1 0.2 0.3 0.4
Miles

ORION RENEWABLE ENERGY GROUP LLC

Shoener environmental engineering energy



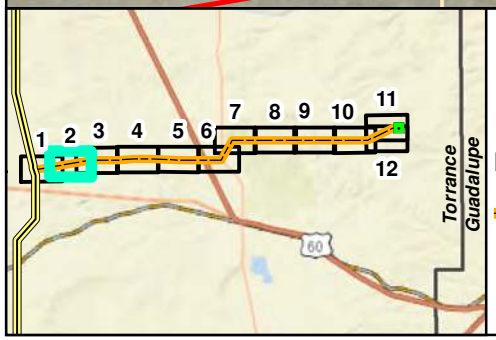


Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

1:12,000

0 250 500 750 1,000
Feet

0 0.1 0.2 0.3 0.4
Miles

ORION RENEWABLE ENERGY GROUP LLC

Shoener environmental engineering energy

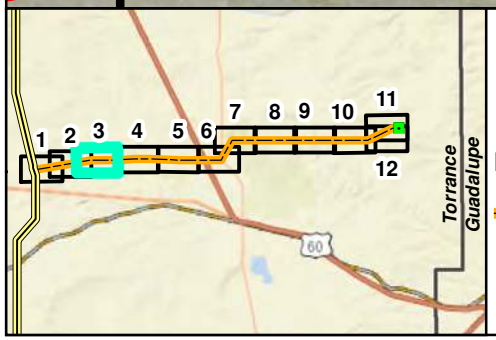


Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

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ORION RENEWABLE ENERGY GROUP LLC

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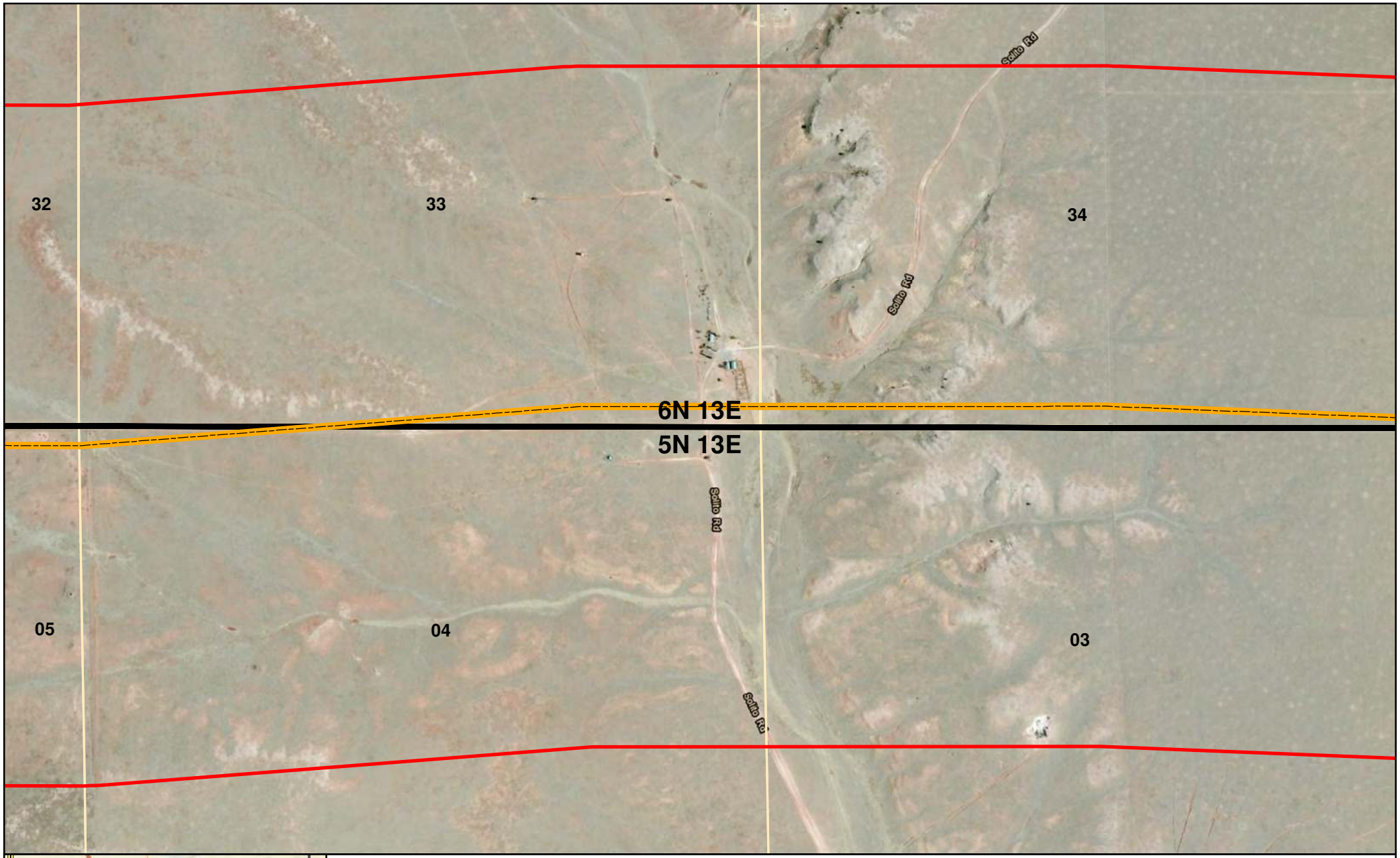

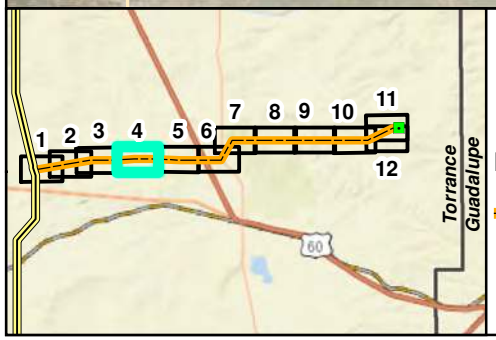

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

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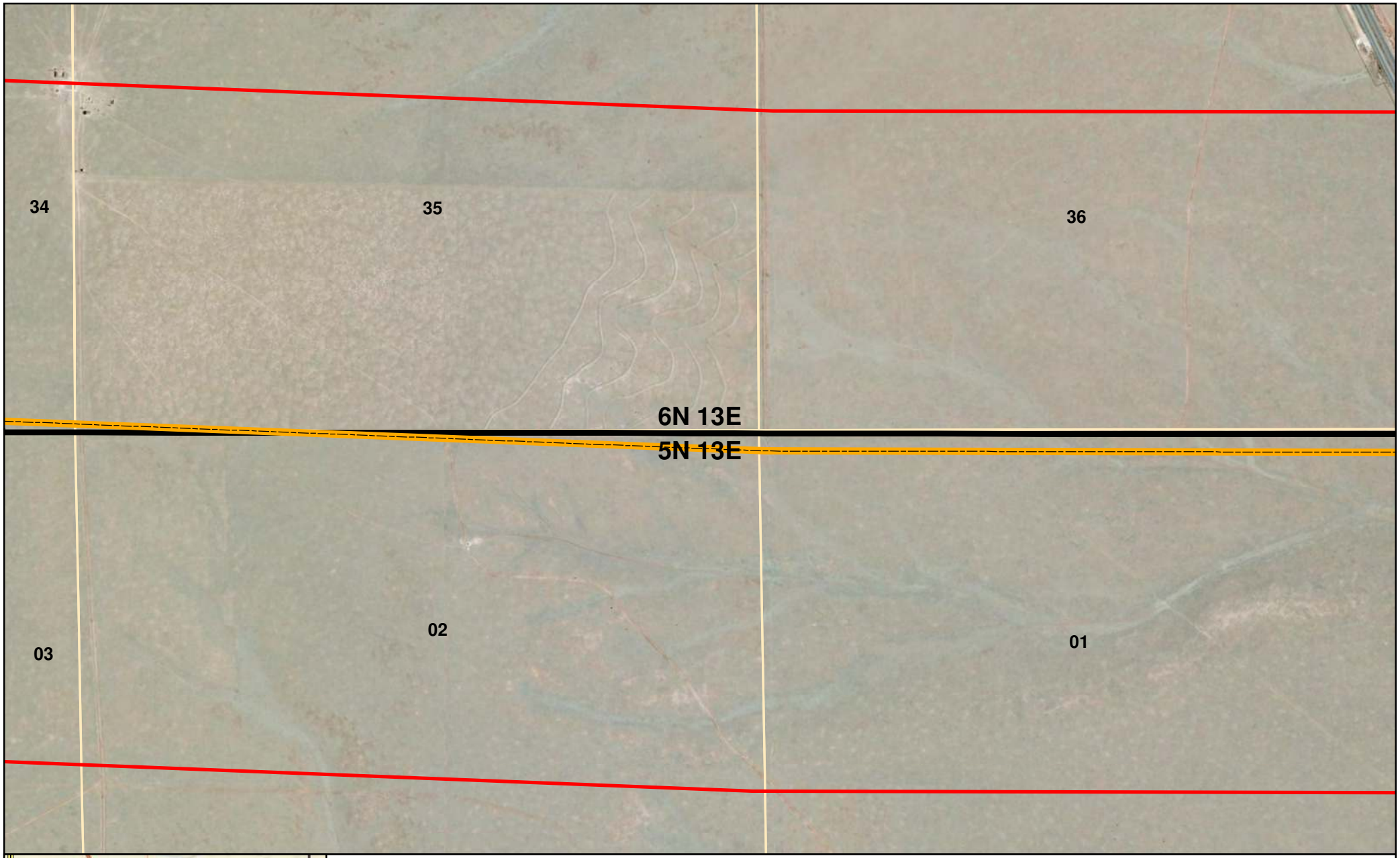

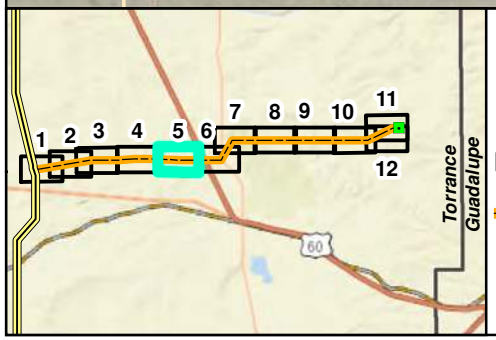

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

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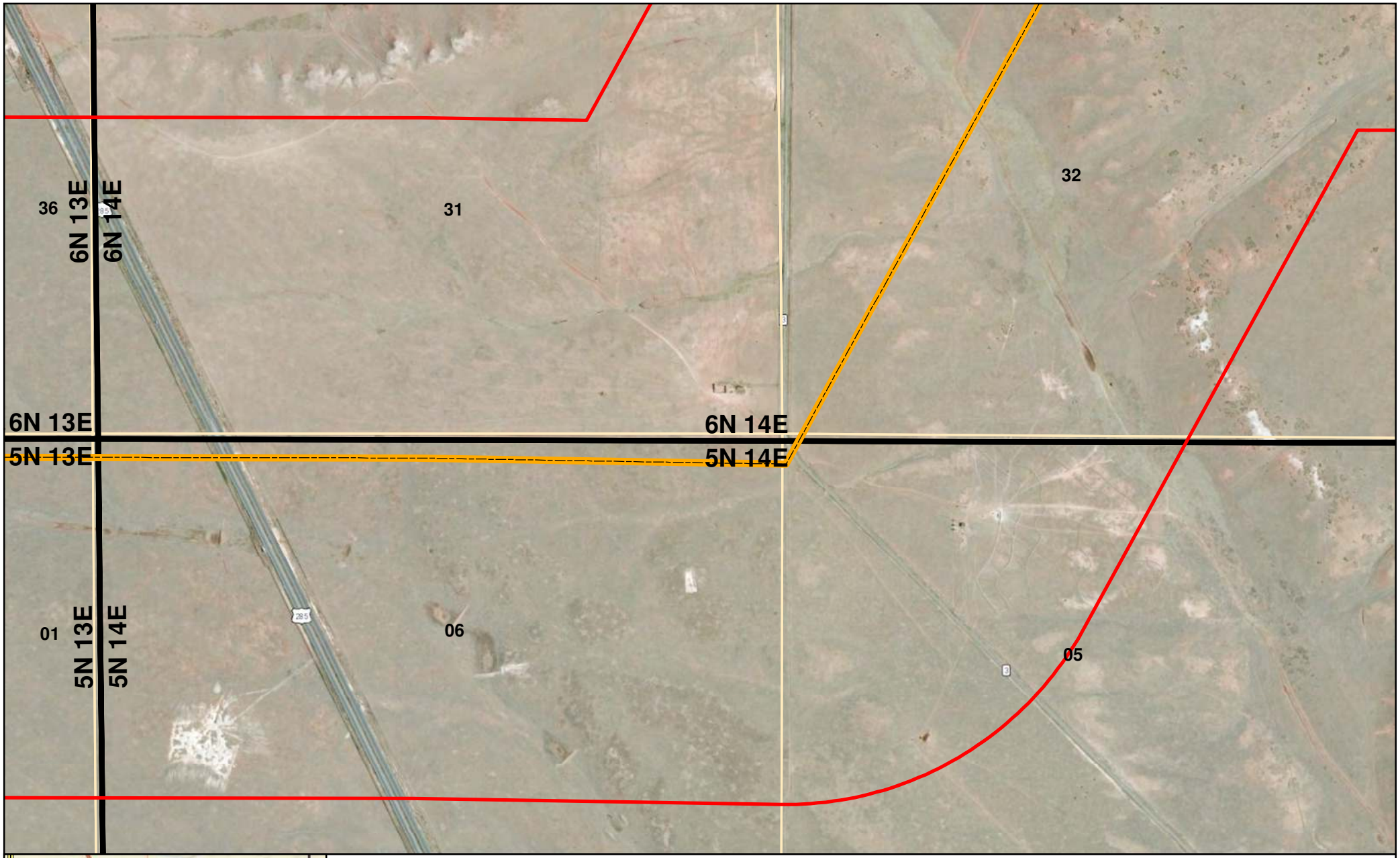

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
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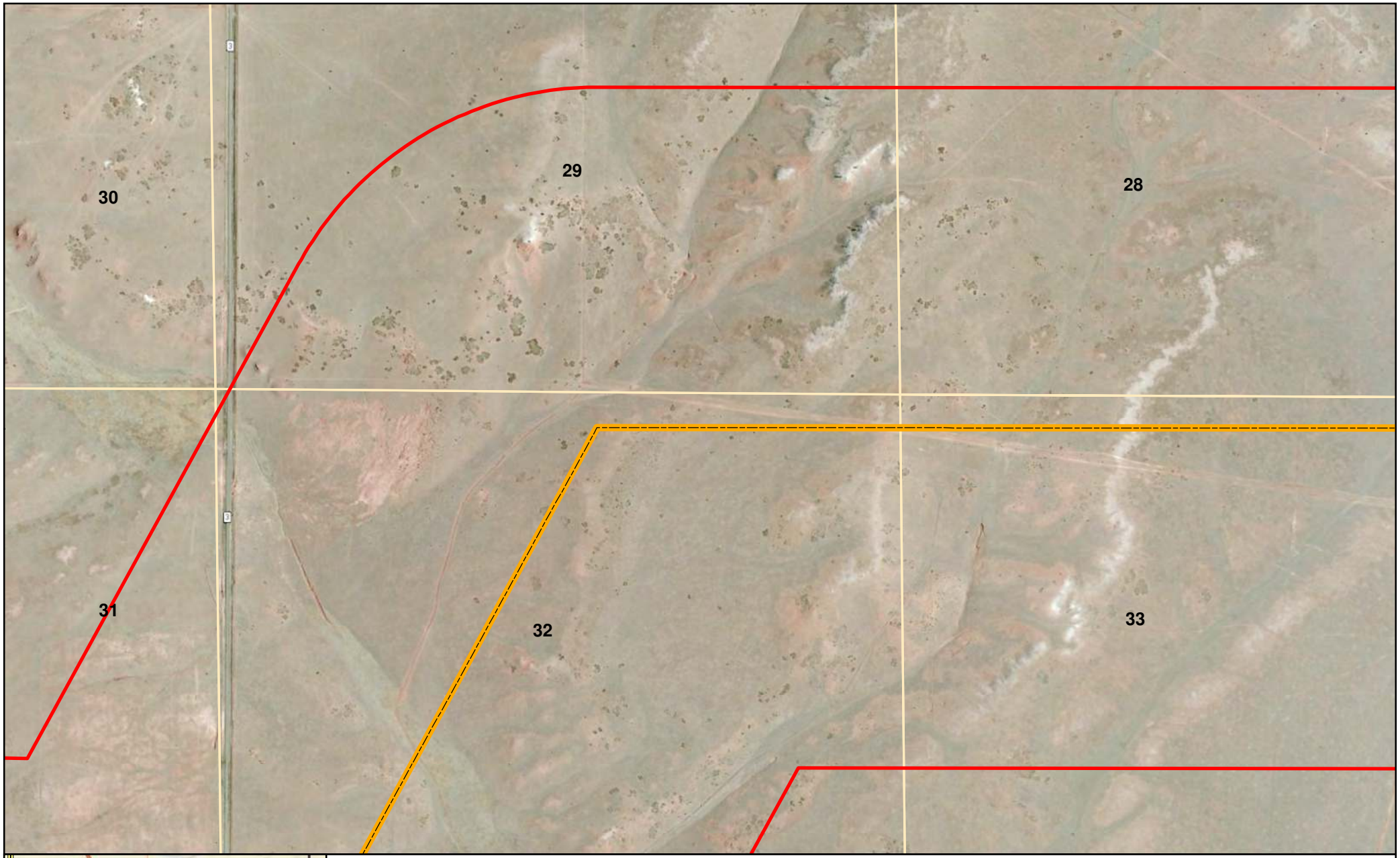

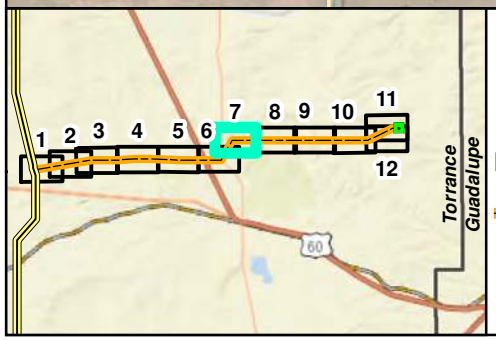

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

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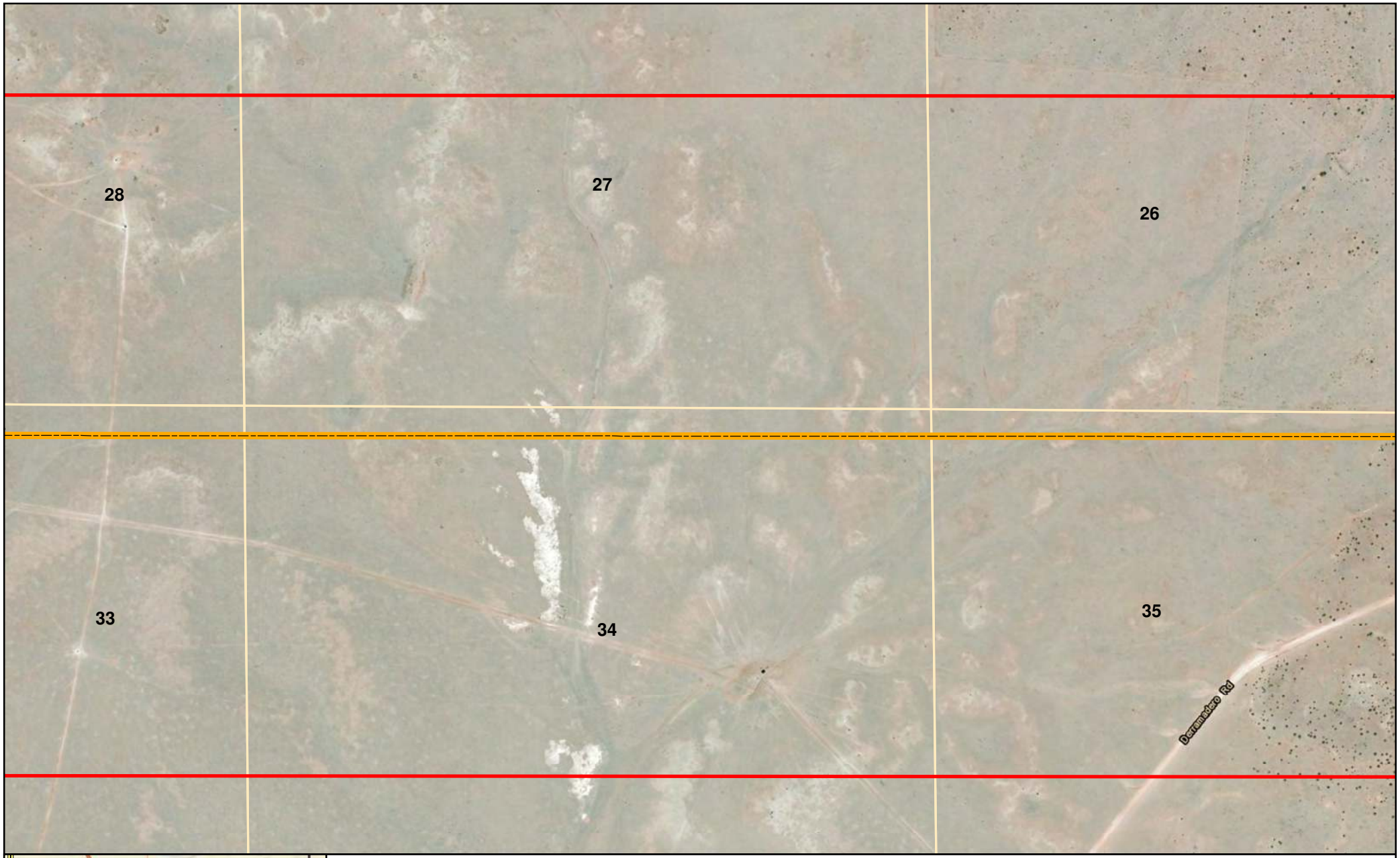

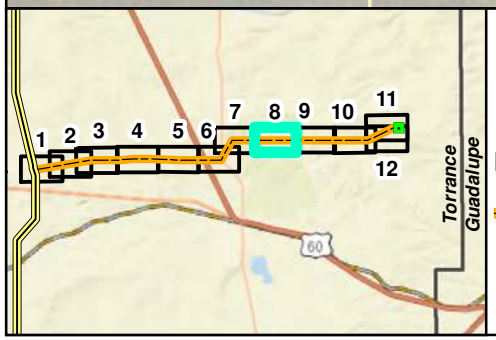

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
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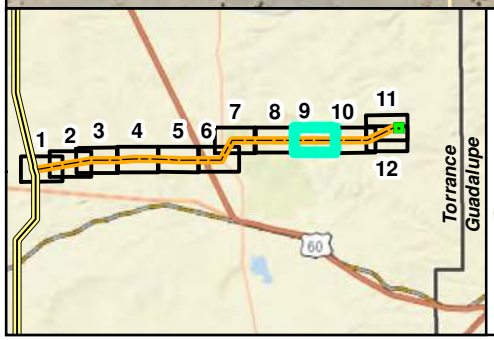

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
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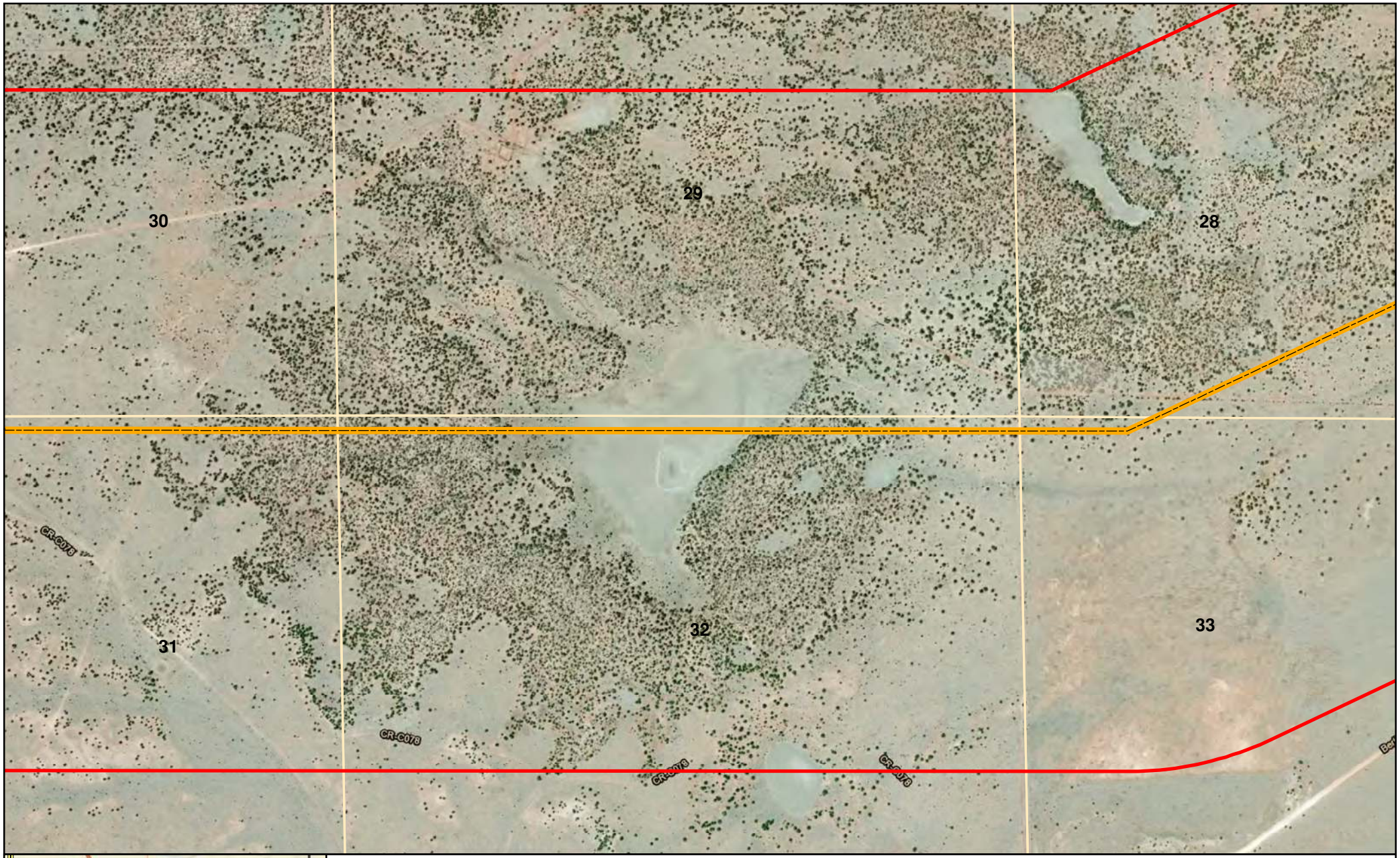

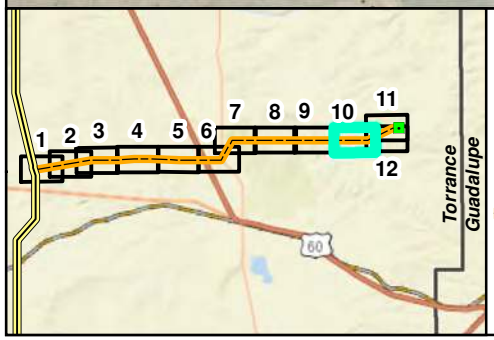

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

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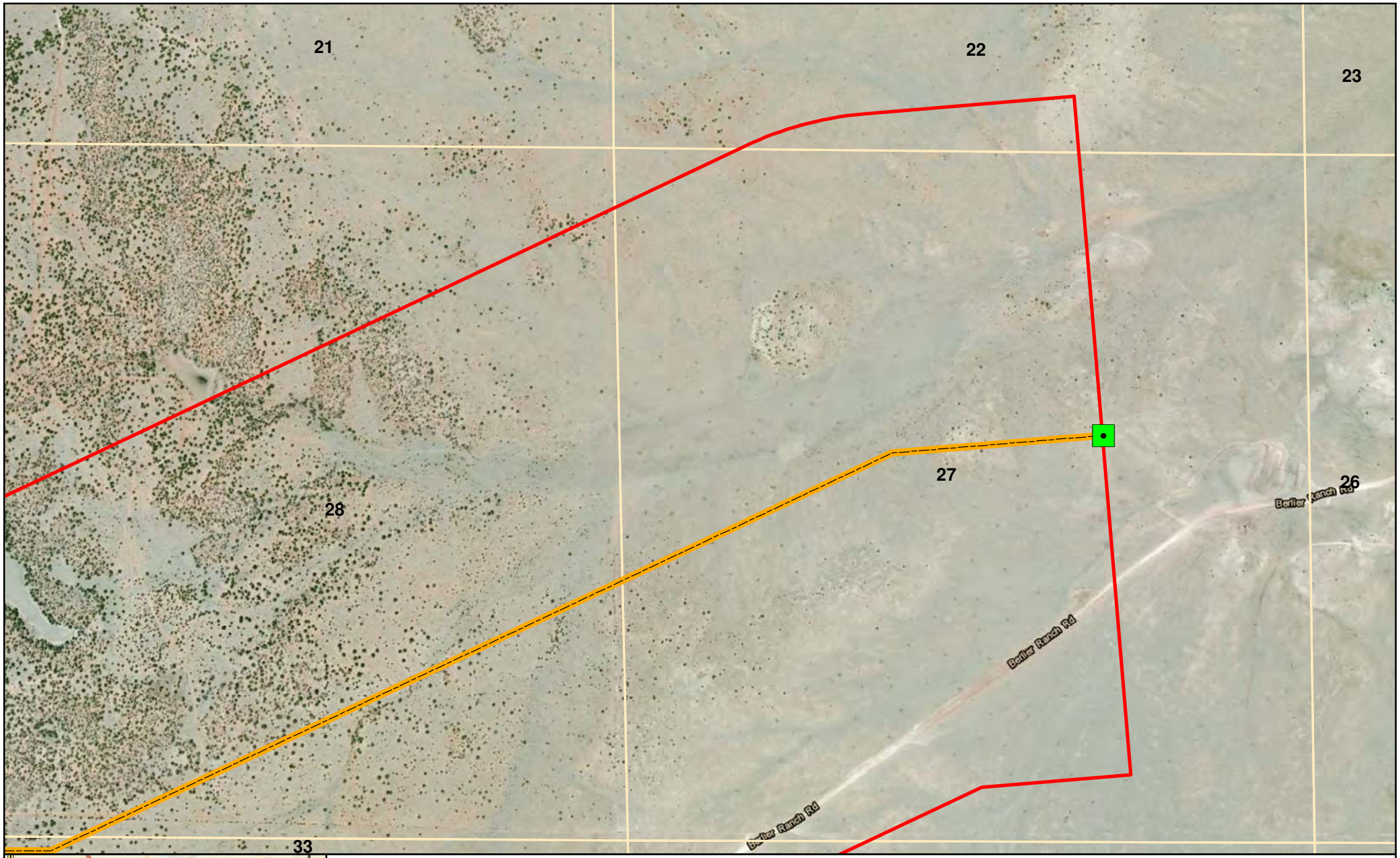

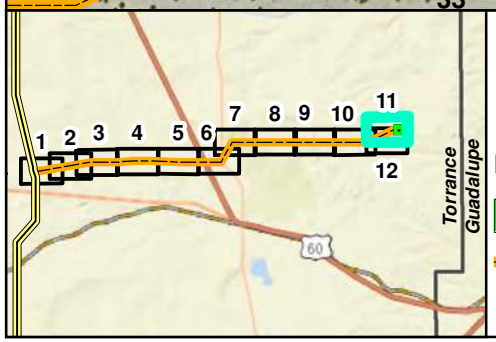

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System-Project Substation
- Gen-Tie System
- 1 Mile Survey Corridor
- PLSS Township & Range
- PLSS Section

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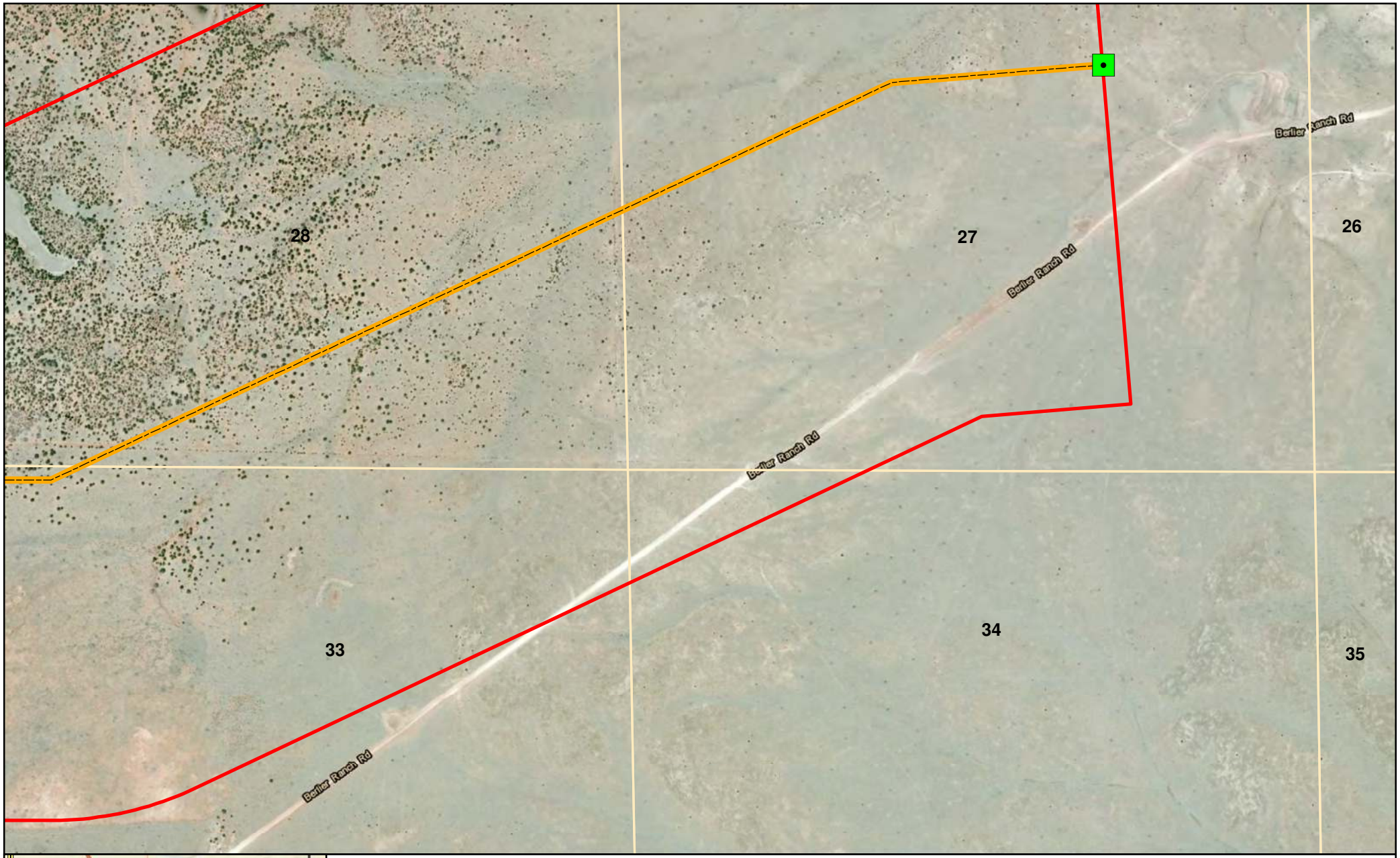

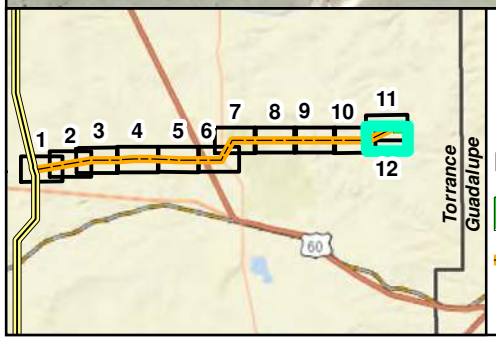

Exhibit MK-7: Gen-Tie System
Clines Corners Wind Farm Project
Torrance County, New Mexico

Legend

- Gen-Tie System-Project Substation
- Gen-Tie System
- 1 Mile Survey Corridor
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ORION RENEWABLE ENERGY GROUP LLC

Shoener environmental ◦ engineering ◦ energy

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-8

Landowner	Gen-Tie System Length (mi)	Percentage of Gen-Tie System (%)
Berlier Ranch LLC	0.99	5.29
Burson, Thomas	2.51	13.45
Goodson, Michele & Wesley	0.82	4.38
Harral Malcolm C & Loretta Fay Trust	2.69	14.42
Howling Wind Ranch LLC	0.17	0.89
L.T. Lewis Ltd. Co.	8.47	45.33
McLaughlin Ranch LLC	1.00	5.38
Delma E Prather Revocable Trust	1.01	5.43
New Mexico State Lands Office	1.01	5.43
New Mexico Department of Transport	0.05	0.00
Total	**18.72**	**100**

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-9

Additional Environmental Protection Measures

Air Quality

The Applicant will implement the following protection measures to address construction-related impacts to air quality resources:

a. maintain all fossil fuel-fired construction equipment in accordance with manufacturers' recommendations to minimize construction-related combustion emissions;

b. control combustion emissions through engine manufacturing requirements for both mobile sources and portable equipment such as air compressors;

c. limit the idling time of equipment, unless idling must be maintained for proper operation (e.g., drilling, hoisting, and trenching);

d. limit the speed of vehicles within construction sites and along the utility right-of-way during construction to reduce the amount of fugitive dust generated; and

e. utilize water trucks, as necessary, to reduce fugitive dust from construction activities.

Noise

The Applicant will restrict construction activity near residences to normal business hours and limit audible noise, due to wind energy facility operations, to fifty (50) dBA for any period of time when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility to reduce any potential negative noise impacts from construction activities.

Soil

The Applicant will implement the following protection measures to reduce any potential negative soil impacts from construction activities:

a. construction crews will reduce the amount of soil compaction by using equipment with more tires and wider tires to distribute the weight of the vehicle, and tilling the severely compacted areas after construction is completed or using ground mats when the ground is wet;

b. to the extent possible, topsoil will be placed separately from sub-soils/bedrock during excavation and not comingled and the soil will be replaced in reverse order to help preserve topsoil; and

c. reduce erosion by applying and maintaining standard erosion and sediment control methods. These may include using certified weed-free straw wattles, bale barriers, and silt fencing, which would be placed at construction boundaries and where soil would be disturbed near a wetland or water body. Specific erosion and sediment control measures and locations will be specified in a Stormwater Pollution Prevention Plan ("SWPPP").

Paleontological Resources

The Applicant will follow an Unanticipated Discovery Protocol ("UDP"), providing protection for unknown finds to reduce any potential negative impacts from construction activities.

Water Resources

The Applicant will implement the following protection measures to reduce any potential negative water resource impacts from construction activities:

a. develop and implement a SWPPP which will include measures such as silt barrier fences to control runoff, sediment traps and basins, and minimize exposed soils by using temporary and permanent seeding and mulching;

b. disturbed areas will be restored to their original condition to the extent practicable and seed mix and seeding rates will be developed through consultation with the local agency and landowner preference;

c. equipment will be properly maintained to avoid fluid leaks; fuels and petroleum will be stored away from excavated areas;

d. spills will be cleaned up immediately; matting and other temporary protective measures will be used on wetlands that cannot be avoided; impacts will be evaluated against the requirement of the U.S. Army Corps of Engineers for a Nationwide Permit; and

e. establish an appropriate buffer zone around wetlands, as necessary to reduce disturbance.

Flora and Fauna

The Applicant will implement the following protection measures to reduce any potential negative biological resource impacts from construction activities:

a. properly dispose of trash and food debris in secured containers;

b. allow wildlife that has entered the work area to leave the area on their own;

c. provide environmental awareness training to all construction personnel working on the Project;

d. check for wildlife under vehicles and equipment that have been stationary for more than 1-hour and each morning prior to moving or operation;

e. check trenches, excavations, and uncapped pipe segments for wildlife; comply with posted speed limits;

f. conduct tree/vegetation clearing outside the nesting season where feasible, to discourage birds from establishing nests in Project work areas;

g. conduct pre-construction nest surveys prior to initiating construction activities, unless vegetation clearing has been completed prior to the nesting season;

h. establish an appropriate buffer zone around occupied raptor nests, as necessary to minimize disturbance;

i. design transmission line facilities to follow the Avian Power Line Interaction Committee guidance or similar in order to minimize electrocution and collision risk;

j. microsite completed during engineering design to avoid sensitive biological resources;

k. implement setbacks from sensitive biological resources to protect species habitat and time critical periods (e.g., breeding season); and

l. install bird diverters near areas with increased risk for avian-collision risk, to minimize collision risk for avian species.

Cultural, Historic, and Archaeological Resources

The Applicant will implement the following protection measures to reduce any potential negative cultural, historic, and archaeological impacts from construction activities:

a. design the transmission line areas will be designed to avoid known sites;

b. complete cultural surveys in known areas of ground disturbance for the final transmission line facilities ahead of construction and complete no ground disturbance activities prior to cultural survey work being completed; and

c. if sites are found at the location of planned infrastructure, micrositing techniques will be used to move around and/or span sites to the greatest extent practicable; and follow a UDP, providing protection for unknown sites.

Visual and Scenic Resources

The Applicant will implement the following protection measures to reduce any potential negative visual impacts from construction activities:

a. leave (where possible) plants smaller than 8 feet in height within the 180-foot-wide ROW to help reduce the effect of the ROW of visual and aesthetic resources;

b. keep the ROW free of construction debris and other litter during construction to further reduce visual intrusion to the surrounding landscape;

c. to a reasonable extent, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment;

d. no individual tower facility shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly accessible parkland or open space within the County; and

e. as a condition of approval of a special use district for a Wind Energy Facility, within one year of the termination or abandonment of leases, easements or operations of a Wind Energy Facility, the permittee shall cause, at its own expense, the restoration of the land to its pre-facility condition.

Land Use, Including Farm, Range, and Recreational Resources

The Applicant will implement the following protection measures to reduce any potential negative land use impacts:

a. coordinate with landowners for potential measures, including routing, to reduce Project impacts on uses on specific properties;

b. coordinate with appropriate state land management agencies to obtain appropriate permits and easements for portions of the transmission line traversing public lands;

c. plan and conduct construction activities to reduce temporary disturbance, displacement of crops, and interference with agricultural activities;

d. restore compacted cropland soils as close as possible to pre-construction conditions using tillage;

e. reasonably compensate landowners for any new land rights required for ROW or access road easements; and

f. plan and conduct construction activities to reduce temporary disturbance, displacement of recreationists, and interference with recreation activities.

Socioeconomic

The Applicant will work with individual landowners to coordinate the timing of construction to minimize short-term impacts on agriculture to reduce potential negative socioeconomic impacts from construction activities.

Communication Signals

The Applicant will implement the following protection measures to reduce any potential negative communication signal impacts from construction activities or operation:

a. minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility; and

b. no individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

Hazardous Materials

The Applicant will implement the following protection measures to reduce any potential negative hazardous materials impacts:

a. prepare a Spill Prevention, Containment, and Countermeasures Plan;

b. not drain hazardous materials onto the ground or into streams or drainage areas; and

c. remove construction waste including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials to a disposal facility authorized to accept such materials weekly.

Safety

The Applicant will implement the following protection measures to reduce any potential safety impacts:

a. initiate discussions with local fire districts and regional fire prevention staff prior to construction to discuss emergency procedures and to provide transmission line safety training, including safety procedures for conducting fire suppression activities near a power line;

b. equip all vehicles with appropriate fire suppression tools and equipment (fire suppression equipment will include, but not limited to, shovels, buckets, and fire extinguishers);

c. smoking and equipment parking will be restricted to designated areas;

d. fuel all highway-authorized vehicles offsite to minimize the risk of fire (fueling of construction equipment that is transported to the site via truck and is not highway authorized will be done in accordance with regulated construction practices and federal, state, and local laws);

e. develop a safety plan prior to construction (the plan will include items such as medical emergency facilities and procedures, wildlife agency contacts and procedures, and inclement weather procedures;

f. place appropriate warning signage on wind turbine towers, electrical equipment and wind energy facility entrances;

g. to the extent practicable, the facility shall connect to existing substations, or if new substations are needed, minimize the number of new substations; and

h. electrical controls and control wiring and power lines shall be wireless or underground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

Military Activities and Aviation

The Applicant will coordinate with military bases and aviation facilities as need and use Federal Aviation Administration approved lighting as required to reduce any potential negative military or aviation impacts from construction activities.

Roads

The Applicant will document pre-construction conditions, develop a road use agreement with NMDOT, Torrance and Guadalupe County Road Maintenance Departments, as necessary, and establish speed limits to reduce any potential negative road impacts from construction activities:

Other Resources

No protection measures are needed for geographic, religious and cemetery sites, and geology resources because no impact to these resources is anticipated.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-10

Conditions of Project Implementation

1. The Applicant's contractor shall implement a hazard communication program for any onsite hazardous materials to include training, labeling and posting of Material Safety Data Sheets ("MSDS"). Fuels and petroleum-based products shall be stored in approved containers and away from excavated areas. Waste motor oil, hydraulic fluid and liquid gear lube shall be stored in approved containers in isolated areas and removed to an authorized disposal facility monthly and in accordance with regulations of the New Mexico Environment Department ("NMED"). All equipment using hydraulic hoses and cylinders shall be inspected at least daily for leaks. Any equipment found to have petroleum leaks that cannot be repaired immediately shall be removed from service and replaced.

2. The Applicant's construction crews shall have proper training, there will be spill kits on site, and any leaking equipment shall be repaired immediately as detailed in a Spill Prevention, Control, and Countermeasures ("SPCC") Plan. In the event contaminants are released, in addition to the requirements outlined in the environmental report, the Applicant shall adhere to the notification policies contained in 20.6.2.1203 NMAC.

3. Construction could lead to the inadvertent excavation of asbestos- containing pipes, or soils contaminated with asbestos fines/fragments. In the event such fragments/soils are excavated, the Applicant shall analyze such fragments/ soils by Polarized Light Microscopy, or a more accurate method, and if the fragments/ soils exceed more than 1% asbestos, the asbestos waste will be disposed of by an approved commercial hauler in accordance with New Mexico Solid Waste Rules.

4. The Applicant shall comply with Sections 401 and 404 of the Clean Water Act ("CWA") and obtain all necessary permits. All impacts shall be evaluated against the requirements of the U.S. Army Corps of Engineers for nationwide permit nos. 12 and 51, as applicable.

5. Prior to commencement of construction activities, the Applicant shall develop a Storm Water Pollution Prevention Plan ("SWPPP") and obtain coverage under a National Pollution Discharge Elimination System ("NPDES") Construction General Permit from the U.S. Environmental Protection Agency ("EPA") pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342.

6. Any new water wells drilled or diversions of existing water rights in the Clines Corners Wind Farm Area for the Project shall be appropriately permitted with the New Mexico Office of the State Engineer, and with the agreement of the water rights holder.

7. Construction activities in areas within ½ mile of non-participating residents shall be conducted during daylight hours, generally between 6:00 am and 8:00 pm, unless necessary due to weather, safety, or schedule constraints. Non-participants are defined as landowners in the Clines Corners Wind Farm Area who do not have a contractual agreement with the Applicant. If required, nighttime construction will be allowed but shall not exceed two consecutive nights for that residential area.

8. The Applicant shall minimize, as is practicable, all construction related earthwork activities required to complete the Project including excavation, cutting, scraping, scarifying, grading, cutting and filling. Wet suppression techniques or dust palliatives shall be used, as appropriate, to control airborne fugitive dust in construction areas, along the utility right of way ("ROW"), and on temporary haul roads and access roads. The Applicant shall post and enforce a speed limit of 25 miles per hour on all unpaved private access roads in the Clines Corners Wind Farm Area for use by the Applicant employees or its contractors. Construction personnel shall be provided training in dust suppression best practices for construction operations, in particular during the dry season and high wind events. The ROW shall be maintained free of construction debris and litter.

9. Compressor engines for generators and associated equipment used for the Project shall be compliant with the air emissions standards of the New Source Performance Standards ("NSPS") found at 40 CFR Part 60 subparts IIII and JJJJ for spark ignition and compression ignition engines, respectively, as applicable. Pre-NSPS generators and associated equipment not meeting applicable NSPS air emissions standards shall not be used for the Project. At least 90 days prior to the use of any diesel, natural gas or propane fired generator engine(s). The Applicant or its representative shall apply for either a general construction permit ("GCP") or a Part 72 air quality construction permit, as applicable, pursuant to the New Mexico Air Quality Control Act NMSA 1978, §§ 74-2-1- et seq., and 20.7.72 NMAC, Construction Permits.

10. Crushing and screening plants and their associated equipment shall be compliant with the air pollution emissions standards of 40 CFR 60 Subpart 000 NSPS for Non-Metallic Mineral Processing Plants, as applicable. Pre-NSPS crushing and screening plants and associated equipment not meeting applicable emissions standards shall not be used for the Project. At least 90 days prior to the use of crushing and screening plants and associated equipment, the Applicant or its representative shall apply for either a GCP or a Part 72 air quality construction permit, as applicable, pursuant to the New Mexico Air Quality Control Act NMSA 1978, §§ 74-2-1- et seq., and 20.7.72 NMAC, Construction Permits. Any crushing and screening plant previously permitted at a different location by the New Mexico Environment Department ("NMED") and is seeking to relocate to provide services to the Project shall apply for applicable relocation approvals at least 90-days in advance.

11. At least 90 days prior to the use of concrete batch plants and associated equipment, the Applicant or its authorized representative shall apply for either a GCP or a Part 72 air quality construction permit, as applicable, pursuant to the New Mexico Air Quality Control Act NMSA 1978, §§ 74-2-1- et seq., and 20.7.72 NMAC, Construction Permits. Any concrete batch plant that was previously permitted by the NMED at a different location in the state and is seeking to relocate to provide services to the Project shall apply for relocation approval, if applicable, at least 90-days prior to use.

12. To reduce fuel burn and air pollutant emissions due to excessive idling, the Applicant shall require contractors and subcontractors to implement an idle-timing monitoring and idle-reduction program that may include written policies, training, supervisory reminders for personnel, telematics, idle limiters or shutdown devices. Idling time of equipment or trucks shall not exceed five (5) minutes, unless idling is necessary for proper operations, health, or safety including, but not limited to, drilling, trenching and hoisting activities.

13. All wetlands, ponds, playas and ephemeral drainages shall be avoided or spanned by the Gen-Tie System, where practicable. No substations or switchyards shall be placed in wetlands or playas. To the extent practicable, staging areas, laydown yards, wire pulling, tensioning sites and other work areas shall use existing disturbed areas, sited in proximity to existing roads, where practicable, and also sited to avoid ponds, wetlands, playas and ephemeral drainages. Where wetlands cannot be avoided, matting or other temporary measures shall be implemented to minimize impacts.

14. In areas of soil disturbance that are in proximity to wetlands, ponds, playas and ephemeral drainages, certified weed-free wattles, bale barriers or silt fencing, as appropriate, shall be placed as erosion and sediment control measures, or as provided in the SWPPP. Such areas shall be reseeded and reclaimed immediately upon completion of construction. Reseeding shall use native grasses, shrubs or forbs. Reseeded areas which have not become established by the end of the growing season and which pose erosion concerns shall be assessed, and appropriate erosion controls implemented.

15. No wind turbines, substations or switchyards shall be located in areas mapped as a 100-year floodplain by the Federal Emergency Management Agency ("FEMA"). Collection lines, cables and access roads shall be designed to minimally intersect the floodplain and shall not change the base flood elevation or otherwise affect the floodplain. The placement of poles and structures for overhead collection shall minimally intersect the flood plain without affecting the base flood elevation. If practicable, at the end of construction, underground collection cable trenches shall be reclaimed to pre-existing contours without affecting the floodplain.

16. To the extent practicable, access roads shall be designed to be at right angles to streams,

and the hydrology flow of stream courses shall not be changed. The Applicant shall implement appropriate erosion control measures in areas with slopes, as provided in the SWPPP. Temporary access roads shall be designed following existing landform contours, where practicable, and revegetated with native or similar grasses, shrubs or forbs. Where ground disturbance is significant, the soil surface shall be loosened, reseeded and cross drains installed for erosion control.

17. If sanitary sewer systems do not already exist at the Project locations where service is needed, the Applicant or its representative shall apply for liquid waste disposal (septic) systems permits from the NMED pursuant to 20.7.3 NMAC, as applicable. Applications for liquid waste disposal permits shall be submitted to the NMED at least ninety days (90) prior to the system installation date(s). In the event any proposed discharges to ground water equal or exceed five thousand (5,000) gallons per day, the Applicant shall apply for ground water discharge permit(s) at least one hundred and eighty (180) days prior to the system installation date(s).

18. The Applicant shall perform preconstruction surveys of raptor, eagle and other migratory bird habitat and all existing nests shall be preserved, if practicable, or relocated if necessary. Where practicable, gen-tie lines, turbines and associated facilities shall not be located near active nests. During construction, the Applicant shall establish protection buffers around any active nests identified during the preconstruction survey. Active nests shall not be relocated until the New Mexico Department of Game and Fish ("NMDGF") has been consulted and given approval for the relocation.

19. The Applicant shall follow the NMDGF "Guidelines and Recommendations for Burrowing Owl Surveys and Mitigation." Per the NMDGF Guidelines, occupied burrows shall not be disturbed from March 1 through August 1 and prairie dogs, other burrowing animals, and their burrows will not be disturbed or destroyed within the owl avoidance areas. Preconstruction nest-season surveys shall be conducted in conformance with the Migratory Bird Treaty Act ("MBTA").

20. To protect the Northern Mexican Gartersnake, the Applicant will use the smallest mesh size possible (<0.5 inches) for erosion-control efforts in areas near their habitat.

21. To minimize avian collision risk, the Applicant shall install bird diverters on all overhead shield wires and guy wires of the Gen-Tie System that are located in proximity to playa lakes, ponds and ephemeral drainages that could be inundated during the wet seasons.

22. The Applicant shall conduct surveys for the endangered Kuenzler hedgehog cactus

prior to any ground disturbance activities. Any plants that cannot be avoided should be conserved by relocating them within the existing ROW and outside any areas of ongoing disturbance, or otherwise as directed by NMDGF.

23. Prior to commencement of construction, the Applicant shall conduct consultations with the NMDGF regarding the locations where the Project may impact the Kuenzler hedgehog cactus, Mexican spotted owl and the Northern aplomado falcon and implement protective measures recommended by NMDGF.

24. Prior to commencement of construction, crews shall be given proper training in identifying cultural, ecological, archeological and paleontological resources that may be expected within the area. Additionally, construction crews shall be trained in an unanticipated discoveries plan, or an equivalent.

25. To reduce visual and aesthetic impacts on the ROW, where practicable, the Applicant shall leave plants and shrubs smaller than 8 feet in height within the 180- foot-wide ROW. As to it relates to any federal or state highway or any trail located on federal or state public lands as currently defined as a scenic byway or trail by the New Mexico Department of Transportation ("NMDOT") or the Federal Highway Administration pursuant to 23 U.S. Code §162, no turbines, gen-tie lines, or associated facilities shall be placed in a location that would block the view of a major portion of a scenic vista or byway, as viewed from a public road, park, trail or open space.

26. Beginning 90-days from the date the Commission issues a final order granting approval for the Project, and ending when the Project and Gen-Tie System become operational, the Applicant shall file quarterly compliance reports with the Commission (1) identifying progress made with respect to any phase of the Project and the applicable terms and conditions included in the Order, (2) reporting any deviations from the terms and conditions, reasons for the deviation and alternative measures implemented, and (3) providing notice of the date the Project becomes operational.

27. The Applicant shall file copies of all construction permits received for this Project and Gen-Tie System in this docket within two weeks of receipt.

28. The Applicant shall file a notice of the date(s) that this Project and Gen-Tie System are placed into service in this docket.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-11

Federal and State Consultation

Federal

- US Fish and Wildlife Service
- Federal Aviation Administration
- National Telecommunication and Information Administration
- Department of Defense (through consultant)

State

- New Mexico State Lands Office
- Mew Mexico Department of Game and Fish
- New Mexico Environment Department – Air and Surface Water Quality Bureaus (through consultant)
- New Mexico Department of Traffic

Local Conservation Districts

- East Torrance
- Guadalupe

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-12

April 26, 2019

New Mexico Public Regulation Commission
Utility Division
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87504

Dear New Mexico Public Regulation Commission

I am writing in support of the wind generation project being planned on our family ranch near Encino, New Mexico. It has been a pleasure working with Orion Renewables Energy Group over the past five years as this project was coming together. I feel that the jobs created and revenue produced will be a tremendous boost to the economy at both the county and state level. The green energy production generated will greatly complement our state's renewable energy portfolio.

Thank you for your consideration of this project and I strongly encourage your full support.

Respectfully

Jim Berlier

L.T. Lewis Ltd. Co.

PO Box 1738

Roswell, NM 88202

To Whom It May Concern:

This letter is being written to explain the positive working relationship between **Orion Renewable Energy** and our company, the L.T. Lewis Ltd. Co. which owns a ranch in Torrance and Guadalupe counties in central New Mexico. A sizeable area of our ranch has been leased to Orion for a wind energy site along with other landholders in the area. We have been working primarily with **Michael Kurnik**, their representative, for a good number of years concerning the project.

From the initial meeting with Michael and Orion, we have been supportive of the wind production site due to their attention to detail and information sharing with our company. We have moved forward with this endeavor due to their diligence to keep us informed on what was happening with the project details. We have had some dealings with other wind companies on our other two ranches and Orion has been the most open by far with information on details of the project.

As landowners, we do not like new concepts on old ranches and ways of life handed down from prior generations. Knowing Orion has these concerns of ours in the forefront is reassuring to our way of life.

Thank you for your time,

Michael P. Carrica

Michael Carrica, Ranch Manager for L.T. Lewis Ltd. Co.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	Case No. 19 -_____
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

EXHIBITS MK-13

Torrance County

PO Box 48
205 S. 9th Street
Estancia, NM 87016
(505) 544-4700 Main Line (505) 384-5294 Fax
www.torrancecountynm.org

COPY

New Mexico Public Regulatory Commission
Public Regulation Commission
Utility Division
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87504

NMPRC Commissioners and Staff,

The Torrance County Commission wishes to express its support for the Clines Corners Wind Farm Project. Existing wind farm projects in Torrance County have yielded multiple benefits, including: jobs opportunities in construction and facility operation & maintenance, increased tax revenues, payment in lieu of taxes that support local school districts, additional income for local landowners, and local business opportunities.

The development of the Clines Corners Wind Farm in Torrance County will be a long-term investment in our community, and the expanded tax base will help the County maintain roadways and fund law enforcement, while keeping taxes low for residents.

Given the anticipated benefits to the County and its residents, the Torrance County Commission wishes to encourage development of the Clines Corners Wind Farm Project. The County understands that the Project developer must secure numerous authorizations and permits in order to begin construction and operation, including those from the NMPRC. This letter of support is intended to document the County's support for the project and help secure the NMPRC's approvals.

BOARD OF COUNTY COMMISSIONERS

Ryan Schwebach, Chair

Kevin McCall, Member

Javier Sanchez, Member

Attest:

Linda Jaramillo, County Clerk

5/18/19
Date

Exhibit MK-13

Guadalupe County Commission

130 South 4th Street, Santa Rosa, New Mexico 88435-2376 (575) 472-3306 • Fax (575) 472-3735

ALBERT E. CAMPOS, JR. COMMISSION CHAIRMAN
ERNEST S. TAPIA COMMISSION VICE CHAIRMAN
JAMES ELOY MONCAYO MEMBER

April 18, 2019

New Mexico Public Regulatory Commission
Public Regulation Commission
Utility Division
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87504

NMPRC Commissioners and Staff,

The Guadalupe County Commission wishes to express its support for the Clines Corners Wind Farm Project. On January 18th, 2019, the Project developer, Orion Wind Resources, LLC., provided the Guadalupe County Commission with a presentation concerning the planned Project, a significant portion of which will be located in Guadalupe County, NM. In addition to providing the County with copies of the recorded easement agreements executed with land owners in the County, the developer also provided a status summary of the required federal, state, and local permits and authorizations.

Existing wind farm projects in Guadalupe County have yielded multiple benefits, including: job opportunities in construction and facility operation & maintenance, increased tax revenues, payment in lieu of taxes that support local school districts, additional income for local landowners, and local business opportunities.

The development of the Clines Corners Wind Farm in Guadalupe County will be a long-term investment in our community, and the expanded tax base will help the County maintain roadways and fund law enforcement, while keeping taxes low for residents.

Given the anticipated benefits to the County and its residents, the Guadalupe County Commission wishes to encourage development of the Clines Corners Wind Farm Project. The County understands that the Project developer must secure numerous authorizations and permits in order to begin construction and operation, including those from the NMPRC. This letter of support is intended to document the County's support for the project and help secure the NMPRC's approvals.

Sincerely,

Albert E. Campos, Jr., Commission Chairman

Ernest S. Tapia, Commission Vice Chair

James E. Moncayo, Commission Member

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

AFFIDAVIT OF MICHAEL KURNIK

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2	)	**Case No. 19 -_____**
CLINES CORNERS WIND FARM, LLC	)	
APPLICANT.	)	

AFFIDAVIT OF MICHAEL KURNIK

STATE OF CALIFORNIA)
) ss.
COUNTY OF Alameda)

I have read the foregoing Direct Testimony, and it is true and accurate based on my own knowledge and belief.

Michael Kurnik

SUBSCRIBED and sworn to me before this 6th of May 2019.

EMILY MOLINA
Commission # 2137950
Notary Public - California
Alameda County
My Comm. Expires Dec 21, 2019

NOTARY PUBLIC

12/21/2019
My Commission Expires.