

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF SOUTHWESTERN )**  
**PUBLIC SERVICE COMPANY'S )**  
**APPLICATION REQUESTING A )**  
**DETERMINATION ON LOCATION )**  
**APPROVAL OF TWO SOLAR FACILITIES, A )**  
**BATTERY ENERGY STORAGE SYSTEM, )**  
**AND A 230 KV TRANSMISSION )**  
**GENERATION TIE LINE IN LEA COUNTY )**  
**AND OTHER ASSOCIATED RELIEF, )** **CASE NO. 24-00 \_\_\_\_-UT**  
**)**  
**SOUTHWESTERN PUBLIC SERVICE )**  
**COMPANY, )**  
**)**  
**APPLICANT. )**  
**)**  
**)**  
**)**

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**DIRECT TESTIMONY**

*of*

**SEAN L. FREDERIKSEN**

*on behalf of*

**SOUTHWESTERN PUBLIC SERVICE COMPANY**

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## **GLOSSARY OF ACRONYMS AND DEFINED TERMS**

<b><u>Acronym/Defined Term</u></b>	<b><u>Meaning</u></b>
BESS	Battery Energy Storage System
CCN	Certificate of Public Convenience and Necessity
Commission	New Mexico Public Regulation Commission
ER	Environmental Report
Gen-tie Line	230-Kv/115-Kv (“Kilovolt”) Double Circuit Transmission Line
NMSLO	New Mexico State Land Office
NMSLO ROW Permit	New Mexico State Land Office grant of Right-of-Way Permit
Proposed Project	Proposed 230-kV/115-kV double circuit transmission (Gen-tie) line that will extend from SPS’s Cunningham Solar Collector Substation to its Cunningham Generation Station in Lea County, New Mexico
PUA	New Mexico Public Utility Act (NMSA 1978, §§ 62-9-3 <i>et seq.</i> )
Rule 592	17.9.592 NMAC
S&LR	Siting and Land Rights
XES	Xcel Energy Services, Inc.

<b><u>Acronym/Defined Term</u></b>	<b><u>Meaning</u></b>
SPS	Southwestern Public Service Company, a New Mexico corporation
SPS Self-Build Projects	Cunningham 1 and 2 Solar Facilities and Cunningham Battery Energy Storage System (“BESS”)
SWCA	SWCA, Inc. d.b.a. SWCA Environmental Consultants, Inc.



## **LIST OF ATTACHMENTS**

<b><u>Attachment</u></b>	<b><u>Description</u></b>
SLF-1	Schematic map showing the location of the Cunningham Solar transmission (Gen-tie) line route and substation facilities.
SLF-2	Map of the Cunningham Solar Transmission (Gen-tie) line that identifies Land Ownership

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Direct Testimony  
of  
Sean L. Frederiksen

1                   **I. WITNESS IDENTIFICATION AND QUALIFICATIONS**

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

3       A. My name is Sean L. Frederiksen. My business address is 790 S. Buchanan Street,  
4           Amarillo, Texas 79101.

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

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

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

10      A. I am employed by Xcel Energy Services, Inc. (“XES”), as Manager of the Siting  
11          & Land Rights (“S&LR”) department.

12      **Q. Please briefly outline your responsibilities as the Manager of S&LR.**

13      A. I am responsible for overseeing the Siting & Land Rights operations within the  
14          SPS service territory.

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

16      A. I hold a Bachelor of Science Degree in Engineering Technology from West Texas  
17          State University (now West Texas A & M University).

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

2     A.     My experience includes over 37 years within the Right-of-Way (“ROW”)  
3           profession, of which eighteen have been with SPS. Prior to working for SPS, I  
4           was employed by the Texas Department of Transportation’s Amarillo District  
5           ROW Department for 19 years. During that time, I performed numerous routing  
6           studies for major highway expansion projects and was involved in field surveys,  
7           appraisals of fee title and easement takings of real estate, acquisitions of fee title  
8           and easements, and obtaining federal relocation assistance for individuals  
9           displaced by projects.

10    **Q.     Have you filed testimony or testified before any regulatory authorities?**

11    A.     Yes, I have testified on behalf of SPS before the Public Utility Commission of  
12           Texas (“PUCT”) in support of various transmission line approvals, including  
13           Docket Nos. 33602, 37104, 37771, 38877, 41334, and 48724.

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

2       **Q.     What is your assignment in this proceeding?**

3       A.     To the extent the New Mexico Public Regulation Commission (“Commission”)  
4             determines location approval is required by Section 62-9-3 of the New Mexico  
5             Pubic Utility Act (“PUA”) and 17.9.592 NMAC (“Rule 592”), my testimony  
6             supports approval of the proposed 230-kV/115-kV double circuit transmission  
7             (Gen-tie) line route and associated facilities (“Gen-tie line”) that will extend from  
8             SPS’s Cunningham Solar Collection Substation at the Cunningham 1 and 2 Solar  
9             Facilities to its existing Cunningham Generating Station (“Proposed Project”). I  
10            also provide information to support approval of the location of SPS’s proposed  
11            Cunningham 1 and 2 Solar Facilities and Cunningham Battery Energy Storage  
12            System (“BESS”) (collectively “SPS Self-Build Projects”) to the extent it is  
13            deemed necessary.

14       **Q.     Please summarize the matters discussed in your testimony.**

15       A.     My testimony:

- 16            (1)     Describes the location of the proposed transmission (Gen-tie) line route  
17                    and associated facilities on private lands and New Mexico State Trust  
18                    Land and discuss the process for establishing the proposed location of the  
19                    transmission (Gen-tie) line route and associated facilities based on the  
20                    Environmental Report (“ER”) prepared by SWCA, Inc. d.b.a. SWCA  
21                    Environmental Consultants, Inc. (“SWCA”);

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1 (2) describes SPS’s compliance with certain location and land use  
2 requirements of Section 62-9-3 of the PUA and Rule 592.10; and

3 (3) provides location and land use information regarding the SPS Self-Build  
4 Projects.

5 **Q. Please briefly describe the Gen-Tie Line.**

6 A. SPS proposes to construct, operate, and maintain a 230-kV/115-kV double circuit  
7 transmission (Gen-tie) line and associated substation facilities in Lea County,  
8 New Mexico. The transmission line route is approximately 7 miles in length. As  
9 explained in the Direct Testimony of SPS witness Mark Lytal, the transmission  
10 (Gen-tie) line is expected to be a 100-foot wide ROW with SPS notifying the  
11 Commission if it exceeds 100 feet. The transmission (Gen-tie) line will connect  
12 SPS’s Cunningham Solar Collector Substation that is located approximately 10.5  
13 miles northwest of Hobbs, New Mexico, to its Cunningham Generation Station,  
14 that is located approximately 10 miles west of Hobbs, New Mexico.  
15 Additionally, SPS is planning to construct and operate a 36-megawatt (“MW”)  
16 BESS immediately adjacent to the Transmission Facilities. Attachment SLF-1 is  
17 a schematic map showing the location of the Cunningham Solar Collection  
18 Station transmission (Gen-tie) line route and the substation facilities.

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1     **Q.     What was your role as an S&LR Agent in establishing the location for the**  
2     **Proposed Project?**

3     A.     As the S&LR Lead Agent assigned to this project, I have been extensively  
4     involved in the siting and development of the Cunningham Solar transmission  
5     (Gen-tie) line route, including SPS’s request for ROW grants/permits on state  
6     trust land managed by the New Mexico State Land Office (“NMSLO”) and  
7     private lands.

8     **Q.     Are Attachments SLF-1 through SLF-2 true and correct copies of the**  
9     **documents you purport them to be?**

10    A.     Yes.

1       **III.   (GEN-TIE) LINE ROUTE SELECTION AND APPROVAL PROCESS**

2       **Q.    Please identify and describe the transmission (Gen-tie) line and associated**  
3       **facilities.**

4       A.    The proposed project 230-kV/115-kV double circuit transmission (Gen-tie) line is  
5       approximately 7 miles in length and will connect SPS's Cunningham Solar  
6       Collector Substation, located approximately 10.5 miles northwest of Hobbs, New  
7       Mexico, to SPS's existing Cunningham Generation Station, which is  
8       approximately 10 miles west of Hobbs, New Mexico.

9               Please refer to Attachment SLF-1 for a schematic diagram showing the  
10       230-kV/115-kV double circuit transmission (Gen-tie) line, the Cunningham Solar  
11       Collector Substation, and Cunningham Generation Station, and the  
12       interconnection of the transmission (Gen-tie) line to the SPS transmission grid.

13       **Q.    Please describe the ownership and/or control of the land to be crossed by the**  
14       **(Gen-tie) line, the overall length of the 230-kV/115-kV double circuit**  
15       **transmission line, and the specific length for each ownership interest.**

16       A.    The (Gen-tie) line will be located on state land managed by the NMSLO and  
17       privately-owned land. The length of the transmission line is approximately 7  
18       miles (37,117 feet). Of the 7 miles, approximately 2.5 miles (13,195.9 feet) will

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1 be located on NMLS0 managed land, and approximately 4.5 miles (23,920.9 feet)  
2 will be located on privately-owned lands.

3 **Q. What governmental permits or regulatory authorizations are required before**  
4 **SPS can begin construction of the (Gen-tie) line?**

5 A. In addition to the Commission’s decision in this case and regarding SPS’s  
6 pending request for issuance of a Certificate of Public Convenience and Necessity  
7 (“CCN”) in Case No. 23-00252-UT, SPS will need to obtain a ROW grant from  
8 the NMSLO (“NMSLO ROW Permit”) for state lands crossed by the Proposed  
9 Project.

10 **Q. Please describe the route selected by SPS for the (Gen-tie) line.**

11 A. SPS’s S&LR group first identified the Proposed Project’s end points, defined the  
12 (Gen-tie) line study area, and identified probable routing options within the study  
13 area. In defining the study area, SPS identified the ownership of the lands crossed  
14 by the (Gen-tie) line (i.e., federal, state, and private lands) and identified the land  
15 uses within the study area to determine where the route should be located in  
16 relation to individual residences, rural subdivisions, airstrips, mobile irrigation  
17 systems, cemeteries, wetlands, parks, churches, and schools. SPS also routed the  
18 transmission (Gen-tie) line segments to parallel existing compatible ROW and



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1 property lines where reasonable and practical. Based on the initial routing  
2 process, SPS determined that it would need to obtain necessary governmental  
3 permits from the NMSLO for the state lands crossed by the (Gen-tie) line. Snyder  
4 Ranches, Inc., and Lea County were identified as private landowners.

5 **Q. What will SPS do next in the route selection process?**

6 A. In April 2024, SPS will submit an application to the NMSLO for the ROW permit  
7 for those portions of the (Gen-tie) line that cross state lands. SPS will negotiate  
8 with private landowners to secure the remaining ROW easements.

9 **Q. What is the NMSLO's role in establishing the final route for the Proposed**  
10 **Project?**

11 A. The Direct Testimony of SPS witness Andrea R. McArdle provides a detailed  
12 description of the NMSLO's review process and the preparation of the ER. The  
13 ER covers both state and private lands traversed by the Proposed Project.

14 **Q. Please generally describe the NMSLO's public involvement process for the**  
15 **Proposed Project.**

16 A. The NMSLO will require a landowner meeting to be held to discuss the (Gen-tie)  
17 line, and SPS will contact all potentially affected grazing lessee(s) by phone. SPS  
18 has consulted with the NMSLO on various occasions regarding the project route

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1           and requirements for the permit application to finalize the location of the route for  
2           the (Gen-tie) line.

3       **Q.    Has the NMSLO required any modifications to the route?**

4       A.    No. At this time, the NMSLO has yet to set meetings for landowners and grazing  
5           lessee(s).



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1           **Q.     Please identify the maps or survey plats that depict the location of the**  
2           **proposed Cunningham Solar transmission (Gen-tie) line route and associated**  
3           **substations (see Rule 592.10(A)(1) and (2))?**

4           A.     Attachment SLF-2 is a map that identifies the Public Lands Survey System  
5           (Township and Range) sections and the ownership of the lands crossed by the  
6           transmission (Gen-tie) line route and the substations.

7           **Q.     Please describe the ownership and/or control of the land to be crossed by the**  
8           **(Gen-tie) line, the overall length of the 230-kV/115-kV double circuit**  
9           **transmission line, and the specific length for each ownership interest (Rule**  
10          **592.10(A)(2) and (A)(3)).**

11          A.     The (Gen-tie) line will be located on state land managed by the NMSLO and  
12          privately-owned land. The transmission line will total approximately 7 miles  
13          (37,117 feet) in length. Of the 7 miles, 2.5 miles (13,195.9 feet) will be on  
14          NMSLO-managed land, and 4.5 miles (23,920.9 feet) will be on privately-owned  
15          land.

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1     **Q. Has a description of the interconnection facilities and a schematic map**  
2     **showing the interconnection of the proposed (Gen-tie) line to SPS's**  
3     **transmission system been provided (Rule 592.10(A)(4) and (A)(6))?**

4     A. Yes. Please refer to the Direct Testimonies of SPS witnesses Brooke A.  
5     Trammell and Mark Lytal for a description of the interconnection facilities at the  
6     Cunningham Solar Collector Substation. Attachment SLF-1 to my testimony is a  
7     schematic map that shows the interconnection of the proposed transmission (Gen-  
8     tie) line to the SPS transmission system.

9                     *ii. Compliance with Rule 592.10(B)*

10    **Q. Are there any state or county land use requirements that apply to the**  
11    **Proposed Project? If so, has SPS complied with those requirements?**

12    A. SPS has reviewed state and local land use requirements to determine whether any  
13    state or local approvals are required for the development of the proposed (Gen-tie)  
14    line and associated facilities. With the exception of SPS's requests in this case  
15    and in Case No. 23-00252-UT, SPS has determined that there are no land use  
16    approval requirements under state law or local ordinances. SPS has confirmed  
17    that Lea County has not adopted any zoning ordinances, land use plans, or

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1           permitting requirements that require county approvals for development of the  
2           (Gen-tie) line.

3           In relation to land use planning in Lea County, the Lea County  
4           Comprehensive Plan does not provide any regulatory oversight as to the  
5           construction of transmission systems, however, the Plan prioritizes supporting  
6           infrastructure development—like that which SPS proposes in this case—that is  
7           vital to the overall economic health of the County and its communities.  
8           Moreover, it is my understanding that Lea County does not have any ordinances  
9           specific to land use.

10                           *iii. As to other local agencies, the Proposed Project is located in the*  
11                           *Lea County Soil and Water Conversation Districts. As*  
12                           *stewards of the state's natural resources, both entities were*  
13                           *informed about SPS's vegetation management and erosion*  
14                           *control plans for the Proposed Project.**Compliance with Rule*  
15                           *592.10(G)(2) and PUA Sections 62-9-3(G) and (M)(1) (Land*  
16                           *Use)*

17       **Q.     Are there any existing state, local, or private plans for development at or in**  
18       **the vicinity of the proposed location?**

19       A.     No. SPS has confirmed that there are no state or local plans for development in  
20       the vicinity of the (Gen-tie) line. As for private development plans, the southern  
21       end of the 230-kV/115-kV double circuit transmission (Gen-tie) line route will

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1 cross an area of oil and gas development located on state and private lands. As  
2 discussed above, in determining the location of the initial and final transmission  
3 line routes, SPS consulted with oil and gas lessees and other stakeholders in an  
4 effort to avoid any interference with existing and planned structures and well  
5 pads.

6 *iv. ROW and Easements Required for the (Gen-tie) line*

7 **Q. What is the status of the governmental permits and ROW easements**  
8 **necessary to begin construction of the (Gen-tie) line?**

9 A. As discussed below, SPS will need to acquire a NMSLO ROW grant and private  
10 easements for the project route.

11 **Q. Has the NMSLO granted a ROW permit for the (Gen-tie) line?**

12 A. No, SPS will submit its ROW Application to the NMSLO in April 2024. SPS has  
13 communicated with the NMSLO regarding the proposed location and the NMSLO  
14 has not expressed any concerns as of the date of filing. SPS will file its NMSLO  
15 ROW grant application in this case after it is submitted to the NMSLO.

16 **Q. Does SPS own any of the land crossed by the (Gen-tie) line?**

17 A. Yes. SPS owns 0.2 miles of the land crossed by the (Gen-tie) line and has an  
18 option to purchase approximately 1.97 miles of land crossed by the line.

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1     **Q.     Does SPS need to acquire any private easements for the (Gen-tie) line?**

2     A.     Yes. SPS will need to acquire private easements for approximately 2.3 miles of  
3     land traversed by the (Gen-tie) line.

4     **B.     LOCATION APPROVAL OF SPS SELF-BUILD PROJECTS**

5             *i.   Compliance with Rule 592.9(A)(1)*

6     **Q.     Has SPS provided a description of the property on which the SPS Self-Build**  
7     **Facilities will be located?**

8     A.     Yes.

9             *ii. Compliance with Rule 592.9(B) and PUA Sections 62-9-3(G)*  
10            *(Land Use)*

11    **Q.     Are there any state or county land use requirements that apply to the SPS**  
12    **Self-Build Projects? If so, has SPS complied with those requirements?**

13    A.     As discussed above, SPS has reviewed state and local land use requirements to  
14    determine whether any state or local approvals are required and has determined  
15    that there are no land use approval requirements under state law or local  
16    ordinances.

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

18    A.     Yes.



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF SOUTHWESTERN )  
PUBLIC SERVICE COMPANY'S )  
APPLICATION REQUESTING A )  
DETERMINATION ON LOCATION )  
APPROVAL OF TWO SOLAR FACILITIES, A )  
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AND A 230 KV TRANSMISSION )  
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)  
SOUTHWESTERN PUBLIC SERVICE )  
COMPANY, )  
)  
APPLICANT. )  
)  
)  
\_\_\_\_\_ )**

**VERIFICATION**

On this day, March 28, 2024, I, Sean L. Frederiksen, swear and affirm under penalty of perjury under the law of the State of New Mexico, that my testimony contained in Direct Testimony of Sean L. Frederiksen is true and correct.

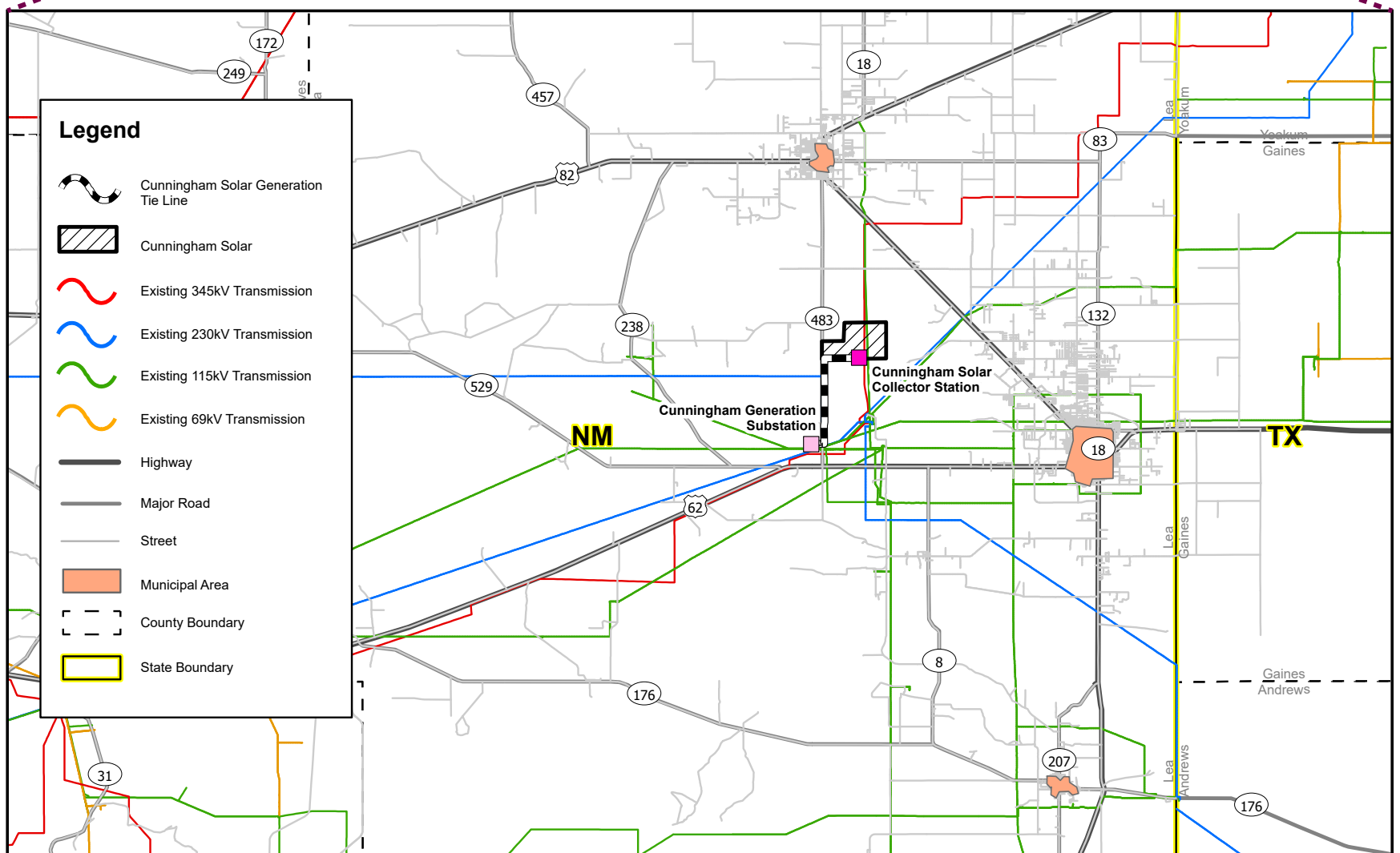
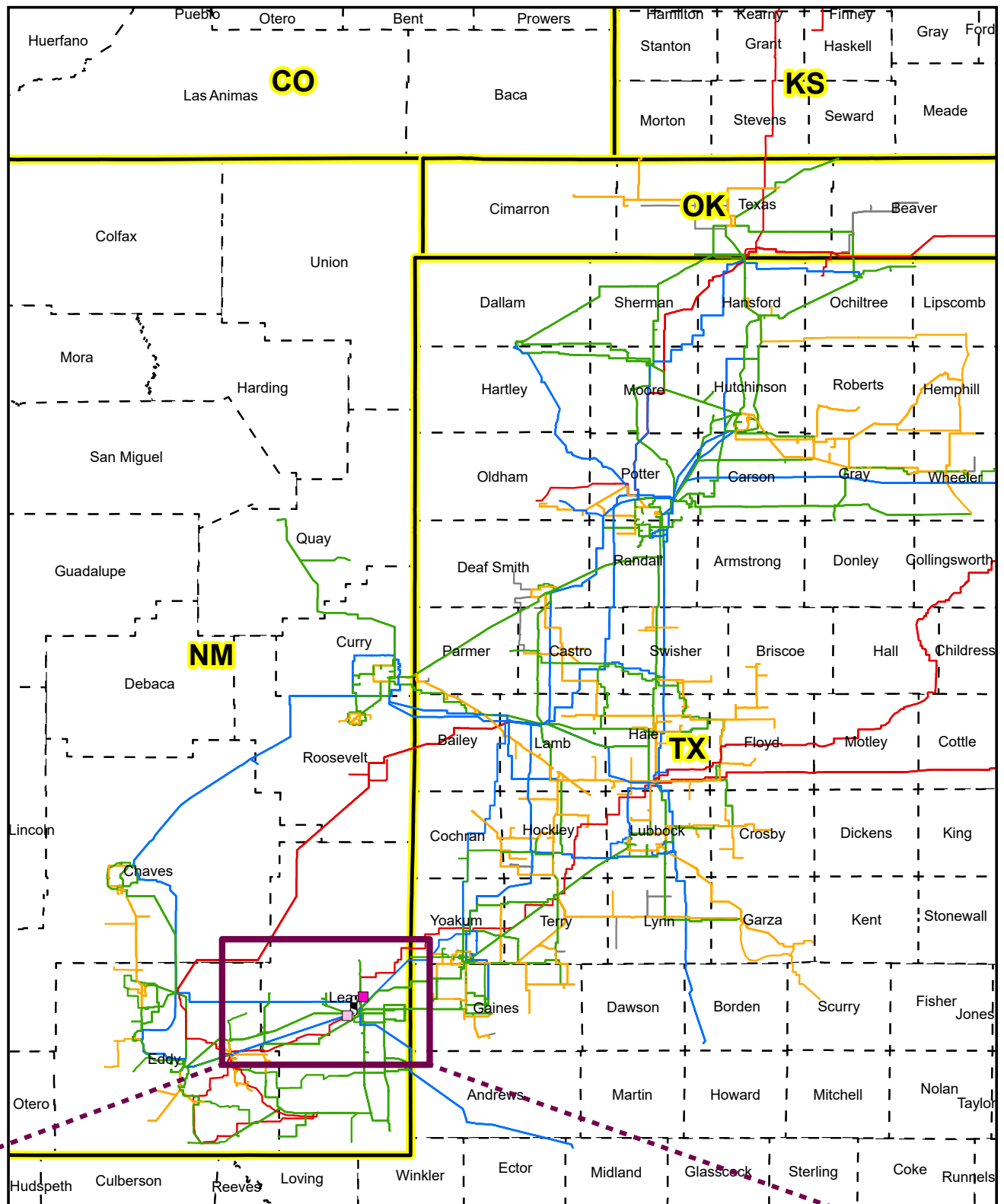
*/s/ Sean L. Frederiksen*  
\_\_\_\_\_  
SEAN L. FREDERIKSEN

# Cunningham Solar CCN Schematic 230-kV/115kV

**Legend**

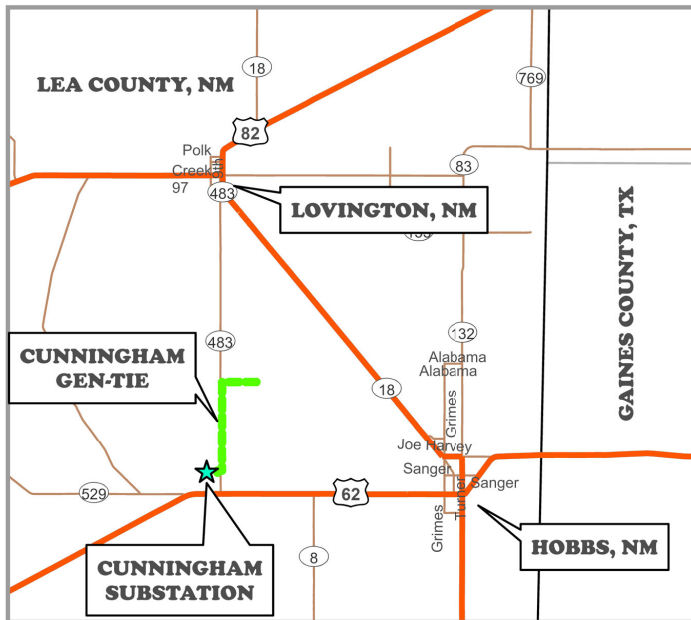
- Cunningham Solar Collector Station
- Cunningham Generation Substation
- Cunningham Solar Generation Tie Line
- Existing 345kV Transmission
- Existing 230kV Transmission
- Existing 115kV Transmission
- Existing 69kV Transmission
- County Boundary
- State Boundary

Date: 3/15/2024

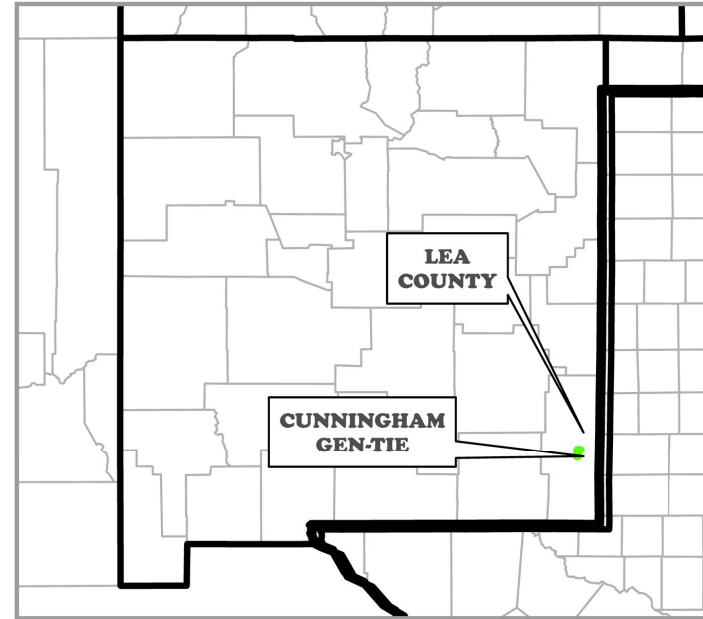


# CUNNINGHAM GEN-TIE TRANSMISSION LINE

## Project Vicinity Map



Date: 3/23/2024 Note: Real property boundaries featured in the above schematic do not represent a survey on the ground and only represent approximations of such. Real property boundaries may include deed, lease, survey (section) lines, fences, and any



## State Vicinity Map

## PRELIMINARY MAP BOOK



Prepared for:

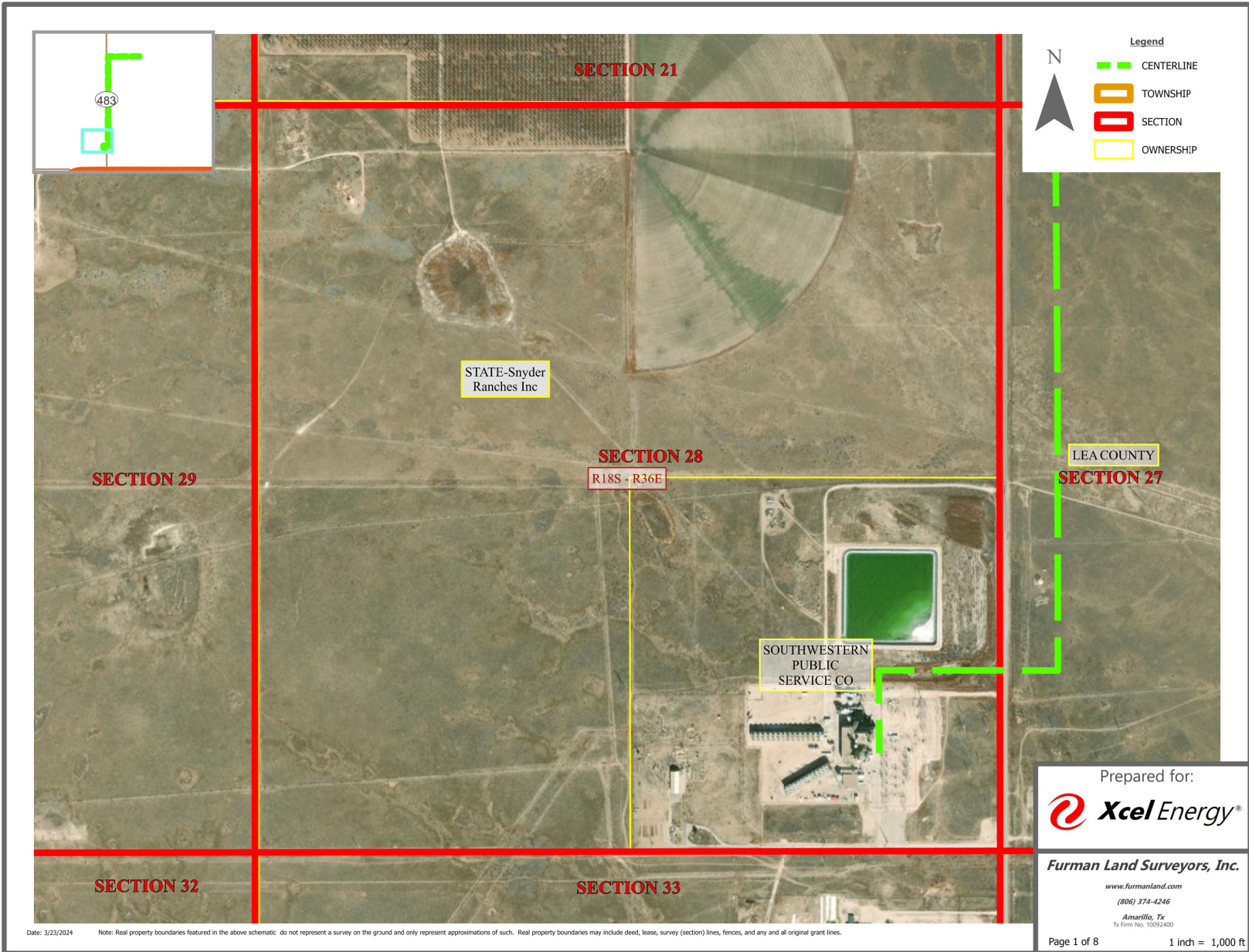
**Xcel Energy**<sup>®</sup>

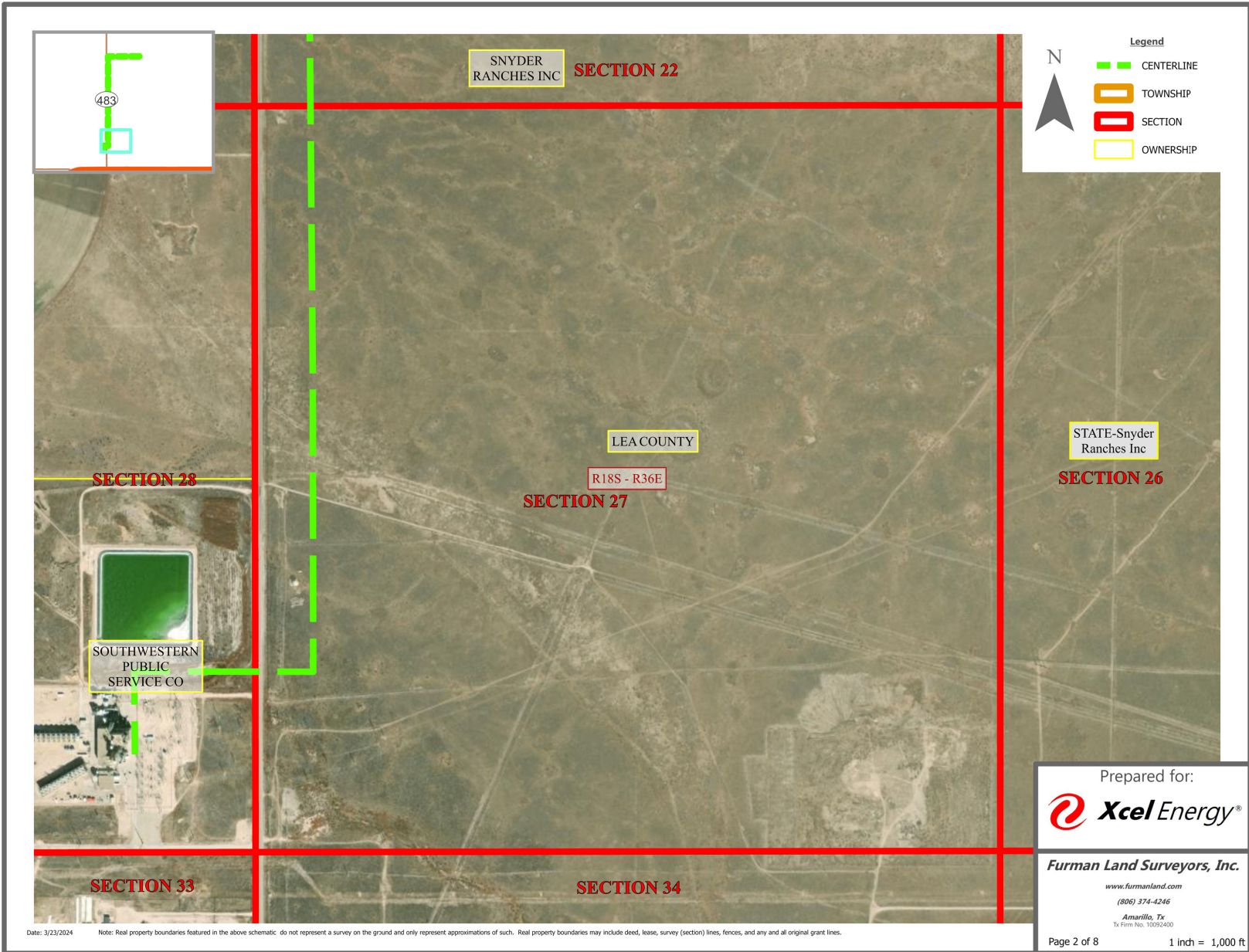
*Furman Land Surveyors, Inc.*

www.furmanland.com  
(806) 374-4246  
Amarillo, Tx  
Tx Firm No. 10092400



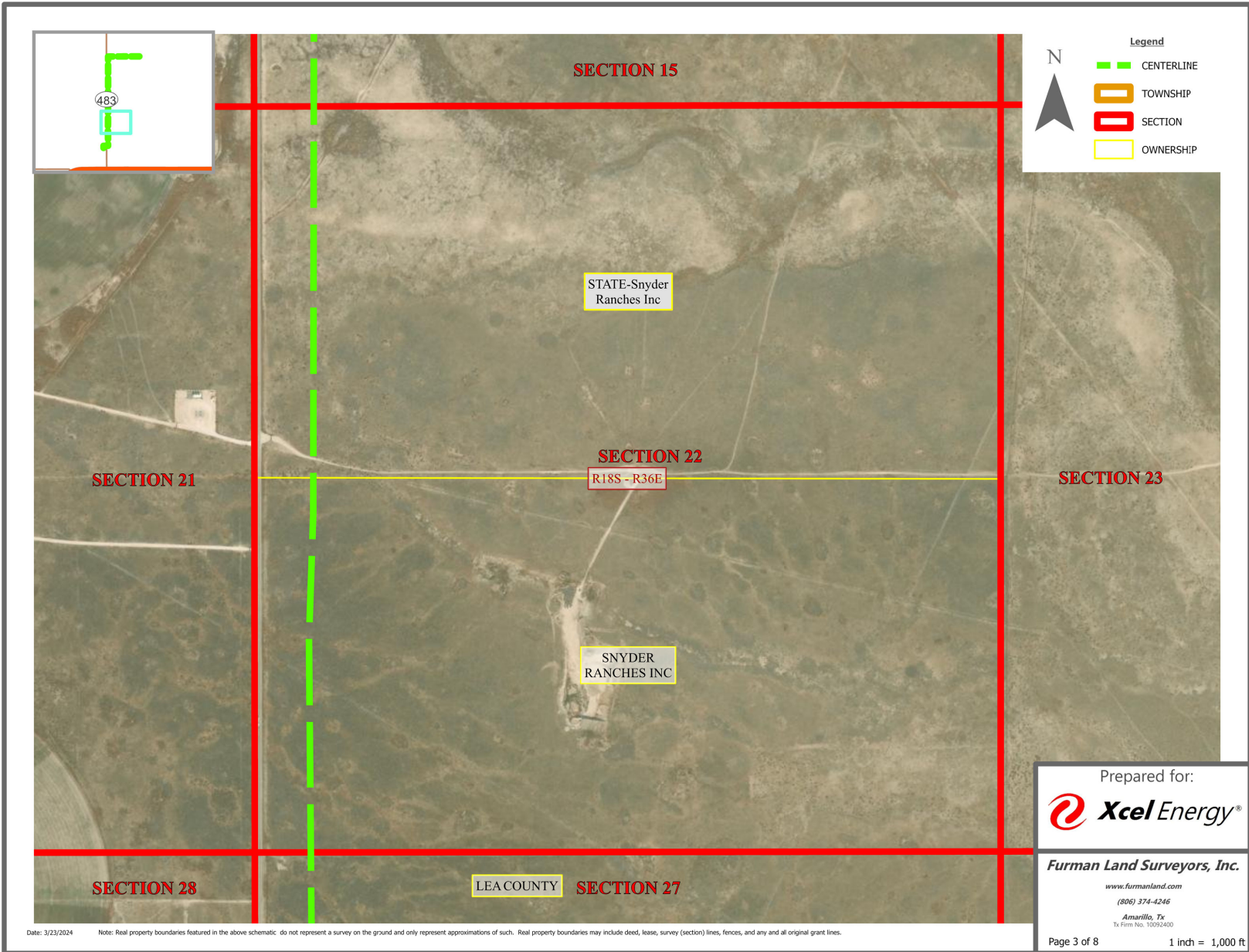







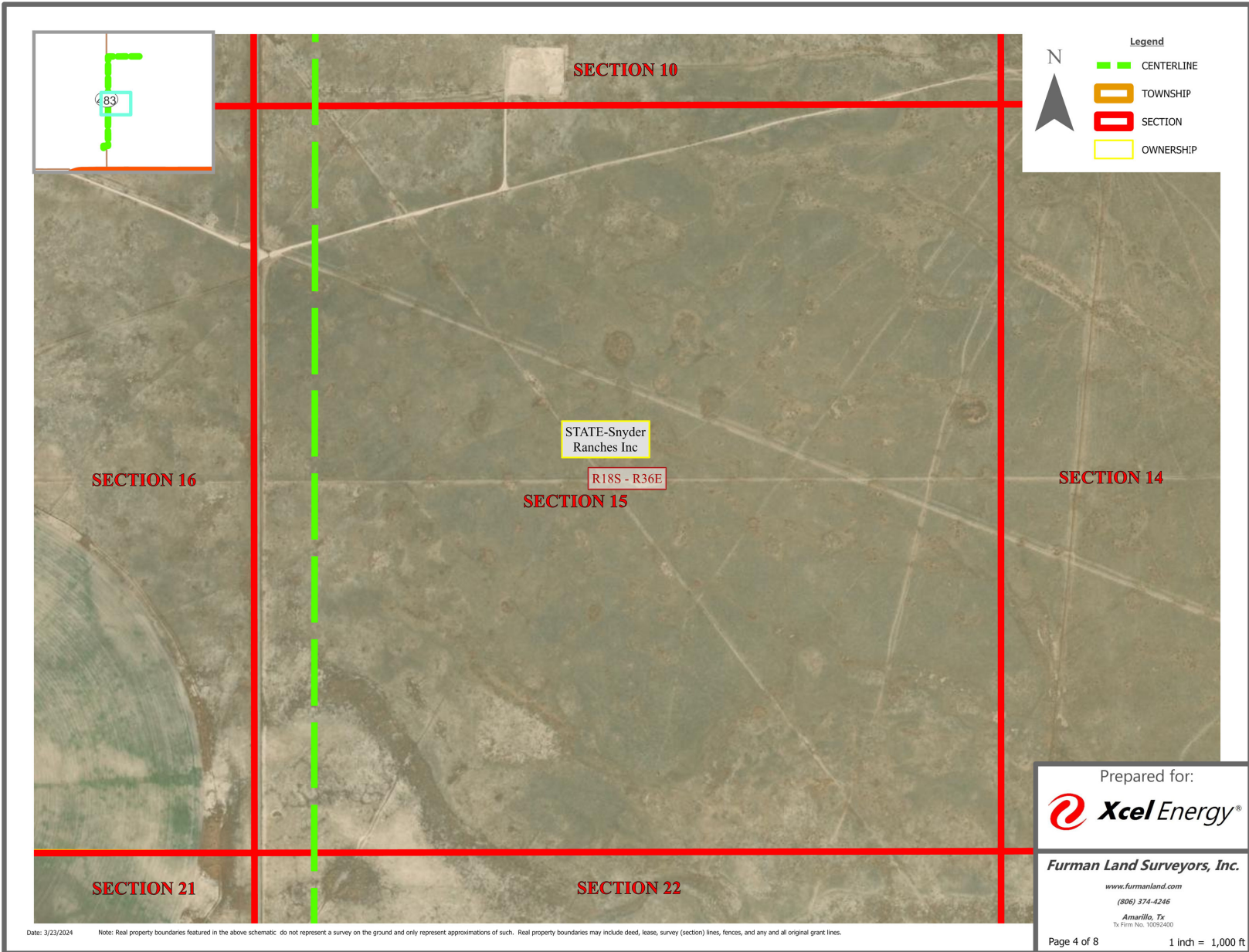
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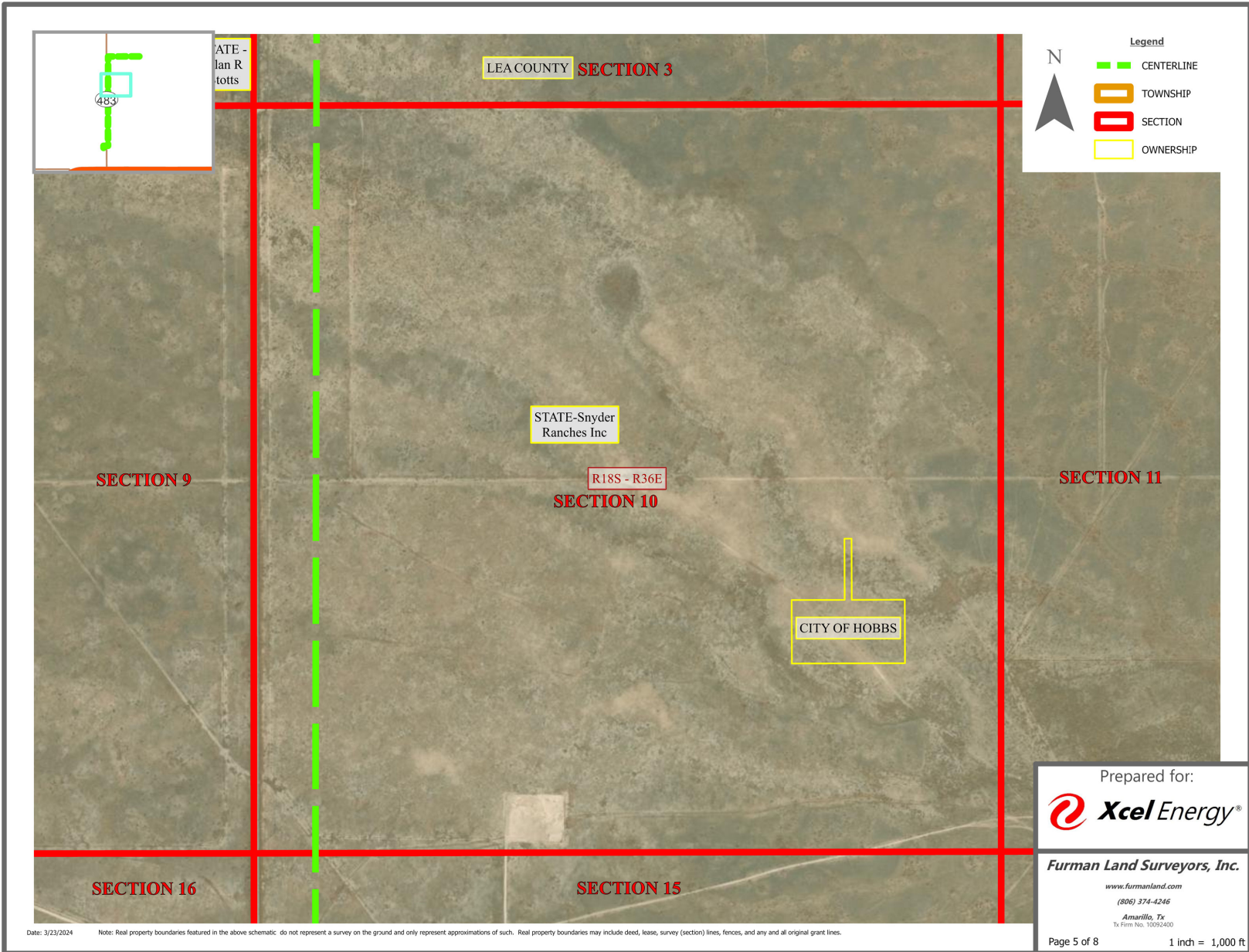


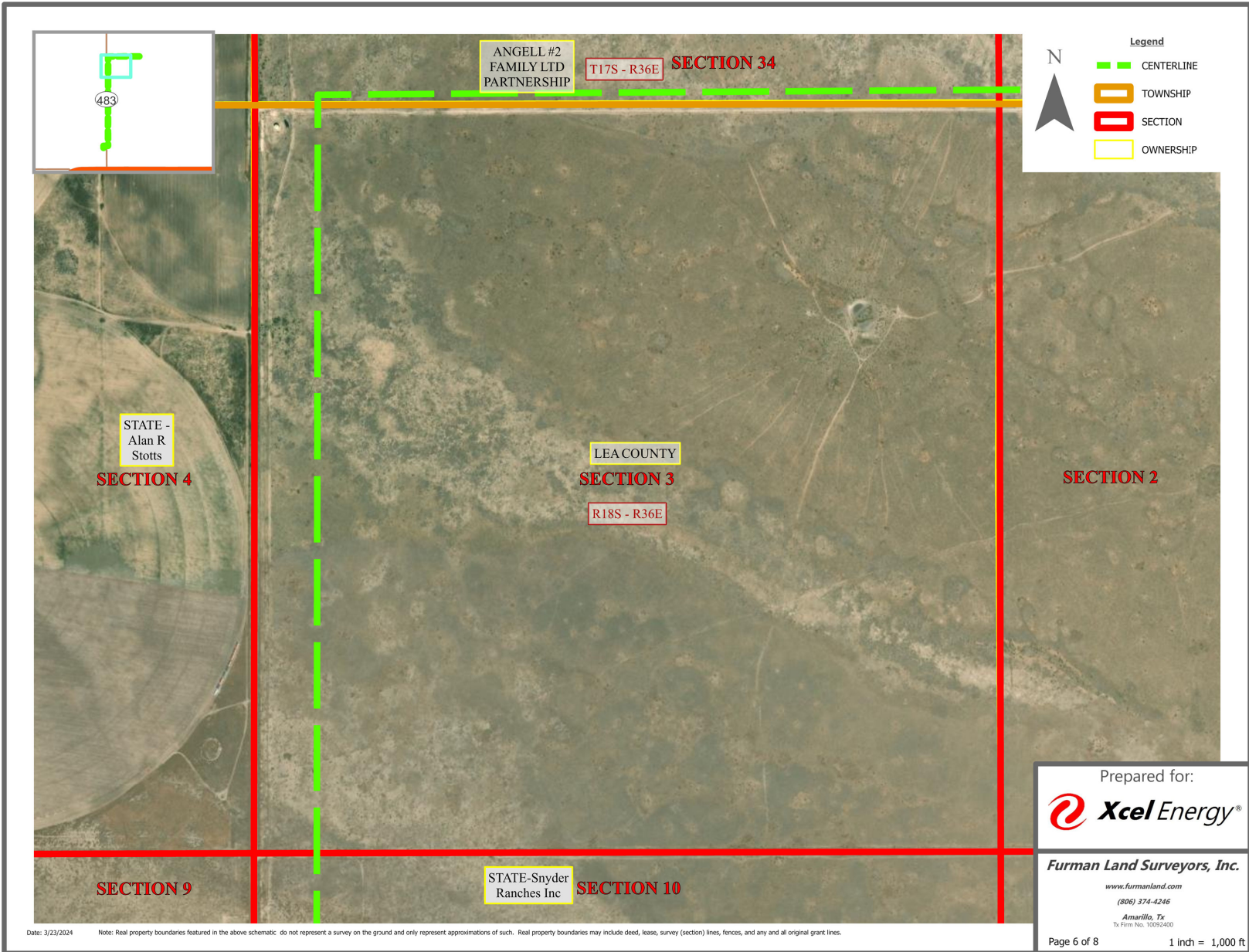
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Prepared for:  
  
**Furman Land Surveyors, Inc.**  
 www.furmanland.com  
 (806) 374-4246  
 Amarillo, Tx  
 Tx Firm No. 10092400  
 Page 3 of 8 1 inch = 1,000 ft



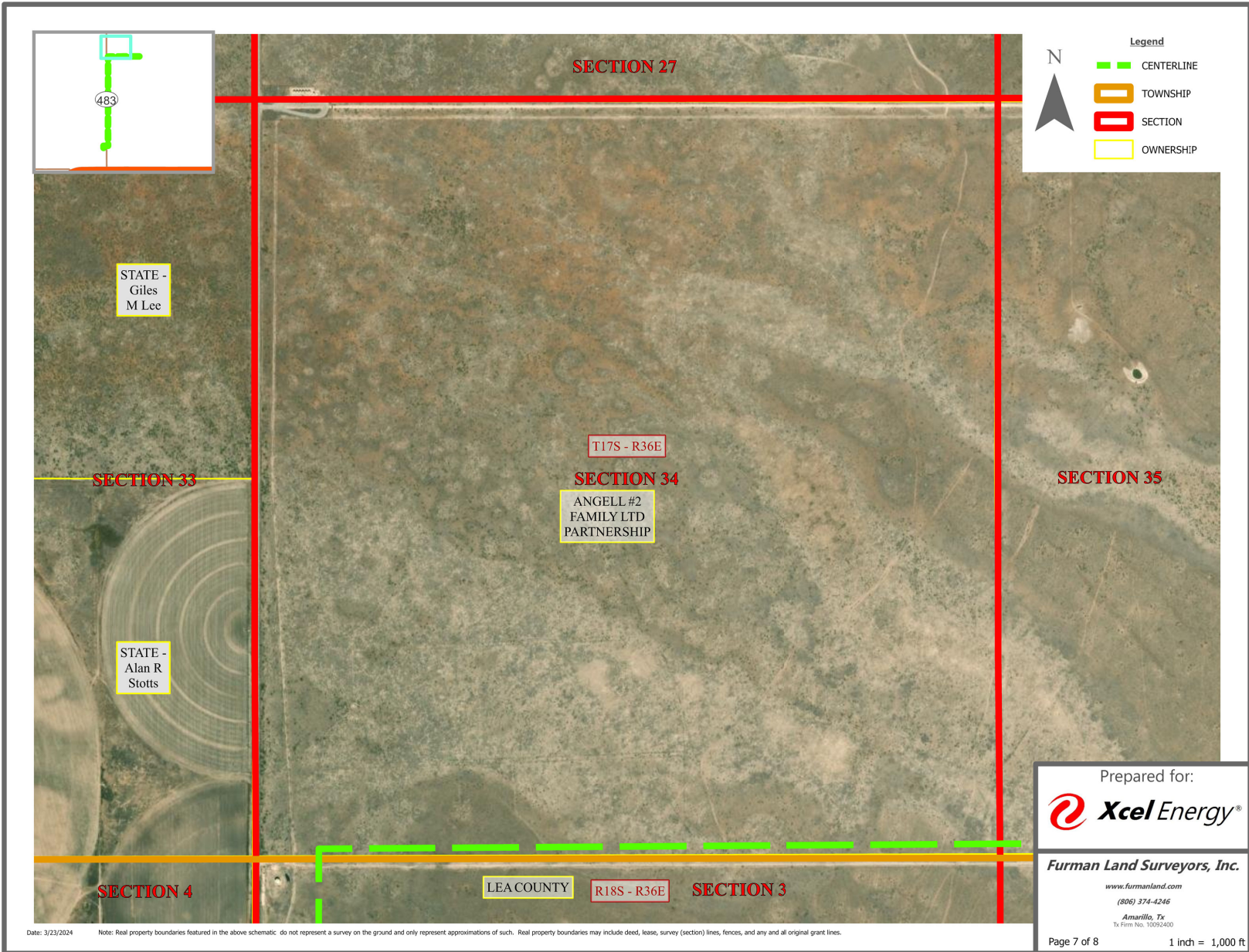




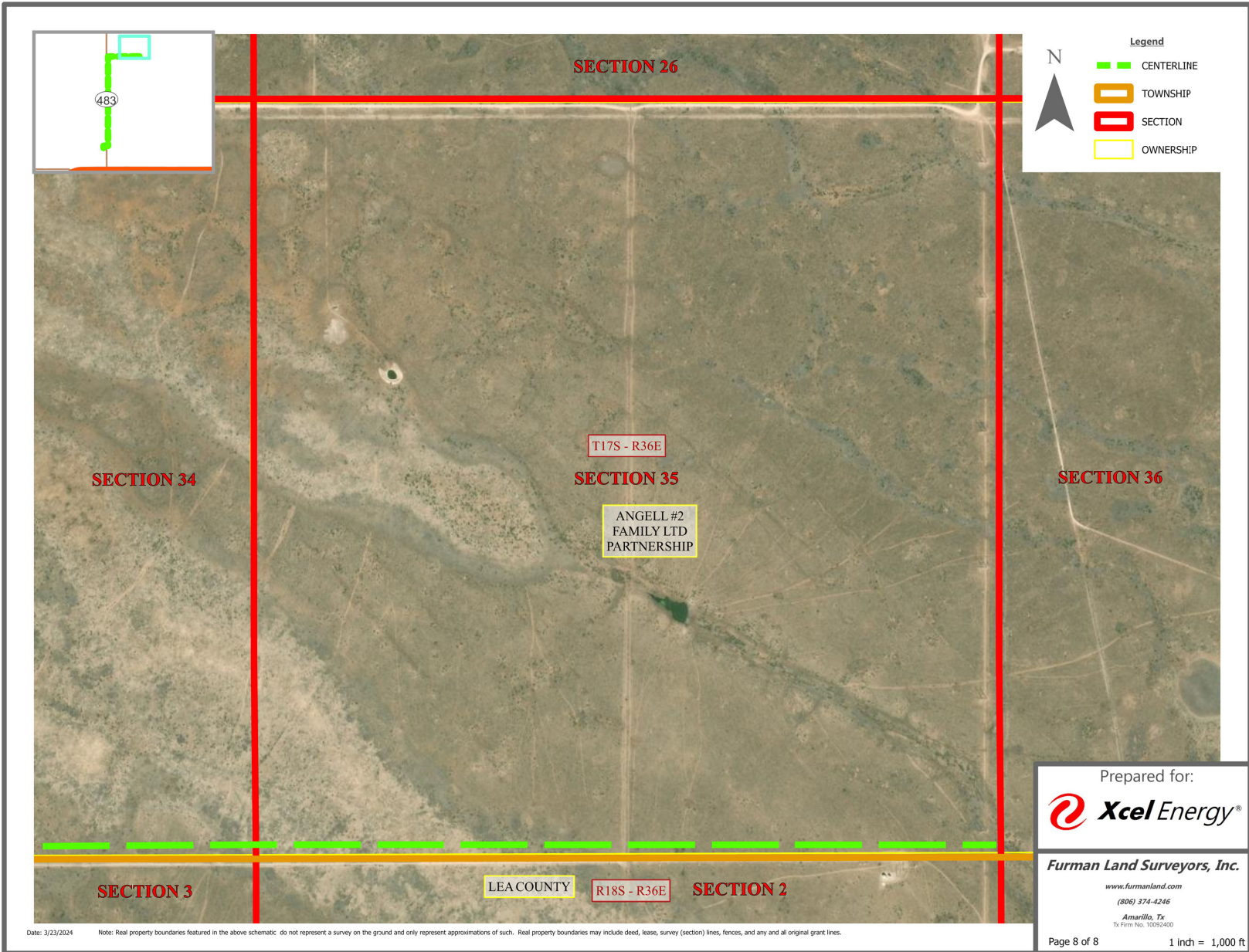


Date: 3/23/2024 Note: Real property boundaries featured in the above schematic do not represent a survey on the ground and only represent approximations of such. Real property boundaries may include deed, lease, survey (section) lines, fences, and any and all original grant lines.









**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF SOUTHWESTERN	)	
PUBLIC SERVICE COMPANY'S	)	
APPLICATION REQUESTING A	)	
DETERMINATION ON LOCATION	)	
APPROVAL OF TWO SOLAR FACILITIES, A	)	
BATTERY ENERGY STORAGE SYSTEM,	)	
AND A 230 KV TRANSMISSION	)	
GENERATION TIE LINE IN LEA COUNTY	)	
AND OTHER ASSOCIATED RELIEF,	)	CASE NO. 24-_____-UT
	)	
SOUTHWESTERN PUBLIC SERVICE	)	
COMPANY,	)	
	)	
APPLICANT.	)	
	)	
	)	

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of *Southwestern Public Service Company's Application and the Direct Testimony of Brooke A. Trammell, Mark Lytal, Sean L. Frederiksen and Andrea R. McArdle* was electronically sent to each of the following on this 28<sup>th</sup> day of March 2024:

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