

THE STATE OF WYOMING

GOVERNOR

Mark Gordon

## *Public Service Commission*

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### COMMISSIONERS

Kara B. Fornstrom, Chairman  
Mary A. Throne, Deputy Chair  
Michael Robinson, Commissioner

### SECRETARY AND CHIEF COUNSEL

Christopher Petrie  
COMMISSION ADMINISTRATOR  
Marci Norby

September 10, 2019

Michael E. Easley  
Chief Executive Officer  
Powder River Energy Corporation  
P.O. Box 930  
Sundance, WY 82729-0930

Re: IN THE MATTER OF THE APPLICATION OF POWDER RIVER ENERGY CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR AUTHORITY TO CONSTRUCT/REROUTE A 69 kV LINE - DOCKET NO. 10014-200-CN-19 (RECORD NO. 15273)

Dear Mr. Easley:

Enclosed is a copy of the Commission's *Order Granting a Certificate of Public Convenience and Necessity* for the above-entitled docket.

Should you have any questions regarding this matter, please contact the undersigned at (307) 777-7427.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.S. Burbridge".

JOHN S. BURBRIDGE  
Assistant Secretary

JSB/ac  
Enclosure

cc: Mark L. Hughes, Hughes Law Office, P.O. Box 456, Sundance, WY 82729

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION OF )  
POWDER RIVER ENERGY CORPORATION ) DOCKET NO. 10014-200-CN-19  
FOR A CERTIFICATE OF PUBLIC ) (RECORD NO. 15273)  
CONVENIENCE AND NECESSITY FOR )  
AUTHORITY TO CONSTRUCT/REROUTE A 69 )  
kV LINE )

ORDER GRANTING A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
(Issued September 10, 2019)

This matter is before the Wyoming Public Service Commission (Commission) upon the Application of Powder River Energy Corporation (PRECorp or the Company) for approval of a Certificate of Public Convenience and Necessity (CPCN) to construct a 69kV distribution power line.

The Commission, having reviewed the Application, its files regarding PRECorp, applicable Wyoming utility law, and being otherwise fully advised in the premises, FINDS and CONCLUDES:

1. PRECorp is a public utility as defined in Wyo. Stat. § 37-1-101(a)(vi)(C), subject to the Commission's jurisdiction pursuant to Wyo. Stat. § 37-2-112.

2. On June 11, 2019, PRECorp filed its Application requesting approval of a CPCN for authority to site, design, construct/rebuild, operate and maintain a new 69 kV high voltage distribution power line, the Peabody 69 kV Line Reroute (Project). The Project reroutes approximately 3.1 miles of existing 69 kV power line with 4.8 miles of a 556 Aluminum-Conductor Steel-Reinforced cable (ACSR) conductor in an H-frame two-pole configuration, similar to the existing line. This will result in a net increase of power line in this area of 1.7 miles. The reroute of this project will allow Peabody Mining to recover minerals under the existing power line route. The Company will construct the rerouted power line to current internal standards and guidelines and anticipates beginning in August 2019 and completing by the end of the year. Generally, the Project is located in Campbell County, approximately 12 miles southeast of Wright.

3. The Commission issued its *Notice of Application* on June 18, 2019, setting a July 18, 2019, deadline for public comments, statements, protests, intervention petitions or requests for a public hearing. There were no intervening parties to this case.

4. PRECorp anticipates that a geological report will not be necessary and that no designated scenic resources are located within the proposed reroute corridor. Regarding historical and archeological impacts, Antiquus Cultural Resource Consulting conducted a Class III Inventory that concluded the potential for containing significant cultural properties in the proposed area is low.

5. PRECorp expects that the Project may cause temporary displacement of multiple game and non-game species and has addressed these concerns with the Wyoming Game & Fish Department (WGFD) through an *Impacts of Project on WGFD Managed Species Report*. In response to the report, the WGFD recommended contacting the U.S. Fish and Wildlife service concerning species-specific seasonal and spatial buffers in the event that construction must avoid intact raptor nests that have not been documented as active nests and that lie within one-mile of the proposed line. Furthermore, WGFD recommends that any overhead power lines that cross perennial waters be marked to increase visibility so as to reduce potential avian collisions.

6. The Project requires four private and three State of Wyoming easements. PRECorp has obtained all easements and permits for the project, except for the State of Wyoming sections. PRECorp anticipates acquiring the State easements in late summer.

7. The 69 kV line relocation will also involve adjusting the location of two other 69 kV lines in the area entering into the Teckla substation. The modifications will not result in any impact to reliability and, in fact, may offer minimal reliability improvement to the Company's Porcupine substation as the proposed reroute will move some of the mine load off of the 69 kV line serving the Porcupine substation.

8. According to PRECorp, the proposed project will not have an impact on customer's rates and will not require cost recovery as Peabody Mining will pay for the Project entirely through a Contribution In Aid of Construction. PRECorp states, "as a result of this project, it is anticipated that related revenues and expenses will not change."

9. PRECorp's Application came before the Commission for consideration at its Open Meeting on August 15, 2019. Quentin Rogers, VP Engineering and Technical Services, Joe Roth, Senior Manager of Transmission and Distribution Engineering, and Joanne Kolb, Chief Financial and Administration Officer, appeared by telephone for PRECorp. Mr. Rogers provided a summary of the Application, generally describing the information set forth in paragraphs 2 and 4 through 8 of this *Order*. Commission Staff recommended approval of the Application.

10. Based on the Application, the facts and representations presented by PRECorp and the analysis of Commission Staff, the Commission finds that the Application conforms to the requirements of law and the Commission's Rules. The Commission further finds that the Project is necessary and in the public interest. The evidence before the Commission supports issuance of the CPCN and, therefore, the CPCN Application should be approved.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Pursuant to Commission action taken at the August 15, 2019, Open Meeting, Powder River Energy Corporation's Application for approval of a certificate of public convenience and necessity to construct a 69 kV distribution power line in Campbell County, is approved.

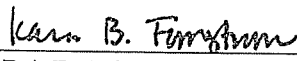
2. This *Order* does not determine any ratemaking issues, all of which are expressly reserved for further decision in appropriate proceedings before the Commission.

3. Powder River Energy Corporation shall comply with Commission Rule Chapter 3, Section 22 construction reports.

4. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on September 10, 2019.


PUBLIC SERVICE COMMISSION OF WYOMING

  
\_\_\_\_\_  
KARA B. FORNSTROM, Chairman

  
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MARY A. THRONE, Deputy Chair

(SEAL)

Attest:

  
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JOHN S. BURBRIDGE, Assistant Secretary