



August 2, 2024

Colorado Electric Transmission Authority

Attn: Maury Galbraith, Executive Director

Re: CETA Draft Principles of Community Engagement

Dear Maury and CETA board:

Introduction

The Interwest Energy Alliance (“Interwest”) appreciates the opportunity to submit comments in response to CETA’s preparation of draft principles of community engagement (“Draft Principles”).¹ “Fostering transparent, credible, and open public engagement processes with meaningful involvement from local communities” along with the remaining goals set forth in the principles document may help prevent misunderstandings and overcome understandable concerns when a large-scale infrastructure project is proposed in or around a community. Serving these goals will also help highlight the benefits from the clean energy transition, which requires large-scale transmission expansion and upgrades to reduce the harms imposed by climate change. Importantly, the industry regularly engages with impacted communities to ensure projects are best designed to address local needs. Interwest writes to propose clarifying changes to the Draft Principles and provide overall support for community engagement while expressing caution against unintended consequences.

Interwest represents large scale renewable energy, storage, and transmission companies working with the nongovernmental environmental advocacy community to expand renewable energy growth around the Intermountain West. In this capacity we are aware of and sensitive to the increasing need for coordination with local community interest groups, Tribes, and all affected stakeholders to enable projects including large transmission lines to be developed with these interests in mind, so they can have meaningful input. Some of our members have taken leadership roles in local engagement with positive results that have been held up as best practices, and these examples inform these comments.

We sincerely appreciate the opportunity to submit these comments for your consideration.

Discussion

In general, the Draft Principles promote direct, active, and responsive engagement with numerous types of stakeholders, but as currently written lack clarity around how, when, and by whom the requirements will be implemented. Interwest makes the following recommendations with an eye

¹ Colorado Electric Transmission Authority Principles of Community Engagement, draft posted June 10, 2024 (“Draft Principles”).



towards focusing and providing clarity on the CETA transmission planning process itself, and to ameliorate any unintended barriers to transmission development.

Clarity of purpose

Interwest believes the Draft Principles document contains appropriate best practices, but clarity on the purpose of these principles is needed. The draft should explicitly state the intended purpose of the principles. Interwest believes the intended use is for the principles to serve as guidelines to help CETA choose and steer its partnerships and agreements with transmission developers, and therefore the principles will be used in selecting partnerships and defining partnership agreements between CETA and its chosen partners. Absent this clarity of purpose, it is unclear how the “requirements” would be enforced, by whom, and on what timeline.

Also, to organize CETA’s principles by priority, we recommend that the three sections outlining CETA’s “minimum requirements” (currently principles 1, 2 and 4) be grouped as principles 1-3, while the section outlining what CETA “will advocate for” (currently principle 3) be listed separately, or at the end as Principle 4 and include explanation of how it will be used.

Clarity of application

Interwest anticipates that the principles will only be applicable to CETA and only related to transmission siting and development, and will not be extended to other infrastructure projects such as generation or storage facility siting.

If these principles were to be applied to all projects that may interconnect to the transmission projects, they may create confusion, redundancy, and potential inconsistent expectations which will likely increase conflicts. In addition, CETA’s community engagement principles do not reflect the same confidentiality and timing constraints as private generation and transmission projects may be required to incorporate. To mitigate the risk of these principles negatively affecting other development discussions, Interwest supports keeping the guidelines broad, recognizing the partnerships will be stronger if CETA and its partners have flexibility to agree on specific definitions and needs. Also, Interwest recommends these principles be posted in the CETA-developer partnership agreement only, since they are a guide between the two parties.

Promoting flexibility

Transmission development is unique because the land and rights of way required are linear and potentially touch many more communities than more concentrated forms of infrastructure development. Community benefits should remain flexible to enable developers and communities to craft the best agreements suited to their individual needs, which may vary across numerous jurisdictions. This is especially relevant in current principle 3 of the Draft Principles, outlining guidelines for CETA’s advocacy. In this advocacy, we recommend benefits remain flexible to foster productive, localized negotiations between communities and developers.



Flexibility around timelines must also be incorporated into the principles. The timing of implementation of large infrastructure projects is inherently uncertain and irregular, and Interwest recommends that CETA acknowledge the need for flexibility rather than impose overly prescriptive timeline requirements for community updates or feedback. All four principles touch on this issue and must be carefully considered.

Specific recommended changes

As stated previously, Interwest prefers the principles to remain broad, with specificity to be agreed upon by CETA and the chosen transmission developers. The recommended changes below could then be used to guide those discussions. However, if the CETA Board instead decides to include written specificity within these Draft Principles, we recommend the following changes.

In Principle 1 - Information Sharing

We recommend that the principles acknowledge the need for confidentiality of some technical information for viable and competitive project development. For example, the “Process Documentation” and the “Public Information Repository” subsections should be subject to reasonable confidentiality requirements. Additionally, we recommend the section “Transparency about Other Infrastructure Projects” have the word “relevant” added, so that it would apply for “other **relevant** infrastructure projects”. Many companies have a variety of projects across a variety of states and jurisdictions, and some projects rightly protect commercially sensitive information. The principles should not require greater information sharing than is appropriate in a competitive market environment.

Also, Interwest suggests changes for the subsection “Timely Updates: Provide regular and timely updates on project status to local communities and affected stakeholders.” Interwest strongly supports regular updates on transmission projects to be provided to the local community and affected stakeholders. However, the timing of implementation of large infrastructure projects is inherently uncertain and irregular, so many of these updates, if committed to in advance to occur on a regular basis, may include “no change” type of language which can, in effect, be confusing and suggest lack of progress. While Interwest sees the need for regular and timely updates to local communities and stakeholders, at the same time we recommend that CETA acknowledge the need for flexibility rather than prescriptive timeline requirements for updates. Therefore “regular” could be struck and “timely” could be qualified by “with flexibility as needed on a project-by-project basis.”

Principle 2 - Communication

Interwest recommends changing the subsection “Flexibility in Project Design” to show an ‘**openness** to adapt project design and location based on community feedback,’ rather than ‘**willingness** to adapt’. This is because “openness” reflects that feedback will be fully and fairly



considered whereas “willingness” implies that the feedback can and will be implemented. Not all feedback can be implemented in every case, and the language should not indicate that it must be.

Clarity is also needed for when in the development timeline the feedback would be appropriate. For example, feedback should be welcomed prior to and during the permitting process, but changing requirements as construction approaches becomes unfeasible. Earlier input allows developers to better consider and incorporate appropriate feedback such that they can move forward with predictable development. We suggest the addition of “The opportunities and manner of communication of timely community input should be communicated to stakeholders early in the review process.”

Principle 3 - Community Benefits

This principle is the only section that states “CETA will advocate for” rather than listing CETA’s minimum requirements. For the Third-Party Advisory subsection, we would like clarification on who is offering resources. Developers should not be assumed to be the ones paying for these consultants. When and to whom does this section apply?

Importantly, SB24-212, signed into law by Governor Polis in May, directs the Colorado Energy and Carbon Management Commission (ECMC) to provide technical support upon request to local or tribal governments around the development of local codes for commercial wind, solar, and storage projects and land use approval.² CETA may want to investigate if ECMC is a viable option for support for transmission permitting as well, rather than hiring a third party consultant.

Interwest also notes that flexibility is key for both sides of the compensation and benefit negotiation. Overprescription will hamper these discussions, and if CETA decides to prescribe specific compensation expectations, it should first solicit broad stakeholder input and review a variety of case studies.

Principle 4 - Accountability

For the accountability principle, the “Restoration Commitment” for roads and public facilities being “returned to their pre-construction status” needs clarification. Pre-construction status is not necessarily the goal when roads have been updated or improved as part of the construction process. Interwest instead recommends the language be “[E]nsure roads and public facilities are returned to the status agreed between the parties.”

² Senate Bill 24-212 section 1, subsection 29-20-404 *Technical support for renewable energy projects* of the addition of Part 4 to article 20 of title 29 of the Colorado Revised Statutes



Conclusion

Transmission development is the backbone of the clean energy transition, and effective community engagement is a key component to enable the needed transmission expansion. Industry members regularly engage in community engagement as standard practice. Absent clarity on how these principles are implemented, the specific flexibility, timeline, and transparency concerns outweigh the benefits of such principles. Interwest looks forward to streamlined transmission development to help enable renewable energy development and mitigate the effects of climate change. Thank you for your consideration of Interwest's recommendations.

Please reach out with any questions.